



RESPONSIBLE GOVERNANCE OF TENURE

OVERALL GOAL

The eradication of hunger and poverty, and the sustainable use of the environment, depend in large measure on how people gain access to land and other natural resources. The livelihoods of many, particularly the rural poor, are based on secure and equitable access to and control over these resources. They are the source of food and shelter; the basis for social, cultural and religious practices; and a central factor in economic growth. There is an undeniably strong link between secure tenure rights and reducing food insecurity and poverty.

The governance of tenure is a crucial element in determining if and how people, communities and others are able to acquire rights, and associated duties, to use and control land, fisheries and forests.

Responsible governance of tenure:

- makes access to land, fisheries and forests more equitable;
- protects people from the arbitrary loss of their tenure rights, including through forced evictions;

- helps ensure no one is subject to discrimination under laws, policies and practices;
- leads to more transparent and participatory decision-making;
- helps ensure disputes are resolved before they degenerate into conflict;
- simplifies the administration of tenure and makes it more accessible and effective for all.



TENURE – IN A NUTSHELL

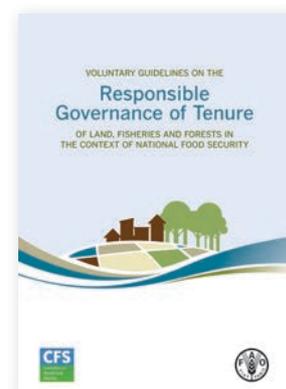
Tenure rights, which provide access to land, fisheries and forests, are important for the realization of human rights, such as the right to a standard of living adequate for health and well-being, including food and housing.

The governance of tenure is a crucial element in determining if and how people, communities and others are able to acquire rights, and associated duties, to use and control land, fisheries and forests. Many tenure problems arise because of weak governance, and attempts to address tenure problems are affected by the quality of governance. Weak governance adversely affects social stability, sustainable use of the environment, investment and economic growth. People can be condemned to a life of hunger and poverty if they lose their tenure rights to their homes, land, fisheries and forests because of corrupt tenure practices or if implementing agencies fail to protect their tenure rights. People may even lose their lives when weak tenure governance leads to violent conflict. Responsible governance of tenure conversely promotes sustainable social and economic development that can help eradicate poverty and food insecurity, and encourages responsible investment.



MAKING A DIFFERENCE

The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT), supported by FAO member states and endorsed by the Committee on World Food Security, 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.



The VGGT serve as a reference and set out principles and internationally accepted standards and practices for the responsible governance of tenure. They provide a framework that States can use when developing their own strategies, policies, legislation, programmes and activities. They allow governments, civil society, the private sector and citizens to judge whether their proposed actions and the actions of others constitute acceptable practices.

Generally, in accordance with the general principles, States should:

- **RECOGNIZE AND RESPECT** all legitimate tenure rights and the people who hold them.
- **SAFEGUARD** legitimate tenure rights against threats.
- **PROMOTE AND FACILITATE** the enjoyment of legitimate tenure rights.
- **PROVIDE** access to justice when tenure rights are infringed upon.
- **PREVENT** tenure disputes, violent conflicts and opportunities for corruption.

Non-state actors (including business enterprises) have a responsibility to respect human rights and legitimate tenure rights.





IN PRACTICE

Examples from FAO's work in all regions demonstrate how responsible governance of tenure strengthens the four dimensions that constitute the enabling environment towards a more rapid reduction in hunger:

1. Better policies, programmes and legal frameworks

Governments should ensure that policy, legal and organizational frameworks are non-discriminatory, developed through participatory and transparent processes, and promote social equity and gender equality. Country-level support is provided to ensure legal protection of tenure rights.

Results on the ground: The VGGT can be used as a reference for governments to develop or review policies, legislation or legal frameworks. This is precisely what being done in Sierra Leone. A detailed review of sectoral legislation (land, fisheries and aquaculture, and forestry) in the context of the VGGT is taking place. These reviews incorporate cross-cutting issues such as gender-equitable laws and regulations. Areas where implementation of the VGGT can strengthen policies or frameworks will be identified. This will provide a basis for sectoral activities to strengthen legal frameworks and develop capacities.

2. Increased political commitment

States should strive to ensure responsible governance of tenure because land, fisheries and forests are central for the realization of human rights, food security, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, and social and economic growth.

Results on the ground: The Government of Guatemala (Secretaría de Asuntos Agrarios and the Land Fund), with support from FAO, worked to integrate the VGGT into a new policy framework. The result is a new land policy

(part of the overall Rural Development Policy "*Política Nacional de Desarrollo Rural Integral*") that reflects the main concepts and approaches of the VGGT. The new land policy aims at promoting sustainable development and attracting investments in agriculture while facilitating access to land by the rural poor and helping to resolve land disputes. It recognizes and strengthens indigenous communal systems of land tenure and management, including land law and jurisdiction. It also recognizes and promotes women's rights to land and seeks to promote the rural economy and contribute to the competitiveness of rural areas and their full integration into the national economy.

3. More effective coordination

Stakeholder dialogues and cooperation between a number of actors, including local governments, NGOs, civil societies, and the private should be enhanced.

Results on the ground: Establishing and strengthening partnerships is a fundamental principle; in fact, the VGGT were developed in a broad, multi-stakeholder and participatory manner. In all regions of the world, we are partnering with civil society organizations for regional and national dialogues. FAO is working with the African Land Policy Initiative through a Memorandum of Understanding with its host UNECA, and a similar agreement on cooperation is being finalized with UNECE.

4. Evidence-based decision-making

State initiatives should consider the potential impacts on people who may be affected.

Results on the ground: In Namibia, the successful introduction of a property tax on commercial agricultural farms was based on a detailed analysis of the situation and how the proposed changes would affect stakeholders.



SCOPE FOR DOING MORE AND BETTER

The VGGT were endorsed by the Committee on World Food Security in May 2012. The implementation of the VGGT has been encouraged by the UN General Assembly, the G20, the G8, L'Assemblée parlementaire de la Francophonie, the EU Parliament and at Rio +20. The positive momentum that the VGGT have drawn is an indication of the relevance and importance of tenure and responsible governance.

How can this momentum be used to improve governance of tenure at country level?

Awareness raising: Enabling more people to learn about the VGGT and how to improve tenure arrangements in their countries.

FAO is assisting countries to hold national workshops that allow participants from governments, civil society, the private sector, and universities and research institutes to come together and learn how they can use the VGGT to improve governance of tenure in their countries. These workshops often also serve to support the development of multi-stakeholder platforms for deepening and continuing the national implementation of the VGGT.

Capacity development: Enabling people to develop the skills needed to improve tenure arrangements in their countries.

FAO is supporting countries to invest in developing the capacity of relevant stakeholders to use the VGGT to address tenure problems. E-learning modules and technical guides are available for people to improve their understanding of different aspects of tenure. Assessments for capacity development are being carried out in specific countries.

Country support: Enabling countries to take steps to improve their tenure arrangements.

FAO is providing targeted technical assistance to countries to help them make their governance of tenure more responsible and thereby improve the lives and livelihoods of their citizens. Some countries have already identified priorities, such as the development of a new tenure policy or the improvement to the land administration system. In other countries an early step is an assessment of tenure in order to identify priorities.

FAO is working with partners in government, civil society, the private sector, and universities and research institutes to improve governance of tenure and eliminate tenure problems that cause hunger, food insecurity, poverty and gender inequality.

Invest in a hunger-free world by promoting responsible governance of tenure!



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MORE INFORMATION

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