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# FAO Regional Conference for Africa

## TWENTY-EIGHTH SESSION

Tunis, Tunisia, 24-28 March 2014

### NATURAL RESOURCES AND LAND TRANSACTIONS IN AFRICA

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#### Executive summary

Natural resources in Africa have been under increased pressure from the demands of the burgeoning human populations to supply products and services to meet the ever increasing social and economic needs. The advent of climate change has further complicated the situation due to droughts and floods that negatively impact on the resources. Expansion of agriculture and settlement into forests, wetlands and rangeland, has resulted in degradation of these lands and to a loss in their biodiversity.

Forests occupy about 23% of Africa's land area. They are important sources of livelihood and account for more than 80% of the domestic energy needs of rural populations. Additionally, forests and trees significantly contribute to food and nutrition security in Africa. The phenomenon of population increases and growing demand for resources, and the attendant incursions into natural areas, combined with poverty and poor governance mechanisms have been the main drivers of deforestation and forest degradation. African Governments have limited capacities to sustainably manage the forest endowments and relatively poor governance structures to enhance popular involvement in their development.

Over the past decade, Africa has been experiencing a decrease in the stock of fish in its marine and inland waters due to over exploitation related to increased population and commercialization and climate change. Fishery production has been growing at a fast rate, attributed mainly to rapid demand and consequential production growth. Government and private sector drive to increase export earnings from the sector, which sometimes encourages illegal and unregulated fishing, is often blamed for the fast decline of fish stocks in Africa's territorial waters.

Africa has, in the recent past, witnessed an increase in interest amongst government agencies and the

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private sector, mainly foreign investors, to acquire large areas of land (often referred to as land grabbing) for commercial farming, (especially for bioenergy production) and other end uses. Large scale commercial agriculture offers the prospect of new livelihood opportunities through the creation of rural infrastructure and employment, boosting agricultural productivity and improving the livelihood of the rural poor. Large scale land acquisition for crop and livestock production also threaten natural resources such as inland waters (from pollution and excessive abstraction for irrigation) and forest and rangelands, by compromising their ecosystem functions and environmental services. In countries where population density is high, acquisition of large tracts of land by big agribusiness interests risk marginalizing family farmers.

FAO has developed a “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security”, which seeks to provide guidance to FAO members to improve governance of the tenure of land, fisheries and forests, with particular attention to vulnerable and marginalized communities.

### **Matters to be brought to the attention of the Regional Conference**

Member governments may wish to consider putting in place policies that ensure the protection and maintenance of the productive potentials of lands, such as through agricultural intensification and conservation measures as well as appropriate tenure arrangements for natural resources, that ensures women’s involvement and sharing in benefits, and enhances youth employment.

Measures need to be taken to enforce control in the expansion of farming and other physical developments into natural areas such as forests, wetlands and rangelands, while promoting sustainable land and forest management and restoration, and to encourage and strengthen more cross-sectoral collaboration between institutions in the management of the resources.

Governments may also need to put in place policy measures to rigorously scrutinize land transactions, taking into consideration social and environmental concerns, before they are concluded.

Furthermore, policies must ensure that land transactions are analyzed in the context of national laws and relevant international laws to ensure their appropriateness in a given national context.

The Regional Conference may wish to acknowledge the Voluntary Guidelines and recommend that national policies and legislations be accordingly adapted to enable its implementation.

## **Natural Resources and Land Transactions in Africa**

### **I. Introduction**

1. Pressure on natural resources is increasing as areas are sought for cultivation, or occupied by urban expansion and sometimes abandoned because of degradation, climate change and conflicts. Expanded demand for agricultural commodities will exacerbate pressures on the natural resource base, especially if the demand is met through area expansion and large land acquisition by different types of stakeholders. Recognizing the importance of natural resources for the economic and social development of populations in the Region, the 27<sup>th</sup> Session of the Africa Regional Conference established four Regional Priorities, amongst which was a regional priority to promote sustainable use and management of natural resources.

2. The document presents a brief overview of some key natural resources sectors and guidance on national land-use policies through a participatory, integrated and iterative process to promote forms of land use which are both attractive to the people and sustainable in terms of their impacts on natural resources.

### **II. Lands**

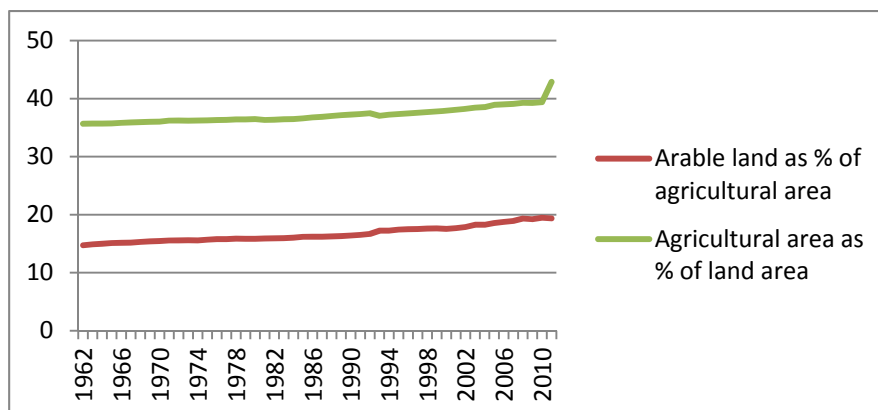
3. Land resources and water occupy an important place in the lives and livelihoods of rural populations in Africa. According to FAO Statistical Yearbook, 2012, Africa has a total land area of about 2,964.7 million hectares. Of this, 39% was categorized as agricultural land, while pastures made up about 31% of the total area in 2009. By 2011, the share of agricultural land was estimated to have increase to 42% of total land area as depicted in Figure 1. This trend is attributable to increases in human population during the period and the consequential demand for more space for food production. Coastal and inland wetlands are also falling victim to increasing population pressures as they are increasingly converted to settlements and other land uses, despite risks of inundation. Such conversions also remove valuable wetland pastures from the reach of livestock and herders.

4. According to FAO's State of the World's Land and Water Resources for Food and Agriculture report of 2011, (SOLAW 2011) the world's cultivated area has grown by 12 percent over the last 50 years. The global irrigated area has doubled over the same period, accounting for most of the net increase in cultivated land. The trend towards increasing agricultural land space has policy implications for governments and the agriculture sector in general. Expansion of agriculture onto marginal and fragile lands risks aggravating the degradation of these lands. Furthermore, expansion of crop lands and settlements into forest and rangelands have negative implication for livestock and forest production and ecosystem services of these biomes. The implications are loss of their economic, social and environmental values, and along with these, loss of livelihoods for the communities dependent on them.

5. To ensure that production and productivity are maintained, and that they match the increasing demands for food and ecosystem services needs of populations, governments would have to consider policies that ensure the protection and maintenance of the productive potentials of lands, such as through agricultural intensification and conservation measures, appropriate tenure arrangements for natural resources which do not allow for uncontrolled

expansion into forests and rangelands, appropriate incentives framework, access to resources, strengthened and more collaborative land and water institutions.

**Figure 1: Trends in arable and agricultural land**



Source: FAOSTAT Online

### Policy Issues

6. Some key policy issues that require the attention of policy makers in the region include:
  - i. Ambiguous land ownership processes with mix of customary laws, informal land leasing to vulnerable households, lack of title deeds, land conflicts, all of which limit the opportunity for sustainable investments (including access to credit).
  - ii. Demographic pressures driven by high population growth which exacerbate the two challenges above.
  - iii. Weakness of institutions for planning and enforcing policies and laws when these have been formulated.
  - iv. Insufficient investments to bridge the gap between the availability of water resource and the demand from the different sectors, including agriculture.
  - v. In order to reduce the uncontrolled expansion of agricultural land onto fragile ecosystems, governments would need to invest in intensive production on existing cultivated lands.
  - vi. Consideration should be given to tenure issues, particularly the inclusion of customary tenure in national legislation, to protect the rights of small holders and improve their access to resources

### III. Water

7. According to UNEP's Africa Environment Outlook (AEO) report of 2006, Africa has over 50 internationally shared river and lake basins. The major ones being the Niger, Lake Chad, Nile, Zambezi, Orange and the Congo river basins. Major inland waters include: the Lake Chad, Lake Victoria, Congo River swamps, the Okavango Delta, the Bangweulu swamps and the Lake Tanganyika basin. Wetlands are important parts of Africa's freshwater systems, but they cover less than 10 per cent of the river and lake basins. Services that wetlands provide include dry season grazing for livestock, water storage and flood and erosion control, food and employment creation. The AEO further reported that "annual groundwater recharge per capita is lowest for Northern Africa: 144 m<sup>3</sup> per capita for the Atlas Mountains and 350 m<sup>3</sup> per capita for the North African basins.....In other sub-regions, annual groundwater recharge ranges from 2 400 to 9 900 m<sup>3</sup>per capita".

8. Population growth and attendant expansion of urban settlements and agricultural space are increasingly placing considerable amount of pressure on Africa's surface and underground water resources for drinking water supply, sanitation, irrigation and energy production. Construction of dams and boreholes to meet these needs have been on the increase.

9. Climate change and variability, population growth and increasing water demand, overexploitation and environmental degradation have significantly contributed to the worsening of the state of freshwater resources, leading to an increasing number of African countries where water demand outstrips available resources. Fourteen African countries experience water stress (less than 1 700 m<sup>3</sup> per capita/year) or water scarcity (less than 1 000 m<sup>3</sup> per capita/year (AEO 2006).

10. Africa is faced with the challenge to harness its fresh water endowments for irrigation to meet its food security and economic development needs. While several river basins, such the Limpopo and Nile are widely exploited for irrigation, the potential of others remain to be utilized. These include the Congo (only 0.4 per cent); Zambezi (5 per cent) and Niger (33 per cent) (AEO 2006). With 30.3 million km<sup>2</sup> of irrigation potential, Africa's rivers and lakes provide considerable opportunities for further expansion of irrigated agriculture and increased food production.

11. Whilst irrigation has production and income benefits, as well as benefits related to prevention of downstream flood damage, it has its negative sides, particularly those related to reducing the capacities or extents of wetlands, with the potential to compromising their ecological functions. These negative potentials have to be carefully considered in planning irrigation measures at national level

12. FAO's State of the World's Land and Water Report of 2011 (SOLAW 2011) noted that Municipal and industrial water demands will be growing much faster than those of agriculture and can be expected to crowd out allocations to agriculture.

### ***Policy Issues***

13. In view of the above, African countries would need to implement policy measures to :
- i. Control unsustainable land and water use practices which result in land degradation and depletion/pollution of water resources.
  - ii. Adequately protect river and lake basins and institutionalize measures to meet the growing demand for fresh water for irrigation, domestic supply and energy production.
  - iii. Establish cooperative frameworks and basin-wide management institutions that can work together to optimize economic value and ensure equitable benefit sharing in international river basins, and
  - iv. Implement alternative technologies, such as rainwater harvesting, wastewater recycling and desalination.

### **IV. Forest lands**

14. FAO Global Forest Resources Assessment (FRA) report of 2010 estimated Africa's forest cover at 675 million hectares or approximately 23% of the land area of the continent and 17%

of the world forests. Of this, 54.9 million hectare are allocated to conservation of biodiversity in the form of forest parks, national parks and nature reserves.

15. Forests and trees outside forests are important sources of livelihood for rural communities and urban settlers. They account for more than 80% of the domestic energy needs of rural populations in Africa and are important source of food and construction material. Forests make significant contribution to food security and nutrition in Africa through the direct provision of food in the form of non-wood forest products (NWFP) and income generation for both urban and rural dwellers.

16. Increasing population and rapid economic development, coupled with falling productivity of cultivated lands and poverty, is heightening pressure on forest and rangelands for additional space for agriculture, settlement, infrastructure and industrial development. Consequently, there is increased encroachment into forest and rangeland to meet some of these social and economic developmental needs. This often leads to land use and tenure conflicts and forest and land degradation. The main drivers of deforestation are principally expansion of the agricultural frontier, urbanization and energy production. FRA (2010) indicates that annual deforestation fell from about 4 million hectare (1990-2000) to about 3.4 million during the period 2000-2010. Despite this fall, deforestation in Africa is still considered significantly high compared to other regions of the world. Forest ecosystems are being subjected to degradation linked to overexploitation, shifting cultivation, fires and other hazards, overgrazing, making them prone to (illegal) conversion to other land uses. This conversion affects livelihoods of the forest dependent people in the region. In the African drylands, including in North Africa, Sahel and the Horn of Africa countries, forest and rangeland degradation leads to land degradation and desertification, with serious negative implications for productivity and social stability.

**Table 1: Extent of forest and other wooded land in Africa (1000 ha)**

Africa, sub-regions	Land classified as “forest”	Other wooded land
Africa	674,419	350,783
Central Africa	254,854	54,530
East Africa	60,645	95,738
North Africa	78,814	57,250
Southern Africa	206,873	116,111
West Africa	73,234	38,772

Source: FRA 2010

17. Export of forest products brings in significant revenue, especially to the countries of the Congo Basin - Cameroon, Central African Republic, Republic of the Congo, Democratic Republic of the Congo, Gabon, and Equatorial Guinea.

18. In many countries, governments are beginning to demonstrate political commitment to sustainable forest management through the involvement of local communities in decision making concerning planning and management of the resources. In the Central African region in particular, market dictates have prompted interest in timber certification based on established Criteria and Indicators for access to international markets.

19. The Great Green Wall for the Sahara and the Sahel Initiative<sup>1</sup>, is a concrete example of how different sectors, member countries and partners including local communities, at local,

<sup>1</sup> See: [www.fao.org/partnerships/great-green-wall](http://www.fao.org/partnerships/great-green-wall)

national, regional and international level could work hand in hand to tackle the detrimental social, economic and environmental impacts of forest and land degradation and desertification in over 20 countries in Africa. The initiative is promoting the setting up of a mosaic of sustainable land and water management interventions at landscape level (including sustainable forest and rangeland management and restoration, agroforestry, soil and water conservation, establishment of safety nets and socio-economic structures to help improve people's access to markets and social and economic services, ). It is also improving policies and governance mechanisms adapted to local ecosystems, tailored to the needs of communities and providing greater resilience and long term solutions to the effects of food insecurity, biodiversity and forests cover loss, desertification and poverty.

### ***Policy Issues***

19. To maintain the social, economic and environmental services of forests, governments in Africa are urged to develop policies that create the right environment for wide adoption and implementation of governance arrangements that permit wider involvement of the local population in the sustainable management and restoration of the forest and tree resource.

Such policy options may include:

- i. Adoption of a systematic approach to institutionalizing community-based forest management (CBFM) as a policy instrument for achieving sustainable forest management (SFM). FAO guidelines for institutionalizing CBFM in SSA is available to help countries in the process;
- ii. For drylands, implementation of the Guidelines on sustainable forest management in drylands of sub-Saharan Africa. These were adopted by the 17<sup>th</sup> session of the African Forestry and Wildlife Commission and available in English and French<sup>2</sup>.
- iii. Adoption and implementation of guidelines for restoration of forest landscapes in drylands<sup>3</sup>
- iv. Promoting clean and renewable energy, improving energy efficiency and access to advanced energy technologies, in order to reduce pressure on the forestlands for domestic energy production.
- v. Promoting integrated natural resources management options that take into consideration the potential of forests and similar biomes to sustainably contribute to food security and nutrition and poverty reduction in the continent.
- vi. Promoting inter-sectoral coordination and planning frameworks, to reduce pressure on forest and rangelands and maximise sustainable provision of forest/ rangelands/trees' ecosystem goods and services.
- vii. Ensuring proper valuation and accounting of forests, forest resources rangelands and trees outside forests in the national GDP accounting system to continuously demonstrate the contribution of forests and rangelands, as well as of trees outside forests, to the growth and health of the economy and to establish the link between economic growth and sustainable forest management/development
- viii. Ensuring increased and required investments for sustainable forest management and restoration and forestry policies development and implementation, as part of the strategy for sustainable agriculture production, rural and urban sustainable development, food security and poverty alleviation in Africa.

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<sup>2</sup> <http://www.fao.org/docrep/012/i1628e/i1628e00.pdf>

<sup>3</sup> [http://foris.fao.org/static/aridzone/Towards\\_guidelines\\_for\\_restoring\\_resilience\\_of\\_forest\\_landscapes\\_in\\_drylands.pdf](http://foris.fao.org/static/aridzone/Towards_guidelines_for_restoring_resilience_of_forest_landscapes_in_drylands.pdf)

20. The 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> Sessions of the African Forestry and Wildlife Commission took cognizance of the need for African Governments to pay particular attention to sustainable management of forest and wildlife resources and made several recommendations to the ARC on this matter. Amongst these recommendations were:

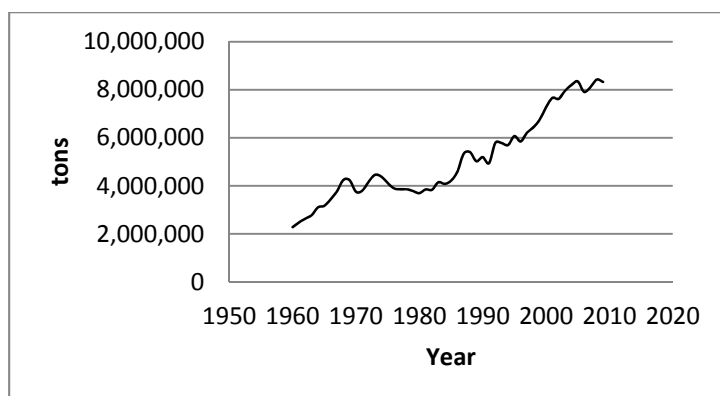
- i. Recommended that forestry authorities liaise with the agriculture sector institutions and the political leaders to improve the cohesion of land use in a manner to sustain forests and their management.
- ii. Requested the Regional Conference for Africa to work closely with FAO to strengthen partnerships with sub-regional economic integration organizations in Africa and Member Countries, to promote an appropriate balance between forest conservation and expansion of agricultural lands, taking into consideration the vital contribution that forests and wildlife make to food security in the region.
- iii. Requested the Regional Conference for Africa to support FAO to share more knowledge on the role of forestry in rural development, food security and poverty reduction through the promotion of sustainable forest and wildlife management at national levels, control of illegal logging and other illegal practices including cross border trafficking, as well as public-private collaboration that would not allow for any land grabbing activities.
- iv. Requested the Regional Conference for Africa to support FAO's effort to secure a forest-related Sustainable Development Goal (SDG) to ensure continued and strengthened presence of forests in broader development goals.
- v. Recommended that forestry and wildlife issues should be part of the substantive discussion items at the Africa Regional conferences.

## **V. Fishery Production**

21. According to FAO's State of the World Fisheries and Aquaculture (SOFIA) report of 2012, "Africa has increased its contribution to global production of fish from 1.2 percent to 2.2 percent in the past ten years albeit from a very low base". The report further indicated that "aquaculture in the region fell from 55.2 percent to 21.8 percent in the 1990s, largely reflecting the strong growth in brackish-water culture in Egypt, but it recovered in the 2000s, reaching 39.5 percent in 2010 as a result of rapid development in freshwater fish farming in sub-Saharan Africa, most notably in Nigeria, Uganda, Zambia, Ghana and Kenya. African aquaculture production is overwhelmingly dominated by finfishes (99.3 percent by volume), with only a small fraction from marine shrimps (0.5 percent) and marine molluscs (0.2 percent). In spite of some limited successes, the potential for bivalve production in marine waters remains almost completely unexplored".

22. Inland fisheries production in Africa is estimated at 2.1 million tons, or approximately 24% of the total global production of inland waters (FAO, 2004). On the other hand, marine fisheries, production is relatively small, representing only 6% of global production. At continental level however, marine fisheries production (4.7 million tons) is much larger than that from inland fisheries. Fishery production has been growing at a fast rate as presented in figure 2 below. This rapid growth in production is attributed to increasing demand from the increasing population of SSA, and from the drive to increase export earnings from the sector by government and private sector actors. This export drive and the illegal and unregulated fishing that accompanies it are often blamed for the fast decline of fish stocks in Africa's territorial waters.



**Figure 2: Fishery production trend**

Source: FAOSTAT Online

23. Inland fisheries significantly contribute to employment creation for rural communities throughout the value chain of catching, processing, transportation and trade. While fishery is part-time activity for some populations in some parts of rural Africa, it is often well-integrated within their livelihood patterns. It is estimated that the fisheries sector employs between 18 000-30 000 in each country in Africa. Aquaculture and prawn farming are important sources of employment in Madagascar and Mozambique. They contribute to the employment of women especially in the value chain operations such as post-harvest processing and marketing of product.

### **Policy Issues**

24. There is need for regulations for environmental protection against pollution from cage culture in aquaculture production. Where the regulations exist there is need for enforcement at all levels, especially amongst small producer. The capture fisheries sector suffers from overexploitation in most coastal countries of Africa. Illegal and unregulated exploitation need to be curbed through the elimination of the open access of fishers to fish stocks in the inland waters and the sea. There is therefore need for instruments of fisheries governance, adequate institutional frameworks and enforcement of good fishing practices for better management and development of the fisheries and aquaculture sectors.

25. Fisheries and aquaculture has good potential for creating employment for the youth and women. Governments in Africa should make it possible for youth and women to gain access to capital to invest in aquaculture, artisanal fisheries and fish processing and sale.

26. Given the potential of aquaculture in ensuring food security and nutrition in Africa, consideration should be given to capacity development (knowledge and skills) for the rural poor to implement it.

## **VI. Land issues and land transactions in Africa**

27. The recent past has witnessed an increase in interest amongst government agencies and the private sector, mainly foreign investors, to acquire large areas of land (often referred to as land grabbing) for commercial farming and other end uses in Africa. Concern over the increase in the cost of fossil fuel and food, greenhouse gas emission and attendant climate

change, has generated interest, globally, in large scale commercial farming for bioenergy production and for crop and livestock production for food, feed and nutrition security. Africa has not been spared in this quest, which in some cases can be purely speculative. While large scale commercial agriculture offers the prospect of new livelihood opportunities for some countries, (through the creation of rural infrastructure and employment, boosting agricultural productivity and improving the livelihood of the rural poor), it may have some negative impacts on the underprivileged in society due to the potential for many to lose their rights to land. This is particularly true for countries where customary land ownership is not recognized in the national laws. Large scale land acquisition for crop and livestock production also threaten natural resources such as inland waters (from pollution and excessive abstraction for irrigation) and forest and rangelands, by compromising their ecosystem and environmental services. In countries where population density is high, acquisition of large tracts of land by big agribusiness interests risks marginalizing family farmers.

28. An FAO-IIED-IFAD sponsored quantitative study (2009) in five countries in sub-Saharan Africa (Ethiopia, Madagascar, Mali, Ghana and Sudan) indicated an overall total of 2,492,684 ha of allocated land (from 2004 to 2009) in the five quantitative study countries, excluding allocations below 1000 ha and pending land applications. The report however noted the incompleteness of its data base and the likelihood that it might not have captured all land transactions, making the estimate a conservative one. The study also indicated that an estimated US\$ 919,981,235 investment commitments has been documented in the five quantitative study countries. It however pointed to a possible underestimation of investment levels as well “as data on investment commitments presented significant gaps. Data access constraints also prevented an analysis of actual investment flows for documented projects so far”.

29. Not only is the rising interest in African land resources causing some controversy, it is also causing concern amongst many stakeholders in the continent and internationally, at both policy and operational levels as well as amongst the ordinary people. The African Union Framework and Guidelines on Land Policy in Africa (F&G) recognizes the political dimensions of large scale land grants by recalling the first scramble for African land resources at the end of the 19th Century when there was domination of African territories and control of its huge natural resources, including land, by foreign forces. Today, similar forces from developed and emerging economies are vying for similar control through the acquisition of land at commercial scale. African civil society organizations have voiced opposition against land allocation to foreign investors through various campaigns on the potential risks it holds for communities, the lack of transparency in the transactions and huge size of the allocations. The AU framework and guidelines questions the ability of Africa to meet the foreign demands for land while maintaining the land rights of African communities. The AUC is collaborating with United Nations Economic Commission for Africa (UNECA) and the African Development Bank (AfDB) to implement a land policy initiative which seeks appropriate answers to the above questions.

### *Policy issues*

30. African governments need to strike a balance between their quest for increased foreign direct investment in agriculture and the needs of their farming population in terms of secure access to productive land for an improved sustainable livelihood. To this end, governments need to put in place policy measures to rigorously scrutinize land transactions, taking into consideration social and environmental concerns, before they are concluded. Furthermore,

policies must ensure that land transactions are analyzed in the context of national laws and relevant international laws to ensure their appropriateness in a given national context.

31. Decentralised management of land and other natural resources that permits adaptive and flexible decision-making should be encouraged. The involvement of communities in decision making concerning land allocation and land leasing is necessary to ensure good governance in land allocation at community level. Governments need to implement policies that ensure that tenure regimes do not alienate farming communities, depriving them access to productive lands. Caution needs to be exercised towards land investments that potentially risks having adverse effects on the environment, such as through clearing productive forest for agricultural land expansion and promoting inefficient water use. Priority has to be given to food security considerations in commercial land transactions, especially where land is in limited supply. The African Union Framework and Guidelines on Land Policy in Africa is a useful tool to guide actions on land acquisition and land allocation.

32. FAO has developed a “Voluntary Guidelines on the Responsible Governance of Tenure of Land Fisheries and Forests in the Context of National Food Security”, which was endorsed by the Committee on Food Security in 2012. The Guidelines seeks to support FAO members and other interested parties to improve governance of the tenure of land, fisheries and forests, with particular attention to vulnerable and marginalized communities by: a) providing guidance and information on internationally accepted tenure practices; b) contributing to improvement and development of policy; c) enhancing transparency; and d) strengthening the capacities and operations of implementing agencies. It is based on the basic principles of: i) respect for the legitimate rights of tenure holders; ii) safeguarding legitimate tenure rights against threats; iii) promoting and facilitating the enjoyment of legitimate tenure rights; iv) providing access to justice; and v) preventing tenure disputes, conflicts and corruption. The Guidelines can be accessed at [www.fao.org/nr/tenure](http://www.fao.org/nr/tenure).

33. The Regional Conference may wish to acknowledge the Voluntary Guidelines and recommend that national policies and legislations be accordingly adapted to enable its implementation.

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