



Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of national food security



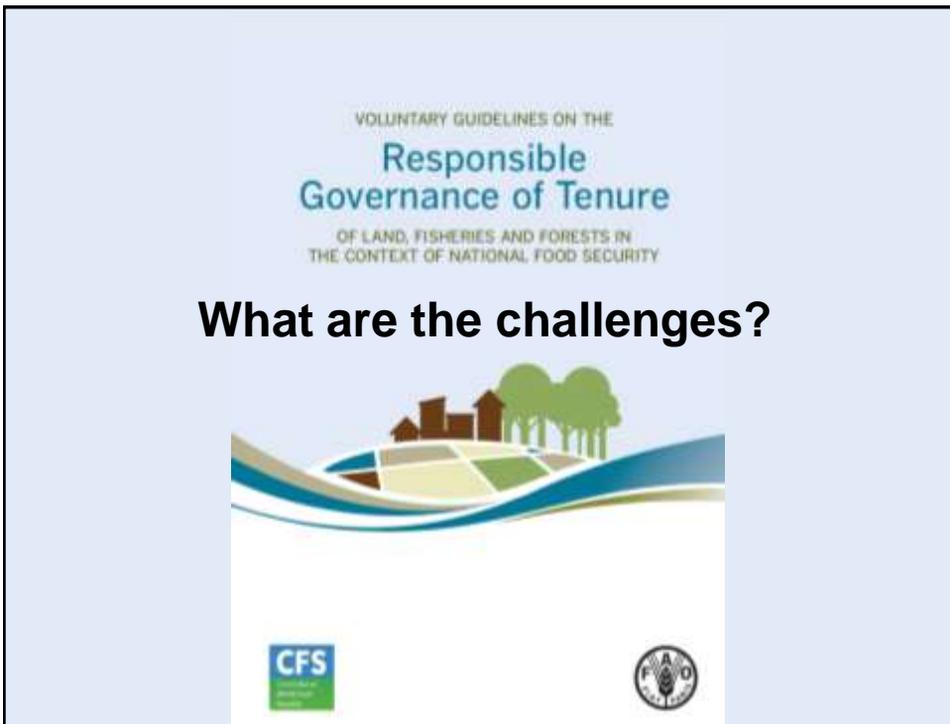
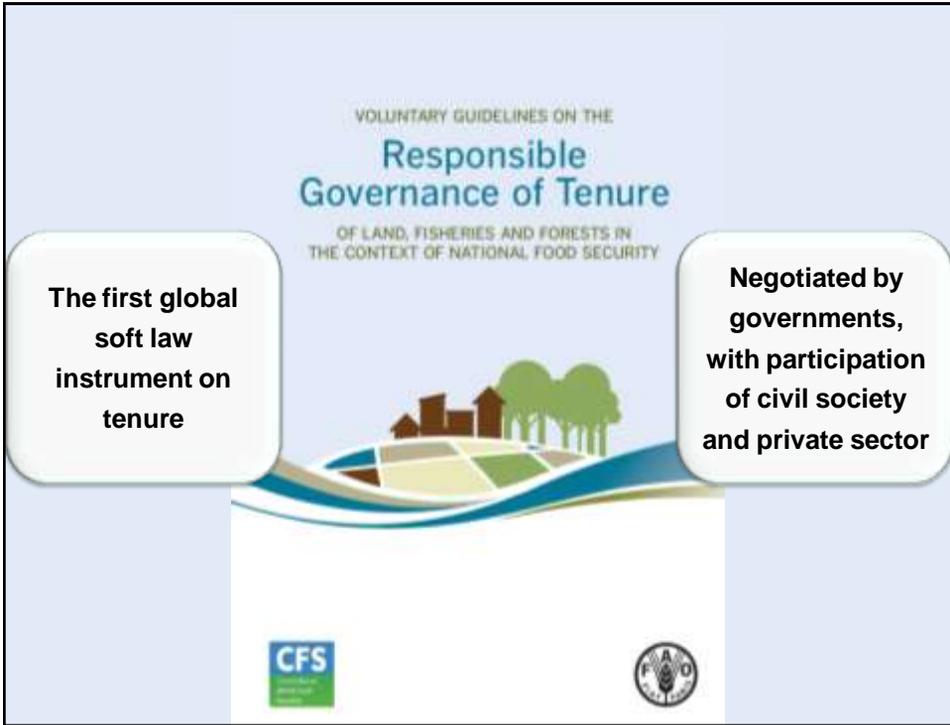
PRESENTED BY: **Vladimir Evtimov**, Land Tenure Officer, FAO

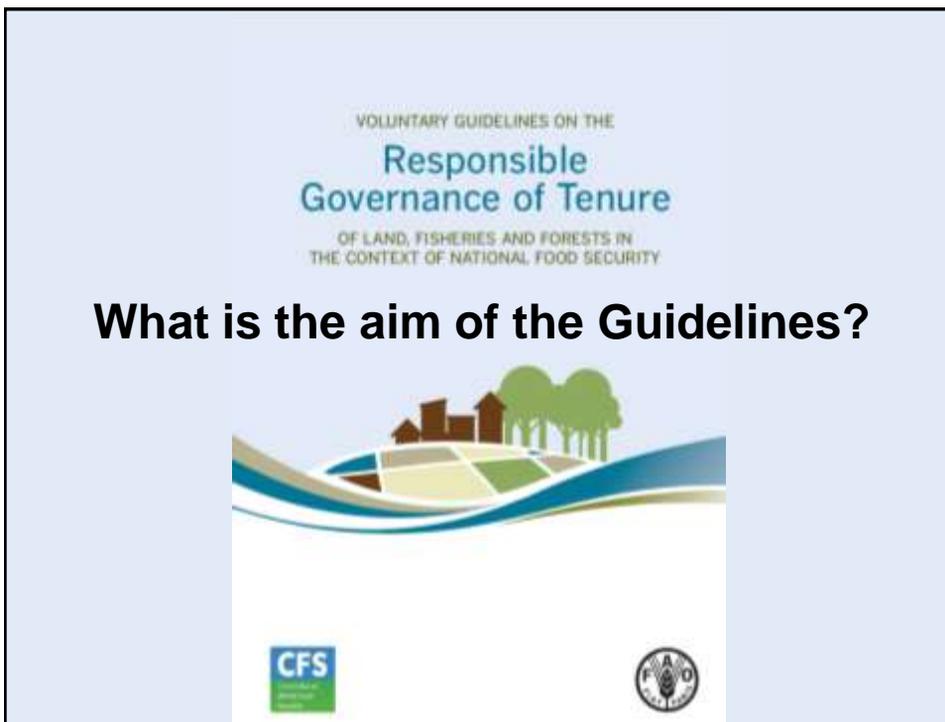
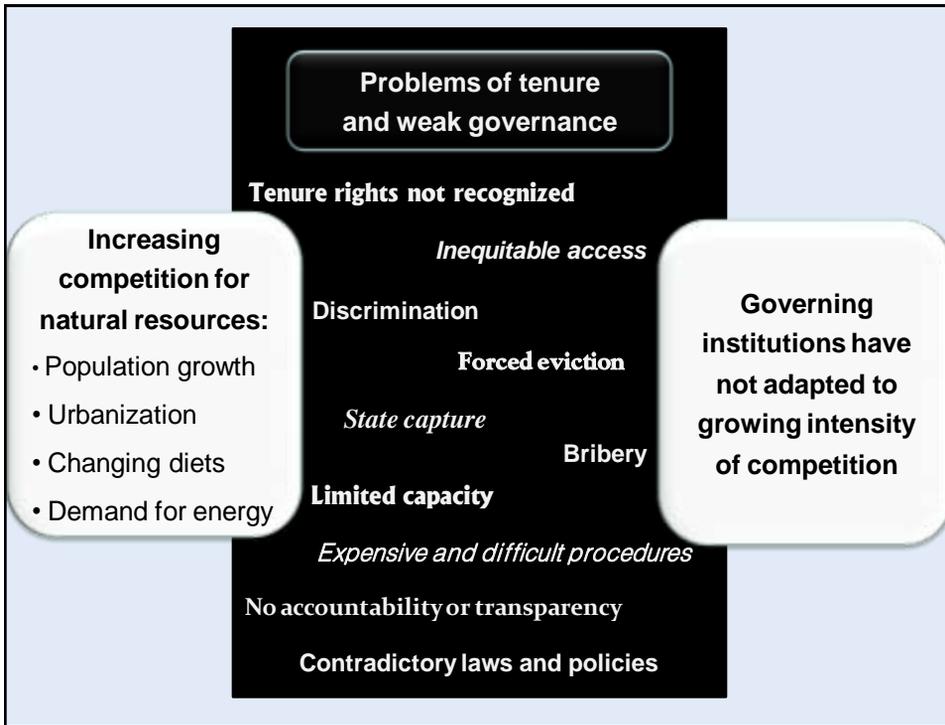
LandNet, Budapest, November 13, 2012

VOLUNTARY GUIDELINES ON THE
**Responsible
Governance of Tenure**
OF LAND, FISHERIES AND FORESTS IN
THE CONTEXT OF NATIONAL FOOD SECURITY

What are the Guidelines?







ACCESS TO LAND, FISHERIES AND FORESTS



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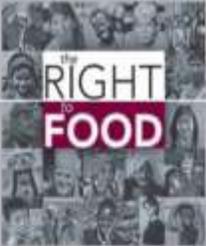
**A reference for
improving the
governance of land
tenure**



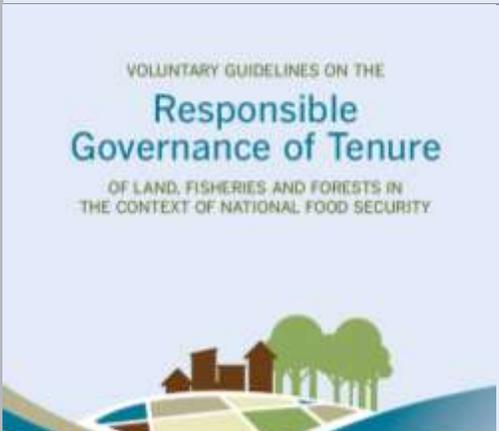


VOLUNTARY GUIDELINES

to support the progressive realization of the right to adequate food in the context of national food security.




- **Voluntary**
- **Set out principles and practices**
- **Do not replace laws and treaties**
- **Do not reduce existing obligations**



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What is the contents of the Guidelines?



CONTENTS OF THE VOLUNTARY GUIDELINES



The Voluntary Guidelines comprise issues such as:

- Recognition and registration of legitimate tenure rights
- Expropriation and compensation
- Restitution
- Spatial planning, land consolidation, land readjustment
- Valuation and taxation
- Markets and investments
- Tenure under particular circumstances
 - climate change
 - natural disasters
 - violent conflicts



CONTENTS OF THE VOLUNTARY GUIDELINES



The Voluntary Guidelines treat all aspects that deal with the administration and management of land and natural resources:

- Policies
- Legal frame
- Procedures and approaches
- Methods and technologies
- Services
- Capacity



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| 2 | General matters |
| 3 | Legal recognition and allocation of tenure rights and duties |
| 4 | Transfers and other changes to tenure rights and duties |
| 5 | Administration of tenure |
| 6 | Response to climate change and emergencies |
| 7 | Promotion, implementation, monitoring and evaluation |

Guidance which applies to all sections

Part 1: Preliminary

Sets the direction:

- Objectives.
- Nature and scope.

Part 2: General Matters

Provides overall guidance:

- Guiding principles.
- Tenure rights.
- Policy, legal and organizational frameworks.
- Delivery of services.

CONTENTS OF THE VOLUNTARY GUIDELINES



General principles

- **RECOGNIZE AND RESPECT** legitimate holders of tenure rights, and their rights.
- **SAFEGUARD** legitimate tenure rights against threats.
- **PROMOTE AND FACILITATE** the enjoyment of legitimate tenure rights.
- **PROVIDE** access to justice to deal with infringements.
- **PREVENT** tenure disputes, conflicts, and opportunities for corruption.



CONTENTS OF THE VOLUNTARY GUIDELINES



Principles of implementation

- Human dignity
- Non-discrimination
- Equity and justice
- Gender equality
- Holistic and sustainable approach
- Consultation and participation
- Rule of law
- Transparency
- Accountability
- Continuous improvement



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Part 3: Legal recognition and allocation of tenure rights

- Safeguards.
- Public lands, fisheries and forests.
- Indigenous peoples and others with customary tenure.
- Informal tenure.

Part 4: Transfers and other changes to tenure rights

- Markets.
- Investments.
- Readjustments.
- Restitution.
- Redistributive reforms.
- Expropriation.

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Part 5: Administration of tenure

- Records of tenure rights.
- Valuation.
- Taxation.
- Regulated spatial planning.
- Resolution of disputes.
- Transboundary matters.

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Part 6: Responses to climate change and emergencies

- Climate change.
- Natural disasters.
- Conflicts.

Part 7: Promotion, implementation, monitoring and evaluation

Extracts from Section 11, Markets



11. Markets

11.1 Where appropriate, States should recognize and facilitate fair and transparent sale and lease markets as a means of transfer of rights of use and ownership of land, fisheries and forests. Where markets in tenure rights operate, States should ensure that all actions are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. Transactions of tenure rights to land, fisheries and forests should comply with national regulation of land use and not jeopardize core development goals.

11.2 States should facilitate the operations of efficient and transparent markets to promote participation under equal conditions and opportunities for mutually beneficial transfers of tenure rights which lessen conflict and instability; promote the sustainable use of land, fisheries and forests and conservation of the environment; promote the fair and equitable use of genetic resources associated with land, fisheries and forests in accordance with applicable treaties; expand economic opportunities; and increase participation by the poor.



13. Land consolidation and other readjustment approaches

13.1 Where appropriate, States may consider land consolidation, exchanges or other voluntary approaches for the readjustment of parcels or holdings to assist owners and users to improve the layout and use of their parcels or holdings, including for the promotion of food security and rural development in a sustainable manner. States should ensure that all actions are consistent with their obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments, and ensure that participants are at least as well off after the schemes compared with before. These approaches should be used to coordinate the preferences of multiple owners and users in a single legitimate readjustment.

13.2 Where appropriate, States may consider the establishment of land banks as a part of land consolidation programmes to acquire and temporarily hold land parcels until they are allocated to beneficiaries.



13. Land consolidation and other readjustment approaches

13.3 Where appropriate, States may consider encouraging and facilitating land consolidation and land banks in environmental protection and infrastructure projects to facilitate the acquisition of private land for such public projects, and to provide affected owners, farmers and small-scale food producers with land in compensation that will allow them to continue, and even increase, production.

13.4 Where fragmentation of smallholder family farms and forests into many parcels increases production costs, States may consider land consolidation and land banks to improve the structure of those farms and forests. States should refrain from using land consolidation where fragmentation provides benefits, such as risk reduction or crop diversification. Land consolidation projects to restructure farms should be integrated with support programmes for farmers, such as the rehabilitation of irrigation systems and local roads. Measures should be developed to protect the investment of land consolidation by restricting the future subdivision of consolidated parcels.



13. Land consolidation and other readjustment approaches

13.5 States should establish strategies for readjustment approaches that fit particular local requirements. Such strategies should be socially, economically and environmentally sustainable, and gender sensitive. Strategies should identify the principles and objectives of the readjustment approaches; the beneficiaries; and the development of capacity and knowledge in the public sector, the private sector, organizations of farmers and small-scale producers, of fishers, and of forest users, and academia. Laws should establish clear and cost-effective procedures for the reorganization of parcels or holdings and their uses.

13.6 States should establish appropriate safeguards in projects using readjustment approaches. Any individuals, communities or peoples 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 taking into account rights of indigenous peoples. Environmental safeguards should be established to prevent or minimize degradation and loss of biodiversity and reward changes that foster good land management, best practices and reclamation.

PART 1

Preliminary

1. Objectives

1.2 These Voluntary Guidelines seek to improve governance of tenure of land, fisheries and forests. They seek to do so for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development. All programmes, policies and technical assistance to improve governance of tenure through the implementation of these Guidelines should be consistent with States' existing obligations under international law, including the Universal Declaration of Human Rights and other international human rights instruments.

1.3 These Guidelines seek to:

1. improve tenure governance by providing guidance and information on internationally accepted practices for systems that deal with the rights to use, manage and control land, fisheries and forests;
2. contribute to the improvement and development of the policy, legal and organisational frameworks regarding the range of tenure rights that exist over these resources;
3. enhance the transparency and improve the functioning of tenure systems;
4. strengthen the capacities and conditions of implementing agencies: judicial authorities, local governments, organizations of farmers and small-scale producers, of fishers, and of forest users, particularly indigenous peoples and other communities; civil society, private sector academics and all persons concerned with tenure governance as well as to promote the cooperation between the actors mentioned.

* These are the intended objectives of land tenure in the context of the Voluntary Guidelines. The meaning of the acronym is defined within the national context.

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Arriving at the text

- Consultations
- Initial drafting
- Negotiations
- Official endorsement

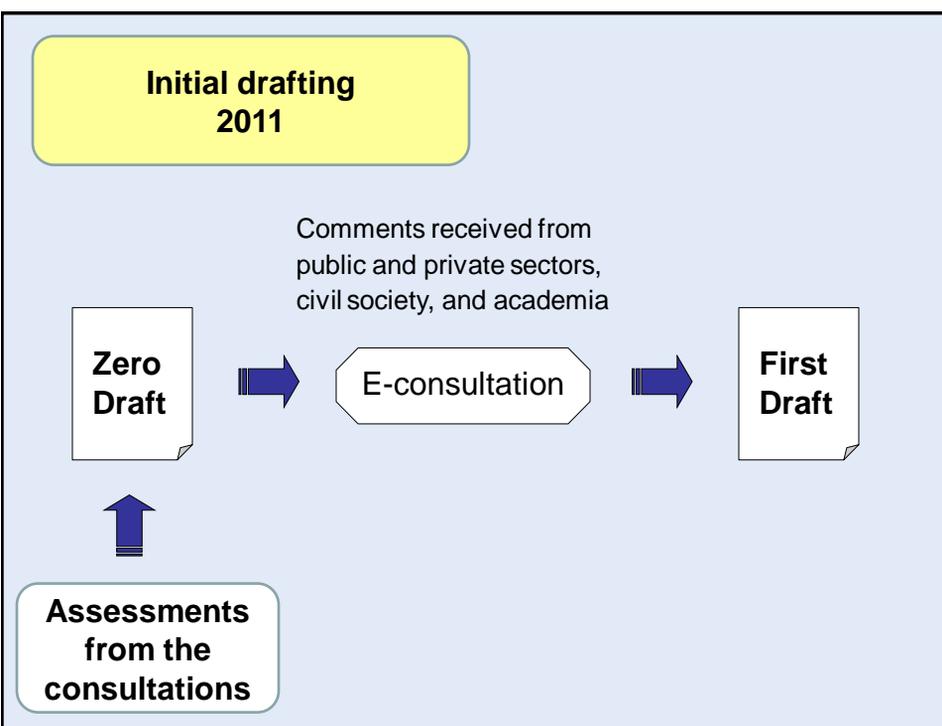
**15 consultation meetings
2009-10**



1000 people from 133 countries

Public sector, civil society, private sector and academia

**Initial drafting
2011**



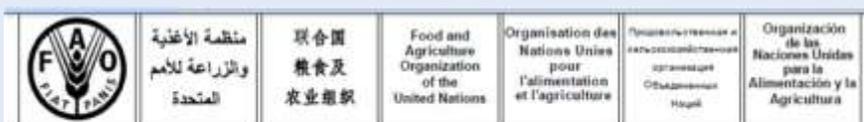
**3 rounds of negotiations
2011-12**



98 countries represented in intergovernmental negotiations.
Participation of civil society and the private sector.

**First
Draft**

Official endorsement of the consensus



**Report of the 38th (Special) Session of the
Committee on World Food Security (11 May 2012)**

Executive Summary

At its 38th (Special) Session, the Committee endorsed the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), which was the only substantive item on the agenda.

Suggested action by the Council and the Conference

The Council and the Conference are requested to acknowledge the decisions and recommendations of the Committee.

Building on the consensus

Endorsed by the FAO Council as a priority, the Guidelines have already received further global recognition.



RIO+20
United Nations Conference
on Sustainable Development



What about implementation?



Building on the consensus

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Next steps - helping others to:

- adopt practices according to their priorities;
- adapt practices according to their circumstances.

Building on the consensus: Working on...

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**Awareness
raising**

**Monitoring and
evaluation**

**Capacity
development**

**Strengthening
partnerships**

**Support to
countries**



IMPROVING GOVERNANCE OF TENURE



Voluntary Guidelines

Negotiated political document



Implementation Guides

Technical documents



IMPROVING GOVERNANCE OF TENURE



Implementation guides

- Translating general principles of the VGs into more **practical mechanisms, processes and actions**
- Useful **tools** for the design of policy and reform processes, for the design of investment projects and for guiding interventions
- **Reference documents**. To be used by a range of actors. No advocacy document, no research paper
- **Thematic focus**: Fisheries; Forestry; Gender; Indigenous Peoples; Agricultural Investment...
...more to come

Fisheries



Forestry



Gender



IP/FPIC



Agri. Invest.



Voluntary Guidelines Implementation Framework at FAO

VG Implementation Support

- Awareness raising
- Capacity development tools and networks
- Capacity development
- Partnerships
- Monitoring

Global level
Regional level
Country level (pilots)



VG Facility

- Capacity development
- Country assessment and priority setting
- Supporting dialog and participation
- Documentation and best practices
- Transparency and monitoring

Country focused
Demand / (call for proposals) driven



At country level:

- Supporting creation of inclusive national platforms
- Supporting joint assessment of the current situation
- Helping identify and address priorities (e.g. policy and legal framework, procedures, technology, capacity...)

At regional level:

- Working to create synergies with regional initiatives (e.g. African Union's Land Policy Initiative)

At global level:

- Helping create partnerships at all levels to support efforts
- Supporting development of evaluation and monitoring systems

IMPROVING GOVERNANCE OF TENURE



Strengthening of partnerships

- Support and promote strong, open and transparent partnerships
- Seek synergy with global and regional initiatives

Monitoring and evaluation

- Help monitor and evaluate implementation and impacts of VG



Promoting practical integrated work between multiple actors, sectors and disciplines

FORTHCOMING IN EUROPE & CENTRAL ASIA



EU support to the dissemination and awareness raising through the Agricultural Structures Initiative in early 2013:

2 regional conferences (Anglophone, Russophone)

National conferences in a series of countries

Call for hosting the conferences

Take the opportunity to influence your Government policies on governance of tenure!

MORE INFORMATION



VG Newsletter
Subscribe at: VG-tenure@fao.org



Website
www.fao.org/nr/tenure

Natural Resources Management and Environment Department
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS



THANK YOU!

