

CSO REPORT
of the Meeting of the Open Ended Working Group on the Voluntary Guidelines
on Responsible Governance on Tenure of Land, Fisheries and Forests
JUNE 14, 16 and 17, 2011 - FAO - Rome

Chair: Gregory Myers, (USAid)

Co-chair: (WFP)

Members of CSO present during the meeting:

Sofia Monsalve (IPC - FIAN International) - spokesperson

Nora Mckeon (IPC)

Antonio Onorati (IPC)

Stéphane Parmentier (OXFAM International) - spokesperson

Luca Chinoti (OXFAM International)

Angel Strapazzon (La Via Campesina) - spokesperson

Daniel Gómez (FIAN International)

Florence Kroff (FIAN Belgium)

Alberta Guerra (ActionAid) - spokesperson

Francis Chachu Ganya (WAMIP, Kenya) could unfortunately not attend the meeting due to last minute reasons.

Member States and other participants present during the meeting

GRULAC	European Union	AFRICA	Other Regions	Other participants / observers
Argentina (+) Brazil (++) Ecuador (+) Guatemala (x) Mexico (+) Venezuela (+)	Poland (++) Denmark (x) Belgium (x) Sweden (x) Switzerland (+) Italy (x) Greece (x) France (+) Germany (++) Netherlands (x)	Zambia (X) Zimbabwe (+) Algeria (x)	Canada (+) China (x) Cyprus (x) Egypt (+) Japan (x) Russia (x) Syria (x) US (++)	- Advisor to the Special Raporteur for the Right to Food (++) - IFAD (x) - IFA - private sector (+) - ILC Secretariat (observer) (++)

Estimated degree of participation: (X) = not participative; (+) = participative; (++) = very participative

Background of the meeting

After the closing of the e-consultation on the Zero draft, the FAO secretariat compiled received comments in a First Draft of the Guidelines. The 1st of June this new document was circulated and handed over to the Open-Ended Working Group (OEWG). The Objective of the June meeting was to clarify issues of concern for members and participants by clarifying issues and identifying (bracketing) language of concern. Negotiations to finalise the text will take place on July 12-15. The VG should be adopted by the CFS plenary in October 2011.

Quick overview of the 3 days meetings

Tuesday, June 14th: 2 sessions

Gregory Myers, the Chair, started the meeting by explaining the procedures of the meeting. All members and participants were really surprised learning that:

- No general discussion on certain issues would take place;

- No debate would take place on difficult questions and/or core issues;
- Only alternative wording to paragraphs would be accepted.

After debating the procedures, the Chair led members and participants throughout the text, paragraph by paragraph, while scribes were taking notes of the alternative wording proposed by the audience.

Wednesday, June 15th: 2 sessions

Govt delegations were encouraged to meet in regions and among them.

Thursday, June 16th: 3 sessions

Thursday meeting followed the same format as the first day: members and participants were limited to proposed alternative language in the text.

By the end of the day 435 footnotes were added to the text.

Friday, June 17th: 2 sessions

The last day, the Chair summarized the situation; he identified 2 categories of concerns: not contentious issues and more controversial issues.

1. Not contentious issues - technical issues

Points that are not controversial but that need further details. Those points would be drafted by the secretariat, on basis or not, of pre-drafting by members and participants.

- a. Gender
A specific section on Gender should be included. Oxfam and the EU proposed to draft it.
- b. List of definition of key concepts. Mainly:
Gender sensitive; Land tenure rights (informal rights, subsidiary rights, etc.); Investment; Civil society; Concession; Regulated special planning; Fisheries and forests; Protracted crisis (IPC to provide language); Implementing agencies; Human rights (in the context of land tenure).
- c. Monitoring and implementation
The last section on “Implementation, monitoring and evaluation” (section 7) must be further developed. As the Chair mentioned, even if the VG are voluntary, more details can be included to this section.

2. More controversial issues

Points that are more controversial and that were subject to dissents between members and participants or points that are really fundamentals. Regarding those 6 points, the Chair proposed that thematic groups before the negotiation could prepare them. The Chair would then nominate “Friends of the Chair” to coordinate each of the groups. CSO expressed that they are ready to participate in this group to ensure an active participation in the thematic groups, but made clear that CSO prefer not to lead any thematic group.

The Chair stressed that the “voluntary” nature of the VG was a decision of the CFS and that it can’t be negotiated, reason why it isn’t one of the following points.

- a. Land reforms and redistribution (sections 15-16)
- b. Investments and concessions (section 12)
- c. Water and other natural resources (pasture, minerals, etc.) (through the hole document)

- d. Legal harmonization (through the hole document)
- e. States and non-states actors - and their roles (section 4 and other parts)
- f. Climate change (section 23)

Proposed procedures for JULY NEGOTIATIONS (12-15th July - 4 days):

The basis will be the first draft and the actual bracketed draft will serve as preparatory document.

5. 2 first days - Identification of the “Friends of the Chair” and working groups (5-6 sessions)

Each Friends of the Chair will coordinate one of the thematic groups. Each Friend will report to the Chair and then present the WG conclusions during the plenary. The conclusion can have different forms: a resolution (accepted alternative) or an alternative that narrow down the risks of disagreement.

Each group would be composed by representatives from all regions. Until July, the Chair and regional Chairs will discuss to identify participants. The thematic groups will be formed on an open-ended basis.

According with the CSM, civil society representatives are welcome to participate in every group. The Chair expressed its will to see at least one CS representative in each group.

Logistical problems: Problem of translation (to be discussed with the secretariat)
 Problem with scribes (only for the plenary - FAO support to be discussed)

6. 2 last days - Work through the whole document

Comment: the updated bracketed document will be available in the CFS website. A summary of the discussion will be available as well.

Brazil made a proposition: To ask the OHCHR to revise the legal harmonization of the draft with the help of the Office of the High Commissioner for Human Rights and relevant Special Raporteurs (this proposition was followed by Egypt - UE - IPC)

Egypt raised a concern: as the text is quite completed and complex, to use it will be complicated for countries. Moreover, for Egypt, the objective of the VG is not enough mentioned. The core objective must be: help small farmers to produce and increase Food Security and Development -> proposition to add the objective in the TITLE. Egypt expressed doubts about the pertinence of the format. They would prefer to keep the RtF VG format (“guidelines”). (supported by Zimbabwe - IPC - ActionAid)

US agreed on the lack of clear purpose and objective of the VG. For US, it is not clear if the VG basis is Human rights or productive models.

During the last session (Friday afternoon), the proposed procedures were discussed. To the 6 controversial issues (WG), participants proposed to add 3 more:

- 7. Customary and informal tenure - Commons
- 8. Land market (section 11)
- 9. Objective of the VG - Link with Food security

Various possibilities of regrouping the contentious issues were proposed.

Following steps:

- On the 22d of June, next CFS Bureau meeting, the Chair will post the summary and the revised document on the CFS website; and will make a proposal on the final contentious

themes to be adopted by the CFS Bureau. It was proposed that the CFS Chair should send a letter to all permanent representatives urging them to actively participate in the process. The OEWG Chair should send an official request of assistance to the Office of the High Commissioner for Human Rights. IPC urged the chair to appoint the Friends of the Chair in the next CFS Bureau meeting so that they can immediately start collecting contributions on the contentious issues.

- The week of the 4th of July will be used by the Chair and the regional Chairs to further identify controversial issues and Friends of the Chair;
- Monday 11th of July could be served as informal meeting day for WG