



Food and Agriculture Organization
of the United Nations



Voluntary Guidelines on the Governance of Tenure of Land, Fisheries and Forestry in the context of National Food Security (VGGT)

**The VGGT Caravan - technical workshop for awareness raising
10-11 December 2015, Bishkek, Kyrgyzstan**

**Regional Initiative on Empowering Smallholders and Family
Farms for improved Rural Livelihoods and Poverty Reduction**



1



The issue

What is Tenure and why is it important

Tenure is how people gain access to land, fisheries, forests and other natural resources. Having secure and equitable access to natural resources can allow people to produce food for their consumption and to increase income. Inadequate and insecure tenure rights to natural resources often result in extreme poverty and hunger.



Food and Agriculture Organization
of the United Nations



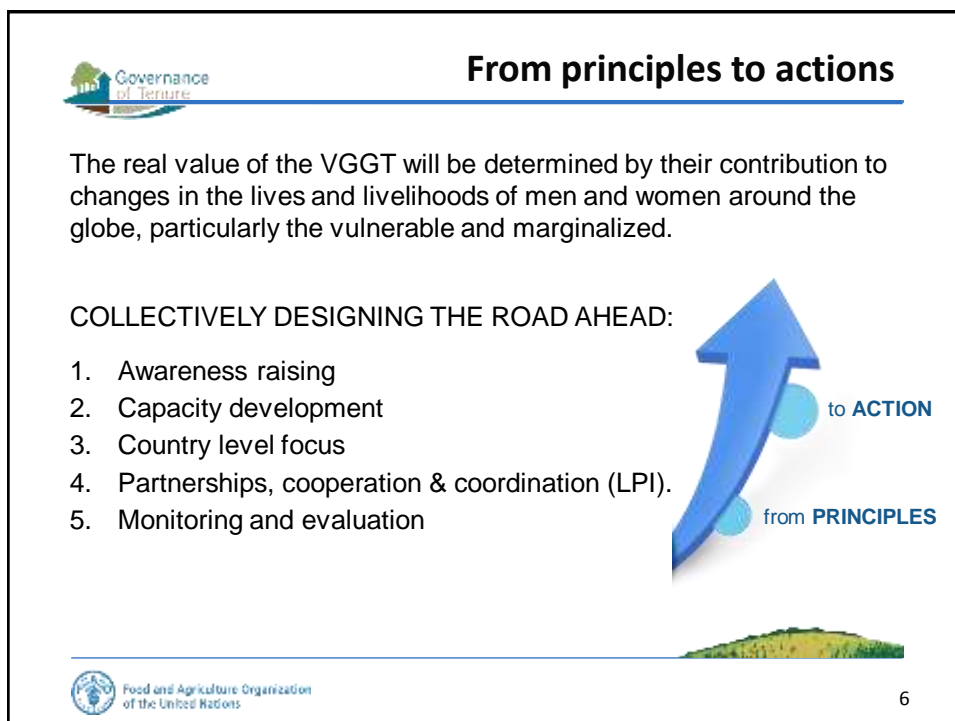
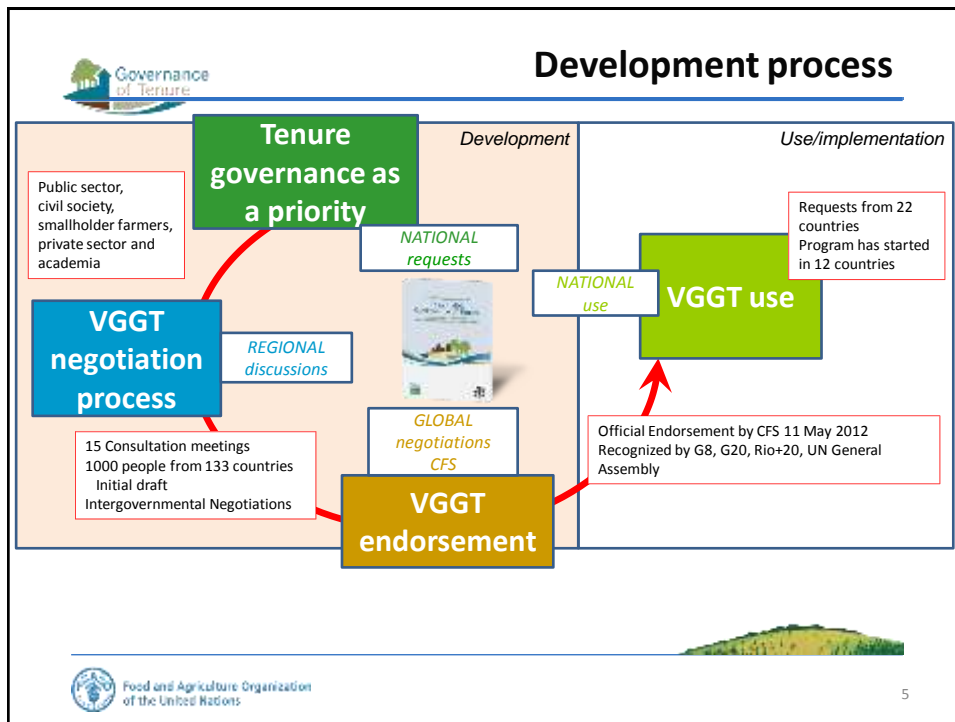
2

Tenure and weak governance



Governance





From principles to actions

Stakeholders should REACT:

R = Recognize & Respect legitimate Rights

E = Equality & non-discrimination

A = Administer efficiently & ethically

C = Consultation & participation

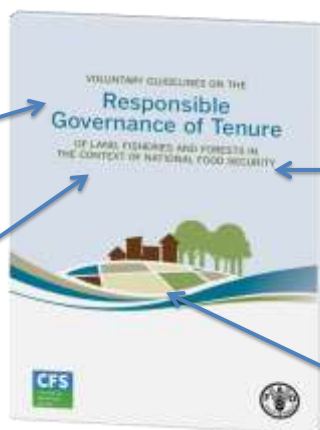
T = Transparency & accountability



What are the Guidelines about?


The first
international
document on
governance of
tenure

Responsible
governance is
about doing the
right things and
doing them well



A reference to
improve governance
of tenure.


A Consensus on
existing practices



What is tenure about!

How people get **access to natural resources.**

Who can use what resources, for how long, and under what conditions




Focus on **land, fisheries and forests**

Consider **all forms of tenure**:

Public, private, communal, collective, indigenous and customary.


Ownership and other rights to use the natural resources

Apply in **national context**



Food and Agriculture Organization of the United Nations

9



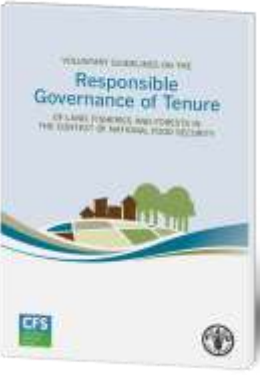
What do Guidelines do?

On a **voluntary** basis, the VGGT...


...establish principles

...give references

...contribute to the development of political, legal and administrative frameworks



The VGGT can be **used by all people and organizations, in all countries**



Food and Agriculture Organization of the United Nations

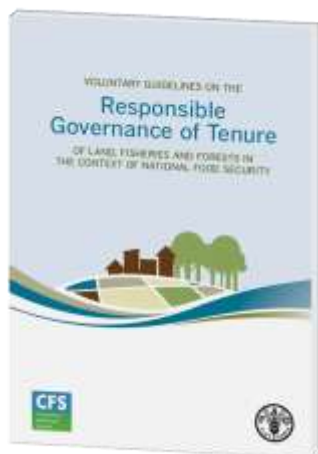
10

What do the Guidelines NOT do?

They are not compulsory.

They are not legally binding.

They don't undermine or limit any legal obligations.

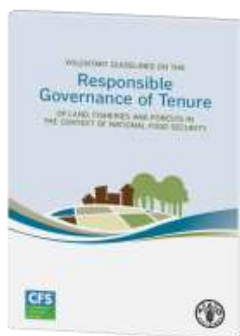


Getting to know how to USE the Guidelines

Purpose

Principles

Actions



What is the PURPOSE of the Guidelines

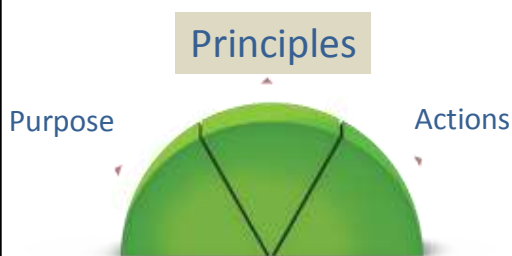
To improve governance of tenure, **for the benefit of all people** and with an **emphasis on people who are vulnerable and marginalized...**

...to contribute to **food security, sustainable development** and **environmental management...**

... by: Strengthening transparency,
Protecting legitimate tenure rights (not recognized in formal law but recognized by society),
Improving political, legal and institutional frameworks.



Knowing what PRINCIPLES to USE



Contents		General principles for States
PREFACE	iv	
1 Preliminary	1	
1. Objectives	1	
2. Nature and scope	2	
2 General matters	3	Recognize and respect legitimate tenure rights and people who hold them
3. Guiding principles of responsible tenure governance	3	
3A. General principles	3	
3B. Principles of implementation	4	
4. Rights and responsibilities related to tenure	6	Safeguard and protect against threats legitimate tenure rights
5. Policy, legal and organizational frameworks related to tenure	7	
6. Delivery of services	9	
3 Legal recognition and allocation of tenure rights and duties	11	Promote enjoyment of legitimate tenure rights
7. Safeguards	11	
8. Public land, fisheries and forests	12	
9. Indigenous peoples and other communities with customary tenure systems	14	
10. Informal tenure	16	
4 Transfers and other changes to tenure rights and duties	19	Provide access to justice in case of violation of legitimate tenure rights
11. Markets	19	
12. Investments	20	
13. Land consolidation and other readjustment approaches	23	
14. Restitution	25	
15. Redistributive reforms	25	
16. Expropriation and compensation	27	Prevent disputes, conflicts and corruption
5 Administration of tenure	29	
17. Records of tenure rights	29	
18. Valuation	30	
19. Taxation	31	
20. Regulated spatial planning	32	
21. Resolution of disputes over tenure rights	33	
22. Transboundary matters	33	
6 Responses to climate change and emergencies	35	
23. Climate change	35	
24. Natural disasters	36	
25. Conflicts in respect to tenure of land, fisheries and forests	37	
7 Promotion, implementation, monitoring and evaluation	39	

Food and Agriculture Organization of the United Nations

15

General principles for non-State actors	General principles for all
<p>Avoid infringement...</p> <p>Prevent adverse impacts...</p> <p>Provide ways to remedy adverse impacts...</p> <p>Identify and assess impacts of actions...</p> <p>...on human rights and legitimate tenure rights</p>	<ul style="list-style-type: none"> ○ Human dignity ○ Non-discrimination ○ Equity and justice ○ Gender equality ○ Holistic and sustainable approaches ○ Consultation and participation ○ Rule of law ○ Transparency ○ Accountability ○ Continuous improvement

Food and Agriculture Organization of the United Nations

16

Tools for actors in countries

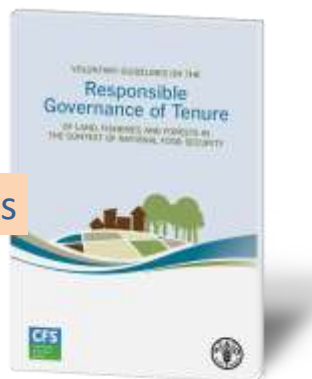
- States
- Courts and government agencies
- People and communities
- Civil society
- Investors
- Professionals
- University and academia



Knowing what ACTIONS to TAKE



ACTIONS



Contents

PREFACE	iv
1 Preliminary	1
1. Objectives	1
2. Nature and scope	2
2 General matters	3
3. Guiding principles of responsible tenure governance	3
3A. General principles	3
3B. Principles of implementation	4
4. Rights and responsibilities related to tenure	6
5. Policy, legal and organizational frameworks related to tenure	7
6. Delivery of services	9
3 Legal recognition and allocation of tenure rights and duties	11
7. Safeguards	11
8. Public land, fisheries and forests	12
9. Indigenous peoples and other communities with customary tenure systems	14
10. Informal tenure	16
4 Transfers and other changes to tenure rights and duties	19
11. Markets	19
12. Investments	20
13. Land consolidation and other readjustment approaches	23
14. Restitution	25
15. Redistributive reforms	25
16. Expropriation and compensation	27
5 Administration of tenure	29
17. Records of tenure rights	29
18. Valuation	30
19. Taxation	31
20. Regulated spatial planning	32
21. Resolution of disputes over tenure rights	33
22. Transboundary matters	33
6 Responses to climate change and emergencies	35
23. Climate change	35
24. Natural disasters	36
25. Conflicts in respect to tenure of land, fisheries and forests	37
7 Promotion, implementation, monitoring and evaluation	39



Food and Agriculture Organization
of the United Nations

What actions to take

Tenure rights and responsibilities

- Provide ways to resolve disputes
- Remove discrimination
- Recognize and protect tenure rights

Policy, legal and organizational frameworks

- Review and revise frameworks
- Coordinate between agencies
- Address obstacles faced by women

Delivery of services

- All should work to prevent corruption
- Services should be available to all
- Staff should have the resources and training



19

Contents

PREFACE	iv
1 Preliminary	1
1. Objectives	1
2. Nature and scope	2
2 General matters	3
3. Guiding principles of responsible tenure governance	3
3A. General principles	3
3B. Principles of implementation	4
4. Rights and responsibilities related to tenure	6
5. Policy, legal and organizational frameworks related to tenure	7
6. Delivery of services	9
3 Legal recognition and allocation of tenure rights and duties	11
7. Safeguards	11
8. Public land, fisheries and forests	12
9. Indigenous peoples and other communities with customary tenure systems	14
10. Informal tenure	16
4 Transfers and other changes to tenure rights and duties	19
11. Markets	19
12. Investments	20
13. Land consolidation and other readjustment approaches	23
14. Restitution	25
15. Redistributive reforms	25
16. Expropriation and compensation	27
5 Administration of tenure	29
17. Records of tenure rights	29
18. Valuation	30
19. Taxation	31
20. Regulated spatial planning	32
21. Resolution of disputes over tenure rights	33
22. Transboundary matters	33
6 Responses to climate change and emergencies	35
23. Climate change	35
24. Natural disasters	36
25. Conflicts in respect to tenure of land, fisheries and forests	37
7 Promotion, implementation, monitoring and evaluation	39



Food and Agriculture Organization
of the United Nations

What actions to take

Part 3: Legal recognition and allocation of tenure rights

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

Part 4: Transfers and other changes to tenure rights

- Markets
- Investments
- Land consolidation
- Restitution
- Redistributive reforms
- Expropriation



20

Contents

PREFACE	iv
1 Preliminary	1
1. Objectives	1
2. Nature and scope	2
2 General matters	3
3. Guiding principles of responsible tenure governance	3
3A General principles	3
3B Principles of implementation	4
4. Rights and responsibilities related to tenure	6
5. Policy, legal and organizational frameworks related to tenure	7
6. Delivery of services	9
3 Legal recognition and allocation of tenure rights and duties	11
7. Safeguards	11
8. Public land, fisheries and forests	12
9. Indigenous peoples and other communities with customary tenure systems	14
10. Informal tenure	16
4 Transfers and other changes to tenure rights and duties	19
11. Markets	19
12. Investments	20
13. Land consolidation and other readjustment approaches	23
14. Restitution	25
15. Redistributive reforms	25
16. Expropriation and compensation	27
5 Administration of tenure	29
17. Records of tenure rights	29
18. Valuation	30
19. Taxation	31
20. Regulated spatial planning	32
21. Resolution of disputes over tenure rights	33
22. Transboundary matters	33
6 Responses to climate change and emergencies	35
23. Climate change	35
24. Natural disasters	36
25. Conflicts in respect to tenure of land, fisheries and forests	37
7 Promotion, implementation, monitoring and evaluation	39



Food and Agriculture Organization
of the United Nations

What actions to take

Part 5: Administration of tenure

- Records of rights
- Valuation
- Taxation
- Regulated spatial planning
- Resolution of disputes
- Trans boundary matters

Part 6: Responses to climate change and emergencies

- Policies and laws on tenure should address climate change
- Tenure should be addressed in natural disaster work
- Work on tenure should support peaceful solutions in order to avoid or mitigate conflicts



21

Contents

PREFACE	iv
1 Preliminary	1
1. Objectives	1
2. Nature and scope	2
2 General matters	3
3. Guiding principles of responsible tenure governance	3
3A General principles	3
3B Principles of implementation	4
4. Rights and responsibilities related to tenure	6
5. Policy, legal and organizational frameworks related to tenure	7
6. Delivery of services	9
3 Legal recognition and allocation of tenure rights and duties	11
7. Safeguards	11
8. Public land, fisheries and forests	12
9. Indigenous peoples and other communities with customary tenure systems	14
10. Informal tenure	16
4 Transfers and other changes to tenure rights and duties	19
11. Markets	19
12. Investments	20
13. Land consolidation and other readjustment approaches	23
14. Restitution	25
15. Redistributive reforms	25
16. Expropriation and compensation	27
5 Administration of tenure	29
17. Records of tenure rights	29
18. Valuation	30
19. Taxation	31
20. Regulated spatial planning	32
21. Resolution of disputes over tenure rights	33
22. Transboundary matters	33
6 Responses to climate change and emergencies	35
23. Climate change	35
24. Natural disasters	36
25. Conflicts in respect to tenure of land, fisheries and forests	37
7 Promotion, implementation, monitoring and evaluation	39



Food and Agriculture Organization
of the United Nations

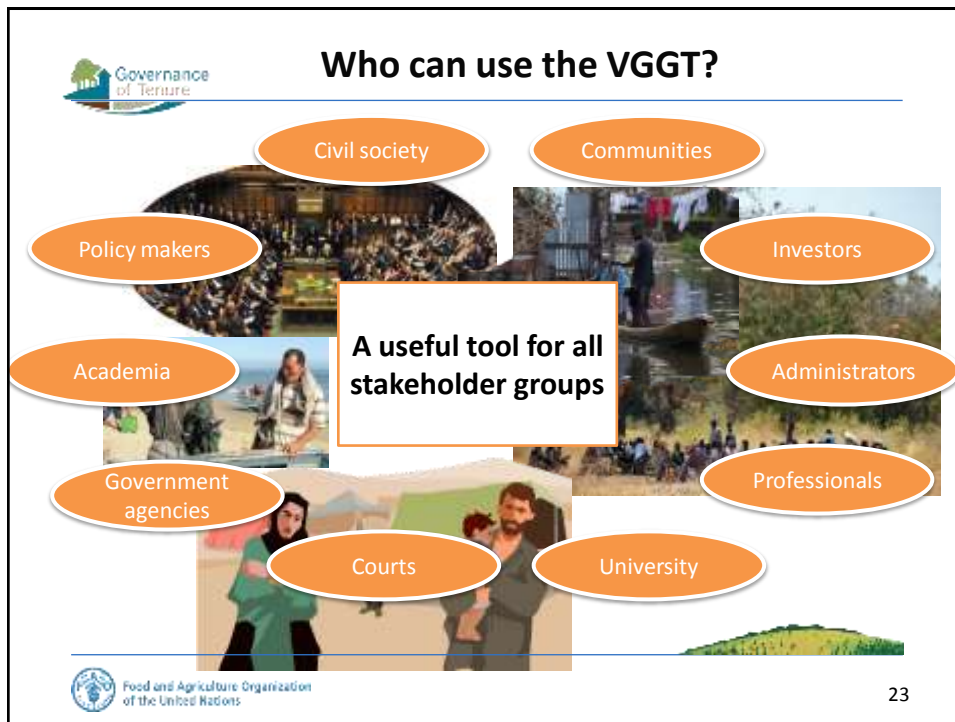
What actions to take

Part 7: Promotion, implementation, monitoring and evaluation

- In accordance with the voluntary nature of the VGGT, States have the responsibility for their implementation, monitoring and evaluation.
- Development partners UN specialized agencies and regional organizations are encouraged to support voluntary efforts by States.
- All parties, including civil society organizations and the private sector are also encouraged to play a key role to promote and implement the VGGT.



22



Who is using it in their own programs?



THE WORLD BANK



USAID
FROM THE AMERICAN PEOPLE



Oxfam
International



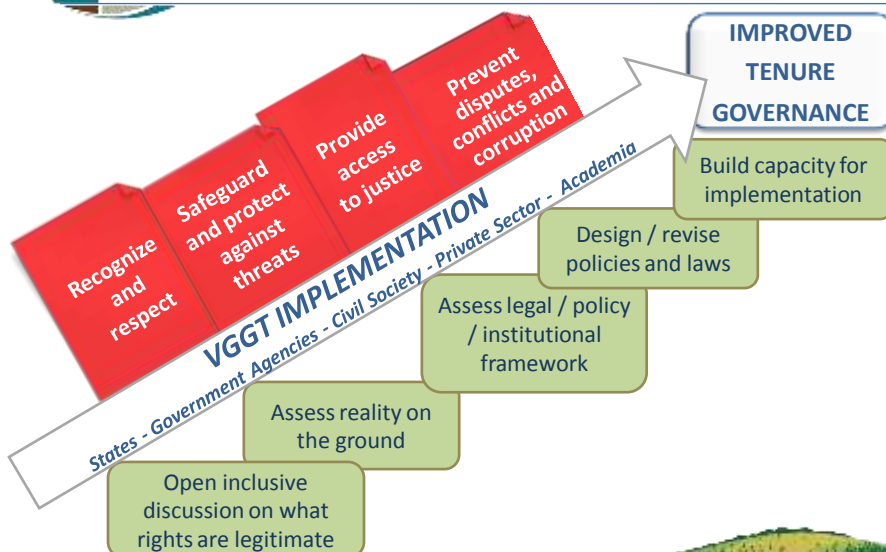
PEPSICO



Food and Agriculture Organization
of the United Nations

25

VGGT as a National Tool: relevant entry points



Food and Agriculture Organization
of the United Nations

26

How is FAO supporting the VGGT?

Implementation programme – 5 pillars



Awareness raising

Capacity development

Support to countries

Partnerships

Monitoring

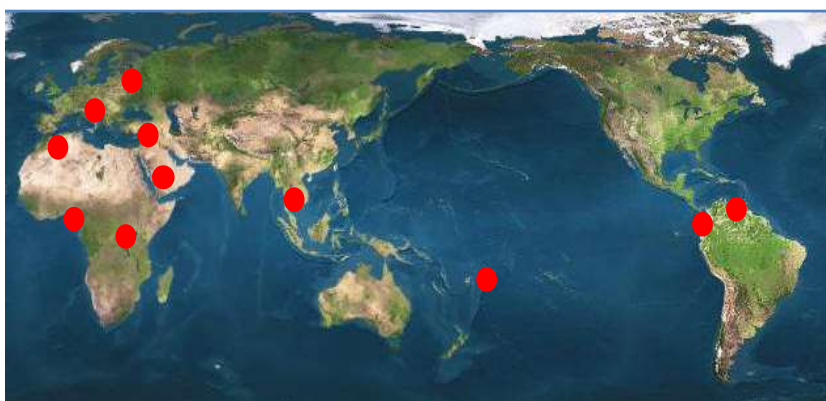


Food and Agriculture Organization
of the United Nations

27

1. Awareness raising

11 Regional WSs & numerous national WSs



Plus: Conferences, meetings, briefings, website, newsletter, technical journals, TV and radio interviews, promotional videos, etc.



Food and Agriculture Organization
of the United Nations

28

2. Capacity development:

The “package”



Technical guides

Capacity development materials

Learning programs (country based)

A growing suite of resources to support the implementation of the VGGT...



Food and Agriculture Organization
of the United Nations

29

2. Capacity development:

Technical Guides



Available/Forthcoming

1. Gender
2. Governance of forest tenure
3. FPIC
4. Governance of small scale fisheries tenure
5. Agricultural Investments

Underway

6. Legal implications
7. Pastoralism & Rangelands
8. Tenure of commons
9. Enabling technologies
10. Private sector
11. Registration



Food and Agriculture Organization
of the United Nations

30

2. Capacity development:

Other materials

E-learning Curriculum

**Manual for Civil Society
Organizations**

Thematic training materials



Learning Programmes and Events

VGGT learning programmes

CSO capacity development



Food and Agriculture Organization
of the United Nations

31

2. Capacity development:

E-learning

Introduction to the responsible governance of tenure

Addressing disputes and conflicts over the tenure of natural
resources

Addressing corruption in the tenure of land, fisheries and forests

Tenure issues in the context of natural disasters

Making tenure rights more secure

Planning and administering for better governance of tenure

Markets and investments

Assessing country situation with respect to the VGGT

Monitoring and promoting policy change

Gender and land

Available in English,
French and Spanish

Coming soon

Coming later

[www.fao.org/nr/tenure/
e-learning](http://www.fao.org/nr/tenure/e-learning)



Food and Agriculture Organization
of the United Nations

32

2. Capacity development:

VGGT Learning Programmes

FAO will be delivering a series of **Learning Programmes** in 2015-16 specific to the Voluntary Guidelines (Ethiopia, Liberia, Sierra Leone, Mongolia and Nepal).

Targeted at **country actors** engaged in various aspects of the VGGT.



Four comprehensive VGGT learning programmes are planned covering the topics from the e-learning curriculum.

Two theme-based learning programmes are planned based on the thematic guides on Gender and FIPC.

2. Capacity development:

Overview per country

VGGT CD country support (2014-16)	VGGT learning program	Gender and land learning program	CSO learning program	FPIC training
Ethiopia	X	X	X	
Liberia	X	X		X
Malawi			X	
Niger			X	
Senegal			X	
Sierra Leone	X	X		
South Africa		X	X	
Mongolia	X	X		
Myanmar			X	
Nepal	X	X	X	
Guatemala			X	

3. Support to countries

Africa Region – Support to AU/UNECA/AfDB Land Policy Initiative (SDC & EU)

Pan-African support; **EU10-country** transversal support;
Plus implementation in Kenya & Somalia

Sierra Leone – Multi-sector (Germany)

Legal Framework Assessment; Land Administration; Fisheries & Aquaculture; Forestry; Right to food.

Nigeria & Uganda (DfID)

Open source software / Governance of Tenure / community forest tenure

China

Awareness & extraterritorial investment

Ethiopia (Italy)

Strengthening Capacities and Procedures in State Land Lease Management.

Others:

World Bank: in Europe and Central Asia (36 countries)

Western Balkan Project – reform teams & training on Gender T.G. (6 countries)

LGAF testing for VGGT M&E in Ukraine, Moldova, Georgia and the Philippines

Innovation grants – gender data disaggregation; IT system spatial data acquisition (6 countries).

FAO Technical Cooperation Programme: Bhutan, Namibia, Philippines,

SOLA implementation in Lesotho, Nepal, Nigeria (7 states), Samoa, Tonga



Food and Agriculture Organization
of the United Nations

35

Integrated with other FAO initiatives



Voluntary Guidelines
for Securing Sustainable Small-scale
Fisheries
in the Context of
Food Security
and Poverty Eradication

Adopted 10 June 2014

CFS Principles for Responsible Investment
in Agriculture and
Food Systems



Adopted 15 October 2014



Food and Agriculture Organization
of the United Nations

36

Partnerships



THE WORLD BANK



IFAD

Enabling poor rural people
to overcome poverty



Food and Agriculture Organization
of the United Nations

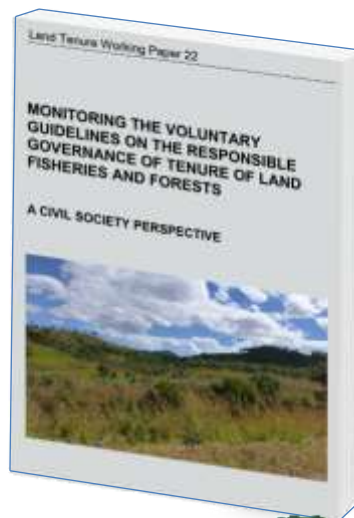
37

5. Monitoring



**LGAF
(testing)**

GDWGL



Food and Agriculture Organization
of the United Nations

38

- Land fragmentation
- Small farm sizes
- Unfinished land reforms (restitution, privatization)
- Deficient land and property administration
- Complicated and costly transaction procedures
- Deficient rural land markets, etc.

Approaches to resolve the above may also create new problems in relation with the VGGT:

- Land consolidation programs/strategies
- Farmer or producer associations (“soft” land consolidation)
- Reforms of the legal and institutional framework (e.g. for facilitating the land market)
- Direct foreign investment in agriculture

Open questions

- What role the Voluntary Guidelines could take in your country/ work?
- What entry points exist for the implementation of the Voluntary Guidelines?
- What immediate and long term actions could be undertaken to improve governance of tenure/ implement the Voluntary Guidelines?



Food and Agriculture Organization
of the United Nations

41



Food and Agriculture Organization
of the United Nations



Thank you for your attention

Newsletter

Subscribe at: VG-tenure@fao.org

Website: fao.org/nr/tenure

