

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

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This publication is intended to assist with reading the Guidelines by highlighting some of the main points of paragraphs. However, it is not a substitute for the Guidelines.

The contents of the Guidelines were finalized during the CFS-led intergovernmental negotiations. Every word that appears in the text of the Guidelines is there because it was considered to be important by some stakeholders. As a result, the Guidelines are detailed and each of its paragraphs needs to be read in its entirety.

This publication is thus not an authoritative interpretation of the Guidelines. It is simply an informal aid that may help some people when they read the Guidelines.

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security were officially endorsed by the Committee on World Food Security (CFS) on 11 May 2012. The CFS is the United Nations' forum for reviewing and following up on policies concerning world food security.

The Guidelines are based on the FAO-led inclusive process of consultation during 2009-11 where government officials, civil society organizations, private sector representatives and academics identified and assessed issues and actions to be included in the guidelines. Some 1 000 people from over 130 countries participated in the 15 consultations that were held in all regions of the world. An early draft of the Guidelines was reviewed through a global electronic conference.

The Guidelines were finalized through CFS-led intergovernmental negotiations. These negotiations involved 98 countries, and included participation by nongovernmental groups, civil society organizations, international agencies, farmers' associations, private-sector representatives and research institutions.

For more information, visit <http://www.fao.org/nr/tenure/lt-home/en/>

Contents

Preface	v
Part 1: Preliminary	1
1. Objectives.....	1
2. Nature and scope	3
Part 2: General matters	4
3. Guiding principles of responsible tenure governance	4
4. Rights and responsibilities related to tenure	8
5. Policy, legal and organizational frameworks related to tenure.....	10
6. Delivery of services	14
Part 3: Legal recognition and allocation of tenure rights and duties	17
7. Safeguards.....	17
8. Public land, fisheries and forests	19
9. Indigenous peoples and other communities with customary tenure systems.....	22
10. Informal tenure	25
Part 4: Transfers and other changes to tenure rights and duties	27
11. Markets	27
12. Investments.....	30
13. Land consolidation and other readjustment approaches.....	34
14. Restitution.....	36
15. Redistributive reforms	37
16. Expropriation and compensation.....	41
Part 5: Administration of tenure	44
17. Records of tenure rights.....	44
18. Valuation	47
19. Taxation.....	49
20. Regulated spatial planning	50
21. Resolution of disputes over tenure rights.....	52
22. Transboundary matters.....	54
Part 6: Responses to climate change and emergencies	55
23. Climate change.....	55
24. Natural disasters	56
25. Conflicts in respect to tenure of land, fisheries and forests	58
Part 7: Promotion, implementation, monitoring and evaluation	61

Preface

The preface was prepared during the CFS-led intergovernmental negotiations. Some of the main points of the preface are:

Purpose and goal of the Guidelines

- The purpose of the Guidelines is to serve as a reference for improving the governance of tenure.
- The overarching goal of the Guidelines is to achieve food security for all, and to support the right to adequate food, which is a human right identified in the Universal Declaration of Human Rights (Article 25) and the International Covenant on Economic, Social and Cultural Rights (Article 11). The Guidelines are thus linked to the *Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security*.
- The Guidelines are also intended to contribute to efforts to eradicate hunger and poverty, based on the principles of sustainable development (i.e. they are aligned to Millennium Development Goals 1 and 7, as well as to the Rio Declaration on Environment and Development).

The Guidelines cover the tenure of natural resources

- The Guidelines specifically address the tenure of land, fisheries and forests.
- In addition, the preface notes that the governance of tenure of land, fisheries and forests is linked with the access to and management of other natural resources, such as water and minerals.
- These other natural resources may require different tenure arrangements from those of land, fisheries and forests. However, where appropriate, States may use the principles and practices of the Guidelines when dealing with the governance of these other natural resources.

Tenure and the relationship to food and the environment

- Systems of tenure define and regulate access to land, fisheries and forests. These tenure systems determine who can use which natural resources, for how long, and under what conditions. The systems may be based on written policies and laws, as well as on unwritten customs and practices.
- The livelihoods of many people, and especially the rural poor, are based on access to land, fisheries and forests. Having secure and equitable access to these natural resources is thus a factor in eradicating hunger and poverty.
- People with inadequate and insecure access to land, fisheries and forests may be vulnerable to poverty and hunger. Insecure tenure arrangements can also lead to conflict and environmental degradation.
- Increasing population growth contributes to an increased demand of land, fisheries and forests. At the same time, the availability of these natural resources may be declining because of land degradation or climate change.

The need for improved tenure governance

- The governance of tenure is a crucial factor in whether people, communities and others are able to acquire rights to use and control land, fisheries and forests.
- Many tenure problems arise because of weak governance.
- Attempts to address tenure problems are affected by the quality of governance.
- Responsible governance of tenure promotes sustainable social and economic development that can help to eradicate poverty and food insecurity. In addition, it encourages responsible investment.


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*The Guidelines comprise a number of sections. While each section addresses a particular topic or theme, the sections are not independent or self-standing. Each section should be read and understood in light of guidance given in other sections.*

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Part 1: Preliminary

Section 1 presents the objectives of the Guidelines. Section 2 describes their nature and scope.

1. Objectives

1.1 The Guidelines are to improve the governance of tenure of land, fisheries and forests.

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- *The Guidelines do not attempt to provide an international definition of land within the context of tenure, but leave definitions for individual countries.*
 - *They are for the benefit of all, but have a special emphasis on vulnerable and marginalized people.*
 - *They have the goals of food security and the progressive realization of the right to adequate food.*
 - *They have a number of additional developmental goals: poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection, and sustainable social and economic development.*

Where a State implements the Guidelines, everything that is done should be consistent with its obligations under international law.

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**1.2** The Guidelines are to:

1. Improve tenure governance by providing information on internationally accepted practices related to tenure rights.
2. Contribute to improving the policy, legal and organizational frameworks that regulate tenure rights.
3. Improve the transparency and functioning of tenure systems.
4. Strengthen the capacities and operations of the wide range of bodies and people concerned with tenure governance, and promote cooperation between them.

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- *The bodies and people concerned with tenure governance may include implementing agencies that are responsible for administration of tenure; judicial authorities (including courts); local governments; organizations of farmers and small-scale producers; organizations of fishers; organizations of forest users; pastoralists; indigenous peoples and other communities; civil society; private sector; and academia.*
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## **2. Nature and scope**

### **2.1** The Guidelines are voluntary.

### **2.2** A State should interpret and apply the Guidelines consistent with its obligations under national and international law.

A State should also interpret and apply the Guidelines with regard to its voluntary commitments under applicable regional and international instruments.

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- *These statements apply to the entire Guidelines. For additional emphasis, they are repeated in most of the Sections of the Guidelines.*
  - *The Guidelines are complementary to, and support, national, regional and international initiatives that address human rights.*
  - *They are also complementary to initiatives to provide secure tenure rights, and initiatives to improve governance.*
  - *They do not limit any international legal obligations of a State.*
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### **2.3** The Guidelines can be used by a wide range of bodies and people to assess tenure governance, and to identify improvements and apply them.

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- *The bodies and people identified are the same as those listed in paragraph 1.2.*
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### **2.4** The Guidelines are global in scope.

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- *The Guidelines may be used by all countries at all stages of economic development, taking into consideration the context of each country.*
  - *They may be used for the governance of all forms of tenure, including public, private, communal, collective, indigenous and customary.*
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### **2.5** The Guidelines should be interpreted and applied in accordance with national legal systems and their institutions.

## **Part 2: General matters**

Section 3 identifies the principles of the Guidelines. Section 4 provides guidance on rights and responsibilities related to tenure. Section 5 addresses policy, legal and organizational frameworks. Section 6 covers the delivery of services.

The guidance on general aspects of tenure governance in Part 2 should also be considered when reading the sections on specific topics in the other parts of the Guidelines.

### **3. Guiding principles of responsible tenure governance**

#### **3A General principles**

##### **3.1 General principles for States**

1. States should recognize and respect all legitimate tenure rights. They should recognize and respect the people and others who hold those tenure rights.

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- *In some cases, legitimate tenure rights and the people who hold them are not formally recorded. Even in these cases, the tenure rights and the people who hold them should be recognized and respected.*
  - *People and their tenure rights should be identified and recorded.*
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2. States should safeguard legitimate tenure rights against threats and infringements.

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- *People who hold tenure rights should be protected against the arbitrary loss of their tenure rights. This includes through forced evictions which are inconsistent with the State's obligations under national and international law.*
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3. States should promote and facilitate the enjoyment of legitimate tenure rights.

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- *The State should take actions such as ensuring that services are accessible to all people so they can enjoy and use their tenure rights.*
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4. States should provide access to justice to deal with infringements of legitimate tenure rights.

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- *People should have effective and accessible means to resolve disputes over tenure rights.*
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5. States should prevent tenure disputes, violent conflicts and corruption.

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- *States should prevent tenure disputes from arising and escalating into violent conflicts.*
  - *They should try to prevent corruption in all forms, at all levels, and in all settings.*
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**3.2** Non-state actors (including business enterprises) have a responsibility to respect human rights and legitimate tenure rights.

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*Non-state actors should:*

- *Act with due diligence to avoid infringing on the human rights and legitimate tenure rights of others.*
  - *Include appropriate risk management systems to prevent and address adverse impacts on human rights and legitimate tenure rights.*
  - *Provide for and cooperate in non-judicial mechanisms to provide remedies where they have caused or contributed to adverse impacts on human rights and legitimate tenure rights. These remedies may include operational-level grievance mechanisms.*
  - *Identify and assess any actual or potential impact on human rights and legitimate tenure rights in which they may be involved.*
- 

The principle also places a responsibility on States to ensure that rights are respected by business enterprises.

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- *States should provide access to effective judicial remedies for negative impacts on human rights and legitimate tenure rights caused by business enterprises.*
  - *Where transnational corporations are involved, their home States have roles to play in assisting those corporations and the host States to ensure that businesses are not involved in the abuse of human rights and legitimate tenure rights.*
  - *States should protect against abuses of human rights and legitimate tenure rights by business enterprises that are owned or controlled by the State, or that receive substantial support and service from State agencies.*
-

### **3B Principles of implementation**

The following principles of implementation are essential for the responsible governance of tenure.

1. **Human dignity:** Recognize the inherent dignity of all people. Recognize the equal and inalienable human rights of all people.
2. **Non-discrimination:** No one should be subject to discrimination under law and policies. No one should be discriminated against in practice.
3. **Equity and justice:** Recognize that equality between people may require acknowledging the differences between them, and taking positive action to promote equitable tenure rights for all.
4. **Gender equality:** Ensure the equal right of women and men to the enjoyment of all human rights. At the same time, acknowledge differences between women and men, and take specific measures to accelerate equality when necessary.
5. **Holistic and sustainable approach:** Recognize that natural resources and their uses are interconnected. Adopt an integrated and sustainable approach to the administration of natural resources.
6. **Consultation and participation:** Before any decisions are taken, engage with people who have legitimate tenure rights and who could be affected by those decisions. Respond to their contributions when decisions are made.  
Take into consideration the power imbalances between different parties.  
Ensure active, free, effective, meaningful and informed participation of individuals and groups in the decision-making processes.
7. **Rule of law:** Adopt a rules-based approach, where laws are widely publicized in applicable languages. Apply laws to all. Treat all people equally when enforcing the laws. Ensure that laws are independently adjudicated.
8. **Transparency:** Clearly define and widely publicize policies, laws and procedures in applicable languages. Also widely publicize decisions in applicable languages and in formats that are accessible to all.
9. **Accountability:** Hold all bodies and people responsible for their actions and decisions.
10. **Continuous improvement:** Improve mechanisms for the monitoring and analysis of tenure governance in order to continuously make improvements.

#### **4. Rights and responsibilities related to tenure**

##### **4.1** States should work to ensure that governance of tenure is done in a responsible way.

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- *Land, fisheries and forests are important for many reasons. (The reasons listed are the same as those in paragraph 1.1.)*
  - *Because land, fisheries and forests are important, their governance should be done in a responsible way.*
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##### **4.2** States should ensure that all actions regarding tenure and its governance are consistent with their obligations and commitments.

##### **4.3** All should recognize that tenure rights are limited. No tenure right, including private ownership, is absolute.

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- *A person's tenure rights are limited by the rights of others.*
  - *A person's tenure rights are limited by the measures that the State may take in order to promote general welfare.*
  - *Tenure rights are balanced by duties.*
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##### **4.4** States should provide legal recognition for tenure rights that are considered legitimate but are not currently protected by law.

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*Some tenure rights may be considered to be legitimate in a society even if those tenure rights are not recognized by law. For example, this may apply to customary tenure rights in some cases.*

*States should define the categories of tenure rights that are considered legitimate:*

- *based on an examination of tenure rights in line with national law;*
- *consistent with the principles of consultation and participation (see paragraph 3B.6);*
- *through widely publicized rules.*

*All forms of tenure should provide all people with a degree of tenure security which guarantees legal protection against forced evictions, harassments and other threats.*

- *Forced evictions are evictions that are inconsistent with the State's obligations under national and international law.*
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**4.5** States should protect legitimate tenure rights.

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- *People should not be arbitrarily evicted. Their legitimate tenure rights should not be extinguished or infringed upon.*
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**4.6** States should remove and prohibit all forms of discrimination related to tenure rights.

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- *Women and men should have equal tenure rights, including the rights to inherit and to bequeath tenure rights.*
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**4.7** States should consider providing assistance when people are unable to take action themselves.

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*Assistance could be provided:*

- *Where people are unable to acquire tenure rights to sustain themselves. (This could be, for example, through redistributive reforms as described in Section 15.)*
  - *To allow people to gain access to administrative or judicial services (e.g. see paragraph 6.6).*
  - *To allow people to participate in processes that could affect their tenure rights.*
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**4.8** The governance of tenure should take into account all civil, political, economic, social and cultural rights, in addition to tenure rights.

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- *A State should respect and protect the civil and political rights of defenders of human rights when it deals with people and associations who act in defence of land, fisheries and forests.*
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**4.9** States should provide access to means of resolving disputes.

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- *The means of resolving disputes should be timely, affordable and effective.*
  - *Judicial and administrative bodies should be impartial and competent.*
  - *Alternative means of resolving disputes should be provided.*
  - *Remedies may include restitution, indemnity, compensation and reparation, and a right of appeal. Remedies should be effective and promptly enforced.*
  - *Efforts should be made to ensure that vulnerable and marginalized persons have access to means of resolving disputes, in line with paragraphs 6.6 and 21.6. (Paragraph 6.6 calls for States and others to consider additional measures to enable the vulnerable or marginalized groups to have access to services. Paragraph 21.6 says that States should work to provide access to justice for all, including vulnerable and marginalized persons.)*
  - *Any person whose human rights are violated in the context of tenure should have access to means of resolving disputes and remedies.*
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**4.10** States should welcome and facilitate the participation of users of land, fisheries and forests in tenure governance.

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- *As appropriate, participatory processes should be used in the formulation and implementation of policy, law and decisions.*
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## **5. Policy, legal and organizational frameworks related to tenure**

### **5.1** States should provide and maintain policy, legal and organizational frameworks that promote responsible governance of tenure.

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- *The frameworks for tenure are linked to broader frameworks. The legal system, public service and judicial authorities are relevant to tenure but they also deal with many aspects that are not related to tenure.*
  - *Reforms to the legal system, public service and judicial authorities will support efforts to improve frameworks for tenure.*
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### **5.2** States should ensure that the policy, legal and organizational frameworks for tenure governance are consistent with their obligations and commitments.

### **5.3** States should ensure that the policy, legal and organizational frameworks for tenure governance recognize and respect legitimate tenure rights that are not currently protected by law.

States should facilitate, promote and protect the exercise of tenure rights.

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- *Legitimate tenure rights may include customary tenure rights.*
  - *Frameworks should reflect the social, cultural, economic and environmental significance of land, fisheries and forests.*
  - *Frameworks should be non-discriminatory. They should promote social equity and gender equality.*
  - *The uses of land, fisheries and forests are often interconnected. Frameworks should reflect these interconnections. They should establish integrated approaches for the administration of land, fisheries and forests.*
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**5.4** States should ensure that the legal and policy frameworks provide adequate protection for women.

- 
- *Women and girls may face obstacles with regard to tenure and tenure rights.*
  - *Laws that recognize women's tenure rights should be implemented and enforced.*
  - *Women should be able to legally enter into contracts concerning tenure rights on the basis of equality with men.*
  - *States should work to provide legal services and other assistance to enable women to defend their tenure interests.*
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**5.5** States should develop relevant policies, laws and procedures through participatory processes.

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- *The processes should be participatory from the beginning.*
  - *All affected should be included the process, i.e. men and women.*
  - *The policies, laws and procedures should be capable of being implemented. When developing policies, laws and procedures, the capacity to implement them should be considered.*
  - *The policies, laws and procedures should incorporate gender-sensitive approaches.*
  - *The policies, laws and procedures should be clearly expressed in applicable languages and widely publicized.*
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**5.6** States should place the responsibility for delivering a service at the level of government that can most effectively deliver it.

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- *In some countries this is known as the principle of subsidiarity.*
  - *The roles and responsibilities of agencies dealing with tenure should be clearly defined.*
  - *Agencies that are responsible for tenure should coordinate their actions with each other.*
  - *Agencies should coordinate their actions with local governments.*
  - *Where appropriate, agencies should coordinate their actions with indigenous peoples and other communities with customary tenure systems.*
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- 5.7** States should define opportunities for others to contribute to developing and implementing the policy, legal and organizational frameworks.

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- *Others who could contribute include civil society, the private sector and academia.*
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- 5.8** States and others should regularly review and monitor the policy, legal and organizational frameworks to maintain their effectiveness.

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- *Bodies that are responsible for administering and implementing aspects of tenure should improve services by engaging with civil society, user representatives and the broader public.*
  - *Bodies that are responsible for tenure should try to prevent corruption through processes and decision-making that are transparent.*
  - *Information about changes and their anticipated impacts should be clearly stated and widely publicized in applicable languages.*
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- 5.9** States should recognize that policies and laws on tenure rights operate in the broader political, legal, social, cultural, religious, economic and environmental contexts.

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- *Changes in the broader contexts may require changes to tenure arrangements.*
  - *A State should seek to develop a national consensus when tenure reforms are proposed.*
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## **6. Delivery of services**

Section 6 on the delivery of services related to tenure should be read together with the sections on the administration of tenure (17: Records of tenure rights; 18: Valuation; 19: Taxation; 20: Regulated spatial planning; and 21: Resolution of disputes over tenure rights).

### **6.1 States should ensure that implementing agencies and judicial authorities have the capacity to implement policies and laws.**

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- *Implementing agencies are public sector agencies that are responsible for the administration of tenure.*
  - *Judicial authorities include the courts.*
  - *The capacity required includes human, physical, financial and other forms of capacity.*
  - *Policies and laws should be implemented in a timely, effective and gender-sensitive manner.*
  - *The availability of resources may limit the ability to provide the required capacity.*
  - *Staff at all levels should receive continuous training. They should be recruited with gender and social equality in mind.*
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### **6.2 States should ensure that the delivery of services related to tenure and its administration are consistent with their obligations and commitments.**

### **6.3 States should provide services to protect tenure rights, to promote and facilitate the enjoyment of those rights, and to resolve disputes.**

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- *These services should be accessible and non-discriminatory, and delivered promptly.*
  - *Unnecessary legal and procedural requirements should be eliminated.*
  - *Services should be reviewed. Improvements should be introduced where required.*
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**6.4** States should ensure that services are provided to all.

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- *Services should be available to people who live in remote locations.*
  - *Locally suitable technology should be used to increase efficiency and accessibility.*
  - *Internal guidelines should be established so that staff can implement policies and laws in a reliable and consistent manner.*
  - *Procedures should be simplified without threatening tenure security or the quality of justice.*
  - *Explanatory materials should be widely publicized in applicable languages. They should inform users of their rights and responsibilities.*
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**6.5** States should establish policies and laws to promote the sharing of spatial and other information on tenure rights.

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- *The information should be available for use by a wide range of people and bodies.*
  - *National standards should be developed for the shared use of information. These national standards should take into account regional and international standards. (The sharing of information can support the development of national spatial data infrastructure.)*
- 

**6.6** States and others should consider additional measures to enable vulnerable or marginalized groups to have access to services.

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- *These measures could include legal support and legal aid. They could also include using people with training in law or surveying but who are not professional lawyers or surveyors.*
  - *Mobile services could be provided to improve accessibility.*
-

**6.7** States should encourage agencies and judicial authorities to have a culture based on service and ethical behaviour.

- 
- *Agencies and other bodies should get regular feedback in order to raise standards, improve delivery of services, meet expectations and satisfy new needs. Feedback could be obtained through surveys and focus groups.*
  - *Agencies should publish performance standards and report regularly on results.*
  - *Users of the services should be able to have their complaints addressed, e.g. by a review or through an ombudsman.*
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**6.8** Professional associations should develop high levels of ethical behaviour. They should publicize these levels of behaviour and monitor their implementation.

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- *People in the public and private sector should follow ethical standards that apply to them. They should be subject to disciplinary action when they violate the standards.*
  - *Where professional associations do not exist, a State should provide an environment that enables them to be established.*
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**6.9** All should try to prevent corruption with regard to tenure rights.

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- *States should try to prevent corruption through consultation and participation, by enforcing the rule of law, and by increasing transparency and accountability.*
  - *States should adopt and enforce anti-corruption measures. These measures could include having checks and balances, limiting the arbitrary use of power, addressing conflicts of interest and adopting clear rules and regulations.*
  - *States should provide for the review of decisions of agencies.*
  - *Staff should be held accountable for their actions. At the same time, they should have the means required to conduct their duties effectively.*
  - *Staff should be protected against interference from others when they carry out their duties. They should be protected when they report acts of corruption.*
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### **Part 3: Legal recognition and allocation of tenure rights and duties**

Section 7 provides safeguards for use when a State provides legal recognition to tenure rights, or allocates tenure rights for the first time. Section 8 covers the legal recognition and allocation of tenure rights to land, fisheries or forests that are publicly-owned or controlled.

Section 9 covers tenure rights of indigenous peoples and others who have customary tenure systems. Section 10 provides guidance in cases of informal tenure rights.

## **7. Safeguards**

**7.1** Where States recognize or allocate tenure rights, they should establish safeguards to avoid infringing on or extinguishing tenure rights of others.

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- *The tenure rights of others could include tenure rights that are considered to be legitimate, but which are not currently protected by law.*
  - *Safeguards should protect women and the vulnerable who hold subsidiary tenure rights, e.g. gathering rights.*
- 

**7.2** States should ensure that all their actions regarding the legal recognition and allocation of tenure rights and duties are consistent with their obligations and commitments.

**7.3** Where States intend to recognize or allocate tenure rights, they should first identify all existing tenure rights and the people who hold those tenure rights.

- 
- *The existing tenure rights may include tenure rights that are not officially recorded.*
  - *In the case where indigenous peoples are affected, there should be a consultation process consistent with paragraph 9.9. That paragraph refers to free, prior and informed consent under the United Nations Declaration of Rights of Indigenous Peoples.*
  - *In the case where others are affected, the consultation process should be consistent with the principles of consultation and participation of paragraph 3B.6.*
  - *Access to justice should be provided if people believe their tenure rights are not recognized. Reference is made to paragraph 4.9, which calls for access to timely, affordable and effective means of resolving disputes over tenure rights.*
-

**7.4** Where tenure rights are recognized, States should ensure that women and men enjoy the same rights.

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- *Newly recognized tenure rights should be reflected in official records.*
  - *Where possible, the legal recognition and allocation of tenure rights should be done systematically. This will help to ensure that the poor and vulnerable are able to acquire legal recognition of their tenure rights.*
  - *Legal support should be provided.*
  - *Locally appropriate approaches should be used to increase transparency when records of tenure rights are initially created.*
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**7.5** States should ensure that people whose tenure rights are legally recognized know about their tenure rights and any associated duties.

People who are allocated new tenure rights should also know about their tenure rights and duties.

- 
- *Where necessary, States should provide support to such people so that they can enjoy their tenure rights and fulfil their duties.*
- 

**7.6** There may be cases where it is not possible for the State to provide legal recognition to someone's tenure right. In such cases, the State should prevent forced evictions that are inconsistent with their obligations, and also with the principles of the Guidelines.

## **8. Public land, fisheries and forests**

**8.1** Land, fisheries and forests are often under the ownership or control of a State. The State should determine the use and control of these resources in line with broader social, economic and environmental objectives.

**8.2** Land, fisheries and forests may be legally owned or controlled by a State, but others may use those natural resources, e.g. through customary tenure. The State should recognize, respect and protect the legitimate tenure rights of others.

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- *Categories of legitimate tenure rights should be clearly defined and publicized.*
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**8.3** In some cases, the publicly-owned land, fisheries and forests are used and managed collectively by others. (These resources are sometimes known as the “commons”.) Where applicable, the State should recognize and protect these publicly-owned resources and their systems of collective use and management.

**8.4** States should work to establish up-to-date tenure information on land, fisheries and forests that are publicly owned or controlled.

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- *Information on tenure should be maintained in inventories that record the agencies that are responsible for administration of the land, fisheries and forests, as well as any legitimate tenure rights held by others.*
  - *The tenure rights held by the State should be recorded together with tenure rights of others in a single recording system. Alternatively, the tenure rights held by the State should be linked to the tenure rights of others through a common framework. (This could help to ensure that all tenure rights for an area can be known and publicized, regardless of who holds the tenure rights.)*
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**8.5** For land, fisheries and forests that are publicly owned or controlled, a State should determine which of these natural resources it should continue to retain and use.  
A State should also determine which of these natural resources it should allocate for the use of others.

- 8.6** Where a State retains land, fisheries and forests that are publicly owned or controlled, it should develop and publicize policies for the use and control of those natural resources.

- 
- *Policies should promote equitable distribution of benefits from State-owned land, fisheries and forests.*
  - *Policies should take into account the tenure rights of others.*
  - *Anyone who could be affected should be included in the consultation process (see paragraph 3B.6).*
  - *The administration of these natural resources, and any transactions concerning them, should be undertaken in a transparent and accountable manner. This administration should be in fulfilment of public policies.*
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- 8.7** Where a State is not going to retain land, fisheries and forests that are publicly owned or controlled, it should develop and publicize policies for the allocation of tenure rights to others.

Where appropriate, policies should also be developed for the delegation of responsibilities for the governance of tenure.

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- *For example, responsibility for the governance of tenure for a forested area could be delegated to a community that lives in and uses the forest.*
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- 8.8** Where a State allocates tenure rights to land, fisheries or forests that it owns or controls, the State can decide what type of tenure rights it will allocate to others. These tenure rights may range from limited use rights to full ownership rights.

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- *Policies should recognize the range of tenure rights, and the range of people, communities and others who hold tenure rights.*
  - *Policies should specify how tenure rights will be allocated, e.g. tenure rights might be allocated based on the historical use of the natural resources, or other factors.*
  - *Where necessary, those who are allocated tenure rights should be provided with support so they can enjoy their tenure rights.*
  - *Where a State allocates tenure rights to others, it should decide whether to retain any form of control over the land, fisheries and forests that are being allocated.*
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- 8.9** Where a State allocates tenure rights to land, fisheries or forests that it owns or controls, it should do so in ways that are transparent and participatory.

The State should also act in transparent and participatory ways when it delegates responsibility for the governance of tenure.

- 
- *Procedures should be simple, clear, accessible and understandable to all, and especially to indigenous peoples and other communities with customary tenure systems.*
  - *Information in applicable languages should be provided to all potential participants. Information should be provided through gender-sensitive messages.*
  - *Where possible, the newly allocated tenure rights should be recorded with other tenure rights in a single recording system. Alternatively, the newly allocated tenure rights should be linked to other tenure rights by a common framework.*
  - *All should try to prevent corruption in the allocation of the tenure rights.*
- 

- 8.10** A State should ensure that the bodies that are responsible for land, fisheries and forests have the capacity that is needed for them to carry out their duties.

Where bodies are delegated responsibilities for the governance of tenure, they should receive the support (such as training) needed to carry out those responsibilities.

- 
- *The capacity required includes human, physical, financial and other forms of capacity.*
  - *The availability of resources may limit the ability to provide the required capacity.*
- 

- 8.11** Where a State allocates tenure rights to land, fisheries and forests that it owns or controls, the programmes of allocation should be monitored.

Corrective measures should be taken if needed.

- 
- *Monitoring should include the impacts on food security and poverty eradication, and the impacts on social, economic and environmental objectives.*
  - *Monitoring should address gender differences.*
-

## **9. Indigenous peoples and other communities with customary tenure systems**

**9.1** All should acknowledge that land, fisheries and forests have social, cultural, spiritual, economic, environmental and political value to indigenous peoples and other communities with customary tenure systems.

**9.2** Where indigenous peoples and other communities have the responsibility for self-governance of their land, fisheries and forests, they should provide their members with equitable, secure and sustainable tenure rights to those natural resources.

Special attention should be given to providing equitable access for women to those natural resources.

- 
- *All members of a community (including men, women and youths) should be able to participate effectively in decisions regarding their tenure systems.*
  - *Where necessary, communities should be assisted to increase the capacity of their members to participate fully in decision-making and governance of their tenure systems.*
- 

**9.3** States should ensure that all their actions are consistent with their obligations and commitments.

---

*In the case of indigenous peoples, relevant instruments may include:*

- *International Labour Organisation Convention (No 169) concerning Indigenous and Tribal Peoples in Independent Countries;*
  - *Convention on Biological Diversity;*
  - *United Nations Declaration on the Rights of Indigenous Peoples.*
- 

**9.4** States should recognize and protect the legitimate tenure rights of indigenous peoples and other communities with customary tenure systems.

- 
- *The recognition and protection should apply to the land, fisheries and forests that are used exclusively by a community, and to land, fisheries and forests that are shared with other communities.*
  - *Information on the recognition of tenure rights should be publicized.*
-

- 9.5** States should recognize and protect the tenure rights of indigenous peoples and other communities to the ancestral lands on which they live.

Indigenous peoples and other communities should not be forcibly evicted from their ancestral lands.

- 9.6** States should consider adapting their policy, legal and organizational frameworks to recognize customary tenure systems of indigenous peoples and other communities.

- 
- *Where constitutional or legal reforms strengthen the rights of women and place them in conflict with customs, these changes should be accommodated in the customary tenure systems. (For example, constitutional and other legal changes can strengthen the rights of women. However, these legal changes may be of little value if they do not change the customary practices which govern everyday life.)*
- 

- 9.7** Where States draft policies and laws on tenure, they should take into account the social, cultural, spiritual, economic and environmental values of land, fisheries and forests held under customary tenure systems of indigenous peoples and other communities.

- 
- *All members of communities, or their representatives, should participate in the drafting of tenure-related policies and laws that affect them.*
- 

- 9.8** States should protect indigenous peoples and other communities with customary tenure systems against the unauthorized use of their land, fisheries and forests by others.

- 
- *With the agreement of communities, the location of their land, fisheries and forests should be documented and publicized.*
  - *The formally documented rights of customary tenure should be recorded with other tenure rights to prevent competing claims.*
-

- 9.9** In the case of indigenous peoples, the State and others should hold good faith consultation with indigenous peoples before initiating any project that affects the natural resources for which they hold tenure rights.

The State should also hold good faith consultations with indigenous peoples before it adopts and implements legislative or administrative measures that affect the natural resources for which they hold tenure rights.

- 
- *Projects should be based on an effective and meaningful consultation with indigenous peoples, through their own representative institutions, in order to obtain their free, prior and informed consent under the United Nations Declaration of Rights of Indigenous Peoples. Due regard should be taken of the particular position and understanding of the State with regard to that Declaration.*
- 

In the case of other communities with customary tenure, any projects should be based on meaningful consultation in line with the principles of consultation and participation (see paragraph 3B.6).

- 9.10** All should try to help affected communities and their representatives to participate in the development of policies, laws and projects that are related to tenure.

- 
- *This help may include technical and legal assistance.*
  - *The participation should be non-discriminatory and gender sensitive.*
- 

- 9.11** States should respect and promote the customary approaches that are used by indigenous peoples and other communities to resolve tenure conflicts within their communities.

In the case where several communities use the same land, fisheries or forests, ways to resolve conflicts between the communities should be strengthened or developed.

- 9.12** All should try to prevent corruption with regard to the customary tenure systems of indigenous peoples and other communities.

- 
- *Examples of measures to prevent corruption include consultation and participation, and the empowerment of communities.*
-



## 10. Informal tenure

**10.1** Informal tenure to land, fisheries and forests exists in some areas, and often as a result of large-scale migrations. Where informal tenure rights exist, States should acknowledge them in ways that respect existing formal tenure rights.

- 
- *Informal tenure rights should be acknowledged in ways that recognize the reality of the situation, and which promote social, economic and environmental improvements.*
  - *Policies and laws should provide recognition to informal tenure.*
  - *These policies and laws should be developed through processes that are participatory and gender sensitive.*
- 

**10.2** States should ensure that all their actions regarding informal tenure are consistent with their obligations and commitments, including to the right to adequate housing.

**10.3** States should give legal recognition to informal tenure rights through processes that are participatory and gender sensitive.

- 
- *The processes of legal recognition should take into account the tenure rights of tenants (i.e. people who do not claim rights of ownership).*
  - *Technical and legal support could be provided to communities and participants.*
- 

**10.4** States should take action to simplify the requirements and processes for changing the official designation of land use, and for developing the land.

- 
- *Informal tenure sometimes arises because of overly complex legal and administrative requirements and processes for changing the official designation of land use (e.g. from agricultural use to commercial use) and for developing the land.*
-

**10.5** States should try to prevent corruption regarding informal tenure and its recognition.

- 
- *Examples of measures to prevent corruption include increasing transparency, holding decision-makers accountable, and ensuring that impartial decisions are delivered promptly.*
- 

**10.6** At times it may not be possible to provide legal recognition to informal tenure rights. In such cases, States should prevent forced evictions that violate their obligations. Their actions should be consistent with the guidelines on expropriation in Section 16.

#### **Part 4: Transfers and other changes to tenure rights and duties**

Section 11 addresses the transfer of tenure rights through market transactions. Section 12 covers investments which result in the acquisition of tenure rights, and with particular emphasis on transactions of a large scale. Section 13 provides guidance for changes to tenure rights through readjustments such as land consolidation.

Section 14 addresses the return of tenure rights (or the provision of compensation) through restitution. Section 15 covers the allocation of tenure rights through redistributive reforms (e.g. redistributive land reforms). Section 16 addresses the involuntary case of acquisition of tenure rights by the State through expropriation.

### **11. Markets**

**11.1** Sale and lease markets can be ways to transfer tenure rights of use and ownership of land, fisheries and forests. Where appropriate, States should facilitate fair and transparent markets.

- 
- *Market transactions of tenure rights should comply with regulations on land use.*
- 

**11.2** States should facilitate the operations of markets so that people are able to engage with others in transfers of tenure rights that are mutually beneficial.

People should be able to participate in markets under the same conditions and with the same opportunities.

- 
- *Markets should support desirable outcomes, e.g. lessen conflict and instability, promote sustainable use, promote fair and equitable use of applicable genetic resources, expand economic opportunities, and increase participation by the poor.*
  - *Undesirable impacts of markets should be prevented.*
  - *Social, cultural and environmental values are not always well served by markets. The wider interests of society should be protected through appropriate policies and laws on tenure.*
-

**11.3** States should establish policies, laws, regulatory systems and agencies that ensure transparent and efficient market operations.

- 
- *There should be non-discriminatory access to markets.*
  - *Uncompetitive practices should be prevented.*
  - *Administrative procedures should be simplified to enable the poor to participate in markets of tenure rights.*
- 

**11.4** All should ensure that information on market transactions and information on market values are transparent and widely publicized. However, there may be some limits on the availability of information because of national privacy restrictions.

- 
- *States should monitor this information and take action where markets have adverse impacts. They should also monitor information and take action where wider and equitable participation in the market is discouraged.*
- 

**11.5** States should establish recording systems (e.g. land registries) to provide information on tenure rights and duties.

- 
- *Easily available information on tenure rights should reduce the costs and risks of market transactions (e.g. by making it easier to find out if the seller is the person who legally holds the tenure rights).*
- 

**11.6** States should establish safeguards to protect the legitimate tenure rights of spouses, family members and others who are not shown as holders of tenure rights in recording systems (e.g. land registries).

- 
- *For example, a land registry may show only one person as the owner of a land parcel, and it may not list other family members who also hold tenure rights to that parcel.*
-

**11.7** All should follow applicable ethical standards related to the operation of markets in tenure rights.

- 
- *These standards should be publicized and monitored in order to prevent corruption.*
- 

**11.8** States should ensure that where they facilitate markets, they protect the tenure rights of small-scale producers.

- 
- *Small-scale producers play an important role in national food security and social stability, and so their tenure rights should not be jeopardized.*
-

## **12. Investments**

**12.1** All should acknowledge that responsible investments by the public and private sectors are essential for improving food security.

- 
- *Investments that support broader social, economic and environmental objectives should be promoted.*
  - *Responsible governance of tenure encourages people who hold tenure rights to make responsible investments. These investments can increase sustainable agricultural production and generate higher incomes.*
- 

**12.2** States should support investments by smallholders. They should also support public and private investments that are sensitive to smallholders.

- 
- *Smallholder producers and their organizations in developing countries provide a major share of agricultural investments.*
- 

**12.3** All transactions in tenure rights related to investments in land, fisheries and forests should be done transparently.

- 
- *The transactions in tenure rights for investments should be in line with relevant policies.*
  - *These transactions should be consistent with social and economic objectives, and with sustainable human development.*
- 

**12.4** Responsible investments should do no harm. They should respect human rights. They should safeguard against the dispossession of legitimate tenure rights and against environmental damage.

- 
- *Investments should be made in partnership with the relevant levels of government and with the people, communities and others who hold tenure rights.*
  - *Investments should contribute to relevant policy objectives.*
-

**12.5** States should provide transparent rules on the scale, scope and nature of allowable transactions in tenure rights.

- 
- *The rules should be developed with appropriate consultation and participation (e.g. see paragraph 3B.6).*
  - *The definition of what is a “large-scale” transaction in tenure rights should be identified in the national context (i.e. a definition that is appropriate for one country may not be appropriate for another).*
- 

**12.6** States should provide safeguards to protect tenure rights of local people from risks that could arise from large-scale transactions in tenure rights.

Safeguards should also be in place to protect human rights, livelihoods, food security and the environment.

- 
- *Some investment models do not result in the large-scale transfer of tenure rights to investors. These alternative investment models could be promoted. Partnerships should be encouraged between investors and local people who hold tenure rights.*
- 

**12.7** In the case of indigenous peoples and their communities, before initiating any investment project that would use their natural resources, all parties should hold good faith consultation with those indigenous peoples (see paragraph 9.9).

In the case of other communities with customary tenure, before initiating any investment project that would use their natural resources, all parties should use the principles on consultation and participation (see paragraph 3B.6).

**12.8** States should determine the conditions that promote responsible investments.

- 
- *This should be done in consultation and with the participation of those who are affected (see paragraph 3B.6).*
  - *Policies and laws should be developed to encourage responsible investments.*
  - *Laws should require agreements for investments to clearly define the rights and duties of all parties to the agreement.*
  - *Agreements for investments should comply with national law and investment codes.*
-

**12.9** States should make provision for investments involving transactions of tenure rights to include consultation and participation with those whose tenure rights might be affected.

- 
- *Consultation and participation should be in line with paragraph 3B.6.*
  - *Consultation and participation should be included in all forms of investments involving tenure rights, including acquisitions and partnership agreements.*
  - *All affected people who hold tenure rights should be included, even those with subsidiary tenure rights.*
  - *Affected people should be informed of their tenure rights and they should have the capacity to participate in the consultations.*
- 

**12.10** Where investments that involve large-scale transactions of tenure rights are being considered, States should provide for independent assessments to be conducted on the potential positive and negative impacts of those investments.

States should ensure that existing legitimate tenure rights are identified in a systematic and impartial way.

- 
- *Customary and informal tenure rights should be included where they exist.*
  - *The identification of tenure rights should be done with the consultation of people who will be affected (see paragraph 3B.6).*
  - *Existing legitimate tenure rights should not be compromised by investments.*
- 

**12.11** Contracting parties should ensure that all relevant people are engaged and informed in the negotiations.

- 
- *Contracting parties should provide comprehensive information.*
  - *The agreements should be documented and understood by all who are affected.*
  - *The negotiation process should be non-discriminatory and gender sensitive.*
-



**12.12** Investors have the responsibility to respect national law. They should recognize and respect the tenure rights of others. They should respect the rule of law.

- 
- *These actions should be consistent with principle 3.2 for non-State actors.*
  - *Investors should not contribute to food insecurity and environmental degradation.*
- 

**12.13** Professions (e.g. legal and surveying professions) who provide services should undertake due diligence to the best of their ability when providing their services.

- 
- *Professions should undertake due diligence whether services are provided to States, investors or people who hold tenure rights.*
  - *Professions should undertake due diligence even if it is not specifically requested.*
- 

**12.14** All should contribute to monitoring the implementation of agreements that involve large-scale transactions in tenure rights.

All should also contribute to monitoring the impacts of these agreements.

- 
- *Corrective actions should be taken where necessary to enforce agreements and to protect tenure rights and other rights.*
  - *Mechanisms should be provided whereby people who are aggrieved can request these corrective actions.*
- 

**12.15** Some States may invest or promote investments in other countries. Where States do so, their conduct should be consistent with the protection of legitimate tenure rights, the promotion of food security, and their obligations and commitments.

### **13. Land consolidation and other readjustment approaches**

**13.1** States may consider the use of approaches to readjust parcels or holdings in order to improve the layout or structure of the parcels or holdings. Land consolidation is an example of a readjustment approach.

- 
- *Such readjustments can allow the owners to improve the way in which they use their parcels or holdings. In turn, this can lead to increased production and more sustainable use.*
  - *These approaches should be used to coordinate the preferences of multiple owners in a single readjustment. (That is, the readjustment is more than transactions between two parties.)*
  - *Readjustment projects should improve the situation for most, if not all, the participants. At a minimum, a participant should be at least as well off after the project compared with before it.*
- 

**13.2** States may consider establishing land banks as part of land consolidation programmes.

- 
- *Land banks are mechanisms which can temporarily acquire and hold land parcels until the parcels can be allocated to participants (e.g. through sale or exchange). Land banks can be used in land consolidation programmes to help increase flexibility in adjusting the layout of parcels.*
- 

**13.3** States may consider using land consolidation and land banks in environmental protection and infrastructure projects that require the acquisition of privately-owned land.

- 
- *Land consolidation and land banking may help with acquiring the privately-owned land for the projects.*
  - *They may provide affected owners with alternative land as compensation, which will allow the owners to continue production.*
-

**13.4** In some cases, the fragmentation of smallholdings into many parcels causes problems, e.g. by increasing production costs. States may consider using land consolidation and land banks to improve the layout of parcels in order to reduce production costs.

In other cases, the fragmentation provides benefits, e.g. risk reduction or crop diversification. In such cases, States should refrain from using land consolidation.

- 
- *Land consolidation projects to restructure farms should be integrated with other assistance, e.g. the rehabilitation of irrigation systems and local roads.*
  - *The investment of land consolidation should be protected by restricting the future subdivision of consolidated parcels.*
- 

**13.5** States should establish strategies for readjustment approaches that meet local requirements.

- 
- *Strategies should be socially, economically and environmentally sustainable. They should be gender sensitive.*
  - *Strategies should identify the principles and objectives of the readjustment approaches; the beneficiaries; and the development of capacity and knowledge.*
  - *Laws should establish clear and cost-effective procedures for the readjustment of parcels or holdings.*
- 

**13.6** States should establish safeguards for projects that use readjustment approaches.

- 
- *People and communities who are likely to be affected by a project should be contacted and provided with sufficient information in applicable languages.*
  - *Technical and legal support should be provided.*
  - *Participatory and gender-sensitive approaches should be used.*
  - *Environmental safeguards should be established to prevent or minimize degradation and loss of biodiversity.*
-

## **14. Restitution**

**14.1** Where appropriate, States should consider providing restitution for the loss of legitimate tenure rights.

- 
- *The consideration of whether restitution is appropriate in a country depends on the national context.*
- 

**14.2** Where tenure rights are restituted, the original parcels or holdings should be returned to the people whose tenure rights were taken from them. Where those people are no longer alive, tenure rights should be restituted to their heirs.

Where it is not possible to return the original parcel or holding, States should provide prompt and just compensation in the form of money, alternative parcels or holdings, or a combination.

- 
- *There should be equitable treatment for all affected people.*
- 

**14.3** Where appropriate, the concerns of indigenous peoples regarding restitution should be addressed.

- 
- *There may be particular issues regarding the restitution of tenure rights of indigenous peoples. (Section 9 does not provide specific guidance on matters of restitution for indigenous peoples.)*
- 

**14.4** States should develop policies and laws that provide processes for restitution.

- 
- *Policies and laws should be gender sensitive.*
  - *Processes should be clear and transparent.*
  - *Information on procedures should be widely disseminated in applicable languages.*
  - *Claimants should be provided with adequate assistance throughout the process.*
  - *Restitution claims should be promptly processed.*
  - *Where necessary, successful claimants should be provided with support services so that they can enjoy their tenure rights and fulfil their duties.*
  - *Progress of implementation should be widely publicized.*
-

## 15. Redistributive reforms

**15.1** Tenure reforms to redistribute tenure rights can facilitate broad and equitable access to land, and facilitate rural development. Where appropriate, States may consider allocating land, fisheries and forests through redistributive reforms.

- 
- *The consideration of whether reforms to redistribute tenure rights is appropriate in a country depends on the national context.*
  - *The allocation of land, fisheries and forests through redistributive reforms should serve a public purpose.*
  - *The land, fisheries and forests that are allocated through redistributive reforms may be publicly or privately-owned.*
  - *Various mechanisms may be used to acquire privately-owned land for redistribution, e.g. voluntary and market-based mechanisms, and expropriation.*
- 

**15.2** States may consider land ceilings as a policy option.

**15.3** Redistributive reforms may be considered where a high degree of concentration of land ownership is combined with a significant level of rural poverty that is attributed to a lack of access to land.

- 
- *Redistributive reforms may be considered for social, economic and environmental reasons.*
  - *Redistributive reforms should respect the legitimate tenure rights of others.*
  - *Redistributive reforms should guarantee that men and women have equal access to the land, fisheries and forests that are being redistributed.*
-

**15.4** Where States choose to implement redistributive reforms, they should ensure that the reforms are consistent with their obligations and commitments.

- 
- *Reforms should follow the rule of law. They should be implemented according to national laws and procedures.*
  - *Consultations should be in line with paragraph 3B.6.*
  - *Consultations should address balancing the needs of all parties (e.g. the needs of the beneficiaries who are to receive the land, and the needs of the owners whose land is to be acquired from them).*
  - *Consultations should address the approaches to be used (e.g. voluntary and market-based approaches, and expropriation).*
  - *Partnerships between the State and others should be developed.*
  - *The financial and other contributions expected of beneficiaries should be reasonable and not leave them with unmanageable debt loads.*
  - *The owners who give up their tenure rights should receive payments without undue delay (e.g. either through the prices paid for market transactions or through compensation for expropriation). The payments should be equivalent to the value of the tenure rights.*
- 

**15.5** Where States choose to implement redistributive reforms, they should clearly define the objectives of the reform programmes, the intended beneficiaries, and what land may be exempt from being redistributed.

- 
- *Redistributive reforms could have a number of objectives (e.g. economic objectives such as increasing production by bringing idle land into production, and social objectives such as providing land to the landless and land poor).*
  - *The reforms could have a wide range of potential beneficiaries, e.g. families (including those seeking homegardens), women, informal settlement residents, pastoralists, historically disadvantaged groups, marginalized groups, youth, indigenous peoples, gatherers, and small-scale food producers.*
-

**15.6** Where States choose to implement redistributive reforms, they should develop policies and laws to make those reforms sustainable.

- 
- *Policies and laws should assist beneficiaries to have an adequate standard of living from the land, fisheries and forests that they acquire. (The benefits of redistributive reforms have sometimes not been sustained. In such cases, beneficiaries often abandoned the land they had received because it could not support their livelihoods.)*
  - *Policies and laws needed for sustainable reforms should be developed through participatory processes.*
  - *The reforms should provide equal treatment for men and women.*
  - *Policies that might restrict the success of reforms should be revised (e.g. subsidies and other measures may favour other landowners and not the beneficiaries of the redistributive reforms).*
- 

**15.7** Where redistributive reforms are being considered, States may conduct assessments on the potential positive and negative impacts of those reforms.

- 
- *The reforms may have potential impacts on tenure rights, food security, the progressive realization of the right to adequate food, livelihoods and the environment.*
  - *Assessments should be based on consultation and participation (see paragraph 3B.6).*
  - *Assessments may be used to determine the measures needed to support the beneficiaries (see paragraph 15.8).*
- 

**15.8** States should ensure that redistributive land reform programmes provide the full support required by beneficiaries.

- 
- *The support needed by beneficiaries may include access to credit, crop insurance, inputs, markets, technical assistance in rural extension, farm development and housing.*
  - *The support services that are needed should be available when the beneficiaries move onto the land.*
  - *The cost of these support services should be identified in advance and included in the relevant budgets (e.g. funds should be available to pay for these support services when they are needed).*
-

**15.9** States should implement redistributive reforms through approaches and procedures that are transparent, participatory and accountable.

- 
- *All those who are affected should be able to benefit from due process.*
  - *Owners whose land is being acquired should receive just compensation according to national law and the provisions of Section 16 (on expropriation).*
  - *All those who are affected should receive full and clear information on the reforms. Appropriate messages should reach disadvantaged groups and women.*
  - *Beneficiaries should be selected through open processes.*
  - *Beneficiaries should receive secure tenure rights. Their tenure rights should be publicly recorded.*
  - *Access to means of resolving disputes should be provided.*
  - *States should try to prevent corruption in redistributive reform programmes, e.g. through greater transparency and participation.*
- 

**15.10** States and others who are involved should monitor and evaluate the outcomes of the redistributive reform programmes.

- 
- *Monitoring should include the distribution of land as well as the provision of support services (e.g. as listed in paragraph 15.8).*
  - *Monitoring should include the impacts on access to land and on food security of men and women.*
  - *Where necessary, States should introduce corrective measures.*
-



## 16. Expropriation and compensation

### 16.1 States should expropriate only where tenure rights to land, fisheries or forests are required for a public purpose.

States should clearly define the concept of public purpose in law, in order to allow for judicial review.

- 
- *Expropriation (i.e. the compulsory acquisition by the State) should be subject to national law and in accordance with the national context.*
  - *States should respect all people who hold legitimate tenure rights, especially vulnerable and marginalized groups.*
  - *States should acquire the minimum land, fisheries or forests that are needed for the intended public purpose.*
- 

### 16.2 States should ensure that the planning and the process for expropriation are transparent and participatory.

- 
- *Anyone likely to be affected by an expropriation should be identified. They should be properly informed and consulted at all stages.*
  - *Consultations should be in line with paragraph 3B.6.*
  - *Consultations should provide information on possible alternative approaches to achieve the public purpose (e.g. options that avoid the need to acquire the land, fisheries or forests should be explored).*
  - *Expropriations should avoid disrupting livelihoods. Consultations should consider strategies to minimize the disruption of livelihoods.*
  - *States should be sensitive where proposed expropriations involve areas of particular cultural, religious or environmental significance.*
  - *States should also be sensitive where the land, fisheries and forests being considered are particularly important to the livelihoods of the poor or vulnerable.*
-

**16.3** States should ensure a fair valuation of the land, fisheries or forests that are to be expropriated.

States should ensure prompt compensation.

- 
- *Valuation and compensation should be in accordance with national law.*
  - *Compensation may include cash; alternative land, fisheries or forests; or a combination.*
- 

**16.4** States should ensure that agencies that are responsible for expropriation have the capacity required for them to carry out their duties.

- 
- *The capacity required includes human, physical, financial and other forms of capacity.*
  - *The availability of resources may limit the ability to provide the required capacity.*
- 

**16.5** In some cases, there are changes in plans, and the land, fisheries or forests that were expropriated are no longer needed for the purpose for which they were acquired. In these cases, States should give the original holder of the tenure rights the first opportunity to re-acquire the land, fisheries or forests.

- 
- *The amount to be paid by the original owner in order to re-acquire the land, fisheries or forests should take into consideration the amount of compensation that the original owner received when the land, fisheries or forests were expropriated.*
- 

**16.6** All should try to prevent corruption.

- 
- *Approaches to prevent corruption may include the use of objectively assessed values, transparent and decentralized processes and services, and a right to appeal.*
-

- 16.7** In some cases, the expropriation of land, fisheries or forests would result in people being evicted. Where evictions are considered to be justified for a public purpose, States should conduct the evictions consistent with their relevant obligations regarding human rights.

- 
- *States should respect, protect and fulfil the human rights of all people who are evicted.*
- 

- 16.8** Before evicting people, States should explore alternatives in order to avoid, or at least minimize, the need for the evictions.

States should also consider alternatives where they plan a shift in land use which could result in people being deprived of access to their land, fisheries or forests.

- 
- *Alternatives should be explored in consultation with people who would be affected by the expropriation (see paragraph 3B.6).*
- 

- 16.9** Evictions and relocations should not violate the human rights of people who are evicted, or make them homeless.

- 
- *Where people who are evicted are unable to provide for themselves, the State should provide adequate resettlement, which may include housing or access to alternative land.*
  - *The availability of resources may limit the ability to provide adequate alternatives.*
-

## **Part 5: Administration of tenure**

Section 17 addresses the recording of tenure rights. Section 18 covers the valuation of tenure rights. Section 19 provides guidance on taxation related to tenure rights.

Section 20 addresses regulated spatial planning. Section 21 is on the resolution of disputes over tenure. Section 22 covers tenure aspects of transboundary matters.

### **17. Records of tenure rights**

#### **17.1 States should provide systems to record tenure rights.**

- 
- *Examples of recording systems are registration, cadastre and licensing systems.*
  - *Recording systems should record all types of tenure rights, e.g. individual and collective tenure rights, and tenure rights held by the State and public sector, private sector, and indigenous peoples and other communities with customary tenure systems.*
  - *Recording systems should help to improve security of tenure rights, and also to support the functioning of markets.*
  - *Recording systems should keep information on tenure rights and duties. The records should identify who holds those tenure rights and duties, and the parcels or holdings of land, fisheries or forests to which those tenure rights and duties relate.*
-

**17.2** States should provide recording systems appropriate for their particular circumstances.

- 
- *The particular circumstances may include the available human and financial resources.*
  - *Appropriate ways of recording rights of indigenous peoples and other communities with customary tenure systems should be developed and used.*
  - *Information on tenure rights is useful for many purposes, including spatial planning. States should work to develop a framework that integrates information from recording systems with information from other spatial information systems (i.e. an integrated framework that includes information from different information systems).*
  - *In a jurisdiction, the records of all types of tenure rights should be kept in the integrated recording system (i.e. within the integrated framework). The integrated system should have records of all types of tenure rights, e.g. tenure rights held by the State and public sector, private sector, and indigenous peoples and other communities with customary tenure systems.*
  - *In some cases, it may not be possible to record tenure rights of indigenous peoples and other communities with customary tenure systems, or occupations in informal settlements. In such cases, particular care should be taken to prevent the registration of competing tenure rights in those areas.*
- 

**17.3** States should work to ensure that everyone is able to record their tenure rights without discrimination.

Everyone should also be able to obtain information on tenure rights without discrimination.

- 
- *Where appropriate, land registries and similar agencies should establish service centres or mobile offices to provide access to women, the poor and vulnerable groups.*
  - *States should consider using locally-based professionals (e.g. lawyers, notaries and surveyors) to deliver information on tenure rights to the public.*
-

**17.4** Agencies that are responsible for recording tenure rights should use simple procedures and appropriate technology to reduce the costs and time required to deliver services.

- 
- *Parcels or other spatial units should be defined with the spatial accuracy that is sufficient to meet local needs. The spatial accuracy could be increased over time if there is a need for greater accuracy in the future.*
  - *Agencies should link information on the tenure rights, the people who hold those tenure rights, and the parcels or other spatial units related to those tenure rights. The linking of this information will facilitate its use.*
  - *Records should be indexed by parcels or other spatial units, and also by the names of people who hold the tenure rights. Such indexing allows competing or overlapping rights to be identified.*
  - *Records of tenure rights should be available to State agencies and local governments to improve their services.*
  - *Information should be shared in accordance with national standards. Data on tenure rights should be disaggregated. (For example, this could allow for gender-disaggregated data.)*
- 

**17.5** States should ensure that information on tenure rights is easily available to all. However, there may be some limits on the availability of information because of national privacy restrictions.

- 
- *Restrictions on access to information should not unnecessarily prevent public scrutiny to identify corrupt and illegal transactions.*
  - *All should try to prevent corruption in the recording of tenure rights, e.g. by widely publicizing processes, requirements, fees and any exemptions, and deadlines for responses to requests for services.*
-

## **18. Valuation**

**18.1** States should ensure that appropriate systems are used for the fair and timely valuation of tenure rights.

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- *Different systems may be appropriate for specific purposes, e.g. operation of markets, security for loans, transactions in tenure rights as a result of investments, expropriation and taxation.*
  - *Systems for the valuation of tenure rights should promote broader objectives of social, economic, environmental and sustainable development.*
- 

**18.2** Relevant policies and laws should make sure that valuation systems take into account non-market values where applicable.

- 
- *Non-market values may include social, cultural, religious, spiritual and environmental values.*
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**18.3** States should develop policies and laws that encourage and require transparency in the valuation of tenure rights.

- 
- *Sale prices and other relevant information should be recorded, analysed and made accessible. This information provides a basis for accurate and reliable assessments of values.*
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**18.4** States and others should develop and publicize national standards for valuation.

- 
- *National standards should be developed for governmental, commercial and other purposes.*
  - *National standards should be consistent with relevant international standards.*
  - *Training of staff should include methodologies and international standards.*
-

**18.5** Agencies responsible for valuation should make available to the public their information and analyses related to valuation.

- 
- *Information and analyses related to valuation should be made available in accordance with national standards.*
  - *States should try to prevent corruption in valuation, e.g. through transparency of information and methodologies, in public resource administration and compensation, and in company accounts and lending.*
-



## 19. Taxation

### 19.1 States have the power to raise revenue through taxation related to tenure rights.

- 
- *Revenue raised from taxation related to tenure rights should contribute to broader social, economic and environmental objectives.*
  - *These objectives may include encouraging investment. They may include preventing undesirable impacts.*
  - *Taxes should encourage socially, economically and environmentally desirable behaviour, such as registering transactions or declaring the full sale value (e.g. taxes should not be set so high that they encourage undesirable behaviour).*
- 

### 19.2 States should work to develop policies, laws and organizational frameworks for the regulation of all aspects of taxation of tenure rights.

- 
- *Where appropriate, policies and laws related to the taxation of tenure rights should be used to finance decentralized levels of government, and the local provision of services and infrastructure.*
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### 19.3 States should administer the taxation of tenure rights efficiently and transparently.

- 
- *Agencies that are responsible for the taxation of tenure rights should ensure that their staff receive training that includes methodologies.*
  - *Taxes should be based on appropriate values.*
  - *Assessments of valuations and taxable amounts should be made public.*
  - *States should provide taxpayers with a right to appeal against valuations.*
  - *States should try to prevent corruption in taxation administration, e.g. through increased transparency in the use of objectively assessed values.*
-

## **20. Regulated spatial planning**

- 20.1** Spatial planning that is regulated by law affects tenure rights by limiting the ways in which land, fisheries or forests can be used. States should prepare spatial plans.  
States should monitor and enforce compliance with those spatial plans.

- 
- *Spatial planning should reconcile and harmonize different objectives of the use of land, fisheries and forests.*
- 

- 20.2** States should develop and publicize policies and laws on spatial planning.

- 
- *Policies and laws should be developed through consultation and participation (see paragraph 3B.6).*
  - *Policies and laws should be gender sensitive.*
  - *Where appropriate, formal systems for spatial planning should take into account the planning methods used by indigenous peoples and other communities with customary tenure systems. The formal planning systems should also take into account the decision-making processes within those communities.*
- 

- 20.3** States should ensure that spatial planning is conducted in a manner that recognizes that land, fisheries and forests are interconnected. The uses of land, fisheries and forests are also interconnected.

- 
- *Spatial planning should recognize that men and women may use land, fisheries and forests in different ways.*
  - *Spatial planning should reconcile and prioritize the different public, community and private interests.*
  - *Spatial planning should accommodate the requirements for various uses, e.g. rural, agricultural, nomadic, urban and environmental.*
  - *Spatial planning should consider all tenure rights, including overlapping and periodic tenure rights.*
  - *Spatial planning should include appropriate risk assessments.*
  - *National, regional and local spatial plans should be coordinated.*
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**20.4** States should ensure that proposals for spatial planning reflect the priorities and interests of communities. To achieve that, there should be wide public participation in the development of proposals for spatial planning.

There should be similar wide participation in the review of the draft spatial plans.

- 
- *The communities to be included in the process may also include those of indigenous peoples.*
  - *Where necessary, communities should be provided with support to enable them to participate in the process for spatial planning.*
  - *Agencies that are responsible for spatial planning should disclose how public input from participation was reflected in the final spatial plans.*
  - *States should try to prevent corruption by establishing safeguards against improper use of spatial planning powers (e.g. with regard to changing the category of regulated land use from rural use to urban use).*
  - *Agencies responsible for spatial planning should report on the results of monitoring compliance with the spatial plans.*
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**20.5** Spatial planning should take into account the need to promote sustainable management and to meet the challenges of climate change and food security.

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- *The diversified sustainable management of land, fisheries and forests may include agro-ecological approaches and sustainable intensification.*
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## **21. Resolution of disputes over tenure rights**

### **21.1 States should provide access to means of resolving disputes over tenure rights.**

- 
- *Disputes may be resolved through judicial and administrative bodies, as well as through alternative means.*
  - *The bodies that resolve disputes should be impartial and competent.*
  - *The means to resolve disputes should be timely, affordable and effective.*
  - *There should be a right of appeal.*
  - *Remedies should be effective. They should be promptly enforced.*
  - *There should be mechanisms to avoid or resolve potential disputes. These mechanisms may be provided within an agency or externally.*
  - *Dispute resolution services should be accessible to all. They should be accessible in terms of location, language and procedures.*
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### **21.2 States may consider introducing specialized tribunals or bodies that deal solely with disputes over tenure rights.**

States may also consider creating expert positions on tenure within the judicial authorities.

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- *States may consider using special tribunals to deal with disputes over regulated spatial planning, surveys and valuation.*
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### **21.3 States should develop and strengthen alternative forms of dispute resolution.**

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- *Alternative dispute resolution should be available at the local level.*
  - *In some cases, customary or other established approaches (e.g. religious means) may exist. These approaches should provide for fair, reliable, accessible and non-discriminatory ways of promptly resolving disputes over tenure rights.*
-

**21.4** States may consider using implementing agencies to resolve disputes.

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- *Agencies that are responsible for the administration of tenure could resolve disputes related to their areas of technical expertise, e.g. surveying agencies could resolve boundary disputes between land parcels.*
  - *Decisions should be delivered in writing and based on objective reasoning.*
  - *There should be a right to appeal to the judicial authorities.*
- 

**21.5** States should try to prevent corruption in dispute resolution processes.

**21.6** States should work to provide access to justice for all.

- 
- *States should work to provide legal assistance to vulnerable and marginalized persons.*
  - *Judicial authorities and other bodies should ensure that their staff have the skills and competencies to provide the required services.*
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## **22. Transboundary matters**

### **22.1 States should cooperate in addressing tenure issues that cross national boundaries.**

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- *Cooperation between States should be in the framework of appropriate mechanisms. Those who are affected should participate.*
  - *Where there are transboundary matters related to tenure rights, States should work together to protect the tenure rights, livelihoods and food security of the migrating populations while on their respective territories.*
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### **22.2 States and others should contribute to the understanding of transboundary tenure issues.**

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- Transboundary tenure issues may include those related to:*
- *Pastoralists whose rangelands or seasonal migration routes lie across international boundaries.*
  - *Small-scale fishers whose fishing grounds lie across international boundaries.*
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### **22.3 Where appropriate, States should harmonize legal standards of tenure governance to address transboundary tenure matters.**

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- *Where appropriate, the harmonization should be coordinated with regional bodies and those who are affected.*
  - *States should develop or strengthen existing international measures to administer tenure rights that cross international boundaries. This should be done with the participation of those who are affected.*
  - *Where appropriate, States should coordinate with regional bodies. This should be done especially to protect the livelihoods and the rights of all those affected. It should be done in line with paragraph 4.8 (i.e. the governance of tenure should take into account all civil, political, economic, social and cultural rights, and should respect and protect defenders of human rights).*
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## **Part 6: Responses to climate change and emergencies**

Section 23 addresses tenure and climate change. Section 24 covers tenure and natural disasters. Section 25 is on tenure and conflicts.

### **23. Climate change**

**23.1** Countries may have laws, policies, strategies and actions which aim to prevent the effects of climate change, and to respond to those effects. States should ensure that those laws, policies, strategies and actions respect and protect the legitimate tenure rights of all who might be affected.

- 
- *Those who hold legitimate tenure rights and may be affected include individuals, communities or peoples, e.g. farmers, small-scale food producers and vulnerable and marginalized people.*
  - *The laws, policies, strategies and actions should be consistent with the State's obligations under relevant framework agreements that address climate change.*
- 

**23.2** Where appropriate, States should work to prepare and implement strategies and actions with the consultation and participation of all people who may be displaced due to climate change.

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- *People who are displaced may receive alternative land, fisheries and forests in another location. The provision of alternative land, fisheries and forests to displaced people should not jeopardize the livelihoods of others who are already using those natural resources.*
  - *States may also consider offering special assistance to small island states and other developing states.*
- 

**23.3** States should facilitate the participation of all people who hold legitimate tenure rights in the negotiations and the implementation of programmes to mitigate climate change and to adapt to it.

## **24. Natural disasters**

**24.1** All should ensure that tenure aspects are addressed when preventing natural disasters, when preparing for them, and when responding to them.

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- *Regulatory frameworks for tenure should be designed to avoid or minimize the potential impacts of natural disasters. Spatial planning should take natural disasters into consideration.*
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**24.2** All actions should take into account relevant international principles.

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*International principles may include:*

- *United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (“Pinheiro Principles”).*
  - *Humanitarian Charter and Minimum Standards in Disaster Response.*
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**24.3** States should address tenure in programmes to prevent and prepare for natural disasters.

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- *Information on legitimate tenure rights should be collected for areas that could be affected. The collection of information should be done in collaboration with people who could be affected (see paragraph 3B.6).*
  - *Systems for recording tenure rights should be able to cope with natural disasters, e.g. by storing records in safe locations. The availability of tenure records after a natural disaster will enable people to prove they hold tenure rights and enable them to relocate their parcels.*
  - *Areas should be identified for the temporary resettlement of people who could be displaced by natural disasters. Rules should be established for providing tenure security in such areas for people who are displaced.*
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**24.4** States and others should address tenure in the emergency response phase.

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- *Alternative land, fisheries and forests should be provided for people who are displaced. The allocation of alternative land, fisheries and forests should not jeopardize the tenure rights and livelihoods of others who are already using those natural resources.*
  - *Legitimate tenure rights of people who are displaced should be recognized, respected and protected.*
  - *Information on tenure rights should be disseminated to all people who are affected.*
  - *Information should be provided to advise displaced people not to make unauthorized use of the land, fisheries and forests of others.*
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**24.5** States and others should address tenure during the reconstruction phase.

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- *People who are temporarily displaced should be assisted in returning to their place of origin. They should be able to return voluntarily, safely and with dignity.*
  - *Means to resolve disputes over tenure rights should be provided.*
  - *Where boundaries of parcels are to be re-established, this should be done in consultation and participation (see paragraph 3B.6).*
  - *Where people are unable to return to their place of origin, they should be permanently resettled elsewhere. The resettlement should be negotiated with host communities to ensure that the people who are displaced are provided with secure access to alternative land, fisheries or forests in ways that do not jeopardize the tenure rights and livelihoods of others who already use those natural resources.*
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## **25. Conflicts in respect to tenure of land, fisheries and forests**

### **25.1** All should take steps to prevent and eliminate issues of tenure from being a cause of conflict.

All should ensure that aspects of tenure are addressed before, during and after conflicts.

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- *Aspects of tenure should be addressed in situations of occupation where all should act in accordance with applicable international humanitarian law (e.g. the Geneva Conventions and Protocols).*
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### **25.2** During and after conflicts States should respect applicable international humanitarian law related to legitimate tenure rights.

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*International instruments may include:*

- *Convention relating to the Status of Refugees and its Protocol.*
  - *United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (“Pinheiro Principles”).*
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### **25.3** All should take steps to resolve tenure problems through peaceful means.

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- *States should revise policies and laws to eliminate discrimination and other factors that may be a cause of conflicts.*
  - *Where appropriate, States may consider using customary and other local mechanisms that provide ways of promptly resolving disputes over tenure rights. These ways should be fair, reliable, gender sensitive, accessible and non-discriminatory.*
-

**25.4** When conflicts arise, States and others should work to respect and protect existing legitimate tenure rights. They should guarantee that the tenure rights are not extinguished by others.

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- *States should not recognize tenure rights that were acquired through forceful and/or violent means.*
  - *Refugees, displaced people and others affected by the conflict should be settled in safe conditions in ways that protect the tenure rights of host communities.*
  - *Violations of tenure rights should be documented and subsequently remedied.*
  - *Official records of tenure rights should be protected against destruction and theft. These records will provide evidence for subsequent processes to address any violations and to facilitate corrective action.*
  - *In areas where official records of tenure rights do not exist, the existing tenure rights should be documented as best as possible. This may be done through oral histories and testimonies. Tenure rights should be documented in a gender-sensitive manner.*
  - *The legitimate tenure rights of refugees and displaced people should be recognized, respected and protected.*
  - *Information on tenure rights should be disseminated to all people who are affected.*
  - *Information should be provided to advise displaced people not to make unauthorized use of the land, fisheries and forests of others.*
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**25.5** When conflicts cease, States and others should ensure that tenure problems are addressed in ways that support lasting solutions for those people who are affected.

Where restitution is possible, refugees and displaced persons should be assisted in returning to their place of origin.

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- *Restitution should take place, as appropriate, with the assistance of UNHCR and other relevant agencies.*
  - *Procedures for restitution, rehabilitation and reparation should be non-discriminatory, gender sensitive and widely publicized.*
  - *Claims for restitution should be processed promptly.*
  - *Procedures for the restitution of tenure rights of indigenous peoples and other communities with customary tenure systems should allow the use of traditional sources of information.*
-

**25.6** Where restitution is not possible, refugees and displaced persons should have access to alternative land, fisheries and forests.

Access to the alternative land, fisheries and forests should be negotiated with the host community to ensure that the resettlement does not jeopardize the livelihoods of people in the host community.

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- *Where appropriate, special procedures should provide the vulnerable (e.g. widows and orphans) with access to land, fisheries and forests.*
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**25.7** Policies and laws should be revised to address discrimination that existed before the conflict. They should also be revised to address discrimination introduced during the conflict.

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- *Where appropriate or required, relevant agencies should be re-established to deliver the services necessary for responsible governance of tenure.*
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## **Part 7: Promotion, implementation, monitoring and evaluation**

**26.1** States have the responsibility for the implementation, monitoring and evaluation of the Guidelines.

**26.2** States are encouraged to take a collaborative approach to the implementation, monitoring and evaluation of the Guidelines.

- 
- *In order to achieve the collaboration, States are encouraged to set up multi-stakeholder platforms and frameworks or to use existing ones.*
  - *The platforms and frameworks should exist at local, national and regional levels.*
  - *The evaluation of the implementation of the Guidelines should include the impact on improved governance of tenure, food security, the right to adequate food, and sustainable development.*
  - *The process should be inclusive, participatory, gender sensitive, implementable, cost effective and sustainable.*
  - *States may seek technical support from regional and international bodies in order to carry out the tasks.*
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**26.3** Development partners, specialized agencies of the United Nations, and regional organizations are encouraged to support efforts by States to implement the Guidelines.

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- *South-South cooperation is encouraged.*
  - *Support could include technical cooperation, financial assistance, institutional capacity development, knowledge sharing and exchange of experiences, assistance in developing national tenure policies, and the transfer of technology.*
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- 26.4** The Committee on World Food Security (CFS) should be the global forum for sharing experiences and for the assessment of the Guidelines.

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*CFS should be the global forum for:*

- *learning from each other's experiences;*
- *assessing progress toward the implementation of the Guidelines;*
- *assessing the relevance, effectiveness and impact of the Guidelines.*

*The Secretariat and the Advisory Group of CFS should:*

- *report to CFS on the progress of the implementation of these Guidelines;*
  - *evaluate their impact and their contribution to the improvement of tenure governance.*
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- 26.5** All are encouraged to collaborate in promoting and implementing the Guidelines in accordance with national priorities and contexts.

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- *The collaboration should include civil society organizations and the private sector.*
  - *All are encouraged to disseminate information on the responsible governance of tenure in order to improve practices.*
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## FRAMEWORK FOR THE 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**

The introductory part of the Guidelines covers their objectives and their nature and scope.

#### **Part 2: General matters**

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**

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**

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**

This part addresses governance of the administration of tenure 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**

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

#### **Part 7: Promotion, implementation, monitoring and evaluation**

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

- **Developed through an inclusive consultation process** led by FAO, where government officials, civil society organizations, private sector representatives and academics identified and assessed issues and actions to be included in the guidelines. Some 1 000 people from over 130 countries participated in the 15 consultations that were held in all regions of the world. An early draft of the Guidelines was reviewed through a global electronic conference.
- **Finalized through intergovernmental negotiations** led by the Committee on World Food Security (CFS). The negotiations included participation by civil society and the private sector.
- **Endorsed by CFS** on 11 May 2012.

**Building on the consensus**

Improving governance of tenure requires awareness raising, capacity development, monitoring and technical facilitation. All who are involved with tenure and its administration are encouraged to use the Guidelines.

**Working together**

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

For more information on the Guidelines and additional documents, visit the website: <http://www.fao.org/nr/tenure/lt-home/en/>