

CIVIL SOCIETY ORGANIZATIONS AND THE VOLUNTARY GUIDELINES Process, methodology and motivations for engagement.

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What are the FAO Voluntary Guidelines on Land and Natural Resources Tenure?

Since 2005, the FAO has been working on raising awareness of the importance of good governance of land and natural resource tenure. Recently the FAO launched an initiative to adopt *Voluntary Guidelines for Good Governance in Land and Natural Resource Tenure (VG)* which are supposed to become a broad agreement jointly shared by governments, civil society and international organizations and approved by FAO member nations and other interested parties.

Voluntary Guidelines are meant to 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.

According to FAO, the objective of these Voluntary Guidelines is to assist countries and their institutions in the following: improving the governance of land and natural resource tenure; expanding the administration's capacity to alleviating hunger and poverty; enhancing the environment; supporting national and local economic development; and reforming public administration.

The process leading up to the adoption of these guidelines comprises different steps.

How will this process be?

Identifying key issues

FAO has been conducting regional and constituency specific meetings in order to identify key issues which should be addressed by the VG. Information about these meetings can be found at FAO's web site (hyperlink to <http://www.fao.org/nr/tenure/voluntary-guidelines/events/en/>).

In all these meetings, FAO has been funding the participation of 5-6 CSO participants whose selection has been facilitated by the International Planning Committee for Food Sovereignty (IPC).

Apart from these meetings directly organized by FAO, FAO accepted the proposal to let civil society autonomously organize 4 specific CSO regional consultations. IPC is facilitating the organization of these CSO consultations. The first CSO consultation took place in Kuala Lumpur for Asia in March 24-26

The results of these CSO consultations will flow in a CSO document on land and natural resources tenure, which should be ready by October 2010 as an input to the governmental process within FAO.

Drafting and adoption of the VG

Once the phase of regional and constituency specific meetings will be closed in September 2010, the Land Tenure Division of FAO will present a summary of the reports of all meetings identifying key issues to be included in the guidelines.

The upcoming CFS' session which will be held on October 11-14, 2010 will decide about the modalities for the drafting and adoption process.

How to participate in this process?

International Facilitating Team (FT)

In order to facilitate CSO participation in the DV process, IPC established an international facilitating team. This team is made up of representatives of peoples organizations (farmers, indigenous peoples, nomadic pastoralists, fisherfolks, urban people) and NGO with a long record of experience working on land and natural resources issues. The FT met in Rome in March 17-18, 2010 to set up different mechanisms to promote CSO participation in this process.

Mechanisms to promote participation

Peoples and grassroots organizations and NGO can use the following mechanisms to participate in this process:

1. Regional CSO consultations
Participation in the meetings (hyperlink to calender of events) is open to all CSO. As funds are limited though, priority will be given to representatives of rural women's, peasants', indigenous peoples', pastoralists' and fisher folks' organizations. Nonetheless, CSO are encouraged to mobilize funds for participating.
2. Discussion paper
In order to stimulate discussion, the discussion paper "Voluntary Guidelines for Good Governance in Land and Natural Resource Tenure - Civil Society Perspectives" was prepared. All comments and reactions about this paper are welcomed.
3. Questionnaire
Given the fact that many people will not be able to participate in the regional CSO consultations, a questionnaire to collect inputs has been elaborated. The questionnaire can be used:
 - to prepare the regional CSO consultation meetings
 - to collect inputs via email of all interested organizations
 - to prepare local and national workshops about this issue

The members of the facilitating team have the responsibility to disseminate the questionnaire and to collect and process the inputs received.

4. Inventory of good laws

Organizations will be encouraged to share good national laws (hyperlink) related to the governance of land and natural resources. This inventory will be compiled at the IPC website.

5. Integrate this process in your ongoing work
Organizations will be encouraged to incorporate this process into their ongoing work using, for example, the questionnaire or discussing the structure of the guidelines in already planned workshops and seminars.
6. Communication
We have a general email list to keep people informed about the process. Request to be added to the list should be sent to: cso.vg.landandnaturalresources@gmail.com
All information related to this process will be posted at <http://www.foodsovereignty.org>

How will the CSO document be elaborated?

As an input to the official process, CSO are supposed to prepare a document containing their views. The process to prepare it is the following:

- As an outcome of the four regional CSO consultations, we will prepare four regional reports. Regional reports should include the inputs collected via questionnaire and other consultations conducted by interested organizations.
- Based on the four reports, the international facilitating team will prepare the CSO draft document which should be available by the beginning of September.
- Before the next session of the Committee of Food Security in October, an electronic consultation on the draft CSO document and a consultation with leaders of social movements will be organized.

What is the working structure for the CSO document?

In order to facilitate discussions and to be able to systematize the inputs received, the International Facilitating Team elaborated the following working structure for the CSO document:

Preamble

- Our vision and aspirations: highlight our existing relationships with nature to produce food and sustain our lives, communities and societies in the context of food sovereignty.
- Major threats and problems in our relationships with nature/access to and control over natural resources.
- Legal references in international human rights law (ICESCR, ICCPR, CEDAW, UNDRIP, FAO VG RtF) and environmental law.

Key Issues

1. Sharing territories
 - a. Self determination over natural resources

- b. Right to land/territory of different social groups (multidimensional relationship to NR).
 - c. Principles for sharing territories.
 - 2. Common pool resources and collective rights over natural resources
 - a. Strengthening the commons
 - b. Collective rights to access and manage natural resources
 - c. Community-based control over natural resources.
 - 3. Just and equitable distribution of natural resources
 - a. Land: crop land, grazing land, urban land.
 - b. Water bodies , coastal areas and fishing grounds.
 - c. Forests.
 - d. Redistributive tenure reforms to overcome discrimination based on gender, age, ethnicity, race, caste, etc.
 - 4. Sustainable use of natural resources
 - a. Right to use and control the benefits from natural resources
 - b. Sustainable uses of natural resources (conserving and fostering soil fertility, biodiversity, water sources) and the need to prohibit/control unsustainable uses (destroying soils, biodiversity, water sources, increasing GHG emissions)
 - c. Sustainable food systems and the need of adequate support (financial support, infrastructure, participatory research and capacity building).
 - d. Enabling framework policies (trade, development, etc) and the need of policy coherence.
 - 5. Institutions
 - a. Strengthening customary institutions and collective tenure systems while ensuring that they respect the rights of women
 - b. Assess the impact of policies and institutions in guaranteeing the rights over natural resources of rural communities and review them accordingly.
 - c. Guarantee sufficient resources and adequate capacity for public institutions dealing with natural resources.
 - d. Establish national intersectoral coordination mechanisms to ensure policy coherence.

- e. Establish participatory mechanisms/methodologies at all levels of operation (planning, management, monitoring).
6. Adequate regulation of investment
 - a. At national level
 - b. Foreign Direct Investment
 - c. International architecture of trade and investment: FTA, EPA, BIT, etc
 7. Commodification and Privatization of Nature
 - a. Market mechanisms for the appropriation of natural resources: carbon trading, REDD, agricultural funds, etc.
 - b. Intellectual property rights
 - c. New technologies: nanotechnology, synthetic biology, geo-engineering, terminator technology, etc.
 8. Free prior and informed consent about investment projects /use change of natural resources
 9. Forced evictions and arbitrary displacement
 10. Adequate compensation in case of involuntary displacement.
 11. Resettlement
 12. Conflict, post-conflict, restitution and reparation
 - a. Rights of local communities in conflicts including cases of occupied territories
 - b. Post-conflict and restitution: fostering resilience of communities
 - c. Reparation
 - d. Prevention of new conflicts
 13. Monitoring
 - a. Collect disaggregated data on issues linked to security of tenure and forced evictions, number of landless people, degree of concentration of resources, unsustainable uses of NR, etc.
 - b. Develop indicators and benchmarks regarding secure access to NR, equitable access to NR, sustainable use of NR.
 - c. Establish participatory and independent mechanisms to monitor and evaluate the implementation of these guidelines.
 14. Recourse mechanisms

- a. Each person or community has a right to have access to administrative, quasi-judicial and judicial mechanisms to provide adequate, affordable, effective and prompt remedies when her/his/their right to natural resources are threaten or violated.
- b. Every victim of such violations should have the right to adequate remedies which could consist of restitution, compensation, satisfaction or guarantees that such acts will not be repeated.
- c. Support the development of paralegal networks and groups to help women and other groups intervene in disputes over access to land and prevent forced evictions.

15. Extra-territorial dimension

- a. States and UN-specialised agencies should observe the extra-territorial dimension of their human rights obligations related to land and natural resources of marginalized groups. International cooperation concerning land policy, investment, trade and any other policy which might affect the lives and livelihoods of marginalized groups should be guided by basic human rights principles.
- b. States and UN-specialized agencies should contribute to the fulfillment of the present guidelines which assist States in their national efforts to good governance in land and natural resources tenure. States and UN-specialised agencies should particularly refrain from destroying local communities' existing access to land and natural resources. Under no circumstances should forced evictions be encouraged or supported.

16. Accountability of transnational corporations and other business enterprises

Why is it worth engaging in this process?

- Because it will allow us to continue the multi-constituency dialogue started in the Parallel Forum to the International Conference on Agrarian Reform and Rural Development (ICARRD) in Porto Alegre, Brazil in 2006 and the Forum for Food Sovereignty in Sélingue, Mali in 2008 on land, agrarian and aquatic reforms, territory and our relationships with nature to produce food and sustain our lives, communities and societies in the context of food sovereignty. This process offers the chance to further develop our concrete proposals on the governance of land and natural resources as part of the solutions to the current food and climate crisis. At the same time, this process will help us to articulate our views on threats like the new wave of land grabbing.
- Because it entails the opportunity to develop a systematic and comprehensive interpretation of existing international human rights and environmental law provisions protecting the rights to land and natural resources of all rural constituencies. So far only indigenous peoples count with an international precise recognition of their rights to land and natural resources. Other rural groups like peasants, pastoralists and fisherfolks see

the international recognition of their rights to land and natural resources scattered in different instruments and lacking systematic interpretation. These guidelines can contribute to clarify the content of existing obligations of governments related to land and natural resources governance. They can also provide guidance on how to implement these obligations. This process can complement and strengthen parallel efforts, for instance, on the development of a code of conduct on small-scale fisheries and of a UN convention on the rights of peasants, and on how to implement the UN Declaration on the Rights of Indigenous Peoples, among others.

- Because this initiative can contribute to a more democratic global governance of food and agriculture based on the UN system, the subsidiarity principle and the institutionalized participation of social movements and other civil society organizations. In the last decades, agenda setting and decision making related to land and natural resources were heavily influenced by International Financial Institutions, with disastrous consequences. FAO as a multilateral exchange forum and specialized UN agency with a mandate to work on normative issues related to food and agriculture and the current process of reform of the Committee on World Food Security (CFS) offer a more democratic arena to achieve a multilateral agreement on land and natural resources governance. These guidelines are part of the ICARRD follow up which is considered by social movements, other civil society organizations and some governments one of the most promising initiatives in the field of land and natural resources of the last years.

What is the relationship of these VG with land grabbing?

The FAO estimates that in the last three years 20 million hectares have been acquired by foreign interests in Africa only. A global process is underway whereby powerful foreign private and public investors conclude agreements with states for taking possession of and/or controlling large surfaces of land (many involving more than 10,000 hectares and several more than 500,000 hectares), which are relevant for current and/or future food sovereignty of the host countries. These agreements most commonly known as “land grabbing” will have a severe impact on the enjoyment of the human rights of the local population, particularly on their right to adequate food.

Currently there is an international debate about what should be the response to the new wave of land grabbing. Different institutions like the World Bank, the government of Japan, the International Food Policy Research Institute (IFPRI) have proposed the adoption of principles or codes of conduct which would make these deals a “win-win opportunity” for all parties involved including local communities. The “Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources” jointly promoted by the World Bank, the International Fund for Agricultural Development (IFAD), the United Nations Conference on Trade and Development (UNCTAD) and the FAO is the most advanced initiative in this respect. These principles which intend to be voluntary and self-regulatory for the private sector try to distract from the fact that what is needed is mandatory and strict state regulation of investors in several policy fields like financial markets, investment, agriculture in order to overcome the multiple crises generated by the very same vested interests in the field of food, agricultural sustainability and climate. In the discussion and drafting of these principles only international organizations have been involved. It is not clear in which institutional setting these principles will be discussed

and adopted and if this process will be an intergovernmental negotiation process with participation of civil society.

Since the VG intend to democratize the governance of land and natural resources tenure with the paramount aim to combat poverty and hunger, it is obvious that the DV will address current challenges like land grabbing. In this sense, the VG intend to have a broad and systemic normative scope which will enable them to be part of the set of regulations needed to control agricultural investment along regulation in other policy fields like labour, investment protection, financial flows, and trade among others.