



FACT SHEET

VOLUNTARY GUIDELINES ON THE RESPONSIBLE GOVERNANCE OF TENURE OF LAND, FISHERIES AND FORESTS

INTRODUCTION

On May 11, 2012, members of the UN Committee on World Food Security (CFS) unanimously endorsed the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests*. The occasion signaled an unprecedented recognition by governments and civil society around the world of the importance of improving land and other resource governance systems as a strategy for improving food security and sustainable development.

The *Voluntary Guidelines* provide a set of principles and practices that can assist countries in establishing laws and policies to improve governance of land, fisheries and forests by securing tenure rights. Secure tenure—political, social and legal structures that determine access and rights to resources—creates a better environment for investments in agriculture, reduces land-related conflicts, promotes improved natural resource management and addresses challenges related to global climate change.



Photo Credit: Alda Kaufeld/USAID Ghana

Strengthening Tenure Rights Can Help Farmers, Like This One in Ghana, Increase Production.

CONTENT

The *Voluntary Guidelines* are an international soft law instrument. They are voluntary and may be considered in their entirety, in part or not at all. While it is a negotiated text, the *Voluntary Guidelines* include a high number of technical recommendations reflecting best practice in tenure reform, including:

- **General Governance**
Rights and Responsibilities; Policy, Legal and Organizational Frameworks; Delivery of Services
- **Legal recognition and allocation of tenure rights and duties**
Safeguards; Publicly-owned or Controlled Resources; Indigenous Peoples; Informal and Customary Systems
- **Transfers and other changes to tenure rights and duties**
Market Transactions; Investments; Consolidation and Other Readjustment Approaches; Restitution; Redistribution; Expropriation
- **Administration of tenure**
Records; Valuation; Taxation; Spatial Planning; Dispute Resolution; Transboundary Matters
- **Responses to climate change and emergencies**
Climate Change; Natural Disasters; Conflicts
- **Promotion, implementation, monitoring, and evaluation**

Numerous recommendations in the *Voluntary Guidelines* specifically address issues of gender and investment—two key development issues. Women in particular, face major obstacles in accessing and obtaining rights to land. In many instances, a woman's right to land comes through marriage and can be lost if her spouse dies. Where implemented, the *Voluntary Guidelines* will improve women's rights to own, use and benefit from property.

In order for private-sector investment designed to increase agricultural production and improve food security to benefit communities and investors, tenure rights must be secure. The *Voluntary Guidelines* give countries a mechanism to protect rights and promote good land governance in ways that encourage sustainable investment. The United States supports policies that create more transparent, accountable, accessible, predictable and stable access to land, enabling private sector investment.

NEGOTIATION PROCESS

The process by which the Voluntary Guidelines text was negotiated is unprecedented—96 countries, more than 25 civil society organizations, the private sector and several bi-lateral organizations were involved. The negotiations serve as a strong example for the kind of broad consultation and participation of affected parties called for in the Guidelines.



Photo Credit: FAO

CFS Members Endorse the *Voluntary Guidelines* at FAO Headquarters in Rome, Italy.

Negotiations were conducted under the UN Committee on World Food Security body, which is headquartered in Rome and sponsored by the three Rome-based United Nations organizations—the Food and Agriculture Organization, the World Food Program and the International Fund for Agricultural Development. The committee's structure allows for participation by member countries, civil society organizations, international research institutions, development banks, and private sector associations.

The *Voluntary Guidelines* address key questions relevant to the respective missions of the FAO and CFS including the improvement of agricultural productivity, betterment of the lives of rural populations, contributions to the growth of the world economy, food access, along with the review and follow-up of policies concerning these issues.

The political will gained through the open negotiation process has resulted in a new and broad sense of agreement that tenure issues can and should be addressed. Additionally, tenure issues are no longer viewed in isolation, but rather, as part of a globally accepted development framework.

U.S. LEADERSHIP IN TENURE

The United States supports improvements in land governance that strengthen land and resource rights of local people and communities. Over the last several years, the Millennium Challenge Corporation (MCC) has committed over \$260m in funding for land governance projects in 13 partner countries. In the past five years, USAID has funded \$200m in land tenure programming in 30 countries around the world.

USAID and MCC help to build the capacity of land administration officials, as well as a range of other stakeholders, in order to improve accountability, accessibility and the responsiveness of land governance systems. They work to promote policy and legal reforms to strengthen property rights in formal and informal, or customary, land governance systems.

The United States already supports many of the best practices outlined in the *Voluntary Guidelines* through alignment with projects and priorities of USAID and MCC, and with U.S. programs such as the Equal Futures Partnership, which promotes political and economic participation of women, and President Obama's Feed the Future Initiative.

Since 2009, implementation of a USAID property rights program with artisanal miners in the Central African Republic has resulted in a decrease of mining related conflicts from 142 to only four active conflicts in 2012. Additional program reporting showed that household incomes in the project area increased five-fold from 2010 levels in 2011.

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In 2011 and 2012 USAID worked in partnership with governments in Kenya, Liberia, South Sudan, and Timor-Leste to evaluate and recommend policy and legislative reforms in support of stronger land governance and administration systems. Similar approaches will be used in future USAID projects to improve security of land tenure and resource rights.