

## **The Process of the CFS-led Intergovernmental Negotiations on the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries, and Forests**

To the Members and Participants of the CFS and of the Open-ended Working Group for the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests:

This document provides details regarding the process for the CFS-led Intergovernmental Negotiations on the Voluntary Guidelines, which begin on Tuesday, July 12<sup>th</sup> at FAO. The goal is to complete the negotiations and reach consensus on the final VG document by Friday, July 15. This document will then be forwarded for adoption by the CFS Plenary in October 2011.

### **Schedule**

The Negotiations will occur over four days, Tuesday, July 12<sup>th</sup> – Friday, July 15<sup>th</sup>, comprised of thematic working groups and plenary sessions. The themes were identified at the end of the OEWG meetings in June:

1. Scope and Purpose of VG (to be discussed in plenary)
2. Tenure Reform, including Redistribution and Expropriation
3. Markets, Investments and Concessions (including discussion of balancing pro-investment and safeguards, including FPIC)
4. Language harmonization with international agreements
5. Definition of state and non-state actors and their roles

The schedule is as follows:

	<b>Room</b>	
<b>Monday, July 11th</b>		
0930-1100	Malaysia Room, B-227	Coordination meeting with Friends of the Chair to review the Process
<b>Tuesday, July 12th</b>		
0930 - 1015	Red Room, Bldg. A, 1st Floor	Opening of the Meeting by Noel De Luna, Chair of the CFS. Opening remarks by Dr. Gregory Myers, Independent Chair of the OEWG for the VG
1015 - 1230	Red Room, Bldg. A, 1st Floor	Plenary discussion regarding the Scope and Purpose of the Voluntary Guidelines
1230 - 1400		Lunch
1400 - 1700	Thematic Group 2, Red Room, Bldg. A, 1st Floor Thematic Group 4, Malaysia Room, B-227	Parallel Sessions: Thematic Groups 2 (Tenure Reform) and 4 (Language Harmonization)
<b>Wednesday,</b>		

<b>July 13th</b>		
0930 - 1230	Thematic Group 3, Red Room, Bldg. A, 1st Floor  Thematic Group 5, Malaysia Room, B-227	Parallel Sessions: Thematic Groups 3 (Markets, Investments, Concessions) and 5 (Definitions and roles of state and non-state actors)
1230 - 1400		Lunch
1400 - 1700	Red Room, Bldg. A, 1st Floor	Plenary Session – Thematic Groups report out to Plenary <sup>1</sup>
<b>Thursday, July 14th</b>		
0930 - 1230	Red Room, Bldg. A, 1st Floor	Plenary Session – Sequential Review of the First Draft of the VG
1230 - 1400		Lunch
1400 - 1700	Red Room, Bldg. A, 1st Floor	Plenary Session – Continued sequential Review of the First Draft
1730 - 2030	Red Room, Bldg. A, 1st Floor	Plenary Session – Continued sequential Review of the First Draft
<b>Friday, July 15th</b>		
0930 - 1230	Red Room, Bldg. A, 1st Floor	Plenary Session – Complete sequential Review of the First Draft
1230 - 1400		Lunch
1400 - 1700	Red Room, Bldg. A, 1st Floor	VG Chair’s review of process, summary of agreement, closing of negotiations

**Please note** that completing all required discussion and negotiations by the end of the week is essential. Thus, ALL sessions will begin promptly at the indicated times and the CFS and OEWG VG Chairs urge everyone to arrive on time.

Given the limited time available, there is no time scheduled for opening statements from the floor; following remarks from the CFS Chair, the CFS-led intergovernmental negotiations of the VG will move directly to the first session.

#### **Designation of a Chair’s Representative**

In order to allow the Chair breaks as needed during the plenary sessions, Ms. Elisabeth Kvitashvili, USUN Rome, will act as Chair’s Representative. During the Chair’s temporary absence, the Chair’s Representative will continue to facilitate the proceedings and perform all the functions of the Chair.

#### **Language**

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<sup>1</sup> This time slot may be used to continue discussion in thematic groups, if a request for additional time is made to the Chair of the OEWG - VG.

The VG First Draft, currently available in all six official UN languages, will be the basis for negotiations. During the scheduled times for plenary and parallel thematic sessions, simultaneous translation will be available in all six official U.N. languages. These translation services will ONLY be available during the times indicated above.

Recommended changes in the text of the First Draft for negotiation that are made during plenary or in thematic groups will be in English. Any iterative copies provided by the FAO Secretariat later in the week will be in English.

In the event any additional time for discussion is required in thematic groups outside the times indicated above, translation will not be available.

### **Participation**

CFS rules regarding the conduct of negotiations as well as OEWG guidelines will apply; only members can engage in decision-making.

The Civil Society Mechanism is entitled to five spokespersons at any one time; the CSM will choose these spokespersons and rotate at their discretion. They will advise the OEWG Chair who will represent them at the start of each session.

Observers may be present in thematic groups and in plenary and participate at the discretion of the Chair.

### **Spokespersons and Friends of the Chair**

The Chair requests the following:

1. The Chair of OEWG VG will convene a meeting on Monday , July 11<sup>th</sup>, 9:30 a.m. in the Malaysia Room, with the Friends, regional spokespersons, and appropriate Secretariat staff to discuss the procedures for managing thematic groups.
2. Each region is also requested to nominate a candidate to act as a Friend of the Chair.
3. The Chair requests that the CSM also nominate a Friend of the Chair.
4. During the Monday meeting, the Friends of the Chair will determine, in consultation with the OEWG VG Chair, which thematic group they will each chair.
5. Each region is requested to identify one spokesperson to speak in each thematic group. While any members and participants may attend any session, the chair suggests that amendments to the VG come from the regional spokespersons.
6. The CSM may have more than one participant present in each thematic group. However, it must designate only one spokesperson in each thematic group.
7. The Friends of the Chair will review guidance the thematic groups (included in the Scopes of Work for thematic groups included below.)

### **Scribing**

The FAO Secretariat will provide scribes to each thematic group and in plenary. Each thematic group will have a computer and a copy of the First Draft at their disposal. Members, participants, and invited observers can suggest specific changes in text; the Friend of the Chair will confirm the recommended change and the scribe will enter text as it is confirmed by the FoC. General comments will not be recorded.

Each thematic group will produce a separate draft of the VG with recommended agreements. These separate drafts will be merged into one document by the scribes for final consideration in plenary on Thursday and Friday

### **Thematic Groups in Parallel Sessions**

Members, participants, and observers will participate in parallel thematic sessions beginning Tuesday afternoon, July 12<sup>th</sup>. Thematic groups will discuss specific issues as outlined in the scope of work for each Thematic Group (see below). These Scopes of Work outline the procedures for working in each group and reporting out to plenary.

## SCOPES OF WORK FOR THEMATIC GROUPS

### Theme #1. Scope and Purpose of VG (Discussed in plenary)

The scope and purpose of the Voluntary Guidelines affect the content of the entire document.

The task of this group is to discuss ideas and text intended to reconcile these differences sufficiently that consensus can be achieved.

Do the members of the group feel this FAO-provided language is sufficient? If not, what alternative language can reconcile differences?

#### **Purpose**

The purpose of the Voluntary Guidelines is to improve the governance of tenure of land, fisheries and forests with the overarching goal of achieving food security for all, particularly vulnerable and marginalized people. In doing so, the Voluntary Guidelines are intended to contribute to the global and national efforts towards the eradication of hunger and poverty, and to the realization of sustainable livelihoods, social stability, housing security, rural development, environmental protection and economic growth.

#### **Background**

The livelihoods of many, particularly the rural poor, require secure and equitable access to and control over land, fisheries and forests. The eradication of hunger and poverty, and the sustainable use of the environment, thus depend in large measure on how people, communities and others gain access to those resources. They are the source of food and shelter; the basis for social, cultural and religious practices; and a central factor in economic growth.

How people, communities and others gain access to land, fisheries and forests is defined and regulated by societies through systems of tenure. These tenure systems determine who can use which resources, for how long, and under what conditions. The systems may be based on written policies and laws, as well as on unwritten customs and practices. Tenure systems increasingly face stress as the world's growing population requires food security, and as environmental degradation and climate change reduce the availability of land, fisheries and forests. Inadequate and insecure tenure rights increase vulnerability, hunger and poverty, and can lead to conflict and civil war, and to environmental degradation when competing users fight for control of the resources.

The governance of tenure is a crucial element in determining if and how people, communities and others are able to acquire rights, and associated duties, to use and control land, fisheries and forests. Many tenure problems arise because of weak governance, and attempts to address tenure problems are affected by the quality of governance. Weak governance adversely affects social stability, sustainable use of the environment, investment and economic growth. People can be condemned to a life of hunger and poverty if they lose their tenure rights to their homes, land, fisheries and forests and their livelihoods because of corrupt tenure practices or if implementing agencies fail to protect their tenure rights. People may even lose their lives when

weak tenure governance leads to violent conflict. In contrast, responsible governance of tenure supports social and economic development, and the protection and enhancement of the environment.

### **Protocols for Discussion**

**Time and location:** Tuesday, July 12<sup>th</sup>, 1015 – 1230 hrs, Red Room, 1st Floor, Bldg. A

**Scribing:** FAO Secretariat will provide a scribe. The Friend of the Chair coordinating the work of that group will introduce the scribes at the beginning of the thematic group session. Scribes are only available for 3-hour time blocks; after 3 hours, the group must appoint a scribe from within the group.

**Reporting to plenary:** This theme is discussed in plenary.

**Translation:** Translation will only be available for 3 hours. After 3 hours, any continued discussion will occur in whichever language(s) are suitable for the members of the group.

**Proposals:** Any proposed changes should be specific and textual. General comments will not be recorded.

**Questions:** Points of clarification can be directed to the FAO Secretariat, who will be available to answer technical questions regarding meaning and rationale for the content.

## **Thematic Group #2. Tenure Reform, including Redistribution and Expropriation**

Various views about tenure reform, including redistribution and expropriation, were discussed during the June meeting.

Specific sections in which tenure reform or aspects of it are mentioned include (Note: this citation is not exhaustive; there may other sections of the document in which related issues are covered):

Reference VG Draft 1, Part 4.13-16

### **Protocols for Discussion**

**Time and location:** Tuesday, July 12<sup>th</sup>, 1400-1700 hrs, Red Room, Bldg. A, 1rst Floor

**Additional time:** If additional time for discussion is required, the Friend of the Chair in this thematic group should advise the OEWG VG Chair and agree upon an extension of time for discussion.

**Reporting to plenary:** The Friend of the Chair in this group will report to the OEWG VG Chair regarding the outcome. The Group will select a rapporteur to present out the results of their work to the Plenary. The Outputs for the thematic groups are (1) completion of the attached Thematic Group Report Form (see attached), and (2) a bracket draft of the VG of issues addressed. These brackets should be specific to the text of the VGs and not general discussion.

**Scribing:** FAO Secretariat will provide a scribe for a 3-hour time block. The Friend of the Chair coordinating the work of that group will introduce the scribes at the beginning of the thematic group session. Members, participants, and invited observers can suggest specific changes in text; the Friend of the Chair will confirm the recommended change and the scribe will enter text as it is confirmed by the FoC. After 3 hours, a scribe must be designated from within the group (as the Secretariat-provided scribes may not work longer than three hours).

**Guidance for Friend of the Chair:** The FoC is responsible for managing the group and delivering the output as defined above to plenary. The FoC is responsible for timekeeping, including managing the pace of discussion to allow the scribe to accurately record changes in the document.

**Questions:** Points of clarification can be directed to the FAO Secretariat, who will be available to answer technical questions regarding meaning and rationale for the content.

### **Thematic Group #3. Markets, Investments and Concessions (including discussion of balancing pro-investment and safeguards, including FPIC)**

Various views regarding markets, investments, and concessions, including the large-scale acquisition of tenure rights, arose during the June meeting.

Specific sections in which Markets, Concession, Investments or similar terms are mentioned include (Note: this citation is not exhaustive; there may other sections of the document in which related issues are covered):

Reference VG, Draft 1,

Preface

Part 4.11-11.7

Part 4.12 – 4.12.11

Part 4.15.3-15.4

Part 4.16.1

Part 5.17.1,

Part 5.18.1-2

Part 5.19.2

#### **Protocols for Discussion**

**Time and location:** Wednesday, July 13<sup>th</sup>, 0930-1230 hrs, Malaysia Room, B-227

**Additional time:** If additional time for discussion is required, the Friend of the Chair in this thematic group should advise the OEWG VG Chair and agree upon an extension of time for discussion.

**Reporting to plenary:** The Friend of the Chair in this group will report to the OEWG VG Chair regarding the outcome. The Group will select a rapporteur to present out the results of their work to the Plenary. The Outputs for the thematic groups are (1) completion of the attached Thematic Group Report Form (see attached), and (2) a bracket draft of the VG of issues addressed. These brackets should be specific to the text of the VGs and not general discussion.

**Scribing:** FAO Secretariat will provide a scribe for a 3-hour time block. The Friend of the Chair coordinating the work of that group will introduce the scribes at the beginning of the thematic group session. Members, participants, and invited observers can suggest specific changes in text; the Friend of the Chair will confirm the recommended change and the scribe will enter text as it is confirmed by the FoC. After 3 hours, a scribe must be designated from within the group (as the Secretariat-provided scribes may not work longer than three hours).

**Guidance for Friend of the Chair:** The FoC is responsible for managing the group and delivering the output as defined above to plenary. The FoC is responsible for timekeeping, including managing the pace of discussion to allow the scribe to accurately record changes in the document.

**Questions:** Points of clarification can be directed to the FAO Secretariat, who will be available to answer technical questions regarding meaning and rationale for the content.

#### **Thematic Group #4. Language harmonization with international agreements**

Various views arose during the June meeting about the specific reference to international and regional obligations pertaining to human rights in the VG.

This group will discuss recommendations for resolving any differences of opinion regarding how to address this issue in the VG document.

#### **Protocols for Discussion**

**Location and Time:** Tuesday, July 12<sup>th</sup>, 1400-1700 hrs, Malaysia Room, B-227

**Additional time:** If additional time for discussion is required, the Friend of the Chair in this thematic group should advise the OEWG VG Chair and agree upon an extension of time for discussion.

**Reporting to plenary:** The Friend of the Chair in this group will report to the OEWG VG Chair regarding the outcome. The Group will select a rapporteur to present out the results of their work to the Plenary. The Outputs for the thematic groups are (1) completion of the attached Thematic Group Report Form (see attached), and (2) a bracket draft of the VG of issues addressed. These brackets should be specific to the text of the VGs and not general discussion.

**Scribing:** FAO Secretariat will provide a scribe for a 3-hour time block. The Friend of the Chair coordinating the work of that group will introduce the scribes at the beginning of the thematic group session. Members, participants, and invited observers can suggest specific changes in text; the Friend of the Chair will confirm the recommended change and the scribe will enter text as it is confirmed by the FoC. After 3 hours, a scribe must be designated from within the group (as the Secretariat-provided scribes may not work longer than three hours).

**Guidance for Friend of the Chair:** The FoC is responsible for managing the group and delivering the output as defined above to plenary. The FoC is responsible for timekeeping, including managing the pace of discussion to allow the scribe to accurately record changes in the document.

**Questions:** Points of clarification can be directed to the FAO Secretariat, who will be available to answer technical questions regarding meaning and rationale for the content.

## **Thematic Group #5. Definition of state and non-state actors and their roles**

During the June meeting, various views about the role of state and non-state actors were expressed. Specific sections in which state/non-state actors and their roles are mentioned include (Note: this citation is not exhaustive; there may other sections of the document in which related issues are covered):

Reference VG Draft 1

Part 2, 5.5

Part 3, 8.5

### **Protocols for Discussion**

**Time and location:** Wednesday, July 13<sup>th</sup>, 0930 – 1230 hrs, Malaysia Room, B-227

**Additional time:** If additional time for discussion is required, the Friend of the Chair in this thematic group should advise the OEWG VG Chair and agree upon an extension of time for discussion.

**Reporting to plenary:** The Friend of the Chair in this group will report to the OEWG VG Chair regarding the outcome. The Group will select a rapporteur to present out the results of their work to the Plenary. The Outputs for the thematic groups are (1) completion of the attached Thematic Group Report Form (see attached), and (2) a bracket draft of the VG of issues addressed. These brackets should be specific to the text of the VGs and not general discussion.

**Scribing:** FAO Secretariat will provide a scribe for a 3-hour time block. The Friend of the Chair coordinating the work of that group will introduce the scribes at the beginning of the thematic group session. Members, participants, and invited observers can suggest specific changes in text; the Friend of the Chair will confirm the recommended change and the scribe will enter text as it is confirmed by the FoC. After 3 hours, a scribe must be designated from within the group (as the Secretariat-provided scribes may not work longer than three hours).

**Guidance for Friend of the Chair:** The FoC is responsible for managing the group and delivering the output as defined above to plenary. The FoC is responsible for timekeeping, including managing the pace of discussion to allow the scribe to accurately record changes in the document.

**Questions:** Points of clarification can be directed to the FAO Secretariat, who will be available to answer technical questions regarding meaning and rationale for the content.



**CFS-led Negotiations on the Finalization of the  
Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests**

**THEMATIC GROUP REPORT FORM**

**Number and the theme of the thematic group:**

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**Date and time of the thematic group:**

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**Responsible Friend of the Chair:**

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**Topics for which consensus was reached**

*Please be as precise as possible indicating affected paragraphs.*

<ul style="list-style-type: none"><li>•</li></ul>
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**Topics on which no consensus was reached so far**

*Please be as precise as possible indicating affected paragraphs.*

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**Any other important remarks**

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**Signed**

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