

TOWARDS VOLUNTARY GUIDELINES ON RESPONSIBLE GOVERNANCE OF TENURE OF LAND AND OTHER NATURAL RESOURCES

DISCUSSION PAPER



Land Tenure and Management Unit (NRLA)

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This paper was prepared by the Land Tenure and Management Unit (NRLA), Land and Water Division, Natural Resources Management and Environment Department of FAO, in view of the development of Voluntary Guidelines for Responsible Governance of Tenure of Land and other Natural Resources.

Cover image: Mika-Petteri Törhönen
(Habitation of Gumuz village, Benishangul-Gumuz, Ethiopia)

List of abbreviations

CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
FAO	Food and Agriculture Organization of the United Nations
FIG	International Federation of Surveyors
GTZ	Gesellschaft für Technische Zusammenarbeit
ICARRD	Agrarian Reform and Rural Development
IFAD	International Fund for Agricultural Development
IPC	International Planning Committee for Food Sovereignty
MDG	Millennium Development Goals
UDHR	Universal Declaration of Human Rights
UN	The United Nations
WCARRD	World Conference in Agrarian Reform and Rural Development
WFS	World Food Summit

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1. Introduction

This discussion paper has been prepared by FAO's Land Tenure and Management Unit to seek views and comments on voluntary guidelines on responsible governance of tenure of land and other natural resources. Weak governance of tenure results in the loss of life and livelihoods; it deters investment and widespread economic growth and discourages the sustainable use of natural resources. In contrast, responsible governance of tenure ensures that relevant policies and rules lead to sustainable, beneficial results, and that related services are delivered efficiently, effectively and equitably. Responsible governance is not confined to statutory tenure (e.g. private and public ownership and other rights and responsibilities) but it recognizes as well customary and common property tenures. It is anticipated that voluntary guidelines will help countries to improve the governance of tenure. FAO has been working on governance of tenure since 2005 with generous support from the Government of Finland (see for example FAO Land Tenure Studies 9: "Good governance in land tenure and administration"¹.) The work of FAO and its partners, including UN-Habitat, the World Bank, IFAD, individual countries, and civil society, has shown that there is a growing and widespread interest in voluntary guidelines that can be adopted at the international level and implemented by countries.

This discussion paper presents examples of what might be contained in voluntary guidelines on the governance of tenure, but it is not a draft proposal of such voluntary guidelines. It is intended to stimulate discussion at workshops and other meetings in order to identify what should be in a draft proposal of the voluntary guidelines. The voluntary guidelines will be prepared through a participatory process involving international organizations, governments and civil society. The discussion paper is thus being disseminated to a broad audience at the start of the process.

The discussion paper has three parts. The chapter 2 describes:

- Why land (including improvements such as housing) and other natural resources are an important factor in the eradication of hunger and poverty, in social and economic development, and in the protection of the environment;
- How tenure determines whether land and other natural resources play a positive or negative role in development;
- How governance determines whether tenure makes a positive or negative difference.

The chapter 4 provides a brief description of the nature of voluntary guidelines in general, and how FAO has used them for specific purposes.

The chapter 5 deals with the core of the matter, i.e. the development of voluntary guidelines on the governance of tenure. It describes:

- The base on which such voluntary guidelines can be built.
- Examples of what might be covered in the voluntary guidelines, including the objectives and users, and the nature of the content.
- The approach for preparing the voluntary guidelines.

Terminology is problematic in any material of this nature. In order to simplify the text, the term "land" is used to include any human-made improvements to the land, including housing and other buildings, and infrastructure such as irrigation systems. In addition to land, the discussion paper addresses other natural resources (such as trees and forests,

¹ http://www.fao.org/NR/lten/abst/lten_071101_en.htm

pastures and other vegetation, water and fisheries) that cover the land or are otherwise related to it.

2. Land and other natural resources, tenure, and governance

2.1 Why are land and other natural resources being considered?

“The land is our most valuable resource. It is indeed much more than this: it is the means of life without which we could never have existed and on which our continued existence and progress depend.” This statement originated in a 1953 FAO publication which was revised and published as the FAO Land Tenure Studies 1 (“Cadastral surveys and records of rights in land”).² Land, here, is taken to include the earth’s surface as well as its various resources. Land provides the source of food and shelter. Basic survival and the enjoyment of a sustainable livelihood are dependent on access to land and related resources such as water, forests and fisheries. Access to rural lands and associated natural resources provides a safety net to people who have migrated to urban areas, as well as to their rural relatives.

The right to an adequate standard of living, including food and housing, was affirmed in the Universal Declaration of Human Rights (UDHR), Article 25, adopted in 1948. Although the UDHR does not specifically mention “land” or “natural resources”, the realization of a number of its various rights is dependent on secure access to land and other natural resources, as indeed is the realization of rights in international conventions and other instruments that followed.

Even before the UDHR, the preamble to the FAO constitution, adopted in 1945, affirmed the determination of FAO’s members to raise the level of nutrition, secure improvements in the efficiency of the production and distribution of food and agricultural products, and better the conditions of rural populations. Twenty years later, FAO’s members amended this preamble to include actions to ensure humanity’s freedom from hunger. FAO’s members have continuously reaffirmed the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food, and the fundamental freedom from hunger. Recent commitments were made in the World Food Summit (WFS) Plan of Action (1996) and the Declaration of the World Food Summit: five years later (2002); and in the *Voluntary Guidelines to support the progressive right to adequate food in the context of national food security* (2004).

Secure access to land and other natural resources is one of the fundamental factors for the realization of the right to food. The right to food does not automatically translate into a right to land and other natural resources as the aim of access to food for all may be achieved through other means such as formal employment or off-farm income. However, where such other means are limited or insufficient, rights to land and other natural resources are crucial in order to realize the right to food. And in all circumstances, the production of food for sale in the market requires secure access to land. The WFS Plan of Action called for the establishment of legal mechanisms, as appropriate, that advance land reform; recognise and protect property, water and user rights; and enhance access to the poor and women to resources (Objective 1.2(b)); and for legislation to be introduced and enforced to provide women with secure and equal access to and control over productive resources including credit, land and water (Objective 1.3(b)). The *Voluntary Guidelines to support the progressive right to adequate food in the context of national food security* further recognises the necessity of improving secure access to land and other natural resources.

² http://www.fao.org/sd/2003/IN11013_en.htm

Secure access to land is also a fundamental factor for the realization of the right to shelter. The right to adequate housing, as set forth in the UDHR, was reaffirmed in the Vancouver Declaration on Human Settlements (1976). The Habitat Agenda, reaffirmed by the Istanbul Declaration on Human Settlements (1996), committed to the objective of providing legal security of tenure and equal access to land to all people, including women and those living in poverty; and undertaking legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies (paragraph 40(b)).

A fundamental right to property was also affirmed by the UDHR. Article 17 stipulates that everyone has the right to own property alone as well as in association with others; and no one shall be arbitrarily deprived of property. The protection of property rights was subsequently reaffirmed in the Convention concerning Indigenous and Tribal Peoples (Article 16); the International Covenant on Economic, Social and Cultural Rights (Article 11, General Comment 7); the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Article 15); the Principles on Housing and Property Restitution for Refugees and Displaced Persons (“The Pinheiro Principles”) (Principles 5 and 7); and the regional instruments of the European Convention for the Protection of Human Rights and Fundamental Freedoms (First Protocol, Article 1); the American Convention on Human Rights (Article 21); and the African Charter on Human and Peoples’ Rights (Article 14).

These instruments do not make explicit reference to land and other natural resources, with the exception of the Convention concerning Indigenous and Tribal Peoples, and the Pinheiro Principles. But for most people, their most valuable property is their land and the houses and other structures that are built on it, and the natural resources that grow on it or are otherwise associated with it.

Beyond providing the platform for food and shelter, land and other natural resources are one of the fundamental factors that shape the social and cultural identities which define who we are and how we are viewed by others. Land and related natural resources are thus closely bound with other factors of identity such as ethnicity, gender, nationality, history and religious belief. They are part of the ties that bind together individuals, families and groups, and part of the heritage that is passed from one generation to the next. Invariably all cultures have land and other natural resources with a rich symbolic value whether as an ancestral territory of an indigenous group, a family farm, or a national park created to preserve outstanding natural beauty.

Land and other natural resources are also a source of wealth and are important for the economic well-being of families, communities and nations. As a fundamental factor of production, land and other natural resources are used to produce goods and services. There can be no production without them. The financial wealth derived from them contributes to and reinforces social status. They provide the foundation to earn money from farming and other business operations, and they can be an asset that raises money if leased, mortgaged or sold. For governments, particularly at the local level, property taxation can be an important source of revenue for funding infrastructure and public services.

Responsibilities come with rights. Rights to use land and other natural resources cannot be unrestricted. When the WFS Plan of Action called for the establishment of legal

mechanisms to advance land reform and recognise and protect property, water and user rights, it required those mechanisms to promote conservation and sustainable use of natural resources, such as land, water and forests (Objective 1.2 (b)). The need for environmental protection was identified earlier in the Stockholm Declaration of the United Nations Conference on the Human Environment (1972) which affirmed that the natural resources must be safeguarded through careful planning and management (Principle 2), and that an integrated and coordinated approach to development planning should be adopted to ensure that development is compatible with the need to protect and improve the environment (Principle 13). The Rio Declaration on Environment and Development (1992) reaffirmed that the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations (Principle 3); and that environmental protection should constitute an integral part of the development process (Principle 4).

Recognising that land is one of the most important resources, the Vancouver Declaration on Human Settlements affirmed that States have the right to plan and regulate use of land (General Principle 10). The Habitat Agenda recommitted to promoting production and consumption patterns, population policies and settlement structures that are more sustainable, reduce environmental stress, promote the efficient and rational use of natural resources (including water, forests and land) and meet basic needs (paragraph 43j). It called for the promotion of optimal use of productive land in urban and rural areas, and the protection of fragile ecosystems and environmentally vulnerable areas from the negative impacts of human settlements through development and support of the implementation of improved land management practices that deal comprehensively with potential competing land requirements for agriculture, industry, transport, urban development, green space, protected areas and other vital needs (paragraph 43p).

2.2 Why is tenure important?

Tenure is the complex relationship among people with respect to land and its resources, and access to land and other natural resources is defined by the rules of tenure. This relationship may be defined by written law or by custom. Tenure is an institution, i.e. rules invented by societies to regulate behaviour. The rules of tenure define how rights to land and other natural resources are assigned within societies. They define how access is granted to rights to use, control and transfer these resources, as well as associated responsibilities and restraints. In simple terms, tenure systems determine who can use what resources of the land for how long, and under what conditions.

Tenure reflects the power structure in a society. Because land and other natural resources are central to social and cultural identity and economic wealth, tenure arrangements in a society develop in a manner that entrenches the power relations between and among individuals and social groups. Tenure thus has enormous political implications and tenure issues are liable to be politicized. Social stability may depend on whether or not there is a broad consensus on the fairness of the tenure system.

Tenure can cause problems. Without secure tenure, people are marginalized and vulnerable to being evicted from their land and excluded from society. Where access to resources is poorly governed, the natural environment and its biodiversity are in danger of overexploitation. FAO's first Conference in 1945 recognised that "inadequate systems of tenure" should be reformed to remove impediments to economic and social progress.

Ongoing changes may aggravate the problems caused by tenure. For example, competition for land and other natural resources is increasing due to rising populations, economic growth, and demands for urban and industrial expansion. A shrinking natural resource base drives competition as land is abandoned because of degradation, climate change and violent conflicts. Increased competition occurs as new lands are placed under cultivation to meet the demands for expanded supplies of agricultural products, including biofuels, and increased food production in response to high food prices. Such competition may foster social exclusion with potentially destabilizing consequences when the rich are able to acquire land and other natural resources at the expense of the poor.

Changing tenure arrangements may be required to improve environmental conditions, to promote gender equity, to resolve social conflicts, to increase food production, or to facilitate economic development. Such changes are more than changing laws or procedures as they may result in fundamental shifts in the power structure within a family, within a community, or within a nation. They may redefine many relationships ranging from that between husband and wife, to that between State and citizen.

The rules of tenure are applied and made operational through the administration of tenure. This administration, whether formal or customary, addresses the systems and processes to administer:

- Rights to land and other natural resources, including the allocation of rights; delimitation of boundaries; transfer of rights (e.g. through sale, lease, concessions, sharecropping, loan, gift, inheritance, land reform); and adjudication of doubts and disputes regarding rights and parcel boundaries.
- The regulated use of land and other natural resources, including planning and enforcement of land use regulations; and adjudication of land use conflicts.
- Valuation and taxation, including assessment of property values; gathering of revenues through property taxation; and adjudication of valuation and taxation disputes.

These three elements of administration (rights, regulated uses, and values) are interlinked. Changing one may affect the others. For example, a change in the regulated use of land from agricultural to residential often leads to an increase in the value of the land, and in turn to the subdivision of the farmland into smaller residential parcels and their transfer to new owners. A decision by a government to compulsorily acquire land for a public use is likely to change the designated use of the land as well as the ownership; and the process of acquisition should require the valuation of the land and related property to ensure the payment of equitable compensation.

2.3 Why is governance of tenure important?

Governance is the process of governing. It is the way in which society is managed and how the competing priorities and interests of different groups are reconciled. It includes the formal institutions of government but also informal arrangements. Governance is concerned with the processes by which citizens participate in decision-making, how government is accountable to its citizens and how society obliges its members to observe its rules and laws. Governance comprises the mechanisms and processes for citizens and groups to articulate their interests, mediate their differences, and exercise their legal rights and obligations. It is the rules, institutions, and practices that sets limits and provides incentives for individuals, organizations and firms.

Weak governance affects economic growth when the misuse of power results in tenure security that is insufficient to encourage investments. It affects environmental sustainability when people profit from overexploiting resources and disregarding environmental impacts. It further marginalizes the poor who lose out because they lack the political force to influence decisions, and because they lack the financial resources to bribe corrupt officials. Women are usually vulnerable when they have fewer and weaker rights to land because of biases in formal law, in customs and in the division of labour in society. Weak governance gives rise to:

- “State capture”: When governance is weak, the powerful are able to dominate the competition for scarce resources. In an extreme form, corruption can occur on a grand scale through “state capture”. The state can be “captured” by individuals, families, clans, groups or commercial companies who direct public policy for their own benefit. Those with power may illegally transfer public lands and common lands to themselves or their allies. They may implement land redistribution policies and laws in their favour, and give unjust compensation to those whose land is compulsorily acquired. They may make favourable decisions to change regulated land use that cannot be justified on objective grounds.
- Administrative corruption: Officials abuse their positions and demand bribes in order to do their work, or to move the documents of a person to the front of the queue. Alternatively, they may require payments to not perform duties such as carrying out inspections. They may ask for money to produce results that favour the bribers, e.g. by undervaluing property in order to lower taxes, or overvaluing it to enable a person to be eligible for a higher mortgage loan. For a price, they may carry out illegal acts such as the registration of fake titles.

Responsible governance of tenure is necessary for the realization of the fundamental rights of adequate food and shelter, and of property. Governance is important to reform any weaknesses of tenure. As noted above, tenure arrangements can cause problems, including giving rise to violent conflicts. Any problems that might exist with tenure are made worse when governance is weak. Inadequate tenure arrangements should be reformed so that they make a positive contribution to development. Good tenure arrangements are relevant to the attainment of the Millennium Development Goals (MDG). (See Box 1.)

Box 1. Relevance of tenure to the attainment of the Millennium Development Goals (MDG)

- **Eradicate extreme poverty and hunger (MDG1).** Secure access to land and other natural resources is a direct factor in the alleviation of hunger and poverty. Rural landlessness is often the best predictor of hunger and poverty: the poorest are usually landless or land-poor. Inadequate rights of access to land and other natural resources, and insecure tenure of those rights, often result in extreme poverty and hunger. Improved access may allow a family to produce food for household consumption, and to increase household income by providing a surplus for sale in the market. Secure access to land and other natural resources provides a valuable safety net as a source of shelter, food and income in times of hardship.
- **Promote gender equality and empower women (MDG3).** Women often have fewer and weaker rights to land and other natural resources because of biases in formal law, in customs, and in the division of labour in society. Tenure initiatives that promote gender equity can serve to increase women’s power in agricultural production as well as in social and political relationships.
- **Ensure environmental sustainability (MDG7).** The proportion of households with access to secure tenure was originally formulated as indicator 32 for Target 11 (“By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers”). With the revision of the

MDG framework, the target was renamed as Target 7.D with the indicator 7.10 being the proportion of urban population living in slums. This indicator recognises insecurity of tenure as one of the conditions that define a slum household while acknowledging that it is not used in practice because of the lack of information on secure tenure in most countries. Despite problems of measurement, tenure plays an important role in environmental sustainability. By defining access and security of rights to land and other natural resources, tenure affects how people decide to use those resources, and whether they will invest in improvements. Inappropriate tenure policies and inequitable access to land and other natural resources result in over-cultivation and over-grazing of marginal lands. Farmers are more likely to invest in improving their land through soil protection measures, planting trees and improving pastures if they have secure tenure and can benefit from their investments.

- Improving tenure arrangements can play a substantial role in the achievement of **MDG8** (the development of a global partnership for development). This goal includes a commitment to good governance both nationally and internationally under Target 8.A (“Develop further an open, rule-based, predictable, non-discriminatory trading and financial system”).
- In addition, improved access and tenure security contribute indirectly to other goals. By helping to reduce hunger and poverty and to empower women, improvements to tenure may help to achieve universal primary education (**MDG2**), improve maternal health (**MDG5**) and combat HIV/AIDS, malaria and other diseases (**MDG6**).

Responsible governance of tenure is a contribution to the realization of the right of equal access to public service which is affirmed in the UDHR (Article 21). The enjoyment and protection of property require citizens to use the services of relevant government agencies. Responsible governance is essential if citizens are to have appropriate access to public services. A measure of responsible governance is that the administration of tenure is efficient by providing services that are timely and affordable to all citizens. Another measure is that all officials and those in the private sector are accountable for their actions. The efficient provision of desired services is important in all countries and for all citizens, but it is especially important for the poor. Those without the resources to bribe corrupt officials are unable to secure their rights to land. Corruption may expose them to the compulsory acquisition of their property by the state without adequate compensation, to eviction, and to the loss of their homes, farms and livelihoods.

Responsible governance is about ensuring that staff are able to provide the required services to citizens. Removing opportunities for corruption is not sufficient if there are still strong motives for engaging in corrupt behaviour. A motive for many officials who demand bribes is that they cannot support their families on their low salaries. The UDHR affirms that everyone, without any discrimination, has the right to equal pay for equal work, and that everyone who works has the right to just and favourable remuneration (Article 23). This is reaffirmed in Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention against Corruption (Article 7). Adequate education and training is needed in order to provide the required level of service to citizens, and this requirement is also reflected in the CEDAW (Article 11) and the Convention against Corruption (Article 7). Staff should also be carefully selected in order to ensure that they are competent: the Convention against Corruption calls for states to endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials that are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude (Article 7).

Responsible governance is a mechanism for the realization of the rule of law because tenure is embedded in laws, whether statutory or customary. The UDHR affirmed that all are equal before the law and are entitled without any discrimination to equal protection of the law (Article 7). This principle is reaffirmed in the International Convention on the

Elimination of All Forms of Racial Discrimination (Article 5); the International Covenant on Civil and Political Rights (Article 12); the CEDAW (Article 15); and the regional instruments of the American Convention on Human Rights (Article 24); and the African Charter on Human and Peoples' Rights (Article 3).

The work by FAO, together with its partners, indicates that efforts of countries to improve governance of tenure can be supported by voluntary guidelines that provide a framework for ensuring that related policies and rules lead to sustainable, beneficial results, and that related services are delivered efficiently and effectively, and without discrimination.

3. Voluntary guidelines

3.1 What are the purpose and nature of voluntary guidelines?

Voluntary guidelines set out principles and internationally accepted standards for responsible practices. They provide a framework that States can use when developing their own strategies, policies, legislation, programmes and activities. They allow government authorities, the private sector, civil society and citizens to judge whether their proposed actions and the actions of others constitute acceptable practices. FAO has prepared voluntary guidelines in a wide range of areas, including fire management, the management of planted forests, the right to adequate food, responsible fisheries, and on the distribution and use of pesticides. See Box 2.

Box 2. FAO's Voluntary Guidelines

Details on FAO's voluntary guidelines can be found on the following websites:

- **Fire management voluntary guidelines: Principles and strategic actions (2006)**
<http://www.fao.org/forestry/firemanagementstrategy/en/>
<http://www.fao.org/docrep/009/j9255e/j9255e00.htm>
- **Responsible management of planted forests: Voluntary guidelines (2006)**
<http://www.fao.org/forestry/plantedforestsguide/en/>
<http://www.fao.org/docrep/009/j9256e/j9256e00.htm>
- **Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security (2004)**
http://www.fao.org/righttofood/index_en.htm
<http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.htm>
- **Code of conduct for responsible fisheries (1995)**
<http://www.fao.org/fishery/ccrf/1/en>
<http://www.fao.org/DOCREP/005/v9878e/v9878e00.htm>
- **International code of conduct on the distribution and use of pesticides (1985, revised 2002).**
http://www.fao.org/ag/AGP/agpp/Pesticid/Code/PM_Code.htm
<http://www.fao.org/WAICENT/FAOINFO/AGRICULT/AGP/AGPP/Pesticid/Code/Download/code.pdf>

Being voluntary, they do not establish legally binding obligations for States or international organizations. They do not replace existing national or international laws, commitments, treaties or agreements, nor do they prejudice the rights, jurisdictions and duties of governments. However, certain parts of voluntary guidelines can be based on relevant rules of international, legally binding agreements.

The voluntary guidelines are relatively short documents, and they describe principles and actions in relatively simple language. As a result, they do not get into technical details. Box 3 gives an example from the *Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security*.

The short length of the voluntary guidelines is not a limitation as additional information is provided in a range of complementary documents, for example:

- A strategy for implementation, including needs assessments, actions, actors, targets and indicators as defined by the stakeholders.
- Supplementary guidelines, providing more technical details on specific aspects when necessary.

- Training and advocacy materials, informing people of voluntary guidelines, and how they can be used.
 - Country action plans, etc, helping countries to implement voluntary guidelines.
- These complementary documents are prepared after the voluntary guidelines have been finalized.

Box 3. Example of the nature of Voluntary Guidelines

Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security

GUIDELINE 2: Economic development policies

2.5 States should pursue inclusive, non-discriminatory and sound economic, agriculture, fisheries, forestry, land-use, and, as appropriate, land-reform policies, all of which will permit farmers, fishers, foresters and other food producers, particularly women, to earn a fair return from their labour, capital and management, and encourage conservation and sustainable management of natural resources, including in marginal areas.

2.6 Where poverty and hunger are predominantly rural, States should focus on sustainable agricultural and rural development through measures to improve access to land, water, appropriate and affordable technologies, productive and financial resources, enhance the productivity of poor rural communities, promote the participation of the poor in economic policy decisions, share the benefits of productivity gains, conserve and protect natural resources, and invest in rural infrastructure, education and research. In particular, States should adopt policies that create conditions that encourage stable employment, especially in rural areas, including off-farm jobs.

2.7 In response to the growing problem of urban hunger and poverty, States should promote investments aimed at enhancing the livelihoods of the urban poor.

GUIDELINE 8: Access to resources and assets

8.1 States should facilitate sustainable, non-discriminatory and secure access and utilization of resources consistent with their national law and with international law and protect the assets that are important for people's livelihoods. States should respect and protect the rights of individuals with respect to resources such as land, water, forests, fisheries and livestock without any discrimination. Where necessary and appropriate, States should carry out land reforms and other policy reforms consistent with their human rights obligations and in accordance with the rule of law in order to secure efficient and equitable access to land and to strengthen pro-poor growth. Special attention may be given to groups such as pastoralists and indigenous people and their relation to natural resources.

8.6 States should promote women's full and equal participation in the economy and, for this purpose, introduce, where it does not exist, and implement gender-sensitive legislation providing women with the right to inherit and possess land and other property. States should also provide women with secure and equal access to, control over, and benefits from productive resources, including credit, land, water and appropriate technologies.

8.7 States should design and implement programmes that include different mechanisms of access and appropriate use of agricultural land directed to the poorest populations.

GUIDELINE 8B: Land

8.10 States should take measures to promote and protect the security of land tenure, especially with respect to women, and poor and disadvantaged segments of society, through legislation that protects the full and equal right to own land and other property, including the right to inherit. As appropriate, States should consider establishing legal and other policy mechanisms, consistent with their international human rights obligations and in accordance with the rule of law, that advance land reform to enhance access for the poor and women. Such mechanisms should also promote conservation and sustainable use of land. Special consideration should be given to the situation of indigenous communities.

GUIDELINE 8C: Water

8.11 Bearing in mind that access to water in sufficient quantity and quality for all is fundamental for life and health, States should strive to improve access to, and promote sustainable use of, water resources and their allocation among users giving due regard to efficiency and the satisfaction of basic human needs in an equitable manner and that balances the requirement of preserving or restoring the functioning of ecosystems with domestic, industrial and agricultural needs, including safeguarding drinking-water quality.

4. Voluntary guidelines on responsible governance of tenure

4.1 What is the base on which the voluntary guidelines can be built?

Voluntary guidelines should be consistent with the wide range of international and regional instruments that address, in one way or another, the issue of access to land (including housing) and other natural resources, and their governance. (See Box 4).

Box 4. Instruments that influence governance of tenure

International instruments include:

- Universal Declaration of Human Rights.
- Convention relating to the Status of Refugees.
- International Convention on the Elimination of All Forms of Racial Discrimination.
- Stockholm Declaration on the Human Environment.
- Convention on the Elimination of All Forms of Discrimination against Women.
- Convention concerning Indigenous and Tribal Peoples in Independent Countries.
- Convention on the Rights of the Child.
- International Covenant on Economic, Social and Cultural Rights.
- International Covenant on Civil and Political Rights.
- Vancouver Declaration on Human Settlements.
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Rio Declaration on Environment and Development.
- Beijing Declaration: Fourth World Conference on Women.
- World Food Summit Plan of Action.
- Istanbul Declaration on Human Settlements.
- Declaration of the World Food Summit: five years later.
- Convention against Corruption.
- Principles on Housing and Property Restitution for Refugees and Displaced Persons: The Pinheiro Principles.
- Declaration of the International Conference on Agrarian Reform and Rural Development.

Regional instruments include:

- Organization of American States Declaration of the Rights and Duties of Man.
- American Convention on Human Rights.
- European Convention for the Protection of Human Rights and Fundamental Freedoms.
- African Charter on Human and Peoples' Rights.

International Financial Institutions have policies on involuntary resettlement:

- World Bank Operational Policy on Involuntary Resettlement.
- Inter-American Development Bank Policy on Involuntary Resettlement.
- Asian Development Bank Policy on Involuntary Resettlement.

For FAO, work on voluntary guidelines can be seen in general as being part of the mandate of the Organization, and more specifically, as a vehicle that assists in the implementation of the objectives of the WFS Plan of Action, and its follow-up five years later. The WFS Plan of Action has objectives on improving secure access to land and other natural resources including through the following actions:

- Establish legal and other mechanisms that advance land reform; recognize and protect property, water, and user rights; and enhance access for the poor and women to resources (Objective 1.2(b));
- Promote women's full and equal participation in the economy, and introduce and enforce gender-sensitive legislation providing women with secure and equal access to

and control over productive resources including credit, land and water (Objective 1.3(b));

- Enact or strengthen policies to combat discrimination against members of socially vulnerable and disadvantaged groups, and persons belonging to minorities, with particular attention to their rights to land and other property (Objective 1.4(b));
- Improve equal access, by men and women, to land and other natural and productive resources, in particular, where necessary, through the effective implementation of land reform and the promotion of efficient utilization of natural and agricultural resources and resettlement on new lands, where feasible (Objective 2.1(e)).

The WFS Plan of Action also has objectives on transparent and accountable governance, including through the following actions (Objective 1.1):

- Assure and reinforce peace by developing conflict prevention mechanisms, and settling disputes by peaceful means;
- Develop policy-making, legislative and implementation processes that are democratic, transparent, participatory, empowering, responsive to changing circumstances and most conducive to achieving sustainable food security for all;
- Promote and strengthen well-functioning legal and judicial systems to protect the rights of all people;
- Recognize and support indigenous people and their communities in their pursuit of economic and social development, with full respect for their identity, traditions, forms of social organization and cultural values.

Voluntary guidelines on governance of tenure would also be a further elaboration on the *Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security*. Those guidelines encourage actions to be taken to improve governance, and to improve the tenure of land, water, forests, fisheries and livestock (see Box 3).

The preparation of voluntary guidelines on governance of tenure builds on FAO's long work in improving secure access to land and other natural resources, including convening the 1966 World Conference on Land Reform, the 1979 World Conference in Agrarian Reform and Rural Development (WCARRD); and the 2006 International Conference on Agrarian Reform and Rural Development (ICARRD).

4.2 What will the voluntary guidelines be on?

4.2.1 What natural resources will be covered?

The voluntary guidelines should address secure access to land and other natural resources in the context of providing food and shelter, and of sustainable development. In many cases, access to land is linked to access to other natural resources, with livelihoods of people, particularly the poor, being dependent on access to pastures for grazing livestock, to water for irrigation, to forest resources, and fisheries.

The voluntary guidelines are not intended to address genetic resources. They are likely to address oil and minerals in the context of the need for transparent and equitable procedures for the allocation of drilling and mining concessions in order to protect local communities from losing access to their land and other natural resources, or being otherwise negatively affected.

4.2.2 What should be the objectives?

The voluntary guidelines are intended to provide practical guidance to States, civil society and the private sector on responsible governance of tenure as a means of alleviating hunger and poverty, enhancing the environment, supporting national and local economic development, and reforming public administration.

What should be the objectives of the voluntary guidelines? To foster discussion, the following examples are put forward:

- To promote the contribution of responsible governance of tenure to meeting people's livelihood needs including food security, poverty alleviation and protection of the environment.
- To promote responsible and generally accepted principles and practices of policy, legal and institutional frameworks, and administration that govern tenure.
- To contribute to an improved understanding of tenure and its governance in order to aid the formulation and implementation of national policies, legislation and strategic actions.

4.2.3 Who should be the users?

Who should be the primary users of the voluntary guidelines? The following examples are suggested in order to stimulate discussion:

- Government decision-makers responsible for policy and legislation on tenure, and managers and staff of government agencies responsible for the administration of tenure.
- Private sector specialists responsible for the administration of tenure.
- Members of relevant civil society organizations including community groups, national and international groups, and professional associations.

4.2.4 What should be the overarching concerns and themes?

The voluntary guidelines are intended to emphasize the contribution of responsible governance of tenure to critical development concerns of:

- Food security.
- Economic growth.
- Social development.
- Environmental protection and sustainable use of resources.

What key themes should be addressed in the voluntary guidelines? The following examples are provided to promote discussion:

- Non-discrimination.
- Policy and legal frameworks.
- Capacity building and institutional strengthening.
- Research.
- Knowledge transfer / information exchange.
- Education and awareness raising.
- Cooperation between partners.
- Multi-stakeholder participation between partners including women, indigenous and other vulnerable groups.
- Special requirements of developing countries.
- Responsibilities of various actors including public and private sectors, civil society organizations, and international organizations.

- Monitoring and evaluation.

4.2.5 What should be the principles and strategic actions?

The principles and strategic actions identified in the voluntary guidelines should provide practical guidance to States, civil society and the private sector on improving governance of tenure. They can do this by ensuring that policies and rules result in equitable and secure access to land and other natural resources. Responsible governance results in informed decisions when choosing between competing interests in land. It ensures that decisions are made at the appropriate level, and that issues of land and other natural resources are addressed with openness. It requires that all stakeholders are responsible for their actions and that the rule of law is applied to all. Responsible governance provides a framework for equitable participation in processes to manage competing interests: the processes are open to legitimate stakeholders whether they are rich or poor. It provides the means for all people to participate equitably, recognising that the marginalized and vulnerable need special assistance if they are to participate as equal partners. Even if processes are improved, some people may continue to be excluded because they are not regarded to be legitimate stakeholders. When the law does not recognise the rights that people have to their homes and agricultural land, forests and fisheries, those people are unable to participate in formal processes to prevent their eviction or exclusion. Responsible governance requires that formal recognition is given to all rights to land and other natural resources that are considered legitimate by society.

Responsible governance results in an administration of tenure that responds effectively to the needs of all citizens. It ensures that the administration of tenure is efficient by providing services that are timely and affordable. It places relevant agencies on a stable financial basis, allowing for the payment of salaries that are sufficient for employees to support their families, for staff training, and for the redesign of offices and procedures to make them better suited for staff and customers. Responsible governance allows technical activities to proceed without undue political influence by providing clearly defined roles and responsibilities for the execution and supervision of the activities. It reduces causes of institutional complexity and conflict by simplifying the institutional framework. It improves transparency and standards.

What should be the principles and strategic actions of the voluntary guidelines? How should they be structured? The voluntary guidelines should recognise the legitimacy of statutory and customary tenure. The tables below give examples of what might be contained in voluntary guidelines but they are not a draft proposal. Instead, they are intended to stimulate discussion of what should be in a draft proposal. The examples draw on what has already been said in the instruments listed in Box 4: what new is needed?

Part 1: General

<p>1. Governance.</p>	<p>States should, in accordance with the fundamental principles of their legal systems as well as their international commitments:</p> <p>1.1 Promote responsible governance of tenure as a key factor in poverty and hunger eradication, economic growth, social development, and environmental protection and sustainability in rural and urban areas.</p>
<p>2. Rule of law.</p>	<p>States should, in accordance with the fundamental principles of their legal systems as well as their international commitments:</p> <p>2.1 Ensure that all persons are equal before the law, and are entitled to the</p>

	<p>equal protection of the law without discrimination.</p> <p>2.2 Ensure that rights to land and other natural resources are enjoyed without discrimination.</p> <p>2.3 Ensure that arbitrary, discriminatory and otherwise unjust laws governing rights to land and other natural resources are repealed.</p> <p>2.4 Assist people to have access to legal assistance to better assert their rights to land and other natural resources.</p> <p>In the examples of principles, the full measure of rights and protection is without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, disability, property, birth or other status.</p>
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Part 2: Tenure and its administration

<p>3. Administration of rights to land and other natural resources. (That is, the allocation of rights; delimitation of boundaries; transfer of rights, e.g. sale, lease, concessions, sharecropping, loan, gift, inheritance, land reform.)</p>	<p>States should, in accordance with the fundamental principles of their legal systems as well as their international commitments:</p> <p>3.1 Recognise and protect rights to land and other natural resources, including rights to own property alone and in association with others (including jointly between husband and wife); and rights to use property including through leases, sharecropping, and customary arrangements.</p> <p>a) In cases where people do not have formal legal rights to land and other natural resources, provide legal recognition to legitimate claims to land and other natural resources.</p> <ul style="list-style-type: none"> • Ensure that due regard is given to customary rights of people over the lands which they traditionally occupy, where those rights are not incompatible with fundamental rights defined by the national legal system and with internationally recognised human rights. • Ensure that due regard is given to the rights of people such as nomadic people, pastoralists, and shifting cultivators to land and other natural resources that is not exclusively used by them, but to which they have traditionally had access for their subsistence and traditional activities. <p>b) Provide measures to protect people against unauthorized intrusion or use of their lands.</p> <p>3.2 Identify the responsibilities and restraints that accompany the rights to property. The protection of rights should not, in any way, impair the right of a State to regulate the use of the property, or to secure the payment of taxes in accordance with the forms established by law.</p> <p>3.3 Recognise and protect rights to acquire and dispose of property; rights to inherit property; and rights to mortgages and other forms of credit.</p> <ul style="list-style-type: none"> • Regard as invalid any transfer that is made under duress, or which was coerced or forced, either directly or indirectly, or which was carried out contrary to international human rights standards. • Promote leasing arrangements that are equitable and protect the interests of owners and lessees. <p>3.4 Ensure that persons are not arbitrarily deprived of their rights to land and other natural resources, and that any compulsory acquisition for public use, public purpose or in the public interest is subject to the provision of equitable compensation in money, in alternative land, or in other benefits, and that it is in accordance with the forms established by law.</p> <p>a) Ensure that persons possess a degree of tenure security which provides protection against forced eviction, regardless of the form of tenure including ownership, lease, cooperative housing, emergency housing, and informal settlements.</p> <p>b) Ensure that development projects avoid evictions and involuntary</p>
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	<p>resettlement where feasible, or minimize them, exploring all viable project designs; and that if persons are forced to relocate, they have been meaningfully consulted and give their free and informed consent.</p> <ul style="list-style-type: none"> • Ensure displaced persons are assisted in efforts to improve their livelihoods and standards of living, or at least restore them, by providing appropriate land, housing, infrastructure and other compensation. • Ensure that indigenous people are not removed from their lands unless as an exceptional measure. Where possible, indigenous people who have been relocated shall have the right to return to their traditional lands as soon as grounds for relocation cease to exist. <p>c) Ensure that refugees and Internally Displaced Persons who are evicted from their land because of violent conflicts have the right of restitution of any property of which they were arbitrarily or unlawfully deprived, or the right of compensation if the property is impossible to restore.</p> <p>3.5 Ensure that persons who are displaced because of natural disasters and climate change have the right of restitution to any property they were forced to vacate. If the property is impossible to restore, assistance should be given for them to resettle in other locations without jeopardizing the rights to land and other natural resources of people who are already in resettlement areas.</p> <p>3.6 Ensure that the rights of people over land and other natural resources are protected in situations where governments promote new investments (e.g. biofuels, increased food production in response to high prices, etc).</p> <p>3.7 Establish legal and other policy mechanisms that advance reforms to enhance access to land and other natural resources for the poor.</p> <p>3.8 Establish or strengthen appropriate systems to maintain up-to-date registration or records of rights to property and the demarcation of land parcels to ensure adequate security of tenure.</p> <ul style="list-style-type: none"> • Ensure, where appropriate, that registration or recording systems recognise rights of traditional and indigenous communities to common property resources.
<p>4. Administration of the regulated use of land and other natural resources. (That is, planning and enforcement of land use regulations.)</p>	<p>States should, in accordance with the fundamental principles of their legal systems as well as their international commitments:</p> <p>4.1 Ensure that the planning of the use of land and other natural resources is participatory through integrated decision-making of all relevant stakeholders.</p> <ul style="list-style-type: none"> • Ensure that indigenous peoples have the right to decide their own priorities for development as it affects their lands. <p>4.2 Ensure that the regulated land use is environmentally sustainable, and conserves and protects the natural resources.</p> <p>4.3 Ensure that social and cultural values are taken into consideration.</p>
<p>5. Administration of valuation and taxation. (That is, assessment of property values; gathering of revenues through property taxation.)</p>	<p>States should, in accordance with the fundamental principles of their legal systems as well as their international commitments:</p> <p>5.1 Establish or strengthen systems and capacities for the valuation of rights to property, including in relation to relevant international standards and methodologies, and to transparency of market transaction data, as the basis, where appropriate, for valuation.</p> <p>5.2 Ensure that the assessment of property values for property taxation, compensation and other legally provided public purposes reflects principles of transparency and of equitable outcome.</p>

	<p>5.3 Establish or promote appropriate public and/or private sector regulatory frameworks to the adoption of appropriate standards in valuation practice in relation to property dealings, including in relation to mortgage security and accounting purposes.</p> <p>5.4 Establish taxation systems that encourage investment in, and the sustainable management of, land and natural other resources.</p>
6. Administration of public lands and other natural resources.	<p>States should, in accordance with the fundamental principles of their legal systems as well as their international commitments:</p> <p>6.1 Establish an up-to-date inventory of public lands and other natural resources, including their locations, permissible uses, values, and the agencies responsible for their administration.</p> <p>6.2 Establish transparent criteria for identifying land and other natural resources that can be privatized, and establish transparent and equitable procedures for the transfer of ownership of those resources.</p> <p>6.3 Establish transparent criteria for identifying land and other natural resources which should remain in public ownership but which can be used by others through leases and other arrangements, and establish transparent and equitable procedures to provide access to such lands.</p> <p>6.4 Recover public lands and other natural resources that have been illegally appropriated or allocated.</p>

Part 3: Frameworks and processes

7. Policy and legal frameworks	<p>States should, in accordance with the fundamental principles of their legal systems as well as their international commitments:</p> <p>7.1 Formulate, with broad stakeholder participation, clear and harmonized policies that will provide the framework for the development of legislation other tools required for their implementation.</p> <p>7.2 Use the principles and strategic actions as a basis for developing and implementing national and local legislation.</p> <p>7.3 Give due regard to customary laws where they are not incompatible with fundamental rights defined by the national legal system and with internationally recognised human rights.</p> <p>7.4 Periodically evaluate relevant legal instruments and related administrative measures with a view to determining their appropriateness for responsible governance and their adequacy for preventing corruption regarding tenure and its administration.</p>
8. Procedures and services	<p>States should, in accordance with the fundamental principles of their legal systems as well as their international commitments:</p> <p>8.1 Take all appropriate administrative measures to support and facilitate procedures and services.</p> <p>8.2 Ensure that all aspects of procedures and services are timely, accessible, affordable, and are age and gender sensitive.</p> <p>8.3 Ensure that responsibility for procedures and services are assigned to the lowest appropriate level of government, in order to be responsive to the needs of citizens.</p> <p>8.4 Establish guidelines that ensure the effectiveness of procedures and services.</p> <p>8.5 Ensure that centres and offices are located to facilitate access, and consider establishing mobile units to ensure accessibility.</p> <p>8.6 Ensure that forms are simple and easy to understand and use, and make them available in relevant languages.</p>

	<p>8.7 Ensure that persons needing special assistance, including illiterate and disabled persons, are provided with appropriate assistance in order that they are not denied access to the process.</p> <p>8.8 Ensure that adequate legal aid is provided to those who require it, through the use of governmental, civil society, or private sector services.</p>
<p>9. Dispute management and resolution (That is, the adjudication of doubts and disputes regarding rights and parcel boundaries; land use conflicts; and valuation and taxation disputes.)</p>	<p>States should, in accordance with the fundamental principles of their legal systems as well as their international commitments:</p> <p>9.1 Ensure that courts, tribunals and other adjudication bodies are independent and impartial.</p> <p>9.2 Ensure that adjudication bodies provide adequate, effective and prompt remedies accessible, in particular, to members of vulnerable groups.</p> <p>9.3 Ensure that adequate legal aid is provided.</p> <p>9.4 Ensure that appropriate alternative or informal dispute resolution procedures and mechanisms are available.</p> <p>9.5 Provide for appeals mechanisms.</p> <p>9.6 Ensure that due regard is given to customary institutions where they are not incompatible with fundamental rights defined by the national legal system and with internationally recognised human rights.</p>

Part 4: Stakeholders

<p>10. Public sector</p>	<p>States should, in accordance with the fundamental principles of their legal systems as well as their international commitments:</p> <p>10.1 Ensure that relevant agencies should have adequate financial, human and other resources to complete their work in a just and timely manner.</p> <p>10.2 Ensure that relevant agencies are structured to provide for adequate supervision, and adequate independence to manage their resources in order to provide efficient services and attract suitable staff.</p> <p>10.3 Ensure that systems for the recruitment, retention, promotion and retirement of staff of relevant agencies:</p> <ul style="list-style-type: none"> • Employ principles of efficiency, transparency, and objective criteria such as merit, equity and aptitude. • Promote adequate remuneration and equitable pay scales. • Promote education and training programmes to enable the staff to meet the correct, honest and proper performance of public functions. <p>10.4 Adopt standards of conduct for public officials of relevant agencies for the correct, honest and proper performance of public functions, including making criminal offences for illicit enrichment; acceptance of bribes; and the embezzlement, misappropriation or other diversion of property.</p> <p>10.5 Establish public procurement procedures for relevant agencies with appropriate transparency, competition and objective criteria that are effective in preventing corruption.</p> <p>10.6 Take measures to enhance transparency in the administration of relevant agencies with regard to organization, functioning and decision-making processes including: adopting procedures allowing the general public to obtain information on the functioning of the agencies, with due regard for the protection of privacy and personal data; and publishing information including financial reporting and the risks of corruption in administration.</p> <p>10.7 Create the enabling conditions to encourage investment in land and other natural resources in a sustainable manner.</p> <p>10.8 Create the enabling environment for the private sector, including opportunities to provide services, and sanctions in case of corruption.</p>
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11. Private sector	Private sector should: 11.1 Adopt standards of conduct for behaviour for the correct, honest and proper performance of their duties.
12. Civil society	Civil society should: 12.1 Participate in the implementation of the voluntary guidelines. 12.2 Promote the contribution of the public to the decision-making processes. 12.3 Promote and protect the freedom to seek, receive, publish and disseminate information concerning responsible governance and corruption.
13. Partnerships	States, private sector and civil society should: 13.1 Adopt measures to improve collaboration in order to strengthen governance and eliminate corruption.

Part 5: Enabling environment

14. Capacity building	International organizations and states should: 14.1 Take into account the capacities of developing countries to implement the voluntary guidelines. 14.2 Build capacity in relevant state institutions and other stakeholders in the private sector and civil society to understand and fulfil their roles and responsibilities. 14.3 Work for the adoption of measures to address needs, especially in areas of financial and technical assistance.
15. Research, education and awareness raising	States, private sector and civil society should: 15.1 Engage in scientific research for the creation of new knowledge to support the creation of improvements to policies, laws, guidelines and practices that govern tenure. 15.2 Collect traditional, local knowledge and use that knowledge in appropriate aspects of the governance of tenure. 15.3 Translate scientific, research and technical materials and make them accessible at the appropriate technical level to public officials, the private sector, and communities. 15.4 Support higher education at universities. 15.5 Ensure that the public has effective access to information. 15.6 Undertake public information activities that contribute to responsible governance, including non-tolerance of corruption. 15.7 Develop mechanisms to enhance international cooperation in improving governance of tenure. 15.8 Raise public awareness of the voluntary guidelines.
16. Observance and monitoring	States, private sector and civil society should: 16.1 Establish mechanisms to monitor and evaluate the implementation of the voluntary guidelines. 16.2 Establish mechanisms to monitor and evaluate improvements to the governance of tenure.

The preparation and adoption of the voluntary guidelines will lay the foundation for further action: the value of the voluntary guidelines will be in their implementation. The experience with other voluntary guidelines suggests that assistance in implementation may be provided through the preparation of:

- A strategy for implementation, including needs assessments, actions, actors, targets and indicators as defined by the stakeholders.

- Supplementary guidelines, providing more technical details on specific aspects when necessary.
- Training and advocacy materials, informing people of voluntary guidelines, and how they can be used.
- Country action plans, etc, helping countries to implement voluntary guidelines.

4.3. How will the voluntary guidelines be prepared?

4.3.1 Who will participate in the preparation of the voluntary guidelines?

It is intended that the work on voluntary guidelines on governance of tenure will be done in full partnership with UN agencies, civil society, and individual countries including donor agencies. FAO will provide secretariat and technical support for the initiative. International organizations that have indicated an interest in participating include IFAD, UN-Habitat and the World Bank. Civil society organizations that have expressed an interest to be involved include IPC (International NGO/CSO Planning Committee for Food Sovereignty) and FIG (International Federation of Surveyors). Finland has indicated support for the initiative as has Germany's GTZ (Gesellschaft für Technische Zusammenarbeit).

Others are invited to participate. How can additional partners be identified and included in the process?

4.3.2 What is the process for preparing the voluntary guidelines?

It is intended that the voluntary guidelines will be based on research and discussion at regional and global levels. The following process for preparing the voluntary guidelines is put forward for discussion:

- a) Research for the voluntary guidelines:
 - Regional and thematic research background papers.
- b) Multi-stakeholder discussion on the requirements for the voluntary guidelines:
 - Expert Group Meetings.
 - Regional workshops.
 - Civil society workshops.
 - Electronic discussion
- c) Preparation of an initial draft of the voluntary guidelines, based on inputs received in meetings, workshops and electronic discussions.
- d) Review of the initial draft of the voluntary guidelines:
 - E-consultation through the Internet.
 - FAO regional conferences.
 - Civil society consultation.
- e) Preparation of a revised draft of the voluntary guidelines.
- f) Review of the revised draft by FAO Governing Bodies and others.
- g) Finalization and adoption of the voluntary guidelines.

4.3.3 What is the schedule for preparing the voluntary guidelines?

The proposed schedule for the voluntary guidelines is as follows:

- a) The preparatory research to be completed in early 2009.
- b) The regional and civil society workshops to occur in 2009 and early 2010.

- c) The initial draft of the voluntary guidelines to be completed in 2010.
- d) The review of the initial draft to be undertaken in 2010.
- e) The revised draft to be prepared by the end of 2010.
- f) The revised draft to be reviewed by FAO Governing Bodies in early 2011.

5. Concluding comments

Weak governance of land and other natural resources discourages investment, widespread economic growth, and protection and sustainable use of the environment. But more than that, it can condemn people to a life of hunger and poverty if they lose their farms, their homes and their livelihoods because of corrupt practices, or because the administration of tenure is so inefficient it cannot protect them. And people can lose their lives when weak governance of tenure leads to violent conflicts that spiral out of control. Weak governance comes with a high price.

Voluntary guidelines on responsible governance of tenure will not, by themselves, make a difference. Good practices identified in such guidelines will have to be implemented in order for families, communities and countries to benefit. However, the preparation of voluntary guidelines that can be implemented and supported by a wide range of stakeholders in government, civil society and the private sector can be an important step towards improving the governance of land and other natural resources.

The active participation of people from all sectors of society in the preparation of the voluntary guidelines is essential in order for those guidelines to be capable of being implemented and widely supported. All interested parties are encouraged to participate in the process.

