

GOVERNANCE OF TENURE

Making it happen

**Voluntary Guidelines on the
Responsible Governance of Tenure
of Land, Fisheries and Forests in the
Context of National Food Security**





Land, fisheries and forests

Our valuable natural resources

The Voluntary Guidelines will play an important part in answering the challenge of ending hunger and assuring food security of every child, woman and man in an economically, socially and environmentally sustainable way.

GRAZIANO DA SILVA
Director General

Food and Agriculture Organization of the United Nations (FAO)

Land, fisheries, forests and other natural resources provide a platform for livelihoods and a basis for social, cultural and religious practices. Pressure on these resources is increasing as areas are sought for cultivation, are occupied by urban expansion and as people abandon areas because of degradation, climate change and conflicts.

In response, FAO and its partners initiated the preparation of internationally accepted guidelines to enhance governance of tenure of land, fisheries and forests (*Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*). The Guidelines 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. They were officially endorsed by the Committee on World Food Security on 11 May 2012.

Governance of tenure: key to sustainable development

Tenure of land, fisheries and forests. Tenure is the relationship among people with respect to land, fisheries, forests and other natural resources. The rules of tenure determine which resources can be used by whom, for how long and under which conditions.

Access to resources. The livelihoods of many are based on equitable access to, and secure tenure of, land, fisheries and forests. Secure access to these resources is important to eradicate hunger and poverty, support sustainable development and enhance the environment.

Governance of tenure is the way in which access to and control over natural resources is managed in a society. It includes how competing priorities and interests of different groups are reconciled, how individuals and groups participate in decision-making, how government is accountable to others, and how society obliges its members to observe rights, freedoms, rules and laws. Effectiveness in addressing tenure problems depends to a large extent on the quality of governance.

Governance of tenure matters in formal statutory administration as well as in informal and customary tenure arrangements.

Responsible governance of tenure requires:

- **RECOGNIZING AND RESPECTING** legitimate tenure rights and the people who hold them.
- **SAFEGUARDING** legitimate tenure rights against threats.
- **PROMOTING AND FACILITATING** the enjoyment of legitimate tenure rights.
- **PROVIDING** access to justice to deal with infringements.
- **PREVENTING** tenure disputes, violent conflicts, and opportunities for corruption.

Responsible ways of governing the use and control of natural resources should respect human dignity, non-discrimination, equity and justice, gender equality, rule of law, transparency and accountability. Natural resources should be governed in consultation and participation with people who hold legitimate tenure rights. The impact of actions should be regularly monitored.



MULTIDISCIPLINARY APPROACH

The Guidelines adopt a multidisciplinary approach recognising rural and urban linkages, considering a variety of natural resources and integrating safeguards for vulnerable groups.

All parties are encouraged to consider interconnected uses of natural resources and adopt sustainable approaches to their administration.

Technical guides and studies are available to decision makers and administrators to guide the development of actions in fields such as land, fisheries, forestry and gender.

Publications on governance of tenure are available online at:
www.fao.org/nr/tenure/information-resources

FRAMEWORK FOR GOVERNANCE OF TENURE

International soft law instrument. The Guidelines represent a global consensus on internationally accepted principles and standards for responsible practices. They provide a framework that States can use when developing their own policies, legislation and programmes.

Human rights based approach. The Guidelines place tenure rights in the context of human rights. Tenure rights and their governance are important for the realization of human rights, such as the rights to adequate food and to adequate housing.

Guidance for a variety of actors. With the help of the Guidelines actors can determine whether their proposed actions and the actions of others constitute acceptable practices.

Structure of the Guidelines:

PART 1 Preliminary

1 This introductory part of the Guidelines covers their objectives, nature and scope.

PART 2 General matters

2 This part addresses aspects of governance of tenure with regard to rights and responsibilities; policy, legal and organizational frameworks; and delivery of services. The guidelines of this part should be considered when reading the parts which follow.

PART 3 Legal recognition and allocation of tenure rights and duties

3 This part addresses the governance of tenure with regard to the legal recognition of tenure rights of indigenous peoples and other communities with customary tenure systems, as well as of informal tenure rights; and the initial allocation of tenure rights to land, fisheries and forests that are owned or controlled by the public sector.

PART 4 Transfers and other changes to tenure rights and duties

4 This part addresses the governance of tenure when existing rights and associated duties are transferred or reallocated through markets, transactions in tenure rights as a result of investments, land consolidation

and other readjustment approaches, restitution, redistributive reforms or expropriation.

PART 5 Administration of tenure

5 This part addresses governance of the administration of tenure of land, fisheries and forests with regard to records of tenure rights, valuation, taxation, regulated spatial planning, resolution of disputes over tenure, and transboundary matters.

PART 6 Responses to climate change and emergencies

6 This part addresses the governance of tenure of land, fisheries and forests in the context of climate change, natural disasters and conflicts.

PART 7 Promotion, implementation, monitoring and evaluation

7 This part encourages collaborative approaches for the promotion, implementation, monitoring and evaluation of the Guidelines.

Finding common ground: building on the consensus

Inclusive consultation process. The Guidelines were developed through a global multi-stakeholder consultation process. Government officials, civil society organizations, private sector representatives and academics were consulted in fifteen meetings that assessed issues and actions to be included in the guidelines.

Intergovernmental negotiations. The Guidelines were finalized through intergovernmental negotiations led by the Committee on World Food Security (CFS) that were held in a positive and constructive atmosphere, and included participation by civil society and the private sector.

Endorsement. The Guidelines were endorsed by the CFS on 11 May 2012. The guidelines are the first comprehensive global instrument on tenure and its administration to be prepared through intergovernmental negotiations.

Building on the consensus. Improving governance of tenure requires awareness raising, capacity development, monitoring and technical facilitation. Institutions involved in the administration and management of tenure of land, fisheries and forests are encouraged to use the Guidelines at all levels. Regional initiatives that address access to natural resources, such as the African Land Policy Initiative, share synergies with the Guidelines.

Working together. Strong, open and transparent partnerships have been established with countries, civil society, private sector, academia, international organizations and other United Nations agencies. These partnerships are the basis for achieving global changes in the governance of tenure.

FURTHER READING

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

Voluntary Guidelines on the Governance of Tenure. At a glance. 2012. FAO.

An informal aid for reading the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. 2012. FAO

Towards Improved Land Governance. Land Tenure Working Paper 11. 2009. FAO and UN-HABITAT.

Good Governance in Land Tenure and Administration. Land Tenure Studies 9. 2007. FAO.

More publications on governance of tenure are available online at:
www.fao.org/nr/tenure/information-resources



Call for collaboration

Partnerships are key to improve governance of tenure. The initiative on the Voluntary Guidelines on Governance of Tenure calls for collaboration, networking and joint activities to improve governance of tenure of land, fisheries and forests at global, regional and national levels. The partners include International Financial Institutions, UN organizations and stakeholders in government, private sector, civil society and academia. The network on governance of tenure is constantly expanding. You are invited to be part of this dynamic process!

www.fao.org/nr/tenure



Contact

Voluntary Guidelines on Governance of Tenure

Climate, Energy and Tenure Division
(NRC)
Natural Resources Management and
Environment Department
Food and Agriculture Organization of
the United Nations (FAO)
Viale delle Terme di Caracalla
00153 Rome Italy
Email: VG-tenure@fao.org

Photo Credits: (top to bottom, left to right) page 2 ©FAO/Paballo Thekiso / FAO; page 3 ©FAO/Giuseppe Bizzarri; page 4 ©FAO/Giuseppe Bizzarri; page 5 ©FAO/Giuseppe Bizzarri.

12833E/1/08.12