

FAO Legal Guide on Land Consolidation and its application

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SUMMARY

FAO experience with land consolidation in the countries of Central and Eastern Europe has demonstrated a clear need for a regulatory guidance document on land consolidation, which could serve as a support tool for politicians, lawyers and land professionals in developing national land consolidation legal frameworks. As a consequence, in the end of 2019 FAO finalized a Legal Guide on Land Consolidation based on the good regulatory practices in Europe. The drafting of the Guide was closely interlinked with the practical work in a number of FAO project countries, such as North Macedonia and Azerbaijan. Thus, the drafting process went in parallel with the immediate application of the draft Guide and its revision based on practical experiences in project countries.

The Guide starts with the presentation of land consolidation and its place in a broader global framework of land development, including the 2030 Agenda for Sustainable Development and VGGT. It indicates the key features of land consolidation legislation and provides an overview of the land consolidation regulatory practices in selected European countries. After discussing the key objectives and principles of land consolidation as well as relevant institutional framework, the Guide further analyzes the key elements of land consolidation process, including its feasibility, re-allotment, registration and implementation phases. It presents the monitoring and evaluation tools, legal remedies applicable to the process as well as the need to combine land consolidation with land banking. The Guide concludes with the overview of global perspectives of land consolidation and exchange of international best practices on the matter.

In addition to presenting the Legal Guide, this paper analyzes several key aspects related to the application of the Guide in specific countries, based on experiences from North Macedonia and Azerbaijan. With practical examples it illustrates the necessity to adopt the proposals of the Guide to the national legal tradition, raises the issues of constitutionality, which are fundamental for land

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consolidation in each country. This article also illustrates, how the proposals of the Guide related to institutional infrastructure are implemented in practice. It further underlines the importance of adaptation of the proposals based on the practice in other countries to the local situation and the opportunities to use the already existing legal practices and institutional structures. The choice of land consolidation approaches in specific countries is also analyzed, illustrating how the arguments provided for in the Guide are translated into the national legal language. The article also covers the issue of outdated formal land registration including a high level of informality in land transactions in the field and the application of mechanisms proposed by the Guide to deal with this situation. The paper evokes issues of involvement of women in the process of land consolidation as well as the peculiarities of legitimation of non-formalized land tenure rights. The issue of effective land consolidation safeguards concludes the article, presenting how the choice of respective safeguards may be impacted by the specificity of the situation in the country.

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