

2015

***VOLUNTARY GUIDELINES ON GOVERNANCE OF
TENURE OF LAND, FORESTS AND FISHERIES IN THE
CONTEXT OF NATIONAL FOOD SECURITY (VGGT)***

**GUIDING PRINCIPLES OF RESPONSIBLE
GOVERNANCE OF TENURE**



The following five general principles summarize and provide the basic elements of a good system of governance of tenure. They are directed, in the first instance, to states and encourage them to:

1. Recognize and respect all legitimate tenure right holders and their rights.
2. Safeguard legitimate tenure rights.
3. Promote and facilitate the enjoyment of legitimate tenure rights.
4. Provide access to justice
5. Prevent tenure disputes, conflicts and corruption.

- Where they all exist in policies, laws, institutions and services, then responsible governance of tenure emerges for the benefit of individuals, groups, businesses, society, the economy and the national community

1. Recognize and respect all legitimate tenure right holders and their rights

- States should recognize tenure right holders and their rights whether these rights are legally formalized or not.
- States should also respect rights holders and their rights. Unless there is [a good reason](#), they should leave holders to peacefully occupy or use the natural resource and refrain from [infringement](#) of their tenure rights - e.g. not go onto land, into forests or disturb the aquatic environment where people have rights

- Respecting others' rights applies not only to states but to anyone with tenure rights, plus businesses and the broader public. In having our rights recognized and respected, we must also accept that we have **duties** to the broader society and the environment

2. Safeguard legitimate tenure rights

- States should put in place measures that stop others from threatening or infringing people's rights, physically, legally or economically, such as:
 - polluting;
 - damaging or destroying the natural resource or associated constructions or improvements;
 - trespassing;

- stealing, taking;
- denying owners and users access, or forcing them to leave; and
- making fraudulent claims on or transactions with the rights.
- States should also protect right owners against arbitrary loss, which can be caused by the State itself as well as by other individuals.

3. Promote and facilitate the enjoyment of legitimate tenure rights

- People "enjoy" their tenure rights when they occupy or use a natural resource as well as when they sell, mortgage, or lease the rights.
- States can play an important role when people use their rights in a way that involves **third parties**, such as trading or leasing their rights

- If someone wants to sell or lease their rights, or use their rights as security for a loan, then they often need the support of clear, well defined laws **to carry out the transaction** and also a registration system **to record it**

- In many countries, women can acquire tenure rights, but they are restricted by tradition or custom from making the most of their rights. Therefore, if women are going to enjoy their tenure rights, then they often need **special provisions** in the law or access to services to overcome the discrimination or disadvantages that they face. Similarly, the state may need to intervene to ensure that marginalized groups and minorities are not discriminated against

4. Provide access to justice.

- Where infringements occur, it is undesirable for people to take the law into their own hands and use illegal means to gain redress.
- So, responsible governance of tenure requires that there should be some state sponsored means of redress to deal with the infringement.
- The Guidelines call on states to provide effective and accessible mechanisms to resolve disputes over tenure rights

5. Prevent tenure disputes, conflicts and corruption

- It is usually better to stop disputes arising rather than to let them occur and then have to try to resolve the disputes or deal with the consequences, which can include violence, destruction and even death.
- The fifth principle calls on states to take active measures to prevent tenure disputes from arising and from escalating into violent conflicts, as well as to prevent corruption

- Also importantly, this principle encourages states to endeavour to prevent corruption and abuse of power in all forms, at all levels, and in all settings.
- Corruption can arise in many circumstances and take many forms. No matter what form it takes, corruption means that the owners and users of tenure rights face additional costs, hurdles, difficulties and other problems when they want to take some actions that involve officials, such as registering their transaction or inheritance, seeking approval for some activity with their land, forest or fishing right, or simply obtaining information

- Non-state actors, including business enterprises, have a responsibility to respect human rights and legitimate tenure rights. Business enterprises should act with due diligence to avoid infringing the human rights and legitimate tenure rights of others

Together with the five general principles, the Guidelines are built on ten implementation principles:

1. Human dignity
2. Non-discrimination
3. Equity and justice
4. Gender equality
5. Holistic and sustainable approaches
6. Consultation and participation
7. Rule of law
8. Transparency
9. Accountability
10. Continuous improvement



Weak vs. Responsible Governance of Tenure

WEAK GOVERNANCE

- Marginalizes the poor
- Leads to power abuse and corruption
- Affects economic growth by discouraging investments
- Jeopardize environmental sustainability
- Leads to conflict
- Leads to poverty, food insecurity and hunger

RESPONSIBLE GOVERNANCE

- Makes access to NR more equitable
- Protects people from losing their land;
- Foster transparency and participatory decision making
- Supports equality among people
- Helps ensure disputes are solved before they degenerate into conflict

Principles of Responsible Agriculture Investments:

- Are essential for enhancing food security and nutrition
- Support the progressive realization of the right to adequate food
- Apply to all types and sizes of agricultural investments including in fisheries, forests, and livestock
- Address all stakeholders that are involved in/affected by/benefit from investments in agriculture and food systems
- Apply to all stages of the value chain

Objective

To promote responsible investment in agriculture and food systems that contribute to food security and nutrition, thus supporting the progressive realization of the right to adequate food in the context of national food security.

Purpose

- Address the core elements of what makes investment in agriculture and food systems responsible;
- Identify who the key stakeholders are, and their respective roles and responsibilities with respect to responsible investment in agriculture and food systems;
- Serve as a framework to guide the actions of all stakeholders engaged in agriculture and food systems by defining Principles which can promote much needed responsible investment, enhance livelihoods, and guard against and mitigate risks to food security and nutrition.

Principle 1

- **Contribute to food security and nutrition**
 - Support state obligations on realisation of the right to adequate food in the context of national food security
 - Contribute to food security and nutrition of the most vulnerable at all levels
 - Contribute to eradicating poverty

Principle 2

- **Contribute to sustainable and inclusive economic development and the eradication of poverty, by:**
 - Respecting rights at work
 - Creating new jobs and fostering decent work
 - Improving incomes, generating shared values through fair contracts
 - Contributing to rural development
 - Promoting greater coordination, cooperation and partnerships to maximise synergies to improve livelihoods

Principle 3

- **Foster gender equality and women's empowerment** by:
 - Ensuring that all people are treated fairly, recognizing their respective situations, needs, constraints, and the vital role played by women;
 - Eliminating all measures and practices that discriminate or violate rights on the basis of gender;

- **gender equality and women's empowerment (Continued)**

- Advancing women's equal tenure rights, and their equal access to and control over productive land, natural resources, inputs, productive tools; and promoting access to extension, advisory, and financial services, education, training, markets, and information;
- Adopting innovative and/or proactive approaches, measures, and processes to enhance women's meaningful participation in partnerships, decision-making, leadership roles, and the equitable sharing of benefits.

Principle 4

- **Engage and Empower Youth by:**
 - Advancing their access to productive land, natural resources, inputs, productive tools, extension, advisory, and financial services, education, training, markets, information, and inclusion in decision-making;
 - Providing appropriate training, education, and mentorship programs for youth opportunities, and foster their contribution to local development;
 - Promoting development and access to innovation and new technologies, combined with traditional knowledge, to attract and enable youth to be drivers of improvement in agriculture and food systems

Principle 5

- **Respect tenure of land, fisheries, forests and access to water**
 - respects legitimate tenure rights to land, fisheries, and forests, as well as existing and potential water uses, in line with:
 - The VGGT in the Context of National Food Security, esp, but not limited to, Chapter 12.
 - The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication.

Principle 6

- **Conserve and sustainably**
 - manage natural resources,
 - increase resilience, and
 - reduce disaster risks
- Preventing, minimising, and remedying, as appropriate, negative impacts on air, land, soil, water, forests, and biodiversity;
- Supporting and conserving biodiversity and genetic resources, including local genetic resources,

Principle 7

- **Respect cultural heritage and traditional knowledge, and support diversity and innovation**
 - Respecting cultural heritage sites and systems
 - Recognizing the contributions of farmers, especially smallholders
 - Promoting fair and equitable sharing of benefits arising from the utilization, including commercial, of genetic resources for food and agriculture, on mutually agreed terms,
 - Promoting the application and use of locally adapted and innovative technologies

Principle 8

- **Promote safe and healthy** agriculture and food systems
 - Promoting the safety, quality, and nutritional value of food and agricultural products;
 - Supporting animal health and welfare, and plant health
 - Improving the management of agricultural inputs and outputs
 - Managing and reducing risks to public health across agriculture and food systems

- **safe and healthy agriculture**
(Continued)

- Enhancing awareness, knowledge, and communication, related to evidence-based information on food quality, safety, nutrition, and public health issues
- Enabling consumer choice by promoting the availability of and access to food that is safe, nutritious, diverse and culturally acceptable

Principle 9

- **Incorporate inclusive and** transparent governance structures, processes, and grievance mechanisms
 - Respecting the rule and application of law, free of corruption;
 - Sharing of information relevant to the investment, in accordance with applicable law, in an inclusive, equitable, accessible, and transparent manner at all stages of the investment cycle;
 - Engaging with and seeking the support of those who could be directly affected by investment decisions prior to decisions being taken

- **inclusive and** transparent governance structures, processes, and grievance mechanisms (Cont.)
 - Effective and meaningful consultation with indigenous peoples
 - Promoting access to transparent and effective mediation, grievance, and dispute resolution mechanisms, particularly for the most vulnerable and marginalized
 - Taking steps to respect human rights and legitimate tenure rights, during and after conflict

Principle 10

- **Assess and address impacts and promote accountability**
 - Applying mechanisms that provide for independent and transparent assessments of potential impacts involving all relevant stakeholder groups, in particular the most vulnerable;
 - Defining baseline data and indicators for monitoring and to measure impacts;
 - Identifying measures to prevent and address potential negative impacts, including the option of not proceeding with the investment;
 - Regularly assessing changes and communicating results to stakeholders;
 - Implementing appropriate and effective remedial and/or compensatory actions in the case of negative impacts or non-compliance with national law or contractual obligations.

Thank You!

