

Building on the consensus: FAO's first twelve months after endorsement of the Voluntary Guidelines on Responsible Governance of Tenure

Paul MUNRO-FAURE and Andrew HILTON,
Climate Energy and Tenure Division, FAO, Rome

I. INTRODUCTION

The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* ("Guidelines") represent an unprecedented international agreement on the governance of tenure, and place secure access to land, fisheries and forests firmly in the context of food security. The Guidelines are based on an inclusive, transparent consultation process started by FAO (the Food and Agriculture Organization of the UN) and then finalized through intergovernmental negotiations led by CFS (the UN/FAO's Committee on World Food Security), and which included the participation of civil society organizations, private sector representatives, academics and researchers, and international organizations. They were officially endorsed by CFS at its Thirty-eighth (Special) Session on 11 May 2012.

The aim of the Guidelines is to promote food security and sustainable development by improving secure access to land, fisheries and forests and protecting the legitimate tenure rights of millions of people, many of whom are poor and food insecure.

In the short time since the endorsement by CFS, the Guidelines have received global recognition, including at the 2012 G8, G20 and Rio +20 meetings. In addition, CFS decided to request the United Nations General Assembly, through the Economic and Social Council, to further endorse the Guidelines and ensure their wide dissemination to all relevant UN Bodies and Agencies. The General Assembly's endorsement, in December 2012, has since been complemented by that of the Berlin Agriculture Ministers' Summit in January 2013. However, the real value and impact of the Guidelines will be determined and measured by their contribution to changes in the lives and livelihoods of men and women around the globe, and particular of the vulnerable and marginalized.

This paper describes the first twelve months of FAO work, with its partners, in developing and implementing a programme for making improved governance of tenure a reality. The programme being implemented by FAO and its partners is one of many initiatives on tenure. FAO is, of course, not the only actor addressing tenure issues at the international and global levels, nor to implement technical assistance at the country level. FAO does, however, have an established role as a neutral convening body, with established strengths in the context of the Guidelines in putting new information in reach of users, of sharing policy expertise, and of developing and distributing knowledge to the field. Many actors, including government ministries, bilateral development agencies, international financial institutions, civil society organizations, private sector entities, professional associations, research institutions, regional bodies and UN agencies already have numerous existing and planned programmes and projects on tenure in accordance with their own

The eradication of hunger and poverty, and the sustainable use of the environment, depend in large measure on how people, communities and others gain access to land, fisheries and forests. The livelihoods of many, particularly the rural poor, are dependent on secure and equitable access to these resources. They are the source of food and shelter; the basis for social, cultural and religious practices; and a central factor in economic growth. Inadequate and insecure tenure rights to natural resources often result in extreme poverty and hunger. Many tenure problems arise because of weak governance, and the quality of governance affects the attempts to address tenure problems.

mandates and requirements. While the overwhelming majority of these initiatives are not conducted as part of the FAO programme, they contribute to shaping the overall environment in which the FAO programme is implemented. As many of these actors, including the International Federation of Surveyors (FIG), worked in various ways towards the successful development of the Guidelines, FAO encourages them to mainstream the Guidelines in their initiatives, and to contribute to a shared knowledge of existing and planned work to improve the governance of tenure. The powerful recognition of the significance of the Guidelines by FIG President, Mr Teo CheeHai, during the Rome 2012 General Assembly is indicative of the importance attached by professional surveyors to the Guidelines.

II. OBJECTIVES, NATURE AND SCOPE OF THE PROGRAMME

The design and implementation of FAO's four-year initial programme are based on the principles of the Guidelines, i.e. human dignity, non-discrimination, equity and justice, gender equality, holistic and sustainable approach, consultation and participation, rule of law, transparency, accountability, and continuous improvement. Implementation of the programme at the national level is considered essential and will be a key aspect of the programme.

In line with the objectives of the Guidelines, the programme seeks to assist all, with an emphasis on the vulnerable and marginalized, to benefit from improved tenure governance. In particular, farmers and other small-scale producers, indigenous peoples, ethnic minorities, women, orphan children, illiterate populations, disabled people and the elderly are among the groups most vulnerable to losing their tenure rights in the face of growing pressure on land, fisheries and forests, and will benefit from responsible, pro-poor and pro-vulnerable governance of tenure. While the principal beneficiaries of improved tenure governance are people in developing and transition countries, people in developed countries will also benefit from enhanced tenure governance.

The programme supports improvements to tenure governance through the creation or enhancement of frameworks for regulating tenure. These initiatives are to contribute to improved national food and nutrition security, the realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection, and sustainable social and economic development. The programme covers land tenure, fisheries tenure and forest tenure as well as tenure arrangements at the interface of the land, fisheries and forest sectors, and tenure of the natural commons. All of these are technical areas at the heart of a surveyor's practice.

The programme links with, and supports, other relevant efforts such as the Africa Land Policy Initiative (LPI), the Comprehensive Africa Agriculture Development Programme (CAADP), and other initiatives to improve tenure that are being led by donors, international financial institutions and other United Nations agencies.

Thematic areas of the programme include:

- *Support to countries:* responding to requests for assistance;
- *Awareness raising:* assisting more people to learn more about the Guidelines;
- *Capacity development:* preparing additional tools and aids;
- *Monitoring and evaluation:* developing new approaches and adapting existing ones;
- *Partnerships:* strengthening and developing collaboration on improved tenure governance at global, regional and local levels.

III. OPERATION OF THE PROGRAMME

The programme is flexible, providing responses to a variety of needs in different ways.

- The provision of relevant information and technical guidance, including initial country support in response to country requests, is funded through a support system.

Support to countries. One of FAO's functions is to provide technical assistance to member countries in response to their requests, and FAO has provided assistance in a wide range of technical areas of tenure and to countries in all regions. The Guidelines are now being mainstreamed into FAO's technical assistance. With the endorsement of the Guidelines, the Namibian Ministry of Lands and Resettlement has expressed interest in introducing the principles and practices of the Guidelines in its programmes. In the Philippines, preparatory material of the Guidelines was used in the preparation of the Land Sector Development Framework by the Department of Environment and Natural Resources and Department of Finance. The extent of technical assistance provided by FAO to member countries in connection with the Guidelines is expected to increase over time, particularly with growing calls for implementation of the Guidelines, such as that made by the Regional Conference for Europe in 2012. Under the Support System this would be typically limited to short-term responses to requests, for example, for scoping and identifying possible approaches to address possible interventions. Evidence from recent months already indicates that the level of requests to FAO for such assistance is increasing markedly as awareness increases, with more than twenty countries already in various stages of requests for support.

Awareness raising and the dissemination of information have been the preliminary focus of FAO's activities in the first twelve months following the endorsement of the Guidelines, with systematic regional awareness raising having commenced around the world some six months after endorsement. All stakeholders and relevant parties, including government, civil society and the private sector, continue to be primary target audiences for awareness-raising. The Guidelines themselves have been prepared in the format of a small booklet that is available in all official languages of the Organization. "*Voluntary Guidelines: At a glance*" provides a short, simple overview of the Guidelines and "*Governance of Tenure: Making it happen*" is a brief overview of tenure governance describing the framework of the Guidelines and the process for preparing them. A series of papers on different technical aspects of the Guidelines were included in a special 2012 themed edition of the FAO Land Tenure Journal, and a further edition, currently with the printers, addresses the various dimensions of fisheries tenure. FAO's website on tenure <http://www.fao.org/nr/tenure/en/> has been redesigned to provide a single entry point for the Organization's work on tenure and its governance. In addition, and as a part of FAO's regular activities, awareness raising will also be focussed on FAO's decentralised offices at the regional, sub-regional and national levels.

For FAO Governing Bodies, the Guidelines were included in COFI (at a side event in the Committee on Fisheries, July 2012) and in the context of COFO (in a main session of the World Forest Week, Committee on Forestry, September 2012). Two relevant high level side-events took place under CFS auspices in October 2012. The Guidelines were presented at the World Urban Forum in Naples, at the Human Rights Council in Geneva in September, and in New York and Washington in October 2012. Briefings are being given to ministries and bilateral agencies of individual countries in response to their requests for updates. The Guidelines are playing a role in many meetings and fora throughout 2013, including the Global Forum for Food and Agriculture and the Policies Against Hunger conference series where the Berlin Agriculture Ministers' Summit roundly endorsed them and encouraged their implementation.

Regional technical meetings for awareness raising are well under way. The series of ten major meetings started in the Africa region, in close collaboration with the AU/UNECA/AfDB Land Policy Initiative (LPI) in Yaoundé in December 2012, and in Kigale in February 2013. The balance of meetings will be completed by the end of September 2013. These meetings are raising awareness of the Guidelines and related materials, and allowing the 80 and more participants to think and discuss how they can use the Guidelines when they return home. The meetings are designed to help build or extend peer networks of interested people in each region, and to identify existing mechanisms and initiatives in countries that may support improvements to tenure governance at the country level. There are already regional proposals from the FAO Regional Office levels to extend the dissemination specifically to the country level in selected regions where resources are available. The meetings involve all stakeholders, including civil society organizations and the private sector. The latter stakeholder groups are being particularly targeted to ensure appropriate participation.

Capacity development. The preparation of additional tools and aids is well underway to support understanding and sharing of methodologies and good practices, with the initial focus on technical guides covering the following specific aspects of the Guidelines:

- Gender-equitable governance of tenure;
- Tenure governance in fisheries;
- Tenure governance in forestry;
- Tenure of indigenous peoples;
- Land tenure aspects of agricultural investments.

In addition, work on a technical guide on governance of water tenure is being carried out, although not directly in the context of the Guidelines. The first of those listed, “*Governing Land for Women and Men*”, has already been published, and the remainder are either in press or will be available in printed form before the end of 2013. E-learning tools that provide an introduction to the Guidelines are also in preparation. As with other FAO technical guides, the guides and e-learning materials are not negotiated documents. Instead, they are prepared with technical experts and are undergoing peer reviews before finalization and publication. They present a technical elaboration of principles and good practices in selected areas of the Guidelines in the form of processes and actions. Technical guides on additional topics are already planned for preparation, and resources are already being made available by interested donors.

Monitoring and evaluation. There is considerable interest in the monitoring and evaluation of tenure governance. FAO, working with civil society, has encouraged the documentation of civil society’s perspective on monitoring of tenure governance. The research undertaken by civil society explores ways of monitoring the governance of tenure and provides an overview of existing monitoring and evaluation systems and practices in relation to tenure that are being used, including by civil society organizations. With regard to the Guidelines themselves, they are voluntary and not an international treaty with a monitoring body. While the Guidelines call for a report to CFS on the progress of implementation of the Guidelines, FAO does not endeavour to, nor does it have the capacity to, monitor the extent of implementation of the Guidelines by individual countries. Ongoing discussions within CFS are, however, looking towards how these requirements can best be fulfilled.

Open and inclusive partnerships were an important factor in the successful development of the Guidelines and such partnerships are crucial for improving tenure governance. Further extending and expanding partnerships and networks, and, where needed, creating new partnerships with all interested stakeholders, are vital for the establishment of thematic and regional networks to support improved tenure governance, for the effective and efficient implementation of Voluntary Guidelines related work in support of implementation, and for providing a platform for integrating and disseminating the work planned by FAO under this programme.

The improvement of tenure governance is dependent upon the contributions of people from all sectors (i.e. public and private sectors, civil society organizations, and academia), and through representation at all levels (i.e. local, national and international organizations). In the short time following the endorsement of the Guidelines, a number of partners have taken steps to disseminate information and to raise awareness through their own networks. For example, several partners have posted information on the Guidelines on their own websites, and an informative guide has been prepared by ActionAid and International Food Security Network, with co-funding by the European Commission (“*A brief introduction to the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*”). Others, such as the World Bank and IFC, have decided to mainstream the Voluntary Guidelines throughout their activities, both in implementation, and in informing revisions to safeguard policies.

For the medium term, strategically important thematic approaches are being developed with partners to promote and ensure active dissemination and inclusion of the Guidelines and related materials as standard reference points. As an example, FAO is supporting the development of academic networks and core materials for the inclusion of the Guidelines and related themes of tenure governance in academic programmes, and a technical paper addressing these matters is being prepared. Another medium-term initiative is the continuing development of inexpensive, open source software for recording land tenure rights (SOLA), which is being piloted by FAO and its partners. This work is in recognition of the critical importance of appropriate, adequate, affordable and accessible data models for land administration to implement the core principles of the Guidelines, and is being piloted with interested governments and land administration bodies.

Programme funding

Support for implementation of the Guidelines is included in FAO’s current Strategic Framework and work programme, and FAO Council requested FAO in June 2012 to ensure that the Guidelines are included as a priority in the new Strategic Framework being developed and in relevant work programmes. Demand for tenure related work from FAO is already showing signs of significant increase, as awareness of the Voluntary Guidelines becomes more widespread.

In addition, implementation of the programme requires substantial financial resources from voluntary contributions over the coming years. Almost \$10mn has so far been committed or promised as contributions towards supporting implementation of the Voluntary Guidelines. The voluntary contributions for the support system are to provide for:

- Direct technical assistance to respond to requests from countries and civil society organizations to help improve tenure governance;
- Regional meetings and other activities to disseminate widely and increase awareness of the Guidelines and their use;
- The preparation of additional technical guidance and other materials and activities for capacity development that are relevant to global, regional and national audiences;
- Support for the development of effective monitoring and evaluation;
- Partnerships;
- Increased capacity of FAO to respond to the rapidly rising number of requests for support for guidance and assistance in the context of these areas of activity. FAO has become internationally recognized as a centre of excellence in tenure of land, fisheries and forests, and has the technical expertise to respond to requests. However, the increasing number of requests for assistance arising from the high interest created by the Guidelines is exceeding FAO’s capacity to respond. The financing of additional tenure project posts is being sought in order to maintain responsiveness.

IV. CONTINUING THE ENGAGEMENT AND DIALOGUE

The participatory and dynamic dialogue on tenure governance, developed during the preparation and negotiation of the Guidelines, will be continued and extended in various ways. FAO seeks to continue and enrich the engagement and interaction with member countries, civil society organizations, the private sector and academia. In doing so, it aims to be responsive to the needs of member countries and others. FAO is committed to work in partnership to improve tenure governance for the benefit of all, with an emphasis on vulnerable and marginalized people, and with the overall goal of achieving food security for all.