



GOVERNANCE OF TENURE

Finding Common Ground





Land

Our most valuable resource

"Land is our most valuable resource... it is the means of life without which we could never have existed and on which our continued existence and progress depend"

FAO LAND TENURE STUDIES 1

Preparing Voluntary guidelines

Land and natural resources provide a platform for livelihoods and a basis for social, cultural and religious practices. Pressure on these resources is increasing as new areas are cultivated, occupied by urban extension and abandoned because of degradation, climate change and violent conflicts.

In response, FAO is preparing Voluntary Guidelines to enhance governance of tenure of land and other natural resources. The Voluntary Guidelines intend to provide practical guidance on responsible governance of tenure as a means of alleviating hunger and poverty, enhancing the environment, supporting national and local economic development, and reforming public administration.

Weak governance comes with a high price

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

Governance of tenure matters. Equitable access to, and secure tenure of, land and other natural resources is a governance issue. Responsible governance of tenure can help to reduce hunger and poverty and to support social and economic development. Governance of tenure comprises the mechanisms and processes according to which citizens and groups can articulate their interests, mediate their differences and exercise their legal rights and obligations in respect to land and other natural resources.

Weak governance creates tenure problems.

Effectiveness in addressing tenure problems depends to a large extent on the quality of governance. Weak governance is found in both formal statutory land administrations as well as in informal and customary tenure arrangements. It flourishes where the law is complex, inconsistent or obsolete; where people who work in land agencies lack motivation and are poorly trained and paid; where decision-making processes are not transparent; and where civil society is weak. Weak governance of tenure discourages social stability, investment, widespread economic growth, and sustainable use of the environment. The impact of weak governance can be severe for vulnerable groups and to women who have weaker rights to land. Weak governance comes with a high price.



PUBLICATIONS

Towards improved land governance. Land Tenure Working Paper 11. 2009. FAO and UN-HABITAT.

Towards Voluntary Guidelines on responsible governance of tenure of land and other natural resources. Discussion paper. Land tenure Working Paper 10. 2008. FAO.

Good governance in land tenure and administration. Land Tenure Studies 9. 2007. FAO.

Good Governance in land administration and land tenure. Land Reform, Land Settlement and Cooperatives, 2007/2. FAO.

Good Governance in Land Administration principles and good practice. 2006. FAO and the World Bank.

For more publications please refer to <http://www.fao.org/nr/tenure/infores/voluntary-guidelines/en/>

-2008

BACKGROUND STUDIES

Thematic studies
Expert group meeting

2009-2011

PREPARATION FOR THE VOLUNTARY GUIDELINES

Multistakeholder consultations:

- Private sector,
- Civil society,
- Regional.



Framework for governance of tenure

International guiding instrument. FAO is preparing Voluntary Guidelines to enhance responsible governance of tenure of land and other natural resources. In setting out principles and internationally accepted standards, the Voluntary Guidelines intend to provide practical guidance to states, civil society and private sector on responsible governance of tenure. The guidelines will constitute a framework for policies, legislation and programmes. Being voluntary, they will not establish legally binding obligations nor replace existing national or international laws, treaties or agreements.

The Voluntary Guidelines will be a short document that describes principles and actions in simple and clear language. Additional detailed and technical information will be provided in a range of complementary guides.

The Voluntary Guidelines can be used by a variety of actors:

- Policy makers,
- Government decision-makers,
- Managers and staff of government agencies,
- Private sector specialists,
- Members of civil society organisations including community groups, national and international organisations, and professional associations.

Human rights based approach. The guidelines will emphasize universal, interdependent, indivisible and interrelated human rights. The principles of participation, accountability, non-discrimination, transparency, human dignity, gender equity, empowerment and the rule of law apply to the approach of responsible governance.

Preparation, review and finalisation of the initial draft

- Expert group meeting,
- Electronic consultation,
- Civil society consultation,

Consideration by FAO governing bodies

Preparation of thematic implementation guides of the Voluntary Guidelines.
Forestry, fisheries, water, gender, indigenous peoples and large scale agricultural investments.

Process to develop the Voluntary Guidelines

Consultative process. The Voluntary Guidelines will be prepared jointly with governments, civil society, private sector and academia. They will draw on multistakeholder thematic and regional consultation meetings that assess issues and actions to be included in the guidelines. The guidelines will adopt an interdisciplinary approach recognising rural and urban linkages and considering a variety of natural resources (land, forests, fisheries and water).

Consideration by FAO governing bodies. After the initial consultation meetings, the following step will be the drafting of the Voluntary Guidelines, and their review and assessment by FAO member countries and other stakeholders. The focus will then turn to the implementation.

Links to other initiatives. The work on Voluntary Guidelines is a part of FAO's broader mandate. The guidelines on responsible governance of tenure will be a further elaboration of the Right to Food Guidelines. They will also build on FAO's long term work in improving secure access to land and other natural resources, including the 2006 International Conference



on Agrarian Reform and Rural Development (ICARRD). In addition, the guidelines will be drafted in consideration of regional initiatives such as the Land Policy Initiative of AU, UNECA and AfDB.



OTHER FAO VOLUNTARY GUIDELINES

- Fire Management: Voluntary Guidelines- Principles and Strategic Actions, 2006.
- Responsible management of planted forests Voluntary guidelines, 2006.
- Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, 2004.
- International Code of Conduct on the Distribution and Use of Pesticides, 2002.
- Code of Conduct for Responsible Fisheries, 1995.

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IMPLEMENTATION OF THE VOLUNTARY GUIDELINES

Preparation of country and regional policies and action plans



