



COUNCIL OF
THE EUROPEAN UNION

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"I/A" ITEM NOTE

from : Development Cooperation Working Party
dated : 16 December 2004
to : Coreper / Council

No. Cion prop. : 13857/04 DEVGEN 194 RELEX 469 ACP 157 + ADD 1

Subject : **Commission Communication on EU Guidelines to support land policy design and reform processes in developing countries**
- Conclusions of the Council and of the Representatives of the Governments of the Member States meeting within the Council

1. On 20 October 2004, the Commission submitted to the Council and the European parliament a Communication on EU Guidelines to support land policy design and reform processes in developing countries (doc.13857/04 DEVGEN 194 RELEX 469 ACP 157). In Annex to the Communication, a Commission Staff Working document includes key definitions and principles as well as operational guidelines in order to translate into action the outlined elements of an EU policy in support of developing countries' efforts in the field of land policy (doc.13857/04 DEVGEN 194 RELEX 469 ACP 157 ADD1).
2. On 15 December 2004, and following a number of meetings and a silence procedure, the Development Cooperation Working Party agreed on the Draft Conclusions in Annex.
3. The COREPER is therefore invited to confirm the agreement reached in the Working Party and to recommend that, at its next meeting, the Council adopts, as an "A" point the text of the Conclusions as set out in Annex to this note.

**Draft Conclusions of the Council and of
the Representatives of the Governments of the Member States meeting within the Council
"EU Guidelines to support land policy design and reform processes in developing countries"**

The Council of the European Union and the Representatives of the Governments of the Member States meeting within the Council

1. WELCOME the Commission Communication on "EU Guidelines to support land policy design and reform processes in developing countries"¹, and the process of intense collaboration and consultation therein between the European Commission, Member States and civil society, which is a good example of EU policy harmonisation;
2. NOTE the Cotonou ACP-EU Partnership Agreement, and in particular its Articles 23 (b) and 31 (b) (iv);
3. HIGHLIGHT the contribution of land reform to the attainment of MDGs and the importance of equitable access to and legal certainty over land for the poor and other vulnerable groups to pursue socio-economic development objectives and agricultural growth, as well as the importance of land policies in ensuring sound natural resources management and food security;
4. UNDERLINE the role of land policy in contributing to a more equitable distribution of wealth, as land policy lies at the heart of power relations in developing countries' societies;
5. UNDERLINE the role of land policy in contributing to a greater empowerment of women and the need to create the appropriate framework to facilitate women's access to land;
6. REASSERT the political importance of land policies in providing to minorities and indigenous peoples² access to and control over the natural resources, on which their livelihoods primarily depend, therefore contributing directly to fulfilling their fundamental rights;

¹ Council Doc. 13857/04, COM (2004) 686 final

² *In French* : "populations autochtones"

7. INVITE the Commission, together with the Member States and in consultation with relevant UN agencies, to reflect further on urban land issues as well as on a better integration of rural and urban land matters;
8. WELCOME the accent put in the communication on the need to ensure the necessary balance between modern and customary tenure systems in land policy reforms;
9. UNDERLINE the importance of customary systems in providing an appropriate and cost-effective way of securing access to land for the rural poor in many developing countries, and, when transposed in national laws, in improving the legal certainty of their rights, while retaining flexibility for further evolution;
10. EMPHASISE the importance of ensuring ownership and participation by local stakeholders in the design, implementation and monitoring of land policy reform processes and the role donors must play in promoting and accompanying such processes;
11. EMPHASISE the importance of good governance for the development of adequate regulatory frameworks and land tenure management systems in order to secure land rights and the role donors may play therein;
12. INVITE the Commission and the Member States to enhance their collaboration and coordination in support of participatory land policy design and reform processes in developing countries on the basis of the principles laid out in the Communication and in the accompanying operational guidelines¹, to reflect them in their own development policies and apply them in their development cooperation programmes.

¹ Council doc. 13857/04 ADD1 – SEC(2004) 1289 Commission Staff Working document : Annex to the Communication from the Commission to the Council and the European Parliament “EU Guidelines to support land policy design and reform processes in developing countries”.