

VOLUNTARY GUIDELINES ON THE

Responsible Governance of Tenure

OF LAND, FISHERIES AND FORESTS IN
THE CONTEXT OF NATIONAL FOOD SECURITY



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**The first global
soft law
instrument on
tenure**

**Negotiated by
governments,
with participation
of civil society
and private sector**



**Problems of tenure
and weak governance**

Tenure rights not recognized

**Increasing
competition for
natural resources:**

- Population growth
- Urbanization
- Changing diets
- Demand for energy

Inequitable access

Discrimination

Forced
eviction

State capture

Bribery

Limited capacity

Expensive and difficult procedures

No accountability or transparency


Contradictory laws and policies

**Governing
institutions have
not adapted to
growing intensity
of competition**

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

SUMMARY REPORT



THE STATE OF THE WORLD'S LAND AND WATER RESOURCES FOR FOOD AND AGRICULTURE


Managing systems at risk



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**... as well as a
reference for
improving the
governance of
fisheries tenure**



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**... and also a
reference for
improving the
governance of
forest tenure**

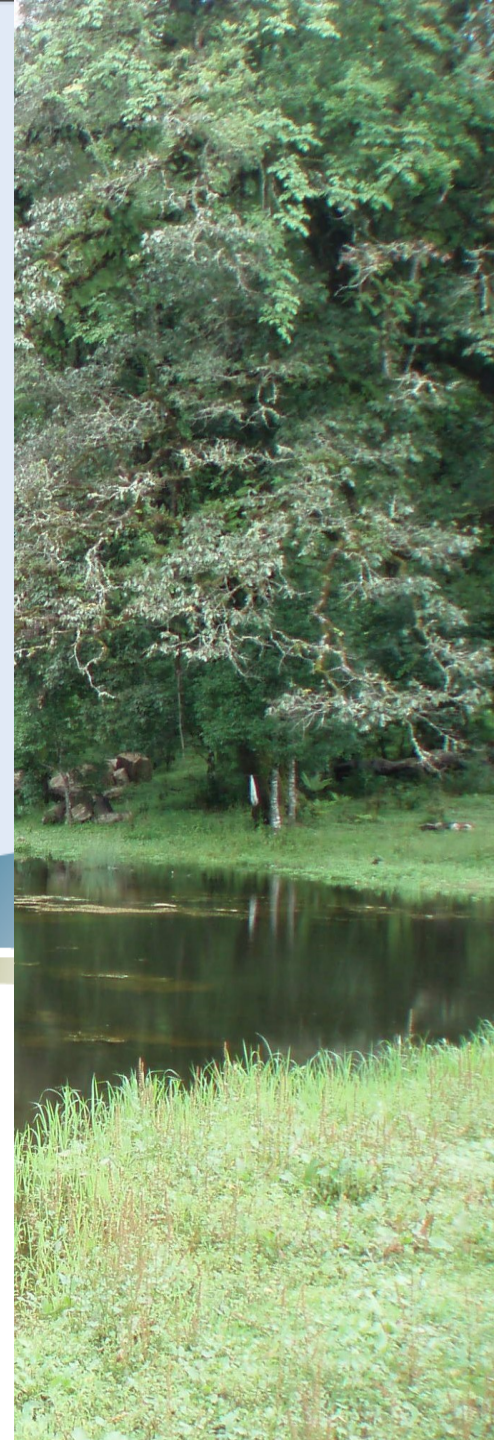
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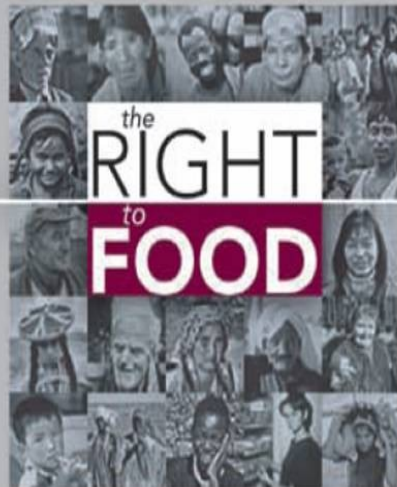


**... and serve as
a reference for the
interface of land,
fisheries and forestry
sectors**



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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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.

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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



8. Public land, fisheries and forests

- 8.1 ... determine the use and control of these resources in light of broader social, economic and environmental objectives ...
- 8.2 ... legitimate tenure rights of individuals and communities ... should be recognized, respected and protected ...
- 8.3 ... recognize and protect publicly-owned land, fisheries and forests and their related systems of collective use and management ...
- 8.4 ... establish up-to-date tenure information ... by creating and maintaining accessible inventories ...
- 8.5 ... determine which they own or control will be retained and used by the public sector, and which allocated ... under what conditions ...



8. Public land, fisheries and forests, cont'd

- 8.6 ... develop and publicize policies covering the use and control ...
- 8.7 ... develop and publicize policies covering the allocation of tenure rights to others ...
- 8.8 ... power to allocate tenure rights in various forms ...
- 8.9 ... allocate tenure rights and delegate tenure governance in transparent, participatory ways, using simple procedures that are clear, accessible and understandable to all ...
- 8.10 ... ensure that competent bodies ... have the human, physical, financial and other forms of capacity ...
- 8.11 ... monitor the outcome of allocation programmes ...

Preliminary

1. Objectives

- 1.1 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.
- 1.2 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 organizational frameworks regulating 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 operations of implementing agencies; judicial authorities; local governments; organizations of farmers and small-scale producers, of fishers, and of forest users; pastoralists; indigenous peoples and other communities; civil society; private sector; academia; and all persons concerned with tenure governance as well as to promote the cooperation between the actors mentioned.

* There is no international definition of land within the context of tenure. The meaning of the word may be defined within the national context.

Arriving at the text

Consultations

Initial drafting

Negotiations

Official endorsement

**15 consultation meetings
2009-10**

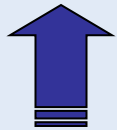
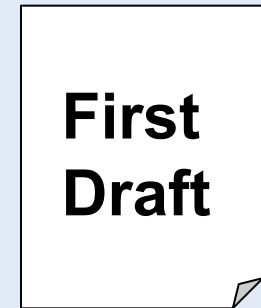
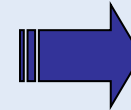
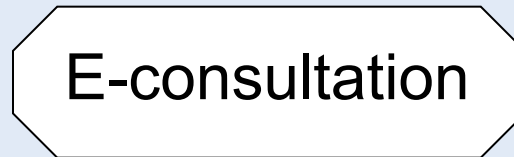
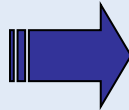
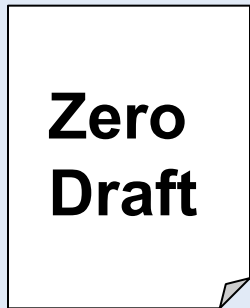


1000 people from 133 countries

Public sector, civil society, private sector and academia

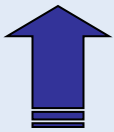
Initial drafting 2011

Comments received from
public and private sectors,
civil society, and academia



**Assessments
from the
consultations**

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



منظمة الأغذية
والزراعة للأمم
المتحدة

联合国
粮食及
农业组织

Food and
Agriculture
Organization
of the
United Nations

Organisation des
Nations Unies
pour
l'alimentation
et l'agriculture

Продовольственная и
сельскохозяйственная
организация
Объединенных
Наций

Organización
de las
Naciones Unidas
para la
Alimentación y la
Agricultura

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

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The Guidelines represent consensus on “internationally accepted practices” that already exist.



- The 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**



Building on the consensus: Working with...

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States

**Government
agencies**



Private sector

Academia

Civil society

Building on the consensus: We've only just begun...

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