

# Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security



## What are the VGGT?

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) promote secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment.

This work builds on and supports the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Voluntary Guidelines on the Right to Food), which were adopted by the FAO Council at its 127<sup>th</sup> Session in November 2004, and the 2006 International Conference on Agrarian Reform and Rural Development (ICARRD). The VGGT were endorsed by

the Committee on World Food Security (CFS) in May 2012. The Guidelines were developed

through a broad global partnership of international, regional and national organizations of different

How were the Guidelines developed?	
<b>CONSULTATION</b> 2009 2010	<ul style="list-style-type: none"> <li>Ten regional, one private sector and four civil society consultation meetings were organized between September 2009 and November 2010. These meetings brought together almost 1,000 people from over 130 countries. The participants represented government institutions, civil society, private sector, academia and UN agencies. Each consultation meeting resulted in an assessment identifying issues and actions to be included in the Guidelines in the context of governance of tenure.</li> </ul>
<b>NEGOTIATION</b> 2011 2012	<ul style="list-style-type: none"> <li>The Zero Draft was prepared following the conclusion of the consultation process, and an electronic consultation was organized in April - May 2011.</li> <li>The First Draft incorporated proposals that were received from the public and private sectors, civil society and academia.</li> <li>The final version of the Guidelines was prepared through intergovernmental negotiations led by the CFS in July and October 2011 and March 2012.</li> </ul>
<b>ENDORSEMENT</b> 2012	<ul style="list-style-type: none"> <li>The Guidelines were endorsed by the 38th (Special) Session of the CFS on 11 May 2012.</li> </ul>

Source: Voluntary Guidelines on the Governance of Tenure At a Glance, FAO, Rome 2012

types that work together to achieve global changes in governance of tenure. The development followed an inclusive process involving a series of consultations and negotiations.

The VGGT provide a framework that States can use when developing their own strategies, policies, legislation, programs and activities. They allow governments, civil society, the private sector and citizens to judge whether their proposed actions and the actions of others constitute acceptable practices.

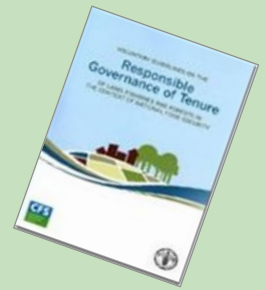
While “voluntary”, the VGGT serve as a reference and set out principles and internationally accepted standards for practices for the responsible governance of tenure. They are based on international agreements and other State commitments under applicable regional and international instruments.

### Mainstreaming VGGT in the Philippines

- On 10 June 2013, ANGOC, GIZ-Philippines, National Convergence Initiative (NCI) and FAO Philippines Country Office co-organized the “Stakeholder Briefing on the Voluntary Guidelines and other Land Governance Mechanisms” to provide an overview of the VGGT.
- Through the project “Promoting Responsible Land Governance for Smallholders in the Philippines,” three studies were prepared, presented and discussed in two experts’ meetings and three regional consultations (September 2013- March 2014)
- A national consultation “Resource Rights at Stake: Realizing Responsible Governance of Resource Tenure in the Context of VGGT” summarized the findings and recommendations of the studies (March 2014)
- ANGOC in partnership with FAO, organized “Increasing the Use of the VGGT among CSOs and Grassroots Organizations in the Philippines: A Training of Trainers” (July 2016)

## VGGT in a Nutshell

- Product of inter-governmental negotiations under the Committee on World Food Security (CFS)
- Officially endorsed by CFS in May 2012
- As an international legal instrument, the VGGT is an International Declaration without the legal binding effect of an International Convention or Treaty
- While voluntary, VGGT are based on international agreements such as the United Nations Guiding Principles on Business and Human Rights, the Universal Declaration of Human Rights, and other State commitments under applicable regional and international instruments
- Focuses on governance of tenure of land, fisheries and forests in the context of national food security.



Document can be downloaded at <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>

## Why is Tenure Important?

Tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land, fisheries and forests (FAO). It defines how access is granted to rights to use, control and transfer land, as well as associated responsibilities and restraints.

Tenure systems determine who can use what resources for how long, and under what conditions (Bromley).

In a situation where there is an increasing demand and competition for resources, having a weak governance could mean:

- Some tenure would be unrecognized
- Inequitable access to resources
- Incidence of forced eviction
- People are not able to access valuable information involving their rights and responsibilities
- Occurrence of bribery and corruption
- Occurrence of conflict between and within communities

- Formulation of contradicting / overlapping policies
- Agencies would have no accountability, favouring investors over local communities

Having secure and equitable access to natural resources can allow people to produce food for their consumption and to increase income.

Inadequate and insecure tenure rights to natural resources often result in extreme poverty and hunger.

Other importance of tenure:

- It gives a person dignity.
- It enables Filipino families to stay together, there is no need to migrate to other countries / provinces for better income.
- It provides people peace.
- It gives people access to water and electricity.
- It makes people identify themselves as a part of the community they live in.
- It provides protection from the effects of natural calamities.

# Importance of the VGGT to the RURAL SECTOR in the Philippines

## FARMERS

The VGGT can help small farmers to promote the recognition and the protection of their legitimate tenure rights, even under informal systems. It provides a set of principles and provisions that farmer organizations and communities can lobby for with the State and other concerned stakeholders to achieve responsible governance of tenure.



## FISHERFOLK

Fisherfolk believe the VGGT should be observed and implemented in the country. Fisherfolk organizations share the principles of the VGGT on the respect and observance of tenure rights on land, fisheries and forests. Fishers had always been marginalized, compromising their access to the fishing grounds. And in the light of increasing intensity of typhoons brought about by climate change, fishers are greatly suffering and it would be fruitful to have them at the forefront of sustainable management of the fisheries.



Part 3 No. 8 of the Guidelines speaks about public land, fisheries and forests. No. 8.2 in particular states that "where States own or control land, fisheries, and forests, the legitimate tenure rights of individuals and communities, including where applicable those with customary tenure systems, should be recognized, respected and protected....." Hence implementation of the VGGT as well as the Voluntary Guidelines for Securing Sustainable Small-Scale Fishers in the Context of Food Security and Poverty Eradication (VGSSF) will help ensure that the rights of fishers especially their priority use of the fishing ground will be ensured.

## INDIGENOUS PEOPLES

IPs can make use of the VGGT as supplementary to or additional guide towards respect and recognition of land tenure for IPs as well as formulation of ancestral domain sustainable development and protection plans (ADSDDPPs). Land tenure for IPs are in the form of Certificates of Ancestral Domain Titles (CADTs). But a CADT as a legal document is just one among many rights IPs are entitled to. Most important is access, control and governance. Only after IPs have these three embedded in the CADT can planning through ADSDDPP formulation begin. Access means full use by IPs of their domains for whatever purposes the community desire or to continue with their traditional use – e.g burial ground, hunting ground, freedom of mobility or unhindered movement within the territory.



Control, as is applied and practiced by IPs means governance in the exercise of the full assertion of traditional rules, justice system, such as communal ownership and inheritance using traditional rules. The characterization of the area or portions of a domain should be named and defined only through traditional references such as place names and features by the people.

With the above, the VGGT can anchor on these by using the moral ascendancy of the UN system particularly ILO 169 and UNDRIP in developing community plans particularly training, conservation and resource management. VGGT matches well with UNDRIP Article 3 on Self Determination, Art 32 on Culture with Development and FPIC and Art 37 on treaty obligation of States.

# How are the VGGT organized?

The VGGT have 169 provisions, covering 23 topics encompassing five major themes: (1) General Matters (Principles); (2) Legal Recognition and Allocation of Tenure Rights; (3) Transfers and Changes to Tenure; (4) Administration of Tenure; and (5) Responses to Climate Change and Disasters.

## VGGT at Glance

### 1. General Matters

- Guiding principles of responsible tenure governance
- Rights and responsibilities related to tenure
- Policy, legal and organizational frameworks related to tenure
- Delivery of services

### 2. Legal recognition and allocation of tenure rights and duties

- Safeguards
- Public land, fisheries and forests
- Indigenous peoples and other communities with customary tenure systems
- Informal tenure

### 3. Transfers and other changes to tenure rights and duties

- Markets
- Investments
- Land consolidation and other readjustment approaches
- Restitution
- Redistributive reforms
- Expropriation and compensation

### 4. Administration of tenure

- Valuation
- Taxation
- Regulated spatial planning
- Resolution of disputes over tenure rights

### 5. Responses to climate change and emergencies

- Climate change
- Natural disasters
- Conflicts in respect to tenure of land, fisheries and forests

# The VGGT in the context of Philippine land laws

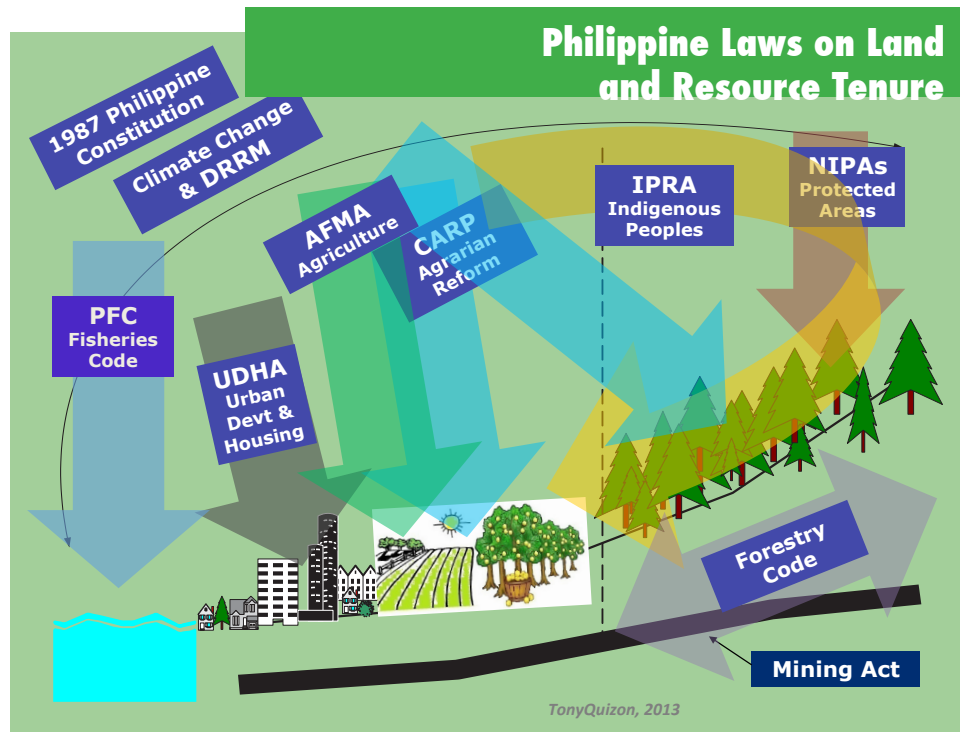
In a study prepared by Antonio Quizon and Jose Ignatius Pagsanghan, the Philippine policies on land and resource tenure as embodied in the 1987 Constitution and ten major laws on tenure, were analyzed in comparison with the principles of VGGT to identify areas of policy convergence, divergence and gaps. Overall, the country has a strong policy frame and general principles in tenure rights based on the 1987 Constitution.

However, the country's tenure policies over public lands, water and forests could benefit from the VGGT provisions, specifically on:

- Informal tenure
- Expropriation
- Taxation
- Dealing with/Mitigating land conflicts
- Trans-boundary issues
- Climate change

The study, as validated in five consultations, also highlights the following major findings and recommendations:

- Multiple tenure instruments, overlapping land classifications and tenure systems and conflicting agency mandates are also areas of concern, which might also be addressed by mainstreaming the VGGT in State instruments and mechanisms.
- The policy framework is weak in dealing with pro-active disclosure and access



to information in relation to market forces. The policy on public disclosure needs improvement; and there are no uniform systems and accessible means to taxation and valuation.

- The State has many policies on participation and consultation but these are mostly procedural and do not cover all sectors. An example of this is the free, prior and informed consent (FPIC), which is complied with primarily when applying for licenses for the use of indigenous people's lands.
- Overlapping laws & mandates are addressed through multi-agency coordination (TWGs), rather than synchronization

of policy. There is no single-mapping system, access to information is difficult; and information is most of the time not updated.

- In terms of dealing with climate change and disasters, the country's policies are silent on tenure rights of affected people, as well as host communities in case of resettlement.
- There is need to harmonize systems of spatial planning that incorporate and reconcile different objectives on the use of land, fisheries and forests. ■

Source: <http://www.angoc.org/portal/review-of-selected-land-laws-and-the-governance-of-tenure-in-the-philippines-discussion-paper-in-the-context-of-the-voluntary-guidelines-on-the-governance-of-tenure-vggt-published/>



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