



**Chair's Summary**  
**of the CFS Intergovernmental Negotiations on the Voluntary Guidelines**  
**for the**  
**Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food**  
**Security**  
**Dr. Gregory Myers, Chair of The Open-Ended Working Group - VG**  
**July 12-15, 2011**  
**Rome, Italy**

The Committee on World Food Security (CFS) convened an Intergovernmental Negotiation on the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries, and Forests (VG) at UN FAO in Rome, Italy, July 12 – 15. Approximately 69 member countries and 20 representatives of civil society, the private sector, participants from international financial institutions, and interested observers met to review, discuss, and negotiate text of the VG. Meeting in both plenary and thematic working groups, Members, Participants, and observers sought to negotiate language for the VG that would be adopted by the CFS Plenary in October 2011. The meeting was conducted in a constructive and positive atmosphere and was considered a substantial success, and a strong sense of ownership of the Voluntary Guidelines was shared by members, participants and observers. Due to the strong interest, it was concluded that more time would be need to be allocated to consult with authorities and constituencies and the negotiations will continue during 10-14 October.

The week began with opening statements from Mr. Noel De Luna, Chair of the CFS and Dr. Gregory Myers, Chair of the Open Ended Working Group of the VG (OEWG). This was followed by a plenary discussion focusing on the scope and purpose of the VG, including differing views regarding the inclusion of water as part of the VG. During the latter half of Tuesday and throughout the day Wednesday, Members, Participants, and observers met in thematic groups. On Thursday and Friday, everyone met in plenary to review the language crafted in thematic working groups and review the full VG in sequence. It was hoped that by Friday, July 15<sup>th</sup>, consensus on a final amended First Draft would be achieved.

Chaired by Dr. Gregory Myers and with the support of Ms. Elisabeth Kvitashvili as the Chair's Representative, the meetings and negotiations were in many ways unprecedented. Civil society representatives participated fully in thematic groups and plenary discussions and for the first time in CFS deliberations, the Civil Society Mechanism was invited to designate one of their representatives as a Friend of the Chair. The use of thematic groups at the beginning of the week allowed Members and Participants to focus on contentious language identified in an earlier meeting in June of the OEWG. The use of thematic groups was an attempt to forge agreement in smaller groups that would then be agreed upon in Plenary. It was further anticipated based upon the discussions in June that many sections of the VG were uncontroversial and would not require extensive time for scrutiny in plenary.

As previously noted, the scope and purpose of the VG was discussed in plenary, followed by a smaller working group that worked out compromise language regarding the inclusion of water, minerals, pasture, and other resources. Other key issues discussed in Working Groups included tenure reform

(Thematic Group 2), markets, investments, and concessions (Thematic Group 3), harmonization of language with international and regional human rights obligations (Thematic Group 4), and the role of state and non-state actors (Thematic Group 5). Within each of these topics, a number of issues generated significant discussion both in the groups and in plenary. The discussion and comments around these five themes and other issues were lengthy, requiring far more time than originally allotted.

The week ended with consensus regarding the scope of the VG and inclusion of language regarding water, minerals, and other resources in the Preface. Thematic working and Friends of the Chair groups also crafted consensus language on issues of language harmonization, tenure reform, and concessions as well as numerous other points arising during the week. However, the week was insufficient to review the VG in their entirety. While Members, Participants, and observers differed on many points, there was broad agreement at the end of the week that the negotiations should be completed before the CFS Plenary in October, and therefore that additional time should be set aside in October to complete this process.

The progress made during this week of negotiations would not have been possible without the hard work and significant contribution of Friends of the Chair (FOC), who played an integral role. Friends of the Chair were called upon to lead thematic groups, in which they were responsible for facilitating discussion, mediating disagreements, and reporting out on progress to the Chair. The hard work of the FOC—Mr. Noel De Luna, Ms. Sofia Monsalve, Ambassador Mary Mubi, Dr. Michael Windfuhr, and Mr. Renato Godinho—contributed to a successful outcome of this process. In addition, there are a number of member delegates who volunteered to coordinate and mediate discussion in small groups when contentious issues could not be resolved in plenary discussion. The Chair recognizes and thanks all their contributions toward realization of a successful outcome of this process.

The FAO Secretariat was also instrumental in facilitating our progress. Although the FAO Secretariat handed over the VG to the OEWG in June, the FAO Secretariat staff has continued to play an essential role by providing important technical and administrative support.

### **The Way Forward**

A significant number of member country representatives expressed the need for another meeting of the Inter-Governmental Negotiation of the Voluntary Guidelines prior to the 37<sup>th</sup> CFS Plenary in October. As previously noted, the meeting was conducted in a constructive and positive atmosphere and was considered a substantial success, and a strong sense of ownership of the Voluntary Guidelines was shared by members, participants and observers. Due to the strong interest, it was concluded that more time would be needed to be allocated to consult with authorities and constituencies and the negotiations will continue during 10-14 October. The purpose of this additional meeting is to complete review and negotiation of the remainder of the VG text that was not reviewed and/or negotiated in July. “The Consolidated Changes by Plenary and Thematic Groups to the First Draft (12-15 July 2011)” document posted here with this letter will be the starting point for the next meeting. Prior to the next meeting, the document will be translated into all official languages. The next meeting will be held the week before the CFS, 10-14 October to complete negotiations on the First Draft of the VG. The process for the next meeting will be articulated in a forthcoming letter from the Chair of the OEWG for the VG.

## Annex

The “The Consolidated Changes by Plenary and Thematic Groups to the First Draft (12-15 July 2011)” document released by the Secretariat should be read with the following notes:

During 12-14 July, the meeting comprised thematic group sessions and plenary sessions. Text was reviewed and discussed in both thematic groups and in plenary. Following discussion on July 14 and 15, consensus on text for a number of sections was achieved, including:

- Preface
- Section 1 (Objectives)
- Section 2 (Nature and scope)
- Section 3 (Guiding principles) up to and including 3B.6.
- Paragraph 9.8 of Section 9 (Indigenous peoples and other communities with customary tenure systems)
- Paragraph 12.5 of Section 12 (Investments and concessions)
- Section 13 (Land consolidation and other readjustment approaches)
- Section 14 (Restitution)
- Section 15 (Redistributive reforms)
- Section 16 (Expropriation and compensation)

In addition, a number of “global” changes were discussed and agreed upon. These changes were incorporated by FAO Secretariat scribes throughout the amended First Draft document, including:

1. “Progressive” added before “realization of the right to adequate food”;
2. “Peoples” inserted into the phrase “Indigenous peoples and other local communities”;
3. “And social” inserted after “economic” in the phrase “economic and social development”;
4. The following phrase was added as needed, “These Guidelines should be interpreted and applied consistent with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments”;
5. “Public” to be mentioned before “ private sector” wherever these terms occur together in the text;
6. “Civil society” to be mentioned before “private sector” or “academia” wherever these terms are listed together in the text;
7. “Eradication” replaced “alleviation” in front of hunger

Where appropriate, text of sentences in other sections was revised to conform to text agreed by Plenary.

The present document contains the following text:

- a) Text proposed in thematic groups but not discussed by plenary is shown in brackets along with the thematic group that made the proposal.
- b) Text discussed and agreed by plenary is marked by asterisks.
- c) Text discussed but for which no consensus was achieved, either in plenary or in thematic groups, is highlighted in yellow.
- d) Text not discussed is unmarked in the document. Text without brackets, asterisks, or highlight should be considered text that was not discussed and will require review and negotiation in October.