

Opening Remarks
Dr. Gregory Myers
Chair, OEWG Voluntary Guidelines

Ambassador De Luna, honorable representatives of member-countries, civil society organizations, and invited observers and guests, thank you for your presence today and your committed participation and collaboration in the task of refining the draft Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries, and Forests.

In my last three visits to the CFS, beginning in October of 2010 and January and April of this year, I had a chance to meet many delegations and civil society organizations. In those meetings I heard your views about resource governance issues and your expectations for the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries, and Forests. I was impressed by the fact that everyone I spoke to noted the importance of this endeavor—in both content and practice. Many of you shared stories about resource governance challenges and successes in your own countries—or the countries where you work—and many of you offered suggestions for managing the OEWG.

In turn, I shared with you my deep professional and personal commitment to addressing land tenure challenges. Since 1990 I have worked in over 25 countries addressing resource governance challenges to promote agriculture and

food security, natural resource management, economic growth, population resettlement, and to address post disaster and post conflict crises, and, more recently, climate change. In each of these countries one of the fundamental keys to success was the strength of land tenure governance and property rights systems.

In every country, community and household I have visited there is universal agreement in this proposition—that without secure property rights and vibrant markets--individuals, families, communities, associations and corporations cannot or will not invest in their own dreams and aspirations—they cannot be masters of their own destinies. This fact is born out by countless studies, some of which I have had the pleasure of being involved in and others conducted by research institutions around the world. As noted Harvard economists Darin Acemoglu, Simon Johnson and James Robinson say:

The concentration of political and social power in the hands of a small elite implies that the majority of the population does not have secure property rights, and probably risks being held up by the powerful elite.

Institutions of private property, therefore, require effective property rights for a large segment of the society, both against state expropriation and predation by private agents, relative political stability to ensure continuity

*in these property rights, and effective constraints on rulers and political elites to limit arbitrary and extractive behavior.*¹

This conclusion applies more so to women, who frequently have fewer rights than men, have greater challenges gaining access to productive resources and are more often victims of resource-grabbing. As a very recent ILDO study makes clear:

If economic growth depends on broad-based participation, and secure access to natural resources is a pre-requisite for women's active participation, then articulating well-defined property rights that enhance women's capacity to contribute to the national economy is essential for economic development. Access to land facilitates women's bargaining power within their household, as well as their representation and participation in decision-making processes at the community level . . . That is, women's right to have control over land and what it produces diminishes the household's risk of poverty; increases agricultural productivity because they can be more secure that their investment in the land will be returned;

¹ (AJR, "An African Success Story, Botswana, p. 5, available at: <http://www.colby.edu/economics/faculty/jmlong/ec479/AJR.pdf>)

*is necessary for justice for them; and enhances the ability of disadvantaged women to challenge and modify existing power relationships.*²

These studies are important, but they mask the personal voices behind the story. Let me tell you about Woizero Mulu Adugna. She is a 45-year old widow in Ethiopia. There, USAID is working closely with the Ethiopian Federal Government and the four regional states of Amhara, Oromia, Southern Nations, Nationalities and People's Region, and Tigray to enhance the security of land tenure of smallholder farmers. Though Ms. Adugna's husband died 15 years ago, she was able to overcome the common challenge many widow's face in retaining land when their husband dies. Through the efforts of the regional government, which adopted a model developed by USAID, Ms. Adugna received a land certificate for her five plots. It's been an important step for her to take care of herself and her children, and in acknowledgement she told us, "I am very happy after I got my land holding certificates. I feel so secure and relieved about my land."

In another case in India from a program supported by the World Bank, a land purchase program had a remarkable impact on women smallholder

² (Two Faces of Change, Amrita Kapur, ILDO Working Paper Series No. 2/Enhancing Legal Empowerment, 2011, p. 6).

producers. In this case 5000 women were able to capture economic opportunities to become land owners rather than land laborers. Under the program, the government of India helped landless women organize and negotiate with large landowners to purchase agricultural land, which was then subdivided and registered in individual woman's names. The women were responsible for paying 15% of the purchase price, through affordable financing. The government subsidized the remaining 85% of the purchase price. Four years after they obtained title they noted many benefits. One woman said that now as a landowner, she can let her daughters stay in school beyond the age of 15. As a landless laborer, she wouldn't have been able to afford their school fees and would have married them off at an earlier age.

The link between strong land governance systems and economic development is clear. As the International Country Risk Guides makes clear, countries with higher risks of expropriation have lower levels of per capita income. And relatedly, as the World Bank's Doing Business studies show, countries with more formidable and costly barriers to registering property also have lower per capita incomes than do countries with land governance systems that facilitate registration and lower transactions costs. In other words,

strengthening and clarifying property rights promotes economic development.³

As Chair I'd like to take the opportunity to say I believe it's important to have a balance between human rights and economic opportunities because in my own work I have noted that private individuals and communities are desperate for economic opportunities, to improve their wealth; to send their children to school, to have more food, to buy things they want; to make decisions that would be most beneficial to them; in other words, to have a better and more satisfying quality of life.

In my many years working in the field men and women have told me, over and over again, how important it is for them to have access to markets, access to credit, secure property rights and an opportunity to compete. The Voluntary Guidelines should illustrate best practices, to help these people realize their dreams.

As the OEWG, we have a challenging but ultimately rewarding task ahead of us, one which, when completed, will demonstrate the importance and the

³ (Timothy Besley & Maitreesh Ghatak, "Property Rights and Economic Development" in the Handbook of Development Economics, 2010 available at: <http://econ.lse.ac.uk/staff/mghatak/handbook.pdf>

ability of the CFS to oversee international deliberations on key issues and produce substantive outcomes affecting governance toward global food security. These Voluntary Guidelines embody and reflect not only the expertise of land tenure practitioners, but as well, the collective input of government, civil society, academic, private sector, and indigenous stakeholders. They have emerged from an iterative, inclusive process during which stakeholders around the globe have had an opportunity to speak and present their views on the issue of tenure governance and land rights. These Guidelines can be an important tool for responsible tenure governance that supports food security, economic growth, poverty alleviation, sustainable resource use and environmental protection.

I commend the FAO for its excellent management of comprehensive process of consultation and research stretching back to 2009. Regional consultations were held in Brazil, Burkina Faso, Ethiopia, Jordan, Namibia, Panama, Romania, the Russian Federation, Samoa and Viet Nam convening almost 700 people in 133 countries. Four consultations, held specifically for civil society of Africa (in Mali); of Asia (in Malaysia); of Europe and Central and West Asia (in Italy); and of Latin America (in Brazil), were attended by almost 200 people from 70 countries, and an additional private sector consultation drew over 70 people from 21 countries.

The CFS established this Open Ended Working Group of the Voluntary Guidelines in its 36th Session in October, 2010. The aim of the OEWG is to finalize the Voluntary Guidelines based upon broad participation and transparency, while ensuring that decisions on the Voluntary Guidelines remain the prerogative of CFS Members using the established “Guidelines for Participation in CFS Open-ended Working Groups.” These Guidelines are available on the CFS website.

During the October 2010 meeting of the CFS, the U.S. was nominated and approved to Chair the Voluntary Guidelines of the OEWG. As the senior land tenure expert for USAID, I was asked to serve in the role of Chair.

Coinciding with this process, the FAO completed and released the “Zero Draft” of the Voluntary Guidelines on April 15th, a meeting in which many of us present today participated. In that meeting, I outlined the process moving forward. The release of the Zero Draft also marked the start of the e-consultation process, which was managed by the FAO. The e-consultation closed May 16th. I understand from the FAO that they received more than 60 recommendations for consideration, some of them substantial. Between May 16 and June 1 the FAO staff endeavored to analyze, balance, and incorporate the significant volume of comments it received. I am confident that the First Draft before you represents their genuine effort to improve the Zero Draft of the Voluntary Guidelines

In April, taking note of the repeated concerns raised by member countries, civil society organizations, and other stakeholders, we proposed to the Bureau to amend the OEWG process to add this week of meetings. Our objective this week is to identify specific questions or concerns in the First Draft that will allow us to more easily come to consensus on the Voluntary Guidelines when we meet in July. By identifying and discussing concerns now, the representatives of the OEWG can consult with their constituencies and experts, and return in July prepared with constructive, specific suggestions.

While it is important to review, discuss, and identify remaining obstacles in this draft, we will not be making revisions this week. I ask all the Members, Participants, and invited Observers to respect the draft as the collective result of the many stakeholders involved throughout the consultative process and work together to craft consensus. Though these Voluntary Guidelines may not fully reflect the differing ideals we each envision, they do reflect a concerted effort to identify and agree upon Voluntary Guidelines that governments, civil society organizations, indigenous peoples, and other stakeholders and partners can follow to improve tenure governance for all people.

I would like to recognize the CFS and the FAO for the important roles they are playing in this process. The First Draft is the result of the hard work and

dedication by the FAO staff since 2009. In my discussions, numerous people have commended the FAO staff for their success in designing and managing a comprehensive and inclusive consultative process. They continue their essential role this week by providing both technical advice, as requested by the CFS and this OEWG, and by providing scribing, translating, and other logistical support.

I would also like to recognize the important role of the CFS Bureau. The CFS Bureau has an important role to play in implementing the directives of the CFS and ensuring broad, equitable participation in Open-Ended Working Group proceedings by representatives from all the categories of representation among its members.

Finally, I would like to outline the important procedural points and schedule for the sessions this week, focusing upon discussion of the document, notation of comments, questions, and concerns, and next steps in planning for July. These sessions provide members and participants with an opportunity to deepen our understanding of one another's positions by clarifying issues and identifying specific text in the draft that is potentially troubling for our respective constituencies. It is also an opportunity to suggest changes, as long as we do not

embark upon a negotiation during the meetings this week. Negotiations will take place at our next meeting in July.

Rules of Engagement for this week

I would like to review the procedures I intend to follow this week.

First, as previously noted, I intend to use OEWG Guidelines for Participation of the reformed CFS. Thus, with the exception of decision-making, which is the sole prerogative of Members, Participants have all other rights of engagement.

Invited observers will intervene only if invited to do so by the Chair. As recommended in the OEWG Guidelines, I have asked Category ii participants, specifically those from civil society, to designate five spokespersons to represent them during these sessions this week. While there may be more representatives present in the room to listen, only those designated as spokespersons will be allowed to intervene. Those spokespersons should make themselves known at the end of my presentation and thereafter during sessions, all questions or comments should be relayed through them. Those spokespeople can be rotated during the course of the week, but the Chair and OEWG should be notified prior to the start of any session following such a change and new spokespeople identified.

Second, your interventions should be brief and pertain to correcting factual errors, raising points of clarification regarding specific language in the document, and noting concerns or objections regarding specific text. In this last regard, the extent to which you can be specific will facilitate our work in July. For example, if there is language you object to please note it and tell us what you would prefer it to be replaced with. Let me emphasize this will not be an opportunity for negotiation. If another member or participant objects to new language, we will note that as well rather than attempt to negotiate consensus language now. The FAO technical experts who drafted the Voluntary Guidelines will be available at each session to answer technical questions.

Third, the schedule for the week will be as follows: we will meet for two sessions today, three on Thursday, and two on Friday. While we are not meeting on Wednesday, I urge everyone to meet in their respective regional groups on that day to reflect on our discussions today and to prepare for the subsequent two days during which I expect we will have long, engaged, but ultimately productive discussions. Given the length and complexity of the task entrusted to us, it is possible I will call upon all of us to extend ourselves into the evening during the afternoon discussions, in order to finish our review of the draft by the

end the week. I intend that we discuss and review six pages per session. That is no small task and it requires that the interventions from the floor be pointed and brief.

Fourth, during the first six sessions, we will review the text, page-by-page, using an overhead projector. Text will be shown on-screen in English and all members and participants will be free to offer comments. A scribe will type questions or concerns related to specific language in footnotes in the document, noting the source of the comment and whether it is a minor or significant issue. Major concerns or questions that cannot be clarified in the June meeting will remain noted in the document for further deliberation in July.

Fifth, I have asked FAO to provide a marked-up, draft version of the document in English reflecting that day's changes at the end of each day to all OEWG members, participants, and observers. Following the last session the Secretariat will also provide one final bracketed draft in English, which will be used as the basis for discussion in July. I understand that it would be optimal to have this document translated in all 5 languages, but unfortunately we do not have the time between the June and July meetings, and the OEWG does not have financial resources.

I want to stress the important role of CFS Regional Chairs in promoting effective use of time and fostering broad participation. Though the OEWG will not meet on Wednesday, June 15th, I encourage Regional Chairs to use this opportunity for useful informal discussions that will enrich the subsequent deliberations on Thursday and Friday, June 16-17. My team and I, as well as FAO technical experts, will be available to assist such discussions as requested. Regional Chairs for the CFS have an essential role to play in this process, canvassing the stakeholders in their regions, identifying common positions, issues, and questions and bringing them to this floor. With the short time available this week to identify areas of concern in the Voluntary Guidelines I ask that the Regional Chairs to work closely with their constituents to help organize regional input.

Finally, the seventh session on Friday will be reserved for final discussions and clarifications, including the conduct of the July meeting. In this session, I would like to identify Friends of the Chair and answer questions regarding the conduct of the meeting in July. During this session you are welcome to offer your suggestions as to how we can most effectively and efficiently use the time in July to arrive consensus regarding the draft Voluntary Guidelines.

If there are questions on the process we will follow, please ask them now;
otherwise I suggest that we move forward with our review of the Voluntary
Guidelines.....