

**Working Document of the Open-Ended Working Group  
on the Voluntary Guidelines on the Responsible Governance of Tenure  
of Land, Fisheries and Forests (“Voluntary Guidelines”)**

**Explanation of selected terms used in the first draft of the Voluntary Guidelines**

This Working Document provides explanations of terms that were identified by Members, Participants and Observers during the Open-Ended Working Group meeting of 14, 16 and 17 June to review the first draft of the Voluntary Guidelines.

In a number of cases, FAO does not have official definitions for a technical term and instead several different working definitions may be used depending on the context.

**Civil society**

“Civil society” refers to the sphere in which citizens and social movements organize themselves around objectives, constituencies and thematic interests. The bulk of FAO’s experience is with NGOs. The UN system’s definition of NGOs is broad: all not-for profit actors who are not governmental or intergovernmental.

(FAO Policy and Strategy for Cooperation with Non-Governmental and Civil Society Organizations 1999)

**Gender sensitive**

Gender-sensitive policies, legislation, programmes, processes and communication methods recognize that women and men differ in terms of needs, constraints and opportunities. With these considerations in mind, they are formulated to ensure that both women and men benefit from development opportunities and realize their full productive and human potential. Gender-sensitive policies should be based in an in-depth understanding of the gender inequalities at all levels in places where these are implemented and include strategies and mechanisms to overcome gender inequalities.

“Gender sensitive” is used in the “Voluntary Guidelines for the Right to Food”.

**Human rights and sexuality**

Human rights are those civil, cultural, economic, political and social rights contained in treaties and declarations adopted in the United Nations system. The list contained in the box attached to the preface of the first draft of the Voluntary Guidelines are those the Secretariat considered to be of particular relevance to the responsible governance of tenure.

Sexuality refers to sexual orientation and gender identity. Human rights, sexual orientation and gender identity is addressed in the UN Human Rights Council resolution A/HRC/17/L.9/Rev.1.

**Implementing agencies**

Implementing agencies are agencies at various levels of government responsible for aspects of the administration of tenure, including registration and cadastre agencies, valuation agencies, spatial planning agencies, and agencies responsible for public lands, fisheries and forests.

### **Investments and concessions**

In a broad sense, investments are expenditure or foregone consumption to generate a future return in terms of increased output, income or welfare. They can be viewed as formation of capital - that is, the assets that will generate the future stream of income or output. Capital can be tangible, physical assets or immaterial, whether vested in humans or institutions.

Investments in agriculture, fisheries and forestry include investments in production and in upstream (inputs) and downstream (processing and distribution sectors) as well as in ecosystem services. Investments can be funded from different sources: private or public, both of which can be of domestic or foreign origin. A significant portion of investments are financed by domestic private sources, the bulk of it consisting of the investments of farmers, fishers and foresters in their own operations. Public investments generally focus on infrastructure (such as roads, harbours, schools, communication and public market areas) and on human capacity and institutional development (such as education and public health). These are critical for improved productivity and the management of land, fishery and forest resources on a sustainable basis.

Concessions are agreements through which specific use rights or permits and specific obligations (including reporting requirements and management tasks) of land, fisheries and forests are conferred by public administrations to private entities including corporations, other business entities, co-operatives, non-profit institutions and associations. Forest concessions usually do not include harvesting licences, permits and rights to collect non-wood forest products when such use rights are not linked to a long-term forest management responsibility.

### **Land, fisheries and forests**

FAO has several definitions of “land” according to context. In the legal and tenure context, precise definitions of land are jurisdiction specific. For the first draft of the Voluntary Guidelines, “land” for which tenure rights exist addresses both the land itself and any permanent improvements or immovables on the land (such as associated buildings and other structures) and it includes farmland, pasture and grazing land, and rangeland as well as land for housing and commercial purposes, and land with social, cultural, religious and environmental significance.

A fishery is an activity leading to harvesting of fish. It may involve capture of wild fish or raising of fish through aquaculture.

(FAO Glossary)

A forest is land spanning more than 0.5 hectares with trees higher than 5 meters and a canopy cover of more than 10%, or trees able to reach these thresholds in situ. It does not include land that is predominantly under agricultural or urban land use.

(FAO Global Forest Resources Assessment 2010)

### **Regulated spatial planning**

Regulated spatial planning regulates the use of land (including associated buildings and other structures), fisheries and forests and thus defines tenure rights in relation to use and potential use. It is the process by which States address and resolve competing demands and identify how these resources can be used.

**Tenure, subsidiary tenure rights, customary tenure rights, and informal tenure rights**

Tenure is the relationship among people with respect to the use and control of land (including associated buildings and other structures), fisheries, forests and other natural resources. The rules of tenure define how access is granted to use and control these resources, as well as associated responsibilities and restraints. They determine who can use which resources, for how long, and under what conditions. Tenure systems may be based on written policies and laws, as well as on unwritten customs and practices. Tenure rights may be held by individuals, families, indigenous peoples and other communities, associations and other corporate bodies, and by States and their various bodies. Within a country a wide range of tenure rights may exist, including ownership rights, lease rights and use rights, including subsidiary tenure rights.

Subsidiary tenure rights include tenure rights which are often used for subsistence by the poor, such as rights to gather firewood, to graze animals, to forage tree crop products, to fish at specified times and locations, and to cultivate crops.

Customary tenure rights of a community include the collective rights of community members to the natural commons as well as private rights of community members to their agricultural and residential parcels. Customary tenure rights have been granted formal legal recognition equivalent to other statutory tenure rights in some countries, while in other countries they lack such legal recognition.

Informal tenure rights are tenure rights that lack formal, official protection by the state. They often arise spontaneously, e.g. the emergence of informal tenure rights in peri-urban areas arising from large scale migrations.