

# The Voluntary Guidelines

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# The Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security the National Land Use and Management Act (NLUA)

## Background

The *Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)* was put together by various groups of stakeholders involving a number of states/countries with the end in view to provide some basis or guide toward promoting responsible governance of tenure of land, fisheries and forests. It is therefore being envisioned that this set of Guidelines can be used as a reference, given certain national contexts, and be taken into account in defining the governance of land and natural resources.

In the Philippine context, the VGGTs is being put forward to provide or serve as a platform for discussion and dialogue among multi-stakeholders with the end in view to strengthen policies and programs related to land tenure and governance of resources for the benefit of the common good. This is in cognizant of the fact that while the VGGTs do not establish binding applications as a national policy, the agency proponents see the potential of proposed and existing policies governing land governance. In particular, taking a closer look at the NLUA<sup>1</sup> (version as filed in the *16th Congress under HB 108*, and approved in the *15th Congress as HB 6545*) and exploring further its potential to complement the principles and standards enunciated in the VGGTs was seen to be important.

This paper thus, attempts to determine the extent to which the *NLUA* has reflected the salient provisions contained in the VGGTs; or, conversely whether there are aspects (in the VGGT) that need to be articulated or emphasized in the current versions of the bill mainly in the *HB 108*. The results of the study specifically the policy and program complementation/gaps (e.g. VGGTs in relation to *NLUA*) identified, can serve the purpose of policy (*NLUA*) review that are taking place with the re-filing of the same in the 16th Congress. The findings and recommendations from this study can serve as input in the renewed efforts to reinforce or further improve the current version of the bill (*HB 108*) thru strengthening the elements that support the VGGTs.

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<sup>1</sup> Filed in the 16th Congress as HB 108, approved in the 15th Congress as HB 6545

# Objective, Methodology and Limitations

1. This study aims to dissect and compare the VGGTs and the NLUA in order to:
  - a) Identify the important sections in both documents that converge, thus adding to the compelling reasons and stronger urgency for the passage of NLUA
  - b) Identify provisions that indicate differences or divergence
  - c) Emphasize aspects that the NLUA may already have provided in terms of more specific policy articulation, implementation (instruments, programs)
  - d) Identify areas in the bill that indicate policy gaps thus providing the bases for policy recommendations-- enhancements, revisions in the NLUA toward making it as an important tool for advancing the VGGTs in the country

A major limitation of this study in terms of getting more validated views from the stakeholders is time, thus the main method used in the conduct of the research is secondary literature review maximizing the use of two (2) main documents namely: VGGTs and *HB 108*. However, making references to the *Philippine Constitution* and the *Local Government Code (LGC)* as they apply was also done to elaborate on the analysis.

Moreover, given the comprehensive coverage of the *NLUA*, it can be safely assumed that a comparative assessment of the bill with the VGGTs can proceed/be done. However, as a law that lays down the framework and operational guidelines detailing policies to govern land uses, the *NLUA* is seen to more extensively contribute or relate to the Administration of Tenure (Part 5), more specifically the Regulated Spatial Planning function stipulated in the VGGTs. Thus, without pre-empting the result of the assessment of these documents, an elaboration On aspect of valuing land as a common resource and as public good, as reflected in the *NLUA* and the VGGTs was also be made. It had to be emphasized that the assessment and analysis will be limited to the content in as much as the *NLUA* is still at the proposal stage