

# VOICE OF THE RURAL WORLD

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



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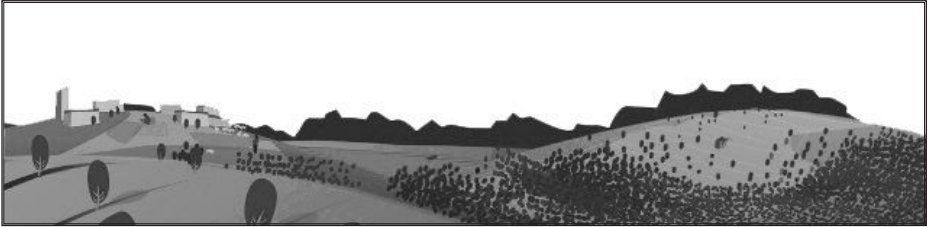
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It highlights the rural world's life and activities of  
the member movements belonging or not to the Federation

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Dear Readers,

*Greetings from International Secretariat!*

The Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security is an internationally negotiated document by the Committee on World Food Security (CFS) under the Food and Agriculture Organization of the UN (FAO). The endorsement of the VGGT in 2012 represented an unprecedented step in recognizing the importance of improving land and other resource governance systems as a strategy for enhancing food security, promoting sustainable development, limiting conflict, and reducing extreme poverty. The U.S. Government chaired the Open-Ended Working Group that developed the Guidelines through a two-year multi-stakeholder negotiation process that included representatives from donor countries, host governments, multi-lateral development agencies, civil society, and the private sector. These negotiations led to the unanimous adoption of the VGGT by the UN Committee on World Food Security (CFS) in May 2012. Civil society participation through the Civil Society Mechanism, was a remarkable feature of the negotiations, bringing together representatives of smallholder farmers, fisherfolk, pastoralists, agricultural and food workers, indigenous peoples, women's organizations etc

National policies and customs on tenure vary widely from country to country, even between countries in the same region. The Voluntary Guidelines provide a framework for countries to use in the establishment of laws and policies, strategies, and programs which clarify and secure tenure rights. The Guidelines promote responsible governance of tenure of land, fisheries and forests, with respect to all forms of tenure: public, private, communal, indigenous, customary, and informal.

Their overarching goals are to achieve food security for all and support the progressive realization of the right to adequate food in the context of national food security. While supporting efforts towards the eradication of hunger and poverty,



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the Guidelines are also intended to contribute to achieving sustainable livelihoods, social stability, housing security, rural development, environmental protection, and sustainable social and economic development. The Guidelines are meant to benefit all people in all countries, although there is an emphasis on vulnerable and marginalized people.

The Guidelines serve as a reference and set out principles and internationally accepted standards for practices for the responsible governance of tenure. Though their content is not perfect, the Guidelines represent an important step towards secure access to land and other related natural resources for those who depend on it for their food and livelihoods

The VGGT provide a framework that governments, civil society, and the private sector can use in developing policies, legislation, and programs that promote improved land and resource governance. While much has been accomplished over the past four years, more can be done. The ultimate value of the VGGT will be determined by the extent of their implementation and measured in improved development outcomes for women, men, and children around the globe. The Guidelines have now received global recognition, including by the G8, G20 and Rio +20 meetings in 2012. Initiatives have been launched by governments and international organizations to support their implementation, including commitments by the World Bank, a four-year support program developed by the FAO, the G8 countries etc.

Two issues are particularly crucial. First, while all actors have unanimously recognized the need for inclusivity, but in practice are going ahead without the meaningful participation of those suffering most from lack of access and control over land and natural resources. A second major problem lies in the persistent reluctance of many governments to take action, on the pretext that the Guidelines are “voluntary”, i.e. non-legally binding. In practice, this argument is used by those who do not want to jeopardize various binding policies such as trade, investment and biofuels policies which contradict the Guidelines’ principles. The principles contained in the Guidelines are not optional or discretionary. Let’s work collectively for the implementation of the guidelines in our own countries

Enjoy your reading

George Dixon Fernandez  
Secretary General



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# VOLUNTARY GUIDELINES ON THE RESPONSIBLE GOVERNANCE OF TENURE OF LAND, FISHERIES AND FORESTS IN THE CONTEXT OF NATIONAL FOOD SECURITY

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*The livelihood of numerous people depends on an equitable and secured access to the land, forests and fisheries resources. A secured access to those resources is essential to eradicate hunger and poverty, to support sustainable development and to improve the environment. Moreover due to climatic change and the outbreak of natural disasters, it is urgent to take measures to protect the universal land capital, for us and the future generations.*

## **What is the tenure of land?**

The land, fisheries, forests and other natural resources constitute a platform of livelihoods and the natural terrain for social, cultural and religious activities. The tenure of land refers to the relationship that people have with the land, fisheries, forests and other natural resources. Land governance is therefore a way of access to natural resources and to control their management by the societies. It also endeavors to reconcile the priorities and interests of the various groups competing for the exploitation of these resources. It allows following the way in which individuals and groups are associated with making decisions, how Governments are accountable to stakeholders as well as the



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measures taken by the companies to enforce the rights, freedoms, rules and laws. The effectiveness in the treatment of land issues is closely linked to the quality of governance.

### **Why to develop guidelines for the tenure of land?**

The pressure on land resources has been accentuated with cultivation of new lands, occupation of arable land due to urban expansion and the abandonment of soils, due to their degradation, climate change and conflict. Faced with this situation, FAO and its partners have undertaken guidelines accepted at the international level to improve governance of land tenure applicable to the lands, fisheries and forests: the voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security. They are intended to provide a security of tenure and equitable access to land, fisheries and forests, with the aim of eliminating hunger and poverty, to improve the management of the environment and support sustainable development. They were officially approved by the Committee of world food security (CFS) on May 11, 2012.



It is important to stress that responsible governance of land arrangements applicable to the lands, fisheries and forests is inextricably linked to access to other natural resources, such as water and mineral resources, and the management of these resources.

Modes of access of individuals, communities and other actors to the lands, fisheries and forests are defined and regulated by the societies, in the context of land tenure systems that determine who can use these resources, how long and under what conditions. Land systems can be based on written policies, rules and laws as well as on unwritten traditions and practices. Land systems are under increasingly strong pressure, related to demographics and growing food security demands, even though the environmental degradation and climate change reduce the availability of land, fisheries and forest resources.



These guidelines are the first worldwide detailed instrument on land tenure and their administration, prepared through intergovernmental negotiations. They expose principles and standards internationally recognized for the introduction of responsible practices for the use and control of land, fisheries and forests. They provide information to improve the political, legal and organizational frameworks that regulate property rights and aim to strengthen the transparency and administration of the land tenure systems, the capacities and the mode of operation of public agencies, enterprises from the private sector, civil society and any person concerned by the land governance organizations. These guidelines place the national land governance in the context of food security and aim to contribute to the progressive realization of the right to adequate food, to the eradication of poverty, to the protection of the environment, and social and economic sustainable development.



They rely on a multidisciplinary approach that takes into account the links between the rural and the urban world, considers the diversity of natural resources and integrates safeguards for the benefit of vulnerable groups.

The guidelines will also be a valuable tool for the management of climate change and/or natural disasters. Indeed, it will be for the States to ensure the proper use of the land, or even to take

measures for the protection of certain sensitive areas, this is to prevent or mitigate the effects of climate change.

## **Principles of implementation**

The implementation principles below are a key to responsible governance of land, fisheries and forests.

**Human dignity:** recognizing the inherent dignity and the equal and inalienable human rights of all individuals.

**Non-discrimination:** no one should be subjected to discrimination under law and policies as well as in practice.



**Equity and justice:** recognizing that equality between individuals may require acknowledging differences between individuals, and taking positive action, including empowerment, in order to promote equitable tenure rights and access to land, fisheries and forests, for all, women and men, youth and vulnerable and traditionally marginalized people, within the national context.

**Gender equality:** Ensure the equal right of women and men to the enjoyment of all human rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating de facto equality when necessary. States should ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status. or marital status.

**Holistic and sustainable approach:** recognizing that natural resources and their uses are interconnected, and adopting an integrated and sustainable approach to their administration.

**Consultation and participation:** engaging with and seeking the support of those who, having legitimate tenure rights, could be affected by decisions, prior to decisions being taken, and responding to their contributions; taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.

**Rule of law:** adopting a rules-based approach through laws that are widely publicized in applicable languages, applicable to all, equally enforced and independently adjudicated, and that are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.

**Transparency:** clearly defining and widely publicizing policies, laws and







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procedures in applicable languages, and widely publicizing decisions in applicable languages and in formats accessible to all.

**Accountability:** hold individuals, public bodies and non-state actors for their actions and their decisions in accordance with the principles of the rule of law.

**Continuous improvement:** States should improve mechanisms for monitoring and analysis of tenure governance in order to develop evidence-based programs and secure on-going improvements

### **The guidelines, human rights and international law**

The guidelines consider the land rights as part of human rights. There is currently no international consensus establishing land rights in respect of human rights. However, land rights, which provide access to lands, fisheries and forests, constitute essential elements of implementation of human rights, such as the right to a standard of living adequate for the health and well-being, of himself and of his family, including food, clothing, housing and medical care and necessary social services (Universal Declaration of Human Rights, Article 25; International Covenant on economic, social and cultural rights, Article 11).

The guidelines recommend that States ensure that all actions relating to land tenure and governance be conformed to existing obligations taken under national legislation and international law and take into account voluntary commitments contracted under applicable international and regional instruments.

All programs, policies and technical assistance to improve land governance through the implementation of these guidelines must be conformed to the existing obligations of States that they derive from international instruments.

Land governance is an essential element in determining whether people, communities and other actors can acquire rights - and perform the duties associated with it - on the use and control of land, fisheries and forests, and how they can get them. Many land problems arise due to weak governance, and attempts to solve these problems depend on the quality of governance.



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Weak governance has negative effects on social stability, sustainable use of the environment, investment and economic growth. Populations may be condemned to hunger and poverty if they lose their rights to their homes, their lands, their fisheries and livelihood because of land use practices marked by corruption or the inability of implementing bodies to protect land rights. Their survival is at stake when the weakness of governance led to violent conflicts. On the other hand, responsible land governance promotes economic and social sustainable development which can contribute to eliminating poverty and food insecurity and encourages responsible investment.

### **Binding text or voluntary principles?**

The guidelines illustrate global consensus on principles and standards accepted internationally for responsible practices. They provide a framework that States are encouraged to use to develop their own policies, laws and programs, in a human rights-based approach.

The Directives are a non-binding legal instrument; guidelines are voluntary. They are not legally binding. They do not override national or international legislation, commitments, treaties or agreements. At the same time, they restrict or compromise any legal obligation to which a State would be obliged under international law.

The “non-binding legal instruments” have the advantage - from binding international agreements - to facilitate the consensus within the country. Similarly, non-binding instruments may be more complete, more detailed and better adapted to technical issues and best practices, such as land governance. When a country adopts all or part of an international non-binding legal instrument, it becomes indeed, for this country, “a binding instrument”.

### **Reaction of NGOs on land governance guidelines**

Civil society organizations that actively participated in the negotiations on the guidelines are convinced that these represent an important step forward in the governance of natural resources and for food security. The new instrument developed by the CFS rightly recognizes the key role played by women, small farmers, fishing communities, pastoralists and indigenous peoples.



Nevertheless, NGOs consider that these guidelines are insufficient when it comes to provide answers to questions that are essential to the livelihoods of small producers. They do not sufficiently address practices such as land grabbing and water resources, practices that contribute to food insecurity, cause human rights violations and environmental degradation.

The text is also too weak on the priority which must be given to support to the small producers, these representing the highest priority if Governments want to meet the challenges of sustainable development. It is also disappointing that the guidelines fail to further protect the rights of indigenous peoples, rights yet already recognized by international instruments. Moreover the guidelines fail to include water as part of land resources.

Although civil society organizations are still in disagreement with several passages of this text, they will work to ensure that these guidelines are implemented in a manner that enhances the rights of small food producers and undertake rely on these guidelines to advance their struggles.

### **Call for participation**

Even if the text is not perfect, and it is not binding, it has the merit to exist. Partnerships are essential to improve land governance. The voluntary guidelines for land governance initiative appeal for collaboration, for the constitution of networks and for the implementation of joint activities in order to improve the governance of the property regimes applicable to lands, fisheries and forests at the global, regional and national levels.

Feel free to consult the FAO web site that publishes a series of comprehensive texts on the guide lines, as well as guides and advices to participate in this debate. [www.fao.org](http://www.fao.org)



## FIMARC NEWS

### FIMARC ASIAN COORDINATION MEETING 2015, INDIA

The meeting took place in Kerala, India from 12th of July to 15th of July 2015. Mr. George Dixon from FIMARC Bureau, Mr. Philip Biswas from Bangladesh, Rony Joseph from India participated. Mr. Son young jun informed his inconvenience to participate in the meeting.



Mrs. Pinku Rita Biswas, Deputy ED of RRF Bangladesh, Mr. George Dixon from FIMARC Bureau, Mr. Rony Joseph from INAG, India, Mr. Philip Biswas from BSDF Bangladesh

The meeting decided the following

- FIMARC member movements in Asia has to report the implementation and progress of the Action plan prepared by the Asian participants during the FIMARC World Assembly 2014 in their own countries.
- FIMARC member movements in Asia has to identify and collect information on existing Sustainable models in promotion of Local Safe Food, Promotion of Biodiversity, promotion of local culture, Promotion of Traditional knowledge, Good Governance (democracy, autonomy, dignity), Promotion of Family Farming, Cooperatives & Direct Marketing in their own regions and countries. Representatives from FIMARC Bureau and EXCO can visit and experience these initiatives in Asia. Asian movements should prepare a list of the above mentioned Sustainable Models in their own country and try to document whatever forms possible (Written, Photos, video etc...)
- Organise an Asian Seminar on Strengthening Family Farming Systems in Asia through People Lead Approaches prior to the 50th Anniversary Celebrations of CCFM Korea
- Organise an Interfaith Dialogue on the Role of Religion in Protecting the Health of the Marginalised Communities in Asia and also a Workshop on Encyclical Letter LAUDATO SI' (Care for our Common Home) of the Pope Francis during the International Conference on Aids in Asia and Pacific DHAKA, Bangladesh.

- Sensitizing the PLDP (People Lead Development Process) based on the INAG Experiences

## **FIMARC AT CIDSE /JUSTICE AND PEACE CONFERENCE IN ROME**



The conference “People and Planet First: the Imperative to Change Course”, organized by CIDSE and the Pontifical Council for Justice and Peace in the aftermath of Pope Francis’ Encyclical *Laudato Si*, was held from 1-3 July in Rome.

The event brought together 200 church, civil society, and political representatives from all continents and from 45 different countries, involving high level speakers such as Cardinal Pietro Parolin (Secretary of State of the Holy See), Naomi Klein, Mary Robinson (UN Special Envoy for Climate Change), and Enele Sopoaga (Prime Minister of Tuvalu) amongst others. “This two- day conference has been a unique space for discussions, during which worlds that usually operate independently met, exchanged

reflections and took advantage of such an exceptional space for dialogue” In light of the encyclical letter *Laudato si*, the CIDSE conference “People and Planet first: the Imperative to Change Course” called for urgent climate action and highlighted that overcoming climate change also requires a greater social, environmental and economic transition with new rules for the economy. This includes ending the fossil fuel era by 2050 and changing lifestyles in order to respect sustainability and the need to limit overall material consumption today in line with planetary boundaries. George Dixon Fernandez, Secretary General of FIMARC participated in this important conference. The conference was opened by CIDSE president Heinz Hoedl who highlighted that: “The ecological crisis reveals the systemic failures of a political and economic order driven by vested interests and based on the primacy of the market and profit, which has failed to put the human being and the common good at the heart of the economy. We need to put an end to the current growth and development paradigm of unequal economic, social and political systems, unequal distribution and access to resources like water and land, leading to human rights violations, environmental and social degradation and conflicts. “Cardinal

Parolin recalled the importance of the encyclical *Laudato Si'* in 2015, a year when three important United Nations conferences will take place: the “Third International Conference on Financing for Development” in July, the “United Nations Summit to Adopt the Post-2015 Development Agenda” in September and the “Twenty-First Session of the Conference of the Parties to the United Nations framework Convention on Climate Change” (“COP21”) at the end of the year in Paris and “the Encyclical will have a certain impact on these events, but its breadth and depth go well beyond its context in time.



Closing mass in the nature

Cardinal Turkson closed the conference highlighting the need to continue to work together, to take on the ideas generated at this conference, including giving the role of women a greater emphasis. Further, he announced upcoming Holy See initiatives to work with the encyclical including looking at the Jubilee Year of Mercy 2016. Bernard Pinaud (CCFD/CIDSE), added a call to mobilize worldwide for Paris

COP21, where governments need to deliver an ambitious agreement and where outside the negotiations civil society and people will come together to embark on a future that respects our common home.

### **STRENGTHENING THE PLATFORM OF CATHOLIC SOCIAL ACTION MOVEMENTS**

In order to strengthen the platform of Catholic social action movements at Global level and to mobilise the process of cooperation between ISCAM\* (International Specialized Catholic Action Movements) initiated June 17, 2014., A meeting of the major catholic social action movements was held on 22 and 23 May 2015 at JOC France at their headquarters in Paris. 3 main questions were raised in the meeting:

- 1 - What is the current relevance of our almost centennial founding intuitions? (Starting from human realities, option for the poor, working by, for and with the people, articulate faith and life ...)
- 2 - How we stand in the Church with the changes after Vatican Council II and the message of Pope Francis?
- 3 - How to make this common heritage successful for the world today?

The meeting affirmed the need to Coordinate between ISCAM to offer, in the countries where we are and beyond, an accompaniment and a



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support according to diverse human situations and to continue the process of opening our movements to religious and cultural diversity, without forgetting the source, our belonging to the Catholic Church. Renew our animation methods, our analysis and our language to make the Gospel available to all. The key leaders from ICYCW, FIMARC, IYCS, IYCW, MIAMSI, MIDADE, IMCS Pax Romana, ICMICA Pax Romana, MIJARC, WMCW were present in the meeting. George Dixon Fernandez (Secretary General) and Jean Claude Germon (Treasurer) represented FIMARC in the meeting.

The ISCAM network wants to support mutual fertility, effectiveness, development and reputation of its member movements. We have identified four priorities:

- I. To make the network living: mutual information, action together, participation in the actions of others, support if difficulties. Each member is a network's ambassador with international institutions, Holy See.
- II. Sharing resources and competencies.
- III. Working on common themes, reflections, reports.
- IV. Develop cooperation projects at regional or local level, particularly for the extension of our movements

The meeting also decided to organize a more important event in Rome in 2016.

### **HIGH LEVEL FORUM ON CONNECTING SMALL HOLDERS TO MARKET BY CFS**

The High Level Panel Expert (HLPE) Report on Investing in Smallholder Agriculture for food security and the recommendations of the related policy round table held at CFS 40 in 2013 proposed to organize a High Level Forum on Connecting Small holders to market in 2015. Strengthening and improving smallholders' linkages to markets should be seen as a contribution to food security and poverty reduction both for the farmers themselves but also for urban populations. Food security should be considered in relation to its four dimensions and the main question to be considered should be "How could better access to markets increase food production (availability), provide livelihoods and better income (access), diversify diets (utilization) and act as a buffer to price volatility, market related and other shocks (stability). FIMARC was part of the Civil society preparatory process and provided inputs to this important consultation to bring the aspect of overall "value chain" than the single idea of market in the deliberations of the forum.



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