



## Responsible governance of forests: a right to food perspective

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)<sup>1</sup> seek to “improve governance of tenure [...] for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food” (Paragraph 1.1). Simultaneously, experiences from the Right to Food Guidelines<sup>2</sup> have underlined the importance of a normative framework, based on international human rights law, for the VGGT.

### 1. Why is the right to food important for the responsible governance of forests?

Today, estimates indicate that 842 million people suffer from chronic hunger, not having enough food for an active and healthy life, while most of them are food producers and live in rural areas.<sup>3</sup> Yet, these people often lack access to natural resources in order to secure their livelihoods. More than 25 percent of the world population - 1.6 billion people - rely on forest resources for their livelihoods while 1.2 billion of them live in extreme poverty.<sup>4</sup>

For more than a billion of the world’s poorest people, forest and tree resources are direct sources of food and cash incomes, while these resources also provide fuel for cooking and heating, medicines, shelter, clothing, and function as safety nets during crises and emergencies.<sup>5</sup>

Moreover, global trends such as the current increase in large-scale land investments, often referred to as land or water grabbing, tend to aggravate the situation of the most marginalized and vulnerable by negatively impacting their access to natural resources, including forests. In this regard, the High Level Panel of Experts (HLPE) of the CFS reported that an estimated 50 to 80 million hectares of land in middle and low income countries have been subject to negotiation by international investors,<sup>6</sup> while other sources double or triple these figures.<sup>7</sup> As it relates to forest resources, there are growing pressures coming mainly from mining, agricultural and conservation interests. In Southeast Asia for instance, about 60 percent of large-scale investments occur in tropical forests and result in the dispossession of land for indigenous peoples and local communities, as land is mainly allocated for palm oil plantations.<sup>8</sup>

1 FAO. 2012. *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, Rome.

2 FAO. 2004. *Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security*, Rome.

3 FAO, IFAD and WFP. 2013. *The State of Food Insecurity in the World 2013. The multiple dimensions of food security*. Rome, FAO.

4 FAO. 2006. *Better Forestry Less Poverty. A practitioner’s guide*, Forestry Paper 149, Rome.

5 *Ibidem*.

6 HLPE, 2011. *Land tenure and international investments in agriculture*. A report by the High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security, Rome, 2011, p.16.

7 Oxfam. 2011. *Land and Power: The growing scandal surrounding the new wave of investments in land* (available at [www.oxfam.org/en/grow/policy/land-and-power](http://www.oxfam.org/en/grow/policy/land-and-power)).

8 Rights and Resources Initiative, 2011. *Pushback: Local Power Global Realignment*, Washington D.C.

Despite the crucial importance of secure forest tenure in order to improve livelihoods, achieve a sustainable forests management and help realize the right to food,<sup>9</sup> deforestation continues at alarming rates. A tenure system of forests that is clear and appropriate to local conditions would improve the quality of and accessibility to forest resources that so many vulnerable people rely on and would help alleviate poverty through increased incomes, thus encouraging people to invest in them and be increasingly mindful of their well-being.<sup>10</sup>

## 2. How can the right to food contribute to the responsible governance of forests?

Access to forests and other natural resources is intimately related to the right to food whose realization requires that “every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement”.<sup>11</sup> This proximity is important on several fronts, notably since State parties to the *International Covenant on Economic, Social and Cultural Rights* have committed to the legal obligations to *respect*, *protect* and *fulfil* the right to food. In the governance of forests, it means that States must *respect* existing access to productive resources, such as forest resources; *protect* people from being deprived of that access by third parties; and *fulfil* their obligations by investing the maximum of their available resources to strengthen peoples’ access to and utilization of resources and means to sustain their livelihoods.

<sup>9</sup> This Information Note uses the shortened form “right to food” to mean the human right to adequate food as enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and elaborated in General Comment No. 12 of the Committee on Economic, Social and Cultural Rights (CESCR, 1999). FAO’s Right to Food Glossary is available at [www.fao.org/righttofood/kc/glossary\\_en.htm](http://www.fao.org/righttofood/kc/glossary_en.htm)

<sup>10</sup> FAO. 2008. *Tenure security for better forestry*. Understanding forest tenure in Africa, Rome.

<sup>11</sup> CESCR. 1999. General Comment 12, *The right to adequate food*. E/C.12/1999/5

Moreover, it reinforces the legal framework for actions at the national level by clearly identifying duty bearers while recognizing and empowering right holders. It also provides a tool to apply human rights principles, such as participation, accountability, non-discrimination, transparency, human dignity, empowerment and the rule of law (PANTHER), described as principles of implementation in the VGGT (Section 3B), which are central for processes such as policy elaboration and implementation for forest resources. Furthermore, it also emphasizes the universal, interdependent, indivisible and interrelated nature of human rights (Paragraph 4.8), as well as the roles of relevant stakeholders, such as civil society organizations, the private sector and international organizations.<sup>12</sup>

### **Approaches for a responsible governance of forests**

Below are some examples aligned with the recommendations found in the **Right to Food Guidelines** that could facilitate the implementation of the VGGT:

- The Right to Food Guidelines advise States to carry out land and other policy reforms, consistent with their human rights obligations, in order to secure sufficient and equitable access to land while strengthening pro-poor growth.<sup>13</sup> Forest tenure reforms favouring more diversified tenure systems, particularly to the advantage of communities and small-scale holders, are part of the agenda of several governments across regions.<sup>14</sup> Also, there is a growing consensus, reflected in the VGGT, that the recognition of customary and collective rights to natural resources can improve access

<sup>12</sup> See note 2, Introduction.

<sup>13</sup> See note 2, Guideline 8.

<sup>14</sup> FAO. 2011. *Reforming forest tenure. Issues, principles and processes*. FAO Forestry Paper 165, Rome.

and secure livelihoods for the most vulnerable, as evidence shows that local communities and indigenous peoples can manage forests in a sustainable way if they have secure tenure rights. One such example is Nepal, where, although forests remain government-owned, permanent use rights have been provided to communities who now manage and utilize large areas of forest.<sup>15</sup> Also, the importance of culturally appropriate food and activities for obtaining it, such as agriculture, hunting and fishing, are all emphasized in the Right to Food Guidelines.<sup>16</sup>

- The promotion of forestry practices that contribute to poverty reduction, particularly by providing support to forest communities, is supported by the Right to Food Guidelines.<sup>17</sup> For example, in the Pacific Islands, where income distribution between governments and communities that depend on forests is traditional practice, the local communities in Fiji receive more than 90 percent of the benefits obtained through revenues from timber harvesting.<sup>18</sup>
- To secure tenure systems that protect traditional knowledge is also advocated by the Right to Food Guidelines, which encourage the establishment of specific national policies, legal instruments and supporting mechanisms to prevent the erosion as well as to ensure the conservation and sustainable use of genetic resources for food and agriculture.<sup>19</sup> In Mexico, for instance, a programme such as the Unión Nacional de Forestería Comunitaria (UNOFOC) gathers agroecological knowledge of about 550 communities and *ejidos*. Moreover, it involves socio-ecological systems of natural

resources management, amongst which forests, the restoration of degraded lands and the conservation of agrobiodiversity. During the last three decades, communities have started to regain control over their forests and are engaged in the ecological production of a variety of timber and non-timber products.<sup>20</sup>

- The Right to Food Guidelines encourage States to promote the participation of vulnerable and marginalized people in economic policy decisions<sup>21</sup> as well as in the institutions responsible for the implementation, monitoring and evaluation of those policies, plans and programmes.<sup>22</sup> Participatory approaches are fundamental to the legitimacy and implementation of policies and programmes related to the governance of forests. According to FAO, an effective tenure reform requires an adaptive, deliberative, reflective and multi-stakeholder approach.<sup>23</sup> Tanzania provides an example with two programmes relevant to the involvement of communities in participatory forest management: the joint forest management on national forest reserves, and the community based forest management of village land.<sup>24</sup> In the Shinyanga region, a soil conservation programme re-established the customary practice of setting aside areas as forest reserves, while recognizing the rights of people to the products of these reserves.<sup>25</sup>

A rights-based approach to forestry addresses the broader human rights of people whose livelihood depend on forestry resources and the goal of achieving food security through the progressive

<sup>15</sup> *Ibidem*.

<sup>16</sup> See note 2, Guidelines 10.9 and 10.10.

<sup>17</sup> *Ibidem*, Guideline 2.5.

<sup>18</sup> See note 4.

<sup>19</sup> See note 2, Guideline 8D.

<sup>20</sup> Altieri, M and Toledo, V.M., 2011. *The agroecological revolution in Latin America: rescuing nature, ensuring food sovereignty and empowering peasants*, in: *The Journal of Peasant Studies*, 38:3, 587-612.

<sup>21</sup> See note 2, Guideline 8.1.

<sup>22</sup> *Ibidem*, Guideline 5.4.

<sup>23</sup> See note 14, p.55.

<sup>24</sup> *Ibidem*, p.39.

<sup>25</sup> *Ibidem*.

realization of the right to food. Several provisions of the **VGGT** support the implementation of the right to food as they:

- Consider the obligations of States to respect, protect and fulfil tenure rights in several Sections, but more specifically when stating general guiding principles for responsible tenure governance (Paragraph 3A).
- Reaffirm the PANTHER principles, by placing them in an operational context as principles of implementation (Paragraph 3B).
- Reflect the acknowledgement, by States and non-State actors, of the territorial vision shared by indigenous peoples and other communities with customary tenure systems that land, fisheries and forests have social, spiritual, economic, environmental and political values (Paragraph 9.1).
- Recognize the need for free, prior and informed consent of the indigenous peoples as well as the consultation and participation of other communities with customary tenure systems before implementing measures that could affect them (Paragraph 9.9).
- Recognize the obligations of States to respect and protect land, fisheries and forests that are collectively used and managed (Paragraph 8.3).
- Call to conduct regulated spatial planning recognizing the interconnected relationships

between land, fisheries, forests and their uses (Paragraph 20.3).

- Recognize the need to respect and to protect the civil and political rights of human rights defenders as well as individuals and associations acting in defence of land, fisheries and forests, given that all human rights are universal, indivisible, interdependent and interrelated (Paragraph 4.8).

### 3. Conclusion

This Information Note has underlined the importance of forest resources for the livelihoods of numerous marginalized and vulnerable people as well as the significance of secure forest tenure in a global context of hunger and increased competition for natural resources. Then, it discussed how access to natural resources is intimately connected to the right to food and how the latter can contribute to the responsible governance of forests by notably focusing on the legal obligations of States and human rights principles. Several examples were given that could prove to be useful when implementing the VGGT. To conclude, a number of provisions found in the VGGT that reinforce the Right to Food Guidelines were listed, thus highlighting the proximity between the two.



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