



Food and Agriculture Organization of the United Nations

Terms of Reference for Consultant

Job Title:	Land Tenure Consultant		
Division/Department:	Partnerships, Advocacy and Capacity Development Division (OPC)		
Programme/Project Number:			
Location:	Rome, Italy		
Expected Start Date of Assignment:	1 April 2017	Duration:	11 months
Reports to:	Name: Dr Javier Molina Cruz	Title:	Senior Land Tenure Officer

GENERAL DESCRIPTION OF TASK(S) AND OBJECTIVES TO BE ACHIEVED

The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT) are the first globally negotiated reference document that set the scene on how tenure and access rights to land, fisheries and forests should be handled. The VGGT signify a global engagement towards changing the rules of the game by placing tenure firmly in the context of poverty reduction and food security and by promoting more transparent and accountable tenure structures and administrations.

Endorsed in 2012 by the Committee on World Food Security (CFS), the VGGT promote secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment. As the global political statement and guidance on how responsible governance of tenure should be addressed, the VGGT are the key accepted reference point, setting out principles and internationally accepted standards for responsible practices.

With the agreement of the Sustainable Development Goals (SDGs), in September 2015, global recognition of the critical importance of tenure, access to resources and their governance to achieving sustainable development has been secured within a broad, comprehensive framework. The principles of the VGGT are increasingly strongly embedded in institutional frameworks. Tenure is a cross-cutting factor across a very wide range of development issues, this provides an ever-expanding requirement to address it openly and constructively, and now the agreed language is there to do this, namely the VGGT.

Globally, over the past few years, land-based investments in agriculture have received increasing attention. Some land, which only a short time ago seemed to be of little interest or value, has been sought for investment by a variety of stakeholders. Land-based investments in agriculture have stimulated heated debates and are likely to have profound implications for the future of world agriculture, food security and the environment. Those with rights to land are becoming increasingly aware of the value of their land. The VGGT and other standards are empowering those holding such rights.

Safeguarding the rights and livelihoods of groups with legitimate claims to land, fisheries and forest resources and the investment flows increasingly depends upon ease of access to and control over land is a challenge. The recognition and strengthening of tenure rights and investments in agricultural lands pose challenges to the responsible governance of tenure. The anticipated future demand for food, water and energy make land-based investments in agriculture increasingly attractive. Both host and home countries are responsible for the investment in agriculture as there are "pull" and "push" factors involved, i.e. home country policies may facilitate and support investments in agriculture abroad, as well as host countries being eager to invite investors with certain incentives.

Responsible investments "*should do no harm, safeguard against dispossession of legitimate tenure right holders and environmental damage, and should respect human rights*" (VGGT section 12.4). Responsible governance of tenure of natural resources encourages tenure right holders to make responsible investments in these resources, increasing sustainable agricultural production

and generating higher incomes. Such investments should promote a variety of farming systems, acknowledge that smallholder producers and their organizations in developing countries provide a major share of agricultural investments and consider all forms of transactions in tenure rights as a result of investments in natural resources.

Responsible practices have changed and will likely continue to change. This should create a safer and more stable environment for investment in countries that incorporate the VGGT into their land governance laws and practices. But it will also require investors to change and improve their practices along with this evolution. More recently, the business community participated in the development of the newly-adopted *Principles for Responsible Investment in Agriculture and Food Systems* (RAI), endorsed by the CFS in October 2014 that explicitly incorporate the land tenure provisions of the VGGT in Principle 5.

Though the VGGT are voluntary in nature, states have the responsibility for their implementation, monitoring and evaluation. FAO with partners supports voluntary efforts by countries to apply the VGGT. One such targeted country-level activity concerns how FAO and partners may provide technical guidance to home and host countries on how to promote the VGGT to safeguard land tenure rights and right holders in the context of responsible land-based investments in agriculture in Africa and Asia and contribute to food security and nutrition. Addressing tenure issues and equipping investment entities with the means to navigate such issues is paramount to seize opportunities and minimize risks associated with investments in agriculture and food systems.

The Consultant will use his/her experience on safeguarding tenure rights and right holders and investments in agriculture from the host and home country perspectives together with the VGGT and three dedicated Governance of Tenure Technical Guides "Respecting Free, Prior and Informed Consent (No. 3), "Safeguarding land tenure rights in the context of agricultural investment" (No. 4) and "Responsible Governance of Tenure: A Technical Guide for Investors" (No. 7). These three Technical Guides address the three parties involved in land-based investments in agriculture, i.e. communities, government and investors.

Under the general supervision of the Senior Land Tenure Officer (OPCL), the consultant will carry out the following duties:

1. Conduct research to support countries with assessments of country investments laws and policies, procedures and processes, using the VGGT, that should feed back into the VGGT Global Implementation Programme activities (e.g., the tailored regional learning programmes on safeguarding tenure rights and right holders in land-based investments in agriculture in the Mekong Region and/or Southern Africa), considering:
 - 1.1. The legal and administrative frameworks and organizational environment;
 - 1.2. Identifying the need for safeguards: what type of investment would require safeguards and what types of safeguards;
 - 1.3. The investment approval process: registration of intent to invest and due diligence, consultation and participation, impact assessments, approval authority and process;
 - 1.4. Investment monitoring steps: performance indicators, timeframe and roles, monitoring methods, dispute resolution and accountability, investment assignment and closure.
 - 1.5. Identify critical moments (gaps and needs) in the process and procedures where the VGGT could make a difference.
2. Conduct research on how the use of the VGGT contributes, or could contribute, to safeguarding tenure rights and livelihoods of groups with legitimate claims to land, fisheries and forest resources in selected host countries in Africa and/or Asia.
3. Use the research results to develop a dissemination strategy/programme for the capacity development suite of products to a broader and geographically well-distributed audience.
4. Prepare and participate in field missions supporting the country assessments (mentioned under 1.).

KEY PERFORMANCE INDICATORS

Expected Outputs:	Required Completion Date:
1. Country assessment reports (related to activity 1. above)	After the first 6 months
2. Research report on the contribution of VGGT to safeguarding tenure rights and right holders in the context of land-based investments (related to activity 2. above)	After 9 months
3. Dissemination strategy for capacity development suite of products (related to activity 3. above)	After 9 months
4. Two-monthly progress report	In months 2, 4, 6, 8 and 10
5. Final report	One week before the NTE date.

Technical Competencies and Experience Requirements:

- Extent of professional knowledge and experience in: i) land tenure and land administration and their governance, and ii) land-based investments in agriculture, with particular emphasis on developing countries and countries in transition, especially in Africa and Asia;
- Extent and relevance of experience in analysing land tenure and land administration related issues, such as land governance, land policy, responsible investments in agricultural land.
- Extent of experience in the formulation and implementation of projects and in providing support to countries for technical assistance in the field of tenure governance and the impact of land-based investments on tenure rights and right holders;
- Extent of experience in the preparation of technical and policy reports, published peer-reviewed papers in the field of tenure governance and the impact of land-based investments on tenure rights and right holders;
- Extent of experience in organizing and conducting workshops and technical meetings, and in participating in national and international meetings;
- Quality of both oral and written communication skills, including the ability to write concise reports in English;
- Proven ability in planning, organizing and delivering quality results and meeting deadlines, and in working independently and in multi-disciplinary teams.