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PRIVATE SECTOR COMMENTS ON FAO's Zero Draft “Voluntary Guidelines on the Responsible Governance of Tenure of Land and Other Natural Resources”

More than most sectors, agriculture is uniquely tied to the land. The ability to graze, sow, and reap relies on access to land. The primacy of land to ensuring livelihoods and food security is precisely the reason CFS has undertaken to create Voluntary Guidelines on the Responsible Governance of Land Tenure and other Natural Resources.

The Private Sector welcomes the proposed guidelines and finds the “zero draft” to be a thoughtful, balanced document that reflects the multiple roles land and other resources must play. Occasionally, the private sector believes the document does not fully reflect the primacy of agricultural uses of land to achieving food security; nor the integral part land tenure security plays in allowing farmers to gain access to other resources such as banking, credit, inputs, and even training. Good land tenure security is central to sustaining productivity but also fostering good stewardship of land among farmers and pastoralists.

Many farmer groups and the private sector welcome the focus on **transparency, clarity, respect, and fair compensation**. In particular, we believe the work group is to be commended on its focus on **anti-corruption, good administrative practices, and gender-balanced approaches**. These issues regularly impede the agriculture sector's ability to meet food demands or to break the poverty cycle for the hundreds of millions of small-holder farmers who are women.

The comments we provide are meant to increase the clarity of certain sections and ensure consistency within the document.

Marital Status

In the list of forms of discrimination, we believe it is important to add the sensitive gender-based issue for loss of land through divorce or widowhood.

Clause 4.6 “including by inheritance *or through change of marital status*”

Restitution

All farmers, including smallholders, rely on secure land tenure for access to resources. Any change to their status through pressure such as urbanisation or other social forces, must

INTERNATIONAL AGRI-FOOD NETWORK

IAFN

be compensated. To ensure this principle is respected, it is important to reference restitutions in other portions of the document on land changes.

Clause 5.8 “Such changes in policy should include restitution as outlined in section 14 of the voluntary guidelines.”

Clause 10.1 add: “Such changes should involve restitution for any prior land owner and social infrastructure to make conversion to new ownership successful.”

Clause 15.2 change word “equivalent” in last sentence to “proper” or “fair”.

Clause 16.1 word “land” appears to be missing: “by acquiring the minimum LAND necessary”

Historic Access

The reference to historic access can be extremely complex and create uncertainty in land tenure. In a sense, “how historic is historic”? Over millennia many peoples, communities, pastoralists, and farmers may have had ties to any given parcel of land. It may be worthwhile to recommend a period of time for claims such as one century.

Clause 8.4 change the words “historic access” possibly to delete word “historic”

Monitoring of Large-Scale Acquisitions

Large scale acquisitions should be monitored against national guidelines on the size, mode and rules regarding maximum acquisitions. The principle should be advance, transparent notice and should involve local authorities. Prior rules would be preferable to taking “corrective action”. Any changes due to an acquisition should ensure proper remuneration for any affected tenure holders or affected communities.

Clause 12.7 revision proposed “States, local authorities, civil society, farmer organisations, and communities should contribute to the effective rule setting and monitoring of the implementation and impacts of agreements involving large-scale acquisition of tenure rights. States should provide transparent guidelines on the scale, scope and nature of allowable acquisitions in advance of deals, and take corrective action where necessary, including assuring proper remuneration for affected individuals, communities and populations.”

Rewarding Good Practices

In addition to preventing degradation, good land management practices should be rewarded.

Clause 13.6 add at end of last sentence: “and reward changes that foster good land management, best practices and reclamation.”

Valuation

INTERNATIONAL AGRI-FOOD NETWORK

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Valuation information must be up-to-date to be of use.

Clause 18.1 add the word “timely” to “States should create, maintain and publish objective and TIMELY assessments of values of tenure rights to land.”

Including Agriculture in Spatial Planning

As these voluntary guidelines are directed to help ensure proper land use, stewardship, and ultimately food security, agricultural needs should be mentioned.

Clause 20.2 add “farming needs”: “FARMER NEEDS, indigenous, and customary forms of planning should be considered in the formal planning system.”

Clause 20.3 add “agricultural”: “Planning should take into account and accommodate the requirements for various uses, such as rural, AGRICULTURAL, urban and environmental protection.”