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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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

Limited capacity

State capture

Governing institutions have not adapted to growing intensity of competition

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

Discrimination

Limited capacity

Expensive and difficult procedures

No accountability or transparency

Contradictory laws and policies
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. Nature and process

Intergovernmental negotiations – Endorsement by Committee on World Food Security on 12 May 2012
2. Nature and process

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...
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.
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
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:

[Logos of various organizations]
5. How can the VGGT be used?

- Recognize and respect tenure right
- Safeguard and protect against threats
- Promote and facilitate enjoyment of rights
- Provide access to justice
- Prevent disputes, conflicts, and corruption

Improved Tenure Governance

- Monitoring & evaluation
- Build capacity for implementation
- Design / revise policies and laws
- Assess legal / policy / institutional framework
- Assess reality on the ground

Provide space for inclusive discussions