

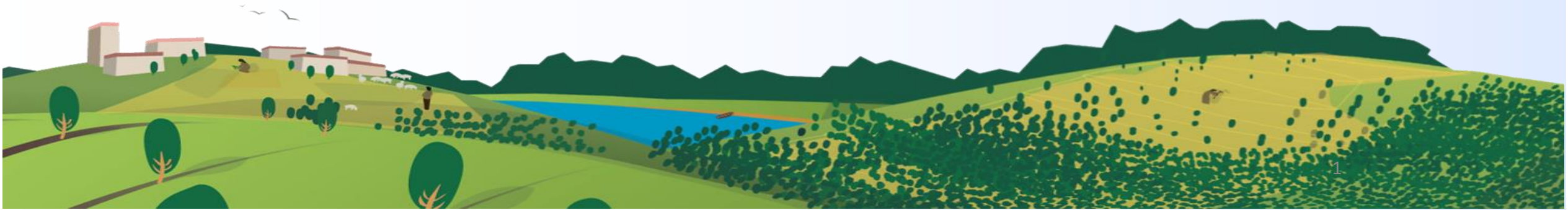


Food and Agriculture Organization
of the United Nations

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

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Seminar on Hot Topics in Sustainable Agriculture and Land - EU

16 February 2016
Brussels



Content

- 1. Why were the VGGT developed?**
- 2. VGGT nature and process**
- 3. VGGT content**
- 4. Who do the VGGT apply to?**
- 5. How can the VGGT be used?**



1. Why were the VGGT developed?

Inequitable access

Tenure rights not recognized

Forced eviction

Discrimination

Limited capacity

Governing institutions
have not adapted to
growing intensity of
competition

State capture

Bribery

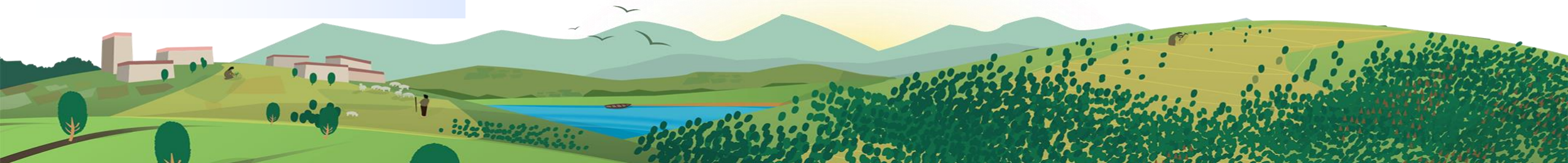
Expensive and difficult procedures

No accountability or transparency

Contradictory laws and policies

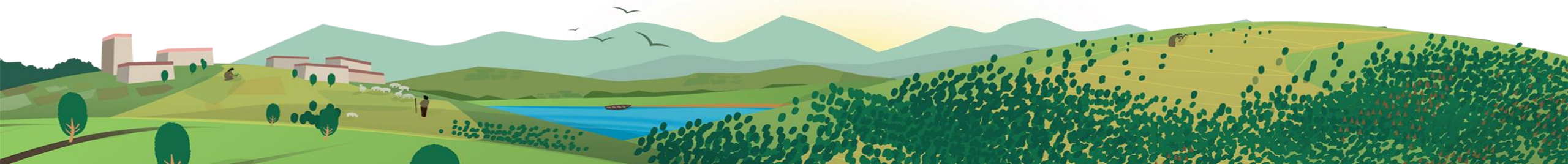
**Increasing
competition for
natural resources:**

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



2. Nature and process ⁽¹⁾

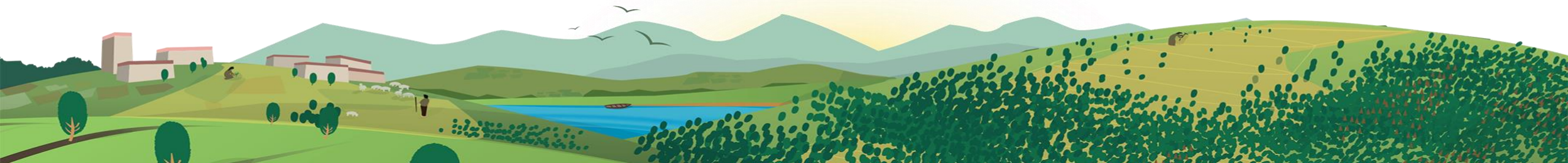
- 1. 15 Consultation meetings, 2009-10:**
1000 people from 133 countries –
Public sector, civil society, smallholder farmers, private sector and academia.
- 2. Initial drafting, 2010**
2011
- 2. Intergovernmental negotiations, 2011 – 2012,**
98 countries, civil society & private sector reps.



2. Nature and process (2)

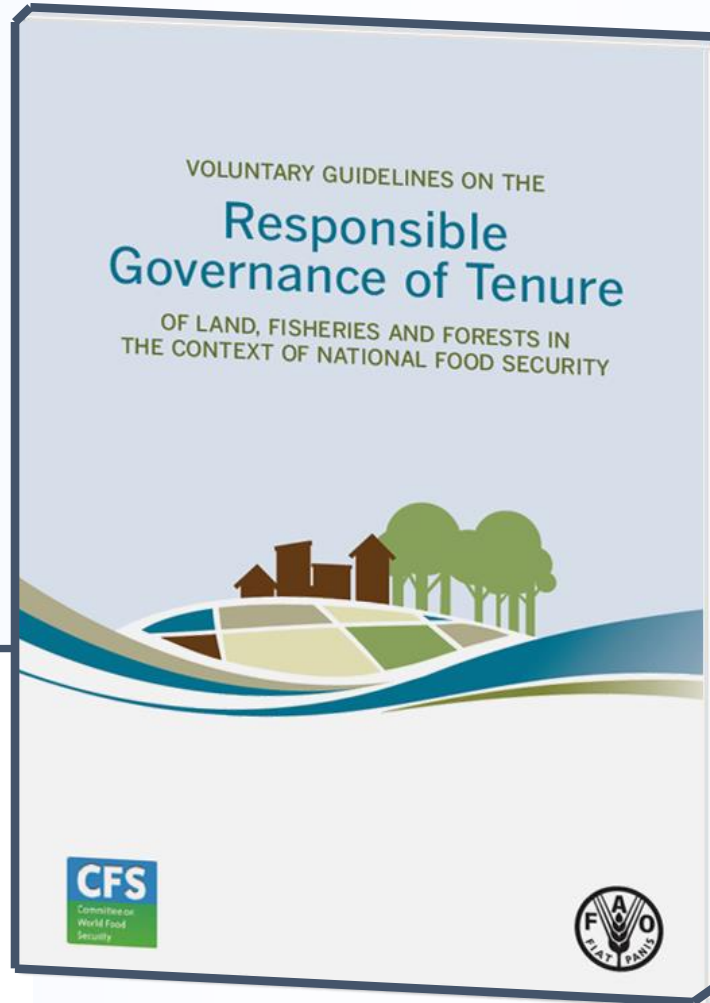


Intergovernmental negotiations –
Endorsement by
Committee on World
Food Security on 12
May 2012



2. Nature and process (3)

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



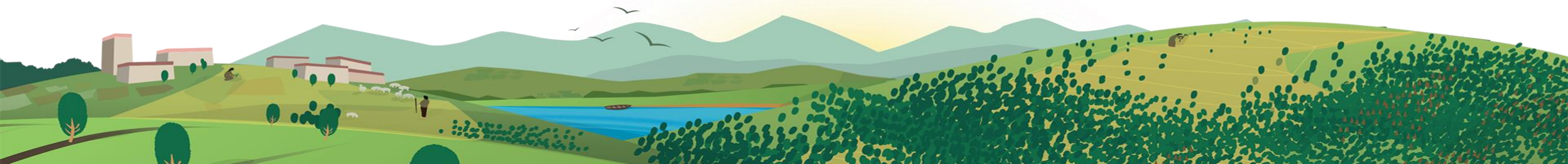
**Negotiated by
governments;
participation of
civil society and
private sector**

**Consensus on
“internationally
accepted
practices” that
already exist.**

**A reference for
improving the
governance of land,
fisheries and forest
tenure**

Legal value of the VGGT

- **Voluntary = non-legally binding = soft law**
- Build on international law, in particular human rights law
- Aligned with international law
- VGGT should be applied and interpreted in accordance with existing obligations under international law and voluntary commitments of states
- In addition, since the VGGT are also based on best practice, they are an appropriate guidance for national legislation
- National legislation can transform the soft law provisions into hard law at the national level
- **Applying the VGGT can help respect, protect and fulfil human rights obligations**



International agreements related to VGGT

- **International Covenant on Economic, Social and Cultural Rights**
 - Right to an adequate standard of living, including food and housing, non-discrimination
- **International Covenant on Civil and Political Rights**
 - Right to participate, non-discrimination, physical and mental integrity; human rights defenders
- **Universal Declaration of Human Rights**
 - Same as above + Right to enjoy one's property, principle of human dignity
- **Convention on Elimination of all forms of Discrimination Against Women**
 - Equal rights of rural women and men in agrarian reform and rural services
- And more...



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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.

3. Content ⁽²⁾

GUIDING 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.



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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 over tenure
- Transboundary matters

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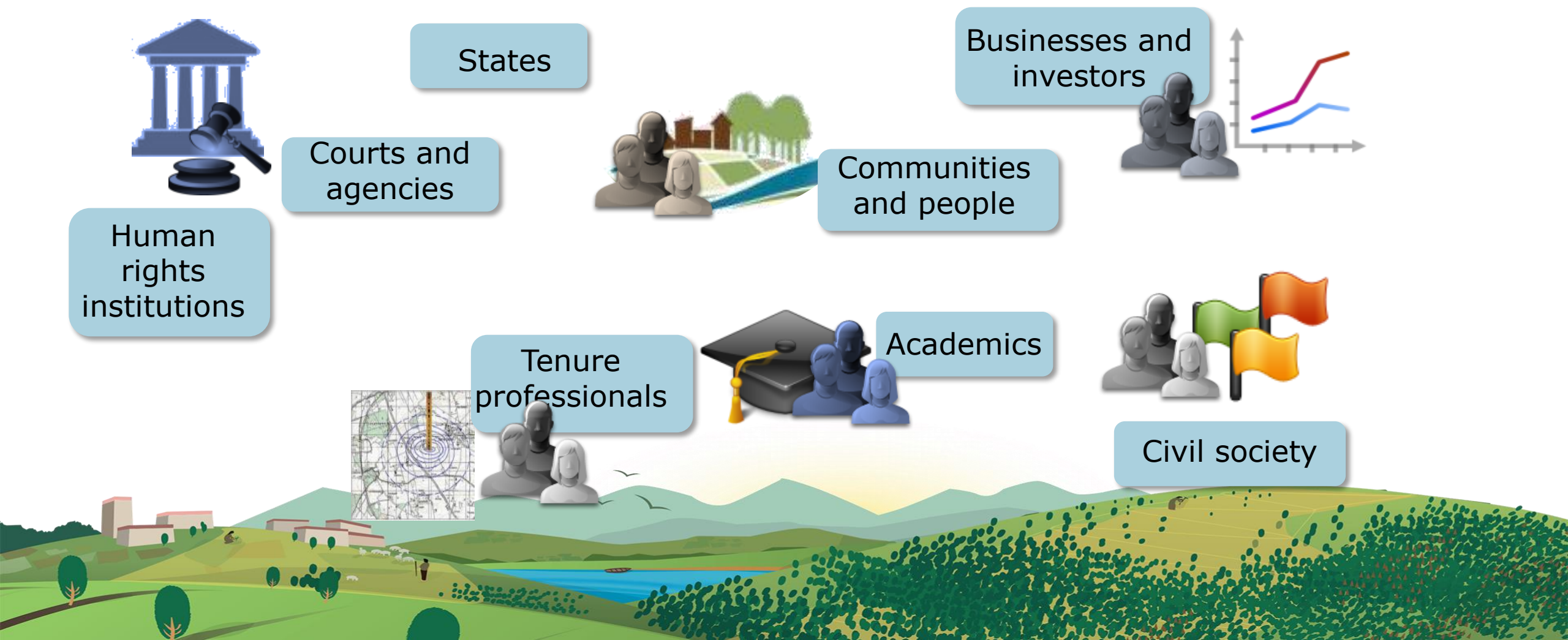
Part 6: Responses to climate change and emergencies

- Climate change
- Natural disasters
- Conflicts

Part 7: Promotion, implementation, monitoring and evaluation

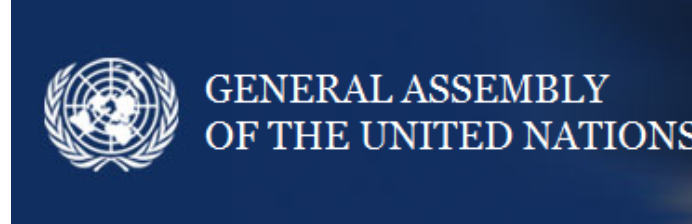
4. Who do the VGGT apply to?

The **whole of society** needs to be involved because tenure of land, fisheries and forest affects everyone in some way.

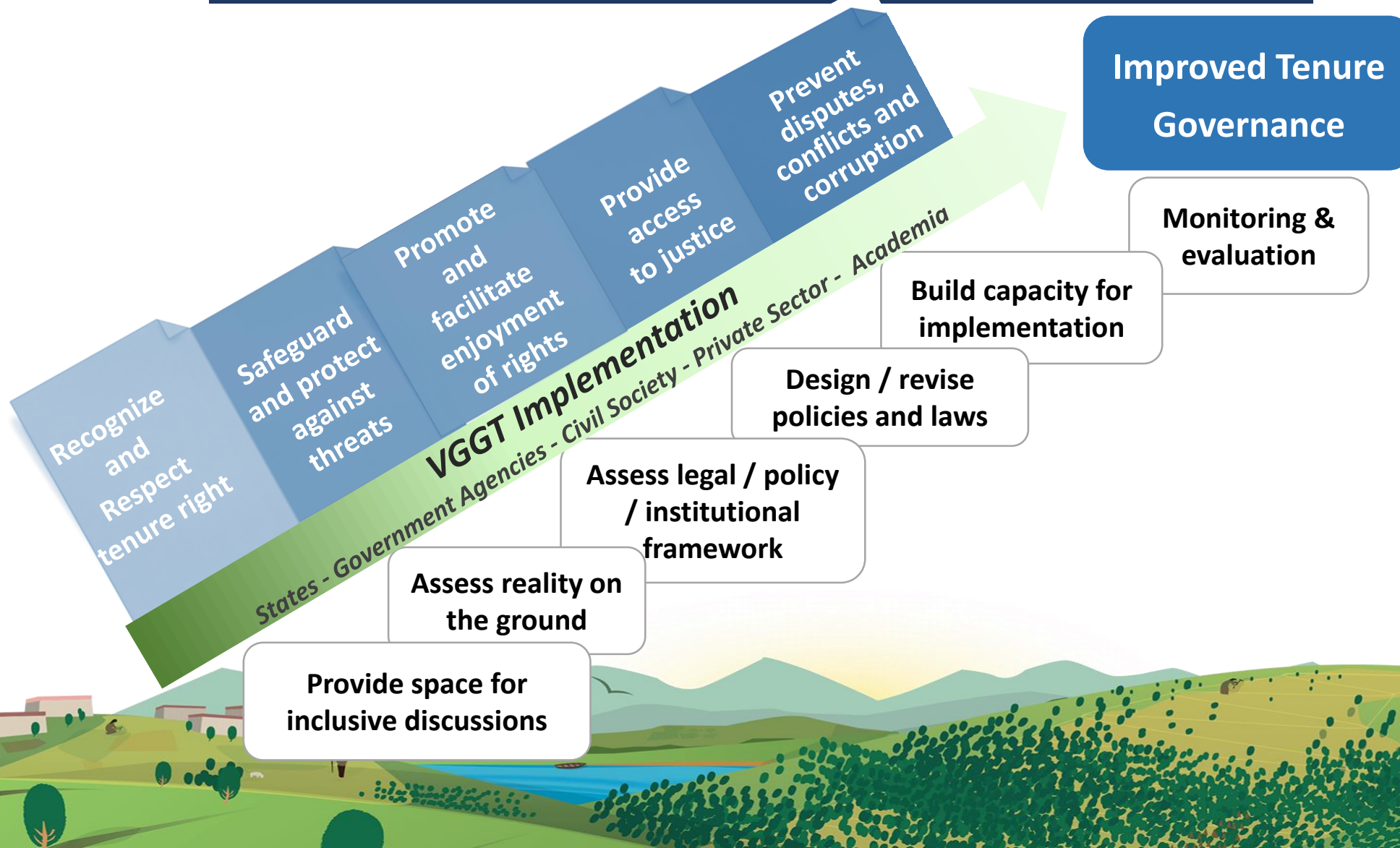


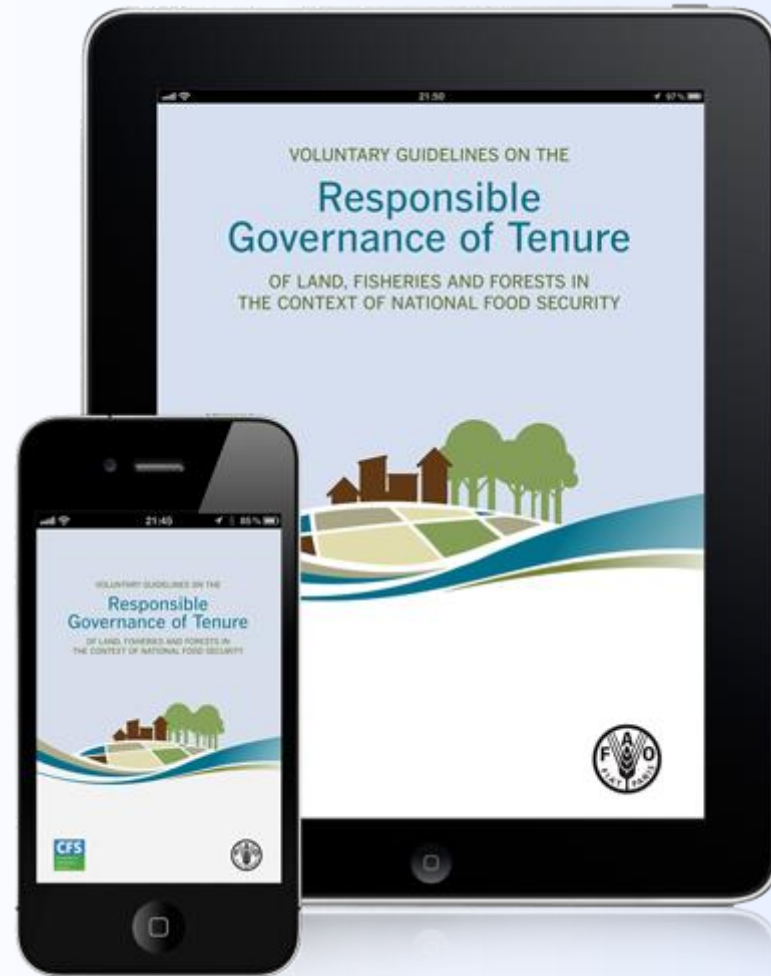
UNPRECEDENTED RECOGNITION

Those calling for implementation those with implementation programmes:



5. How can the VGGT be used?





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