



BRIEF MARCH 2011

What are the Voluntary Guidelines on Responsible Governance of Tenure of Land and Other Natural Resources and why do they matter?

What is land tenure and why is it important?

Land tenure refers to a complex relationship between people, land and resources that can be defined, regulated and maintained by custom and/or written law. As the FAO explains, “tenure reflects the power structure in society”.¹ Land and other natural resources are central to social and cultural identity and economic wealth, and therefore land tenure arrangements often determine who has power and control in a given society. As a result, social stability can depend on whether or not there is general agreement on the fairness of the tenure system². Thus, land tenure is important because it directly impacts societies and determines who has access to land.

Context

Access to traditional lands and lands for food production (as well as waterways) are central to achieving an adequate standard of living and adequate food. Since 2005, the FAO has been working on the governance of land tenure and has noted wide-spread interest in the development and adoption of related voluntary guidelines at the international level with national-level implementation.

The VG are also being developed as a response to increasing pressure placed on land and natural resources as new areas are being cultivated, occupied by urban expansion, through shifts of access and control, or abandonment. It is also important to note that the VG are not a reaction to land grabbing, nor are they a defence against it.

Purpose

The overarching goal of the VG is to help countries improve their governance of land tenure. Towards this end, the VG will establish internationally accepted principles and standards for responsible land and resource-use practices. They will not only act as a framework to support countries in the development of national policies, but they will also constitute a baseline of acceptable practices that can be used by all stakeholders and governments to evaluate proposed and existing policies and actions.

Motivation

The guidelines are motivated by the belief that “responsible governance of tenure ensures that relevant policies and rules lead to sustainable, beneficial results, and that related services

1 FAO. Towards Voluntary Guidelines on Responsible Governance of Tenure of Land and Other Natural Resources: Discussion Paper. Land Tenure Working Paper 10. 2009. <http://ftp.fao.org/docrep/fao/011/ak374e/ak374e00.pdf> Page 5

2 FAO. 2009. Page 5

are delivered efficiently, effectively and equitably”³. Responsible governance here recognizes not only statutory tenure (private and public ownership) but also customary and common property tenure. This is fundamental as many cultures do not share western understandings and laws around property and are consequently very vulnerable when such approaches are used to analyse land use, ownership and access. Furthermore, good governance practices that ensure equitable and secure access to land and other natural resources are likely to promote environmental sustainability as farmers are more likely to invest in their land and protect their soil and other resources.

Process

The political process for the VG began at the International Conference on Agrarian Reform and Rural Development in 2006 where in a Final Declaration, 92 FAO member countries reaffirmed the importance of Objective 1.2(b) of the World Food Summit Plan of Action, which states that in order to ensure “stable economic conditions and implement development strategies” governments will:

Establish legal and other mechanisms, as appropriate, that advance land reform, recognize and protect property, water, and user rights, to enhance access for the poor and women to resources. Such mechanisms should also promote conservation and sustainable use of natural resources (such as land, water and forests), lower risks, and encourage investment.

From there, the FAO undertook a series of thematic studies and arranged an expert group meeting. Between 2009-2011, they have been undertaking the preparation for the Voluntary Guidelines which include processes of multi-stakeholder consultation. The intention is to implement the Voluntary Guidelines in 2012 through the preparation of country and regional policies and action plans.

The Committee on World Food Security (CFS), the most inclusive international and intergovernmental platform to facilitate and coordinate work to ensure food security and nutrition for all, plans to adopt the Voluntary Guidelines at their 37th Session in October 2011. In the meantime, the CFS has encouraged the continuation of the inclusive process for the development of the VG building on existing regional processes with a view to submitting the VG. The CFS has also urged governments and other stakeholders involved in the drafting process of both the VG and the World Bank principles on Responsible Agricultural Investment (RAI) to ensure consistency and a complementary function between the two processes.

Who will use the VG?

The Voluntary Guidelines are intended to be used by policy makers, governments (decision makers and agencies), private sector and civil society organization.

The Voluntary Guidelines will constitute a framework for policies and programmes on land and natural resource tenure that are not legally binding: They do not replace any laws or treaties. However, the VG are expected to make reference to existing international binding human rights obligations as they relate to land and natural resources. They are also expected to include descriptions of how these obligations can be implemented.

3 FAO. 2009. Page 1.

Right to food approach

The process for developing the Voluntary Guidelines is still underway but there is general support for the process amongst NGOs and Civil Society Organizations. This support is often linked to the uptake of a human-rights based approach which places emphasis on

*universal, interdependent, indivisible and interrelated human rights. The principles of participation, accountability, non-discrimination, transparency, human dignity, gender equity, empowerment and the rule of law apply to the approach of responsible governance.*⁴

The VG link to, and also take reference from, the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security. However, they differ from these guidelines as they are meant to function as a set of best standard to support and guide countries in the development of laws, legislations and administrative procedures with regard to land tenure.

Why do the VG matter?

The VGs will provide guidance and support for good governance practices around the tenure of land and other natural resources. As the FAO explains good governance is important because:

Weak governance of tenure results in the loss of life and livelihoods; it deters investment and widespread economic growth and discourages the sustainable use of natural resources. In contrast, responsible governance of tenure ensures that relevant policies and rules lead to sustainable, beneficial results, and that related services are delivered efficiently, effectively and equitably.

It is important to reiterate that tenure of land and natural resources is tied to power and plays a key role in the ability of peoples to achieve food security. Often, access to land and natural resources is maintained by certain groups to the detriment of others. For example, women often have fewer or less established and less protected rights due to customs, biases in legal structures and laws, as well as societal divisions of labour.⁵ Improving and securing access to land can improve household food production and consumption and potentially increase household income through the sale of surplus products at the market. As the FAO notes "secure access to land often provides a valuable safety net as a source of shelter, food and income in times of hardship".⁶ This access can be supported through the development of strong and effective Guidelines on Responsible Governance of Tenure of Land and Other Natural Resources.

4 FAO. Governance of Tenure: Finding Common Ground. ND. Page 4. http://www.fao.org/fileadmin/user_upload/nr/land_tenure/images/LandtenureENGpagebypage.pdf

5 FAO. Access and Tenure of Natural Resources. ND. <http://www.fao.org/nr/tenure/lt-home/en/>

6 FAO. Access and Tenure of Natural Resources. ND. <http://www.fao.org/nr/tenure/lt-home/en/>

Find out more

- › Website of the Voluntary Guidelines: <http://www.fao.org/nr/tenure/infores/voluntary-guidelines/en>
- › Governance of Tenure: Finding Common Ground Brochure: http://www.fao.org/fileadmin/user_upload/nr/land_tenure/images/LandtenureENGpagebypage.pdf
- › Discussion Paper: Towards Voluntary Guidelines on Responsible Governance of Tenure of Land and other Natural Resources: <ftp://ftp.fao.org/docrep/fao/011/ak374e/ak374e00.pdf>
- › Outcome document of consultation meetings on the VG: http://www.fao.org/fileadmin/user_upload/nr/land_tenure/pdf/VG_outcome_document_English_corrected.pdf
- › FAO publications on land tenure: <http://www.fao.org/nr/tenure/infores/newpubs/en/>
- › FAO's technical studies and policy papers specific to governance and tenure: <http://www.fao.org/nr/tenure/infores/voluntary-guidelines/en/>