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# UNITING FOR LAND RIGHTS IN PERU

HOW OUR MEMBERS ARE CONTRIBUTING TO CHANGE

INTERNATIONAL  
**LAND**  
COALITION



**NES PERU** works towards the realisation  
of the following **ILC commitments**  
for **People-Centred Land Governance**:

- » **Commitment 2:** strong small-scale farming systems
- » **Commitment 4:** equal land rights for women
- » **Commitment 5:** locally managed eco-systems
- » **Commitment 10:** protection for land rights defenders





## EXECUTIVE SUMMARY

Formulated in 2013 by ILC member organisations recognised for their efforts and experience on issues related to land tenure, food security, and indigenous peoples- the National Engagement Strategy (NES) in Peru has worked towards the achievement of responsible land governance in a context of high political complexity. Since 2016, the country has been in a state of constant political instability characterised by confrontations between executive and legislative bodies that lead to a turnover of four presidents in a span of five years. The economic model, in force since 1992, has prioritised the extractive industry and the exploitation of resources to the detriment of the most vulnerable groups, particularly indigenous peoples and women. These realities were exacerbated by the 2017 El Niño Phenomenon that prompted a reconstruction period in 2018, and after also by the outbreak of the COVID-19 pandemic in late 2019. The National Engagement Strategy's work in Peru responded to these great challenges. Over the past nine years, the Platform has been able to channel and promote change through its alliances with civil society groups, with open and willing public institutions, and in coordination with influential actors on land governance- including members of Congress, senior officials from the Ministries of Agriculture, Justice, Health and Culture, indigenous leaders, and civil society institutions that are recognised as fundamental and key to advocacy processes. The impetus and leadership of agrarian unions and indigenous organisations has been fundamental in this process. Moreover, the platform has taken advantage of the experience of its members in research and data generation, as well as the development of training processes aimed at peasant communities, indigenous peoples, and public officials.

The NES Platform has specifically focused its work towards the realisation of the following ILC Commitments on People-Centred Land Governance: Secure Tenure Rights (1), Strong Smallholder Farming Systems (2), Equal Land Rights for Women (4), Secure Territorial Rights for Indigenous Peoples (5), and Protected Land Rights Defenders (10).



In each of these areas, the platform has contributed to changes in policies and practices at the national and local levels. Notably – among others - *the platform contributed to the creation of a legal framework for family farming in Peru through the implementation of the Law for the Promotion and Development of Family Farming and the relevant National Strategy and Regulations, that paved way for the approval of the National Plan for Family Farming in the framework of the DNUAF (Decenio Nacioned Unidas Agricultura Familiar).*

The contributions of NES platform members to *the modification of the Law on Peasant Communities* has guaranteed women's participation in the boards of directors within communal organisations, while progress has also been made towards the greater

recognition of women as political actors with decision-making power through direct work with the Ayacucho and Puno communities. Moreover, the work of platform members contributed to *the approval of a legal framework for the protection of human rights defenders in the country.*



## THE LAND GOVERNANCE CONTEXT IN PERU

For several decades, the development model of Peruvian governments has focused on economic growth based on extractive industries and the promotion of large private enterprises. Since the government of Alberto Fujimori (and under the framework of his revised Constitution), there has been an onslaught against the property rights of indigenous peoples and family farmers in order to speed up investments and the economic benefits of large companies. Although Peru has ratified and regulated Convention 169 on Indigenous and Tribal Peoples (ILO, 1989), there have been numerous attempts to limit indigenous participation in decision-making on their territories. This pressure has increased environmental conflicts and the violation of the human rights of the defenders of land and the environment. Despite the recognition of peasant and native communities being a guarantee in Peruvian legislation since the beginning of the last century, the regulation and formalisation of property rights have been dispersive and incomplete. Currently, 72.7% of the peasant and native communities in the country do not have the means to fully accredit their property rights due to a lack of titling and geo-referencing in their territories. Similarly, only 29% of the owners of land plots have title deeds, with women having the most precarious access to land and the least decision-making power within communities. However, legislative advances obtained in (brief) favourable political contexts also characterize Peruvian history.

Fundamentally, it has been a political back-and-forth that leads to normative recognition, but with low implementation; the State's treatment of the family farming sector, for example, represents 97% of agricultural units. Since 2015, there has been a strategy and a regulated law that emphasizes family farming for economic development and food security. In 2019, an implementation plan for the *Decade of Family Farming* was also approved; however, the implementation of these policies has been very sparse and with limited budgets.





# TIMELINE AND THEORY OF CHANGE



## 2021

**LAW 31071** and its regulations on state purchases of food of family farming origin and **LAW 31168** to promote the empowerment of rural and indigenous women are implemented. A **NEW REGULATION OF ORGANIZATION AND FUNCTIONS OF THE MINISTRY OF AGRARIAN DEVELOPMENT AND IRRIGATION (MIDAGRI)** is also approved, creating the Directorate for the Promotion of Women Agrarian Producers and the Directorate for the Development of Peasant, Native and Social Management Communities.

## 2019

**PROPOSAL FOR THE MODIFICATIONS OF THE GENERAL LAW OF PEASANT COMMUNITIES** (Law No. 30982) is approved by the government. The law seeks to guarantee the participation of women in the communal boards of directors. In addition, the Protocol to ensure the protection of human rights defenders was approved, as well as the PLANAF. Peru hosts the **ILC REGIONAL FORUM** organized by the Platform.

## 2020

Beginning of the **COVID 19 PANDEMIC**. The agricultural voucher is approved and includes family farmers and small farmers as part of the economic reactivation measures. The discussion of a bill to protect the rights of Mother Nature is put on the political agenda.

## 2018

Priority is given to the reconstruction agenda due to the effects of the **EL NIÑO** phenomenon.

## 2017

The government approves the Legislative Decree N°1333 that violated the right to legal security that indigenous peoples have over their lands, and Bill N°1718, that served to expropriate communal lands. **THE NES PARTICIPATES IN ADVOCACY PROCESS WITH MEMBERS OF CONGRESS** and contributed to its repeal.

## 2015

The **LAW FOR THE PROMOTION AND DEVELOPMENT OF FAMILY FARMING** and the **NATIONAL STRATEGY FOR FAMILY FARMING** are approved.

## 2016

The regulation of the **FAMILY FARMING LAW IS APPROVED**, and the **NATIONAL FAMILY FARMING PLAN** (2016-2021) is elaborated.

## 2014

The Peruvian government prioritizes the issue of family farming and begins drafting the **FAMILY FARMING BILL** and the **FOOD AND NUTRITION SECURITY BILL** in light of the Year of Family Farming. The Platform coordinates with other civil society groups to participate in the drafting of these laws. The exclusion of indigenous peoples' lands from the application of Law 30230 is achieved.

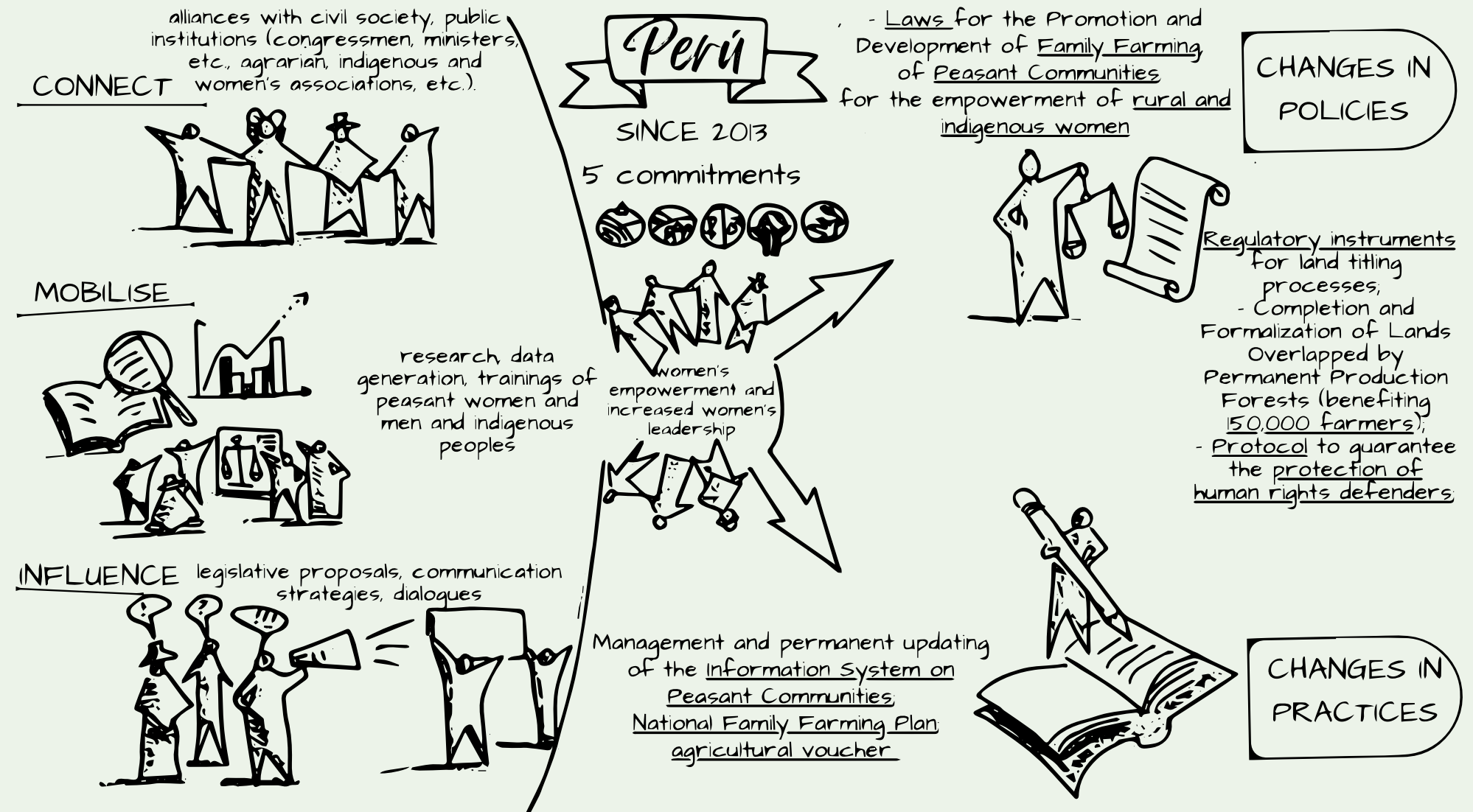
## 2013

**THE NES PERU PLATFORM IS FORMULATED** by ILC members to work on the topics of legal land insecurity, food security and poverty eradication, land institutions, land and natural resource management, land concentration, and women's and indigenous peoples' rights.

## THEORY OF CHANGE

By working effectively as a network, ILC aims to enable its members to work with and influence key external decision-makers. These actors play a central role in any transformation of policy and practice. To this end, ILC's Theory of Change is based on the three pillars of *Connect*, *Mobilise* and *Influence*.

The NES Peru Platform brings together powerful organisations with a track record in land and territorial rights defence as well as research and advocacy. This wealth of experience and knowledge has allowed the Platform to connect with key actors from different sectors of society, including peasant and indigenous grassroots organisations, congressional representatives, ministers, and officials with decision-making power, as well as other civil society platforms (*Connect*). These links have allowed the NES and civil society to present a unified voice to contribute to legislative proposals, as well as to generate data and knowledge to improve public policies- as noted with the case of the Information System on Peasant Communities of Peru (SICCAM), a geo-referenced database containing information on the recognition and titling of peasant communities. An important component of the Platform's work is capacity building, which is conducted mainly through fieldwork with peasant and native communities to strengthen the exercise of their land rights, and especially for women. (*Mobilise*). Advocacy work, particularly dialogues with key officials, have been strengthened through participatory campaigns and communication strategies that have allowed the platform to influence the Congress of the Republic, key ministries, and regional governments to contribute to changing regulations and policies (*Influence*).





# NOTABLE OUTCOMES

## CHANGES IN POLICIES

NES Peru's strategy is organised around the main ILC commitments it works towards, namely Secure Tenure Rights (1); Strong Small-scale Farming Systems (2); Equal Land Rights for Women (4); and the Protection of Land Rights Defenders (10). The platform's key contributions to results per commitment are outlined below.

### COMMITMENT 1: SECURE TENURE RIGHTS

The NES comprises recognised institutions specialised in land rights of indigenous peoples and peasant and native communities. Some of them have participated in dialogue and advocacy efforts linked to land titling, such as *the National Consultative Committee of the cadastre, titling and registration of rural lands* in Peru (PTRT3). In 2017, one of the contributions of the Platform was the promotion of new regulatory instruments that contribute to the titling processes, such as the publication of Ministerial Resolution RM 194-2017-MINAGRI that approved guidelines to simplify the requirements for land qualifications and to streamline the titling process of native communities.

In addition to influencing policymaking, *the NES has also contributed to preventing the approval of regulations that are detrimental to the land and territory rights of indigenous peoples, communities, and smallholder farmers*. In 2017, the government approved Legislative Decree No. 1333 for the Simplification of Access to Land for Prioritized Investment Projects that violated the right to legal security that indigenous peoples have over their lands, as well as Bill No. 1718 that reinforced the previous decree that had expropriated communal lands. Through the work of NES members (IBC, CAAAP, ONAMIAP and SER) and partners, the platform carried out a campaign and advocacy processes with members of Congress that contributed to the *repeal of the decree and the non-approval of the Bill*.



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The Platform furthermore works to bring about changes at the level of regional governments, particularly in order to improve their capacities in land titling processes. The Platform influenced the Regional Government of Ucayali to approve the *Regional Ordinance N°002 - 2018, which declares of the Process of Completion and Formalization of Lands Overlapped by Permanent Production Forests*, a point of *regional public interest* for the benefit of over 150,000 farmers in the region.

### COMMITMENT 2: STRONG SMALL-SCALE FARMING SYSTEMS

Since 2015, the Platform, in collaboration with MIDAGRI, contributed to developing a legislative framework on family farming. 2015 also saw the approval of Law No. 30355 for the Promotion and Development of Family Farming, and the creation of the *Multisectoral Commission for the Promotion and Development of Family Farming*, within which regulations are being drafted. In 2019, as part of the United Nations Decade of Family Farming, *MIDAGRI approved the National Family Farming Plan (PLANAF)*. In 2021, during COVID 19 pandemic, the *Law 31071 was published*, and its regulations (DS N° 012-2021-MIDAGRI) are in implementation regulating state purchases of food of family farming origin. As a result, *State programmes* are required to *allocate at least 30% of their budgets to purchasing food from family farming operations*.

### COMMITMENT 4: EQUAL LAND RIGHTS FOR WOMEN

In 2019, the amendment to *Article 19* of the *General Law of Peasant Communities* was enacted to establish a minimum 30% of women in the composition of community leadership structures. In a context where only 3% of women are community presidents, the NES Platform promoted the amendment (through the work of its members SER and ONAMIAP) to include and make visible the participation of women in decision-making spaces in peasant communities. Thanks to the sustained advocacy work of NES and ILC member CONVEAGRO, *Law 31168* entered into force *in 2021 to enable the empowerment of rural and indigenous women*. The law aims to endow and strengthen equal opportunities, as well as to develop the capacities of rural and indigenous women to enhance their economic, cultural, and social autonomy through trainings and financing.

The *New Regulation of Organisation and Functions of the Ministry of Agrarian Development and Irrigation (MIDAGRI DS 080-2021)* was likewise approved in 2021 to *create a Directorate for the Promotion of Women Agrarian Producers and a Directorate for the Development of Peasant, Native and Social Management Communities*. Both directorates emerged in response to requests from women's, indigenous, and non-governmental organisations that are part of the NES Platform.

## COMMITMENT 5: SECURE LAND RIGHTS FOR INDIGENOUS PEOPLES

In 2014, an advocacy campaign was carried out against *Law 30230* that threatened the territorial security of indigenous peoples. Through the Platform's revisions to the regulations, the NES was able to contribute to the exclusion of indigenous peoples from the scope of the law. Between 2020-2021, the Platform promoted the *Mother Nature Law*, an initiative of the NES and ILC member ONAMIAP that seeks to recognise that ecosystems and species are also rights holders and entitled to protection by the State. Despite prolonged advocacy efforts in Congress, the project was not approved before the change of government; however, the platform was able to incorporate the discussion on the rights of nature in the agenda of the Congress.

## COMMITMENT 10: PROTECTION OF LAND RIGHTS DEFENDERS

In Peru, most social conflicts are linked to land and the environment, mainly due to numerous extractive projects throughout its territory. The Platform, together with the National Human Rights Coordinator - its main ally on this issue - contribute to the *approval* by the *Ministry of Justice of the Protocol to guarantee the protection of human rights defenders in 2019* through the Ministerial Resolution No. 059-2019-JUS. This protocol resulted from a process of dialogue facilitated by the Ministry of Justice that continues to develop mechanisms and tools needed for its implementation.



# CHANGES IN PRACTICES

## COMMITMENT 1: SECURE TENURE RIGHTS

Since 2015, the Platform has contributed to the management and updating of the *Information System on Peasant Communities of Peru (SICCAM)*, a geo-referenced database containing information on the recognition and titling of peasant communities managed by the NES and ILC member Instituto del Bien Común (IBC). SICCAM seeks to increase the visibility of territorial rights in Peru, and to counter the lack of systematised cadastral information. The system is used by public entities such as the General Directorate of Agrarian Property Sanitation and Rural Cadastre (the governing body of the rural cadastre of MIDAGRI) in order to improve the titling processes and reduce conflicts.

## COMMITMENT 2: ROBUST SMALL-SCALE FARMING SYSTEMS

In 2019, CONVEAGRO, led an agrarian strike that saw agricultural unions demand the implementation of the *Family Farming Law*. As a result, the *Multiactor Dialogue Roundtable on the agrarian sector* was created in 2019 (through D.S. 003-2019-MINAGRI) to respond to the demands of more than three million agricultural producers. NES and ILC member Centro Peruano de Estudios Sociales (CEPES) participated in the Roundtable to contribute to land titling issues. The main agreements included the *approval of the National Plan for Family Farming (PLANAF 2019-2021) and its implementation with a territorial approach*; the promotion of greater participation of women in MINAGRI programs, projects and activities; the prioritization of land titling processes for peasant and native communities with geo-referencing; as well as technical assistance to family farmers.

In 2020, agricultural unions, led by CONVEAGRO, demanded concrete measures from the government aimed at family farmers in the context of the COVID-19 pandemic. The efforts resulted in the approval of *agricultural vouchers for the inclusion of family farmers and smallholder farmers as part of the COVID-19 economic reactivation measures*.



## STRENGTHENED CAPACITY FOR TRANSFORMATION

The platform carries out continuous and direct work with communities and indigenous peoples to strengthen their capacities, particularly regarding the empowerment of rural women. Through the work of NES members in 43 communities in the southern Andean region, the capacities of women and men were strengthened through awareness-raising workshops to *ensure the incorporation of women into the boards of directors as qualified community members*. The platform also worked to consolidate this progress through legislative changes, namely the amendment of the General Law on Peasant Communities, that now requires a minimum of 30% of women peasant community leaders. These developments have led to concrete advancements regarding women's empowerment and stronger leadership within the governing bodies of the communities. Despite such behavioural change requiring longer and more sustained efforts in the case of sensitising men, changes in their attitudes have also been observed once trained on women's rights to participate in community management.



## CHALLENGES

The overarching challenge facing the work of the platform specifically regarding the work on women's land rights is the urgent need to strengthen awareness-raising work aimed at men in the communities, as well the need to develop the capacities of women to assume positions on community boards with solvency in the handling of community management instruments.

A persistent challenge in achieving people-centred land governance in Peru has been the enactment of laws adverse to the collective rights of indigenous peoples, native and peasant communities, family farmers, and rural women. Their conditions have worsened during and because of the pandemic, even with the economic reactivation measures. The Platform also faces the challenge of monitoring adverse legislative norms and projects while continuing working on laws that are favourable to the peasant and indigenous populations, as well as on the implementation of policies for the legal security of indigenous communities and territories.

The context of the global pandemic has forced the Peruvian State to establish new priorities in guaranteeing health services and economic policies to address the heightened poverty in the country.

This change in priorities has meant that the historical demands of family farmers, indigenous peoples, and women to guarantee their rights to land and territory and the sustainable management of natural resources, were postponed through the halting of programmes and insufficient budgets. In this new global context, a major challenge is to secure the guarantee of land, territorial rights for indigenous, and peasant women and men back on the political agenda. The Platform aims for land rights to be seen as fundamental to sustainable development, as opposed to being solely regarded as policies oriented towards economic growth.



# LESSONS LEARNED

## 1 NEED FOR ADAPTATION.

The political crisis and the pandemic have forced the NES Peru platform and its members to adjust expectations, change its modus operandi, and to learn and reflect about new methodologies and tools.

## 2 NEED TO STRENGTHEN COLLABORATIONS.

It is very important to collaborate with different actors in pursuit of common objectives in order to increase efforts and allow for greater visibility. Platform members acknowledge that it has been easier to achieve impact by strengthening collaborations with other institutions and networks- especially during crises. In this sense, the alliance with the National Human Rights Coordinating Committee and the Roundtable for the Fight against Poverty have been fundamental in defence of human rights and position issues such as food security.

## 3 NEED TO TAKE ADVANTAGE OF SMALL WINDOWS OF OPPORTUNITY.

In light of fast changing political contexts and the high turnover of public officials, NES Peru has learned to take advantage of periods of openness. The platform now recognises the value of even brief opportunities in consolidating progress through formal instruments.





# WE CAN'T DO IT ALONE

## BUILDING ALLIANCES AND EFFECTIVE LINKAGES WITH RELEVANT STAKEHOLDERS

NES Peru contributes and collaborates with other ILC initiatives, especially at the regional level. This has allowed for the further strengthening of NES members' capacities, as well as in promoting new processes at the national level, while providing opportunities to position the results achieved in regional and global spaces.

The Commitment-Based Initiatives (CBIs) with which NES Peru has articulated joint actions with are:

### **Commitment-Based Initiative on Family Farming (CBI 2):**

- » Collaboration in the regional campaign for family farming promoted by the CBI
- » Contributions to a report on the state of implementation of the National Plan for the Decade of Family Farming

### **Commitment-Based Initiative on SDGs and land:**

- » Articulation for elaborating a civil society shadow report on SDG targets related to land
- » Joint advocacy for the national and global process of the 2020 High-Level Political Forum for Sustainable Development

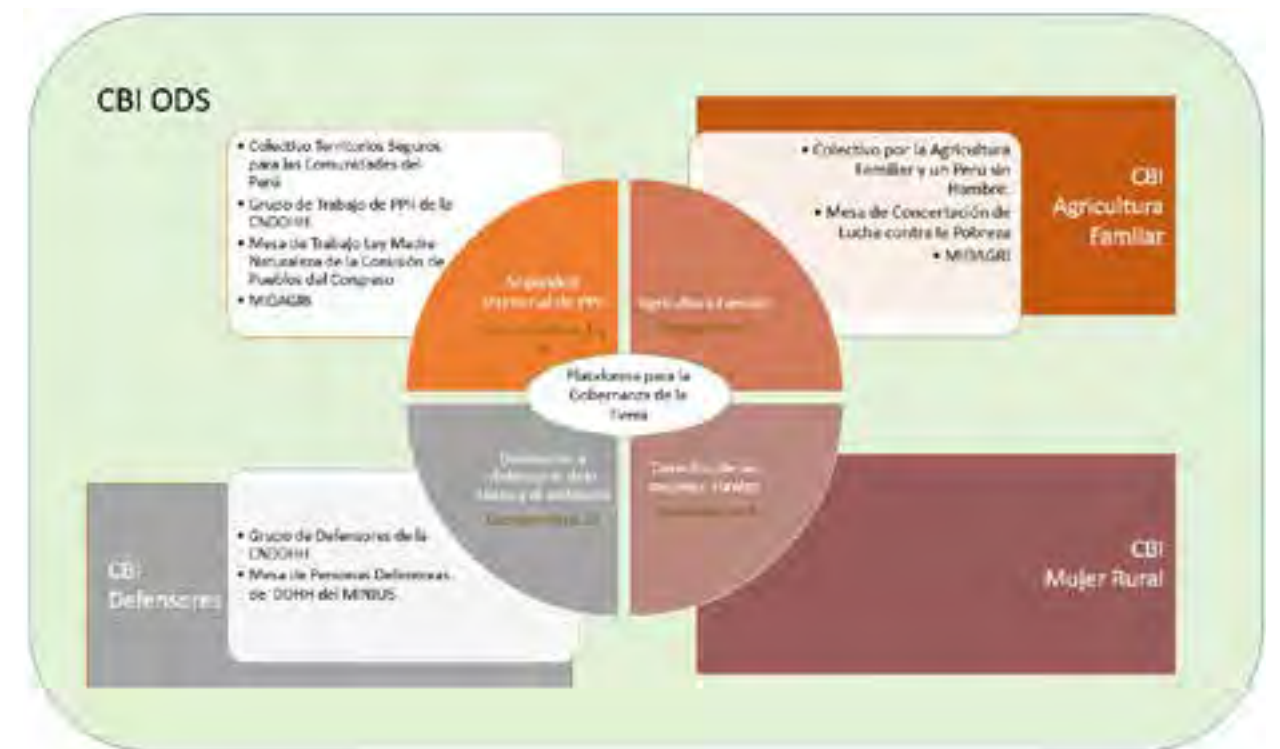
### **Commitment-Based Initiative on Women's Land Rights (CBI 4):**

- » Articulation for the elaboration of reports about rural women in the region
- » Contributions to the toolbox of intervention strategies for rural women

### **Commitment-Based Initiative on Defending Defenders (CBI 10):**

- » Collaboration on the mobilisation of funds

The following table shows the alliances that the Platform has established according to the commitments it works on. In addition, it shows the regional articulation it has with regional platforms, according to the issues addressed.



### **Safe Territories for Communities Collective**

The collective is composed of various NGOs as well as national and regional networks seeking to contribute to the recognition of communities as important social and political actors by highlighting their social and cultural value and their contribution in economic development. The collective's primary focus is to achieve a legal recognition of native and peasant community properties, as per the standards of international law.

### **Indigenous Peoples Working Group - National Human Rights Coordinator**

The working group comprises NGOs with technical experience in strategic litigation in defence of the collective rights of indigenous peoples, mainly in the context of mining operations. They provide technical support to indigenous organizations, and legal analyses of regulations that violate collective rights. Its work is framed within the framework of ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples, under which it has prepared shadow reports on the implementation

of ILO Convention 169, and participated in the UN Permanent Forum on Indigenous Issues, and in various hearings of the Inter-American Commission on Human Rights.

### **Working Group for the Protection of Human Rights Defenders - National Human Rights Coordinating Committee**

The working group is made-up of various national and regional NGOs and cooperation agencies that coordinate efforts to achieve public policies to protect human rights defenders and to demand comprehensive State protection.



Roundtable for the Fight against Poverty

Created by Supreme Decree 001-2001-PROMUDEH, the Roundtable is a space for all public and private sector actors in Peru to overcome poverty, inequality, and social exclusion, as well as to provide a foundation for democratic institutions to achieve social justice.

Working Group on the Mother Nature Bill

Formed through the initiative of the Commission on Andean, Amazonian and Afro-Peruvian Peoples and the Environment and Ecology of the Congress of the Republic, the working group sets out to form agreements with indigenous organizations and civil society in order to achieve a consensus on the draft bill.

Collective for Family Farming and a Hunger-Free Peru

A collective formed by the initiative of civil society organizations (including the NES Platform), the Collective for Family Farming and a Hunger-Free Peru advocates for improved conditions for family farmers and the achievement of the SDG on Zero Hunger.

Ministry of Justice and Human Rights' Roundtable on Human Rights Defenders

The roundtable is a space promoted by the Ministry of Justice and Human Rights to discuss the design of instruments for the protection of human rights defenders together with the participation of national human rights defence groups and various State actors.

Ministry of Agrarian Development and Irrigation

The Ministry is the governing body in agrarian matters, as well as the physical-legal regulation of peasant and native community lands.



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MEET THE PLATFORM

NGO		
SER	Rural Educational Services Association	SER is an Institution committed to promoting human rights, with extensive experience in working with peasant communities and with an emphasis on rural women.  <a href="http://www.ser.org.pe/">http://www.ser.org.pe/</a>
CAAAP	Amazonian Centre for Anthropology and Practical Application	CAAAP is an Institution with extensive experience working with native communities to contribute to the enforcement of human rights, environmental governance, and indigenous state institutions.  <a href="http://www.caaap.org.pe/">http://www.caaap.org.pe/</a>
CEPES	Peruvian Centre for Social Studies	CEPES is an Institution specialized in agricultural and rural development issues, including access to natural resources, food security and climate change.  <a href="https://cepes.org.pe/">https://cepes.org.pe/</a>
IBC	Institute for the Common Good	IBC promotes the optimal management of common goods, including communal territories, water bodies, forests, fisheries and protected natural areas.  <a href="http://www.ibcperu.org/">http://www.ibcperu.org/</a>
GUILD		
CONVEAGRO	National Convention of Peruvian Agriculture	A space for dialogue and analysis that brings together 17 agricultural unions, 20 civil society institutions, academics, experts, and people interested in the agrarian issue with common goals- CONVEAGRO serves as a national reference point for agricultural producers.  <a href="http://conveagro.org.pe/">http://conveagro.org.pe/</a>
RESEARCH CENTRE		
CISEPA	Centre for Sociological, Economic, Political and Anthropological Research	CISEPA is part of the Faculty of Social Sciences and the Departments of Social Sciences and Economics. The Centre combines academic and interdisciplinary approaches to contribute to the design and evaluation of social policies.  <a href="http://cisepa.pucp.edu.pe/">http://cisepa.pucp.edu.pe/</a>
NATIONAL GRASSROOTS WOMEN'S ORGANIZATION		
ONAMIAP	National Organization of Andean and Amazonian Indigenous Women of Peru	ONAMIAP promotes the participation of indigenous women and the fulfilment of their individual and collective rights as women and indigenous peoples.  <a href="http://onamiap.org/">http://onamiap.org/</a>
NATIONAL GRASSROOTS ORGANIZATION		
CCP	Peasant Confederation of Peru	National organization founded in 1947 as one of the representative organizations in the struggle for indigenous communities land rights. CCP is part of the <b>Andean Coordination of Indigenous Organizations</b> , the <b>Latin American Coordination of Rural Organizations (CLOC)</b> and the International Movement <b>"Via Campesina"</b>





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# NES

NATIONAL  
ENGAGEMENT  
STRATEGY

National Engagement Strategies - often referred to as "NES" - are multi-stakeholder platforms set in motion by the International Land Coalition (ILC). They are led by national actors, and include ILC members and partners to promote the Coalition's joint goal of people-centred land governance.

NES platforms are helping to simplify and unpack land governance complexities by setting priorities and suggesting solutions to some of the most difficult land-related issues in a country. NES platforms are promoting collaboration and bridging the gap between government, the private sector, civil society including grassroots organisations, international agencies, traditional authorities and academia.

All ILC members have the opportunity to set up national platforms with the technical and financial support of the ILC.

These platforms use ILC's 10 commitments to people-centred land governance as their compass, while promoting the Voluntary Guidelines for Land Tenure (VGGTs) and the Framework and Guidelines on Land Policy in Africa.

MOBILISE



MOBILISE

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**INTERNATIONAL LAND COALITION SECRETARIAT c/o IFAD**

Via Paolo di Dono 44 , 00142-Rome, Italy tel. +39 06 5459 2445

fax +39 06 5459 3445 [info@landcoalition.org](mailto:info@landcoalition.org) | [www.landcoalition.org](http://www.landcoalition.org)

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