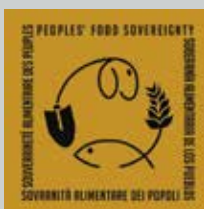


# People's Manual on the Guidelines on Governance of Land, Fisheries and Forests

A guide for promotion, implementation,  
monitoring and evaluation





This publication is intended to support the use of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. It is not intended to contradict the language of the Guidelines as endorsed by the Committee on World Food Security on 11 May 2012 nor the role of states in their implementation.

This People's Manual has been developed with the technical assistance of the Food and Agriculture Organization of the United Nations (FAO), and with the financial assistance from the European Union (EU), Oxfam and Brazil's Ministry of Agrarian Development, and the contributions of the organizations participating in and supporting the International Planning Committee for Food Sovereignty (IPC).

The designations employed and the presentation of material in this information product do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations (FAO), the European Union, Oxfam, Brazil's Ministry of Agrarian Development and the IPC, concerning the legal or development status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

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The International Planning Committee for Food Sovereignty (IPC) is an autonomous and self-organized global platform of more than 800 organizations of small-scale food producers and rural workers, men and women, and grass root/community based social movements, dedicated to advancing the Food Sovereignty agenda at the global and regional levels.

The organizations participating at the international level of the IPC are: La Vía Campesina (LVC), World Forum of Fisher Peoples (WFFP), World Forum of Fish Harvesters & Fish Workers (WFF), World Alliance Mobile Indigenous Peoples (WAMIP), International Movement of Catholic Agricultural and Rural Youth

(MIJARC), International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations - (IUF), URGENCI, International Indian Treaty Council (IITC), Habitat International Coalition (HIC), World March of Women (WMW) and International Federation of Rural Adult Catholic Movements (FIMARC).

The organizations participating at the regional dimension to the IPC are: Network of Farmers' and Agricultural Producers' Organisations of West Africa (ROPPA), Platform of Peasant Organizations of Central Africa (PROPAC), Latin American Agroecology Movement (MAELA), Continental Network of Indigenous Women of the Americas (ECMIA), Andean Coordinator of Indigenous Organizations (IOTC), Coordinator of Family Farm Organizations of MERCOSUR (COPROFAM), Asian Rural Women's Coalition (ARWC), Coalition of Agricultural Workers International (CAWI), Arab Network for Food Sovereignty, US Food Sovereignty Alliance (USFSA), Australian Food Sovereignty Alliance.

The main non-governmental organizations (NGOs) participating as active support for the IPC are: FIAN International, Friends of the Earth International, Centro Internazionale Crocevia, PANAP, Terra Nuova, Norway Development Fund, International Collective in Support of Fishworkers, Cenesta, ETC.

International Planning Committee for Food Sovereignty (IPC), 2016  
<http://foodsovereignty.org>

## People's Manual on the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security

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A guide for promotion, implementation,  
monitoring and evaluation





## ORGANISATIONS INVOLVED IN THE MANUAL

### Editorial Team

Delphine Ortega-Espès (Movimiento Nacional Campesino Indígena),  
 Angel Strappazon (Movimiento Nacional Campesino Indígena),  
 Ana Catalina Highton (Movimiento Nacional Campesino Indígena),  
 Eleonora Pedot (Movimiento Nacional Campesino Indígena),  
 Andrés Tzeiman (Movimiento Nacional Campesino Indígena),  
 Mani Stanley Icaza (International Indian Treaty Council),  
 Philip Seufert (FIAN International)

### Proofreaders

Shalmali Guttal (FOCUS ON THE GLOBAL SOUTH)  
 Sofia Monsalve (FIAN International)  
 Delphine Ortega-Espès (Movimiento Nacional Campesino Indígena)

**Translation to English** Katie Anne Whiddon

**Executive production** Julián Roqué

**Design** Daniela Sawicki

**Illustrations** Esteban Serrano

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### International Coordination Team

**Africa:** National Coordination of Peasants' Organisations (CNOP), Mali; National Council for Rural Consultation and Cooperation (CNCR), Senegal; World Forum of Fish Harvesters & Fish Workers (WFF); Katosi Women Development Trust (KWDT), Uganda; Pastoralist Integrated Support Programme (PISP), Kenya;

**Latin America and the Caribbean:** National Peasant and Indigenous Movement (MNCI), Argentina; International Indian Treaty Council (IITC);

**Asia and the Pacific:** MARAG, India; World Forum of Fisher Peoples (WFFP), India; National Fisheries Solidarity Movement (NAFSO), Sri Lanka;

**Southeast Asia:** Land Research Action Network (LRAN); Focus on the Global South;

**Europe and Central Asia:** European Coordination Via Campesina (ECVC); Italian Association for Organic Agriculture (AIAB); FIAN International; International Collective in Support of Fishworkers (ICSF);

**Near East and North Africa:** Arab Group for the Protection of Nature (APN), Jordan; Habitat International Coalition (HIC) / Housing and Land Rights Network (HLRN), Egypt; Land Research Centre (LRC), Palestine

**With the technical support of:**



*This manual is dedicated to our colleague Chandrika Sharma, tireless fighter for the rights of small scale fishworkers, especially women and their communities.*



# People's Manual on the Guidelines on Governance of Land, Fisheries and Forests.

A guide for  
promotion,  
implementation,  
monitoring and  
evaluation

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (henceforth “the Guidelines”) is the first global exhaustive tool on the tenure of land and natural resources developed through an open inter-governmental process with the full and effective participation of a vast array of relevant actors. In such document, internationally accepted principles and norms were established to define responsible practices for the use and control of land, fisheries and forests.

The Guidelines are a point of departure, not one of arrival. That was the philosophy behind the efforts that all engaged actors made to achieve this milestone consensus endorsed by the Committee on World Food Security (CFS) in May 2012.

The achievement of this consensus is among the most notable successes of the Committee on World Food Security. In the course of a long but highly successful negotiation process, civil society organizations and social movements had a significant impact in the development of the guidelines in a number of key points. Contributing with informed and compelling interventions, they brought forward the points of view, experiences, voices and proposals of small-scale food producers, family farmers and the sectors of the world's population that are most exposed to food insecurity.

The recognition of legitimate tenure rights, including customary, collec-

tive, informal tenure rights and the rights of indigenous peoples among others, is key to ensure the subsistence of millions of farmers, indigenous communities, family farmers, artisanal fishers, herders and breeders all over the world.

The great challenge of the Guidelines is their voluntary nature, which implies that their implementation relies on concerted action by all actors. Whilst governments hold primary responsibility, the proactive support of other actors is key to ensure a positive impact in the field.

The holistic and participatory approach, direct democratic participation of a wide array of different actors, all key features of the negotiation process which led to the Guidelines, must be seen as principles underlying a virtuous model that FAO hopes to see reflected and replicated in their implementation at all levels, from the global arena to the territorial and community level.

*The People's Manual on the Guidelines on Governance of Land, Fisheries and Forests. A guide for promotion, implementation, monitoring and evaluation*, is based on the precepts of popular education and elaborated through a collective effort by a variety of organizations and social movements with the aim of providing practical guidance to communities on how the Guidelines can be used in their territories to improve the governance of tenure by upholding their principles, which are essential for the realization of human

rights. The Guidelines are, in fact, firmly grounded in human rights and call for their respect when addressing tenure issues. This Manual, by and for civil society organizations, represents a tangible and valuable effort to disseminate and raise awareness on the contents of the Guidelines and translate their principles into concrete action at field level. It also helps understanding the huge relevance of the Guidelines for local communities by providing rich examples based on real case scenarios from all around the world.

We hope that the experiences embodied in the Guidelines and discussed in this Manual can inspire civil society organizations, local communities and any interested reader to take full ownership of the Guidelines. An increasing number of countries is committed to their implementation, and civil society organizations around the world have launched powerful initiatives to raise awareness and assist people to enjoy and safeguard their tenure rights in all continents. This global momentum may open new avenues to recognize and protect the tenure rights of the most vulnerable communities and small-scale food producers worldwide.

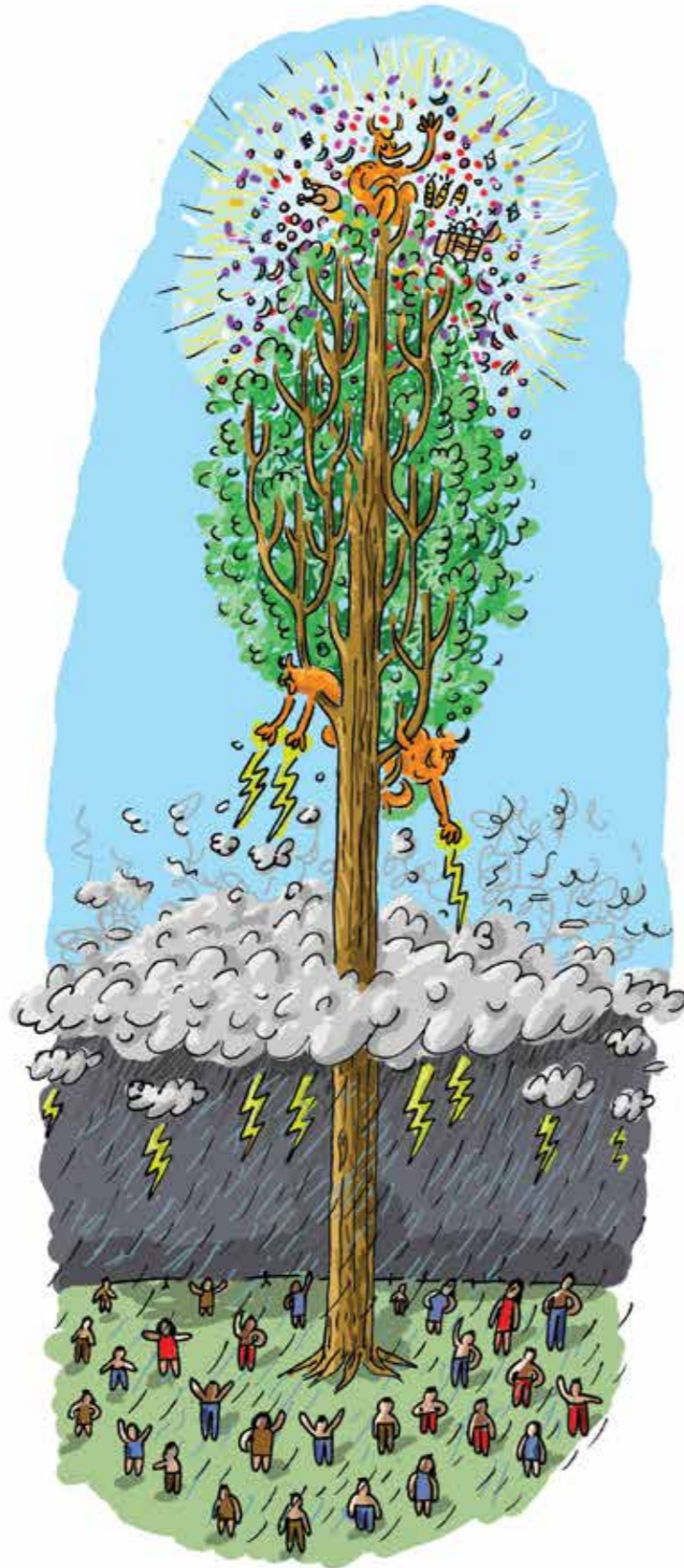
FAO is committed to assist all relevant actors in their efforts to support governments in ensuring the implementation of the Guidelines, our point of departure. Considering the tremendous take-up of the Guidelines by so many different actors, the path is still long and civil society organizations have a crucial role to play to

apply and test the Guidelines and monitor their impact in the field. The path is made as one walks, looking straight ahead and taking new steps forward. One of these was the development of the manual that you are about to read.

**Marcela Villarreal**  
Director, Partnerships Advocacy  
and Capacity Development Division  
(OPC)  
Food and Agriculture Organization of  
the United Nations (FAO)



## MYTH FROM THE GUNA OR KUNA PEOPLE\*



At the beginning of the world, there was Balu Wala (a hardwood tree), a perfect and fair world. Balance prevailed between the cosmos, humankind and Mother Earth. As time went by, Biler and his sons (the representatives of evil) took over Mother Earth and the structure of evil came to be. They seized Balu Wala and settled on the treetop. They started destroying the world, generating storms, causing hurricanes and violating sacred precincts, while keeping all the riches for themselves. Ibeler and his brothers (the representatives of good) assessed the situation and chose to retreat to the precinct for several days, in order to discover the root of evil in their dreams. They were residents of the ground. In a dream, Ibeler saw a tree, Balu Wala, and noticed that natural disasters directed at those who lived on the ground initiated from the treetop, so he sent an animal spy. Soon, the brothers realised that high on the treetops there was opulence, wealth and pleasure for just a few. What was more, these few controlled the production of bananas and cassava. These powerful people threw crumbs and leftovers down to those who lived on the ground. Sitting at the top, they sowed terror, panic, confusion and distrust among the residents below, making them feel anxious and unable to organise themselves. The people from below were paralysed with fear and could not see the injustice and inequalities that reigned. Ibeler and his brothers soon realised that the only way to distribute all that material, spiritual, mineral and plant wealth was to cut down Balu Wala, for all the wealth accumulated above belonged to all, spreading trust and hope among the people. For eight days, they cut the tree by day and rested at night, but the following day Balu Wala would reap-

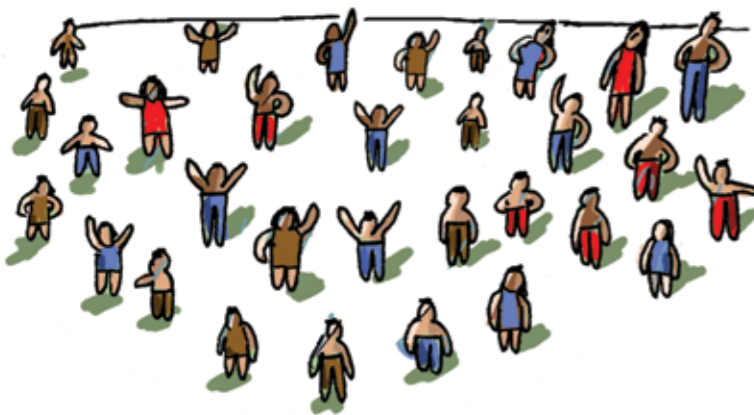
pear intact and unharmed. Snakes, toads, deer and other creatures had licked the wounds clean. Ibeler analysed different strategies and undertook several operations: he held conversations and dialogues with communities and created alliances with other groups; he kept food reserves and prepared poisonous arrows. The struggle would not be easy. At long last, once they were well organised and had thought things through thoroughly, they proceeded to cut down Balu Wala. With each cut, pieces of tree bark fell to the ground and turned into crabs, fish and different animals. Finally, after much effort and organisation, they managed to cut down Balu Wala and the animal, spiritual, plant, marine and mineral wealth fell to the bottom of the tree, for those who lived on the ground. The community became stronger and they all managed to live in peace once the balance had returned.

The people - peasants, farmers, fisherfolk, pastoralists, men, women - who have lived in harmony on Earth for thousands of years, have been the guardians of the planet. For these people, forests, fruits, animals and mountains are indivisible elements that make up the world and make life possible. They have lived in harmony in all four corners of the world and their ancestral customs have enabled them to produce food and preserve the land. Their worldview and relationship with the land they live on is built on the notion that human beings are not usurpers of Mother Earth, but rather protective sons and brothers to all living beings. There are many different ways of referring to nature across the world, and yet there is one common denominator: the inseparable relation-

ship of all natural elements and the source of life they represent. In some cultures, planet Earth is known as PACHAMAMA, mother of all life, to be worshiped and respected. For many indigenous and fishing communities living in coastal regions, no distinction is made between land and sea tenure, for they do not distinguish between landscape and seascape. For pastoralists and their way of life, cattle, land and water are inseparable. For centuries, pastoralists have coexisted and lived in symbiosis with natural resources, especially with land, lakes and rivers. They are the custodians of indigenous livestock breeds and of pasturelands, they maintain the lifestyle and values that preserve and promote traditional culture and knowledge. In western India there is a popular saying among pastoralist communities, "maal che a mobho che", which means: "our livestock is our pride." Humankind's relationship with land and sea is complex and goes well beyond the actual space from which they make a living. Land, oceans, rivers, forests and nature as a whole, are not only a means of production, but also the foundations of life itself, of cultures and identities. They fulfil a social, environmental, cultural and spiritual function. Planet Earth is the common wealth of humanity, and it must be cared for in order to preserve life and respect the rights of Mother Earth while promoting a sustainable use of our natural resources. Through the way in which they live, our ancestral cultures have shown us that this is possible.

\*An indigenous people who live on the Caribbean coast of the Republic of Panama.

# The Guidelines as a path from Balu Wala to Today and to the Future



## 1. The Manual's Objectives and Methodology

This People's Manual is a pedagogical and didactic guide, which aims to make it easier for peasant, fishing and pastoralist organisations, indigenous peoples, the landless, women and civil society as a whole to understand and use the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (hereafter "the Guidelines").

The manual aims to provide a practical approach to people on how to use the Guidelines in their struggles, by highlighting the parts that offer answers to their needs in order to stop and repair social injustices related to territory, land, fisheries and forests. The goal is to transform the Guidelines into an instrument with which to enforce the respect of human rights. The People's Manual does not replace the Guidelines. It is a tool aimed at generating dialogue and debate among different population groups and governments, and at demanding the implementation and compliance of the Guidelines in the governance of tenure.

**This document is the result of collective and participatory work** undertaken by the Land Working Group at the IPC (International Planning Committee for Food Sovereignty), which is made up of several regional and global organisations. The Working Group is organised by groups from different regions and sectors from diverse continents. The manual is available in 5 languages:

Spanish, English, French, Brazilian Portuguese and Arabic.

**The methodology used for developing and drafting this manual is based on the precepts of popular education**, which places people at the centre of learning and education, where practical aspects are the starting points of knowledge, and relationships between teachers and students are horizontal. **In order to achieve a collective process of building knowledge**, the experiences and views of peasant, fishing and pastoralist constituencies from all regions in the world have been included. For this purpose, consultations were held, where organisations and communities shared their problems, knowledge and practices by means of texts and illustrations. A team made up of popular educators gathered, compiled and synthesised the contributions so as to draft this manual. Language is a social construction that influences the way we see the world. Therefore, we aim at putting all people on an equal footing throughout this manual. An egalitarian approach to language is important in order to acknowledge the important role played by women in food production, and taking care of their families and of nature.

## 2. The Manual's structure and content

**The content of this work is organised in three chapters.** The first chapter summarises the debates and process that led to the Guidelines, and offers an overview of its history and context while recognising the need for a framework for the governance of

tenure of land, fisheries and forests. In addition, the first chapter develops key points to help the reader understand the Guidelines.

The second chapter gives a brief but representative overview of nine conflict situations or cases. They do not take place in a specific geographical location, but are instead a synthesis of different situations that repeatedly occur in different regions and constituencies across the planet. These cases present different actors, different types and elements of conflict, as well as sociopolitical features of different territories. Each community or organisation using the manual should be able to find similarities with the reality experienced in their territory, and thus come up with their own assessment of these situations. Additionally, each case is analysed in order to be linked to the Guidelines to identify the parts of the Guidelines that could be useful or applicable.

Lastly, the third chapter presents a practical guide on how to implement the Guidelines by providing different tools and elements that aid in the construction of concrete proposals for their struggles. The examples developed in this chapter are mostly based on experiences from different organisations and communities. They are not meant to be prescriptive, but rather to spark questions and generate new proposals according to the realities on the ground in different places.

The ultimate goals of this manual are to trigger a multiplier effect in people taking ownership of the Guidelines and to contribute to a political project of economic and social justice, and the respect of human rights.

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The manual aims to provide a practical approach to people on how to use the Guidelines in their struggles, in order to stop and repair social injustices.

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# CHAPTER 1

HOW TO  
INTEGRATE THE  
GUIDELINES INTO  
OUR LIVES

# How to integrate the Guidelines into our lives



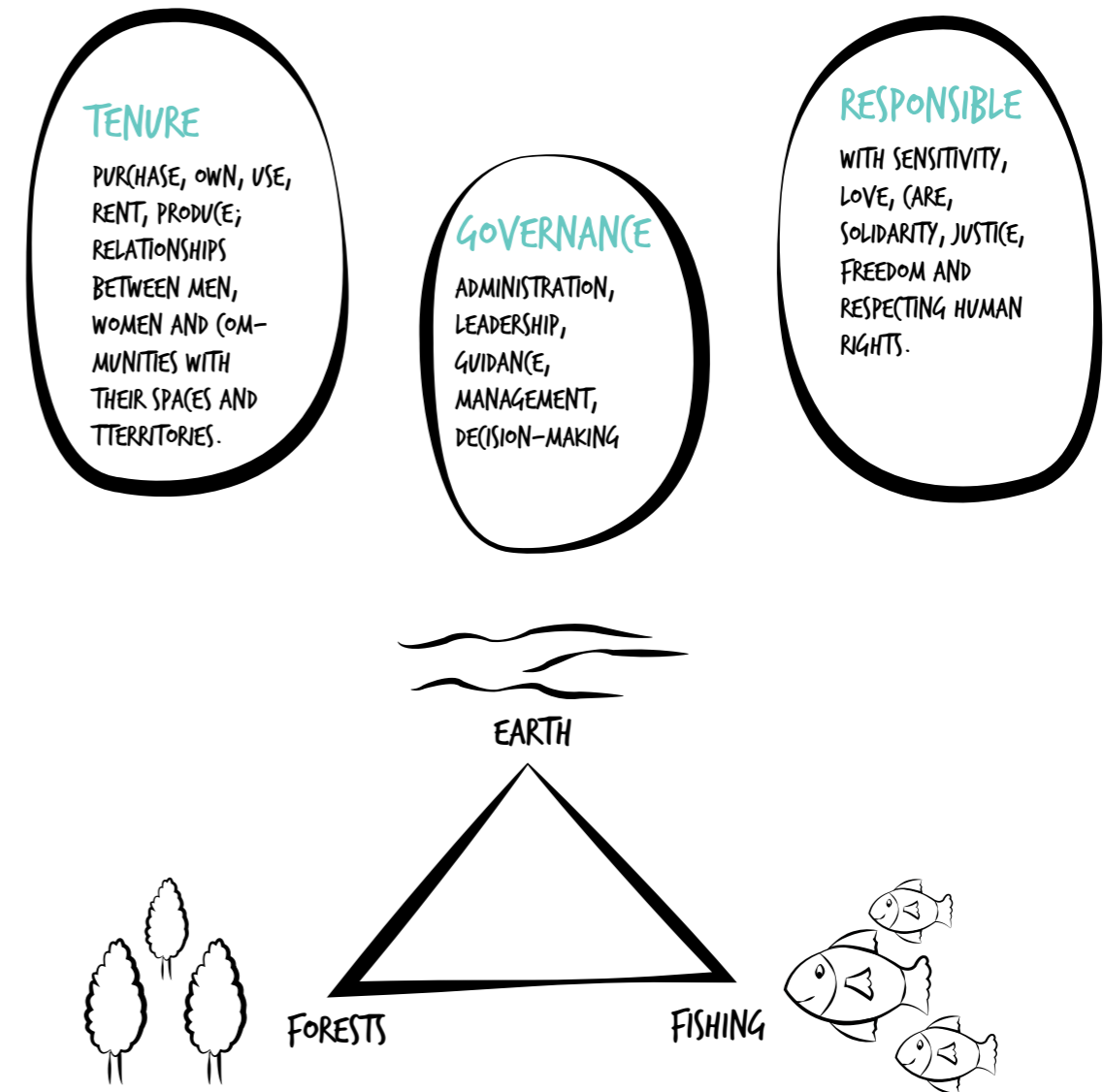
The Guidelines were endorsed by the 38th (Special) Session of the Committee on World Food Security (CFS) on 11 May 2012.

**The Guidelines are a new international instrument that can be used by social movements to assert their rights. They are grounded in several processes:**

The Guidelines emerged as a result of struggles in defence of Mother Earth and of food, and for the independence of peoples and the autonomy of communities. They emerged from a proposal for Food Sovereignty put forward at the 1996 World Food Summit in Rome, from the International Conference on Agrarian Reform and Rural Development (ICARRD) in Porto Alegre, and from other events held by states and civil society.

**WHAT ARE THE GUIDELINES?**

**"THE VOLUNTARY GUIDELINES ON THE RESPONSIBLE GOVERNANCE OF TENURE OF LAND, FISHERIES AND FORESTS IN THE CONTEXT OF NATIONAL FOOD SECURITY"**



**FAO defines land governance as:**

“the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed”<sup>1</sup>.

**According to FAO:**

“Land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land (including other natural resources such as water and trees). (...) Land tenure relationships may be based on written policies and laws, as well as on unwritten customs and practices.”<sup>2</sup>.

1. Palmer D, Friccka S, Wehrmann B (2009) Towards improved land governance. Food and Agriculture Organization of the United Nations, United Nations Human Settlements Programme, Rome, Italy

2. FAO (2002). Land Tenure and Rural Development, in Land Tenure Studies. Ownership, on the other hand, refers to recognition by means of legal instruments.



### The Committee on World Food Security (CFS)

The Committee on World Food Security (CFS) is a United Nations institution that reviews and follows up on policies related to world food security, including food production and physical and economic access to food.

The CFS was set up following a recommendation from the World Food Conference in 1974 in order to respond to the food crisis of the 1970s. In 2009, the Committee underwent a reform process in the context of the international crisis caused by the increase in international food prices. The objective of the CFS is to be the main international and intergovernmental platform dealing with food security and nutrition. The vision of the CFS is a world free of hunger.

The CFS is open to the active and self-organised participation of social movements, particularly small-scale food producer organisations.

Some civil society organisations believe that the term “small-scale food production” underestimates the sector. Over 90% of all farms in the world are “small” family-centred farms, covering an area of less than one hectare to ten hectares at the most. Taken together, they control less than a quarter of the world’s agricultural land, yet they are the most productive and the largest food producers (they produce up to 80% of food in impoverished countries). “Small-scale” fisheries employ over 90% of the fishers in the world as well as 85 million people in the processing, distribution and marketing of fish.

Source: FAO (2012). Smallholders and Family Farmers. See at: [http://www.fao.org/fileadmin/templates/nr/sustainability\\_pathways/docs/Factsheet\\_SMALLHOLDERS.pdf](http://www.fao.org/fileadmin/templates/nr/sustainability_pathways/docs/Factsheet_SMALLHOLDERS.pdf).

### Are the Guidelines Voluntary or Binding? What kind of link can we draw between the Guidelines, human rights and the eradication of hunger?

As indicated by its official name, the Guidelines are not binding in the same way as, for instance, an international treaty or convention on human rights. This means that no new legally binding obligations are set out in the Guidelines and no existing laws, treaties, national or international agreements are superseded by the Guidelines.

However, the Guidelines are based on human rights enshrined in the Universal Declaration of Human Rights (UDHR), the International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Labour Organization (ILO) Convention No. 169 Concerning Indigenous and Tribal Peoples, UN Declaration on the Rights of Indigenous Peoples, and the World Conference on Agrarian Reform and Rural Development, among others.

Governance of tenure can affect the enjoyment of several human rights such as the right to a standard of living adequate for health and wellbeing, especially the right to food and housing (UDHR, article 25; ICESCR article 11). The Guidelines provide interpretation and guidance on how human rights obligations, public international law and humanitarian law are to be applied in the context of tenure. They are the first comprehensive international interpretation vested with such authority with regard to the subject of governance of tenure. The document was approved at the CFS, and therefore the responsibility for implementing the principles outlined in the Guidelines rests with the States.



The Guidelines are a new international instrument that can be used by social movements to assert their rights.

### The Role of Business in Governance of Tenure

- Reference is made to business enterprises throughout the Guidelines document. Private sector enterprises are part of the various non-state actors that have the responsibility to respect people’s legitimate rights of tenure and human rights in the areas affected by their operations (see for example the section on investment projects and paragraph 3.2. in the User Guide). All companies, including large national and transnational corporations, their subsidiaries and supply chains, must exercise due diligence to prevent any of their activities or operations from affecting legitimate rights of tenure and human rights, and to establish grievance mechanisms for those possibly affected;
- States have the obligation to effectively regulate companies’ activities, to ensure they do not infringe on the legitimate rights of tenure and human rights, and to hold them accountable for their actions and/or omissions;
- States, including those states where companies are headquartered, have the obligation to provide effective judicial protection, access to justice, remedy and reparation for victims of violations of legitimate

- rights of tenure and human rights perpetrated by companies;
- States must ensure that the implementation and consequences of their economic policies protect and comply with legitimate rights of tenure and human rights within their territory and/or jurisdiction as well as extraterritorially;
- Financial institutions such as national and regional development banks have the responsibility and obligation to respect and promote human rights in the implementation of their policies and programmes, and in the projects they finance;
- The Guidelines place the main responsibility on the States for implementing the Guidelines and monitoring their impact (26.1). However, States are encouraged to include all relevant actors, including civil society and the private sector, in a collective effort to improve the governance of tenure and monitor and assess progress of implementation (26.2). At the global level, the CFS, with the support of its Secretariat, can provide a forum for all actors to share recommendations and lessons learned (26.4).
- In June 2014 the UN Council of Human Rights voted in favour of a resolution to initiate the process of creating a legally binding framework on human rights and transnational companies.



**What do the Guidelines cover?**

The Guidelines are divided into seven parts and 26 main topics (chapters) that focus on responsible practices for the use of, and control over land, fisheries and forests.

**PART 1: PRELIMINARY MATTERS**, defines the objectives, nature and scope of the Guidelines.

**PART 2: GENERAL MATTERS**, provides the five general principles, underscoring the responsibility of non-state, such as business enterprises, to respect human rights and legitimate tenure rights. This part also defines the ten essential principles for the implementation of the Guidelines, in order to contribute to responsible governance of land, fisheries and forests. Lastly, aspects of governance of tenure are analysed such as rights and responsibilities related to tenure: policy, legal and organisational frameworks, and delivery of services.

**PART 3: LEGAL RECOGNITION AND ALLOCATION OF TENURE RIGHTS** and duties addresses the safeguards, public land, fisheries and forests, Indigenous Peoples and other communities with customary tenure systems and informal tenure.

**PART 4: TRANSFERS AND OTHER CHANGES TO TENURE RIGHTS** and duties, refers to markets, investments, redistributive reforms, expropriation and compensation.

**PART 5: ADMINISTRATION OF TENURE**, covers the registers of tenure rights, valuation and taxation, regulated spatial planning, resolution of disputes over tenure and transboundary matters.

**PART 6: RESPONSES TO CLIMATE CHANGE AND EMERGENCIES**, addresses the governance of tenure in the context of climate change, natural disasters and conflicts.

**PART 7: PROMOTION, IMPLEMENTATION, MONITORING AND EVALUATION OF THE GUIDELINES.**

**What is the purpose of the Guidelines?**

The purpose of the Guidelines is to improve governance of tenure of land, fisheries and forests for the benefit of all, especially of marginalised people who depend on these natural resources.

**THE GUIDELINES CAN CONTRIBUTE TO:**

- securing full rights to land for peasants;
- defending and regaining the territories of indigenous peoples;
- securing access to and control over fishing zones (including coastal land) and ecosystems for fishing communities;
- securing access to and control over pasture lands and migration routes for nomad pastoralist communities;
- securing decent jobs with fair wages and labour rights for all workers;
- securing access to land for the landless;
- securing gathering rights for communities of gatherers;
- securing a future for rural youth;
- economic and social justice;
- environmental sustainability;
- local autonomy and self-determination of peoples.

Therefore, implementing the Guidelines to secure sustainable, adequate and safe access to land, fisheries and forests for peoples is urgent in order to achieve:

- food security and food sovereignty;
- the progressive realisation of the human right to adequate food;
- the eradication of poverty;
- social stability;
- rural development;
- protection of the environment;

The Guidelines are an important tool not only for guiding public policies, but also for providing a framework for actions undertaken by non-state actors, such as private sector enterprises. Actions should be developed so as to facilitate their implementation in order to reach these objectives.

- WORLD FORUM FOR AGRARIAN REFORM IN VALENCIA IN 2004

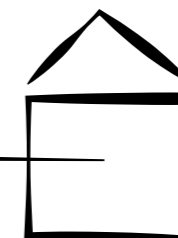
- INTERNATIONAL CONFERENCE ON AGRARIAN REFORM AND RURAL DEVELOPMENT (ICARRD), 2006

- WORLD FORUM ON FOOD SOVEREIGNTY IN NYELENI, MALI, IN 2007

- CONFERENCES OF INDIGENOUS PEOPLES FROM AROUND THE WORLD, SUCH AS IN ATLITAN, GUATEMALA, AND THE INDIGENOUS PEOPLES' CAUCUS IN ROME IN 2009

- INITIATIVE BY FAO IN 2009 TO APPROVE THE VOLUNTARY GUIDELINES ON THE GOVERNANCE OF LAND AND OTHER NATURAL RESOURCES.

- AGREEMENT REACHED AT THE FS, REFORMED IN 2010, TO HAVE A BROAD AND PARTICIPATORY PROCESS TO APPROVE AND ADOPT GUIDELINES DURING INTERGOVERNMENTAL NEGOTIATIONS RATHER THAN ELABORATING A MERELY TECHNICAL DOCUMENT.



THE PROCESS THAT LED TO THE GUIDELINES WAS A SPIRALED PATH TOWARDS THE FINAL DOCUMENT.

### How were the Guidelines developed and drafted?

The Guidelines were developed through a broad global partnership of international, regional and national organisations from different sectors that work together to achieve global changes in governance of tenure of land, fisheries and forests. Their development followed an inclusive process involving a series of consultations and negotiations at different levels.

#### Consultations:

- Consultation meetings were held in different regions between September 2009 and November 2010, including four regional selforganised meetings with social movements and civil society. The International Planning Committee for Food Sovereignty (IPC), the platform for small-scale food producer social movements, was in charge of facilitating and coordinating the participation of civil society through the CFS Civil Society Mechanism (CSM);
- These consultations brought together almost 1000 representatives from over 130 countries. The participants represented government institutions, civil society, the private sector, the academia and UN agencies.

#### Negotiations:

Following the consultations, the negotiations process took place.

- FAO prepared the Zero Draft and organised an electronic consultation in April/May 2011.
- The first draft incorporated proposals and feedback to the Zero Draft that FAO received from the public and private sectors, civil society and academia.
- Three intergovernmental negotiation sessions took place at the CFS in July and October 2011, and March 2012. Civil society, the private sector, United Nations agencies and the UN Special Rapporteur on the Right to Food also participated in these negotiations.

Finally, the Guidelines were officially endorsed by the CFS in a Special Session on 11 May 2012.

### What do the Guidelines recognise?

The Guidelines recognise the rights of peasants, indigenous peoples, people who depend on artisanal fisheries, women, pastoralists –including nomads– and other communities, to have access to land, fisheries, forests and natural resources.

They recognise a spectrum of tenure situations, including traditional customary rights, tenure systems involving the use of communal lands, and the rights to use, manage and control land, fisheries and forests.

#### Food Sovereignty

When social movements met during the Regional Consultations before the negotiations with governments, they presented their consensus views and worldviews, which included a proposal to include the concept of food sovereignty. However, in the end it was not included. The final document refers to the term food security, which is the term used by most states and United Nations agencies.

**Food Sovereignty is a principle built by social movements that refers to “the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems”**

La Vía Campesina, Declaration of Nyeleni Forum for Food Sovereignty, Mali, 2007.

### What topics and problems do the Guidelines cover, and what do they not cover?

Governments agreed on the text of the Guidelines. In reaching consensus, the text attempts to build synergy among different views and opposing opinions. In that sense, **the Guidelines do not address all the issues that are relevant for communities and social movement organisations. Moreover, they are global in scope, i.e., they have to be implemented throughout the world and, therefore, have to take into account the realities of all regions.**

On the other hand, different actors will interpret the Guidelines differently. **Governments, and bilateral and international agencies interested in promoting an agenda that focuses on economic growth, boosting land markets and profiting from commercial interests will also find useful references for these purposes in the text.**

The Civil society organisations (including social movements) that participated in the process that led to the Guidelines developed their own proposals, which brought together their vision and aspirations on how land and natural resources should be governed in order to achieve food sovereignty. During the negotiations, they succeeded in incorporating many proposals in the final text. Others were left out. The social movements that participated in the process would have liked greater emphasis on certain topics. Additionally, a few countries still do not recognise the rights of indigenous peoples despite having ratified international treaties, while others still refuse to ratify these.

**Some of the topics that the Guidelines do not address, or only cover briefly from the point of view of social movements:**

#### Water, minerals and other resources

The Guidelines do not explicitly address water issues. However, the preface to the Guidelines and paragraph 3B.5 (Principles of implementation: Holistic and sustainable approach) mention that those who wish to extend the Guidelines to other natural resources linked to land, fisheries and forests, such as water and minerals, may do so.

#### Tenure and use

The Guidelines only apply to issues of tenure and not to the use and management of natural resources. Indeed, an analytical distinction between tenure and use can be drawn. In real life, however, these two dimensions are inextricably linked. Many problems associated with access to, and control over natural resources by small-scale food producers are related to problems with governance of use and management. Nevertheless, this dimension is only addressed in a couple of paragraphs.

#### Large-scale transactions in land tenure rights / “land grabbing”

The Guidelines do not prohibit large-scale transactions in land tenure rights, in other words, land grabbing. However, they do formulate a series of safeguards, to encourage all actors to keep land grabbing and its impacts in check (see Investment/“land grabbing” in foldout guide). Unfortunately, power relations did not allow for social movements and other civil society participants to challenge land grabbing and to obtain acceptance of their position. During the process, the objective of social movements and Civil Society Organisations was to achieve regulation that would hinder land grabbing; i.e., that would acknowledge the problems arising from land grabbing and the fact that hunger and poverty have not been eradicated, but rather worsened through this practice.

#### Agrarian reform

The concept of redistributive reform was altered so as to include market mechanisms in access to land. Strictly speaking, voluntary purchases and sales of land are not redistributive reforms.

#### Right of return and consistency in policies

The CFS did not reaffirm explicitly the right to return in post-conflict contexts and the principle of consistency in policies. However, the Guidelines are in line with international instruments and legal frameworks, including the right to remedy and reparations (A/RES/60/147), and ask for their implementation. Paragraph 25.5 is particularly relevant.

**Monitoring public policies**

States did not accept the establishment of a strong monitoring mechanism by international organisations to scrutinise governments' policies and actions with impact on tenure. The only foreseen international mechanism entrusts the CFS Secretariat and the Advisory Group to present a report to the CFS on progress in the implementation of the Guidelines, in order to evaluate its impact and contribution towards improving governance of tenure (paragraph 26.4).

Some important topics that were accepted and incorporated:

**Although the Guidelines do not address all topics and contain some compromises, they do include many elements that are**

**useful for social movements and peasant, fishing and pastoralist communities and communities that live in and depend on forests. The document contains recommendations on several subjects of utmost importance for these communities such as, among others, agrarian reform, women's rights, protection of defenders of the right to land, fisheries and forests, access to justice, the participation of communities in decision-making processes, a holistic vision of land, fisheries and forests, ancestral or informal rights and community self-government, evictions, speculation and concentration of land, armed conflicts and occupation, climate change and natural disasters.**



The Guidelines are being used:  
 In banners in rural communities.  
 In dialogues at national roundtables.  
 In the review and assessment of land legislation.  
 In the training of government officials and human rights promoters from social movements.



**Why are the Guidelines important for communities and social organisations?**

Communities and organisations can demand the implementation of the Guidelines or use them to back their tenurial claims in many ways. Although it is not a binding document, the Guidelines constitute a moral and ethical commitment made by all stakeholders: governments, the private sector, international financial institutions, United Nations agencies, civil society and social movements.

**No agreement can be implemented alone, no matter how positive and progressive it may be in its content. Pressure by people, mobilisation and organisation to demand their implementation bring these documents to life and make them potential tools for social transformation.**

**Who are the Guidelines aimed at? Who will use the Guidelines? Who should use them and who should implement them? What do they contribute to?**

All stakeholders have a role to play in improving governance of tenure. The Guidelines can be used by various people and organisations in different ways, and in partnership with others.

**States:** The Guidelines clearly state that the document is firstly aimed at states. States should comply with their human rights obligations. The responsibility lies with the state at all levels: national and local governments and public administration at all levels. Courts and justice systems, in general, also should take the Guidelines into account.

**Companies and Investors:** Business enterprises also have the responsibility to respect human rights and, therefore, the Guidelines.

**Individuals and communities:** People, communities and bodies who hold tenure rights should know about their rights and how to protect themselves against illegal actions from others.

**The Media:** The press, magazines, newspapers, television, AM (Amplitude Modulation) and FM (Frequency Modulation) radios and other media are means to disseminate the Guidelines widely. Intergovernmental networks and agencies work together with community and state radios such as, for instance, the communication unit at FAO and AMARC (World Association for Community Radio) and other social movement networks.

**Social movements, indigenous, peasant, fishing and pastoralist communities, the landless, agricultural workers, afrodescendent populations, women and youth can all use the Guidelines as a tool to defend their rights.**

► See chapter 3 for examples and action proposals.



## (CHAPTER 2

(CASE 1:  
EVICTIONS OF PEASANT COMMUNITIES FOR  
THE PRODUCTION OF MONOCULTURES

(CASE 2:  
CONCENTRATION OF LAND AND LANDLESS  
PEOPLE

(CASE 3:  
DEVELOPMENT PROJECTS IN COASTAL  
ZONES TO THE DETRIMENT OF FISHING  
COMMUNITIES

(CASE 4:  
EXTRACTIVE INDUSTRIES AND THREATS TO  
THE TERRITORIES OF INDIGENOUS PEOPLES  
AND OTHER COMMUNITIES

(CASE 5:  
WHEN THE POLICIES FOR PRESERVATION  
OF NATURE AFFECT POPULATIONS THAT  
DEPEND ON IT

(CASE 6:  
CONFLICT, OCCUPATION AND WAR

(CASE 7:  
URBANISATION AND LAND SPECULATION IN  
URBAN AND PERI-URBAN AREAS

(CASE 8:  
IMPACTS OF TRADE AGREEMENTS ON  
TENURE AND ACCESS TO FISHERIES

(CASE 9:  
LOSS OF LAND FOLLOWING A HURRICANE

# When conflicts arise, what do the Guidelines tell us?



## Brief introduction to the global context

Although the problems we face are diverse and vary greatly according to our specific circumstances, we have been able to ascertain that there are common recurring problems shared by all regions in the world. Prominent among these is the dominant development model. Several colonisation processes from the past and present-day have consolidated a model based on large-scale and intensive extraction, exploitation and export of natural resources, many of them non-renewable. The advance of industrialisation, modernisation and capitalism since the 19th Century, and the emergence of a global industrial food system since the mid-20th Century, have transformed the governance of natural resources profoundly. The implementation of large-scale mining projects, agricultural and forest monocultures, large infrastructure projects (for example, dams, roads, river access, railways, airports, canal systems, pipelines), urbanisation and tourism are all expressions of this extractive development model.

The term extractivism refers to “those activities that remove large quantities of natural resources that are not processed (or that are processed only to a limited degree), especially for export, to meet the demands of the metropolitan centres. Extractivism is not limited to minerals or oil. Extractivism is also present in farming, forestry and even fishing”.

*Gudynas, E. (2009) y Acosta, A. (2012). Available at: [http://therightsofnature.org/wp-content/uploads/pdfs/Espanol/Acosta\\_Paradoja\\_abundancia\\_2007.pdf](http://therightsofnature.org/wp-content/uploads/pdfs/Espanol/Acosta_Paradoja_abundancia_2007.pdf).*

**In order to implement this economic model, the commons such as land, forests, fisheries, water and seeds have been subjected to privatisation and concentration. Deforestation has taken place in large forest areas, among others, to enable the advance of the industrial agricultural frontier. Air, soil and ground water reserves have been polluted due to the intensive use of chemicals for agriculture and openpit mining (for e.g., mercury and cyanide). We have experienced losses in biodiversity, soil erosion and desertification of fertile lands. All of these have had serious consequences for the environment, the climate and our health and well-being.**

Investment in the extractive economic model favour patriarchal structures that systematically discriminate against women and privilege the accumulation of wealth and power, in particular by the transnational corporate sector. These models are highly dependent on public funding, thus increasing the external debt burden of countries where such investments are made. These dynamics have had negative impacts on the economic, social and political lives of peoples across the world, and have particularly affected the territories, the living conditions and well-being of indigenous peoples and communities living in rural and coastal regions. In those regions, tensions and conflicts have arisen between local communities and transnational corporations, elites and governments because of differing visions of the ecological, social, cultural, and economic values and uses of land and the commons. Land and water play vital social, cultural and spiritual functions for peasant, pastoralist and fishing communities. Finally, power relations among different actors are asymmetric in the dispute to remain in and have control over a territory.

**Those who practise subsistence economies such as peasant or family farming, pastoral livestock**

**herding and artisanal fisheries suffer from unequal conditions when facing monopolies and large-scale investment projects, with regards to distribution and access to natural resources.**

Another common trend that we have identified is the lack of recognition and effective protection of the traditional, customary and collective rights of indigenous peoples and other traditional communities.

**Violence against local communities, exclusion from decision-making, forced displacement and rural exodus, as well as the growing criminalisation and persecution of those who defend the rights of peasant, indigenous, pastoralist and fishing communities to natural resources, also take place on all continents.** Moreover, in some areas and countries there is a tendency toward militarisation of different regions and armed conflicts in rural areas linked to the struggles to control natural resources.

Above, we have given a brief overview of the common elements of the situation across the world. Different elements and situations will arise in different ways in each continent, region or country. **Our tasks are to identify the problems in our territories and develop analytical tools to design strategies to defend our territories.**





**Cases in which we see our situations reflected**

The cases we bring together and present below aim at enabling affected communities and civil society organisations to assess the tenure governance issues they face by using the Guidelines.

Analysing these cases as training exercises will help identify possible courses of action to solve problems, always referring to the standards established by the Guidelines along with existing human rights standards. Given the different existing international standards, users of this manual should interpret human rights norms and the Guidelines so as to prefer the application of the most favourable law(s) for the protection of communities (pro homine principle).



The cases do not refer to any particular country or situation, and should be considered as fictitious. They are based on the synthesis of different real life examples from across the world. **Disputes are not represented in their entirety, because each region or sector has its specificities. We sought to combine situations and build a common identity to disputes, so that each community can then build its own assessment and strategy for remedial action.**

Many actors intervene in each situation: governments (national, provincial/regional, local, or from another country); the judiciary; parliaments; the private sector (particularly through national enterprises or foreign transnational corporations); the media; customary authorities; peasants; pastoralist; nomadic and indigenous communities; rural and urban dwellers; civil society organisations; social movements; academics/university members; religious

groups; bilateral and multilateral agencies, financial institutions (e.g., the World Bank and the International Monetary Fund); regional development banks<sup>3</sup>; The World Trade Organization and United Nations agencies. All these actors interact with the same, or with competing interests, generating either alliances or disputes.



**Best practices to use the guide**

- The fold-out User Guide provided in this manual systematises the Guidelines' paragraphs according to different topics of interest to civil society, which are divided into sub-themes.
- The best way to approach and take ownership of this User Guide and, through it, of the Guidelines, is through practice. We will study the cases presented in this chapter, in order to become familiar with the Guidelines, so as to develop a formal narration and include them in our processes.
- Each case study presents a brief description of a conflict situation, and is accompanied by a list of involved actors and keywords, to guide us in addressing the User Guide. The idea is that the coloured keywords in the User Guide facilitate finding the issues highlighted in this situation and relate them to the text of the Guidelines, that we need to have on hand and consult.
- Throughout the reading and analysis of these cases, and relating them to situations that we know or experience, we can identify other key aspects. By comparing reality to the theoretical standards in the Guidelines, we are able to assess a situation and identify the paragraphs of the Guidelines relevant to this situation.

<sup>3</sup> European Investment Bank (EIB), Inter-American Development Bank (IDB), Latin American Development Bank (CAF for Corporación Andina de Fomento), African Development Bank (AfDB) and Asian Development Bank (ADB).

©FAO/Min Qingwen



Traditional and ancestral farming practices and farmers' markets.



**Commons:** Resources that the people, communities and societies recognise as being available to all, and that should be preserved and managed collectively for present and future generations. The commons can be natural (land and water bodies, including among others agricultural and cultivatable land, wetlands, forests, woodland areas, open pasture, pastoral lands, hillsides and mountainsides, streams and rivers, lagoons, lakes and other bodies of fresh water, fishing grounds, seas and oceans. Also wetlands, coastal areas, minerals, plant and animal species, both land and water based), societal and institutional, political, intellectual, cultural and spiritual. In many rural communities if agricultural land and its cultivation are common to all, the tenure rights of families who cultivate specific plots of land are acknowledged and respected.







Jim Richardson, National Geographic

CASE 1

EVICIONS OF PEASANT COMMUNITIES FOR THE PRODUCTION OF MONOCULTURES

KEYWORDS:

- LAND GRABBING
- AGRIBUSINESS
- EVICTIONS
- DEFORESTATION
- (CUSTOMARY RIGHTS)
- HOLISTIC VISION OF TERRITORY
- MARKETS

ACTORS:

PEASANT COMMUNITIES, ORGANISATIONS OF RIGHTS DEFENDERS, LOCAL AUTHORITIES, PRIVATE ENTERPRISE, THE MEDIA, INTERNATIONAL FINANCIAL INSTITUTIONS.

In country Napa is a valley and forest surrounded by a large lake, which has a wide diversity in types of soil texture and structure. These lands are predominantly fertile and moist, and are suitable for all tropical crops.

Peasant communities have been living in this place for hundreds of years. They live in harmony with nature and produce food, while practising a way of life that protects the land. They have systems for cultivating the land; they eat fruits from the forest and fish in the lake. **The community has created a system for organising and managing land and social relations based on ancestral practices. Although they do not possess the deeds for the land they live on, they do have customary tenure rights.** Unfortunately, the state still does not fully recognise nor effectively protect these rights.

In order to comply with the provisions set out by the entering into force of a trade agreement with another country, and following the recommendations of an international financial organisation, the parliament reformed land policy and the legal framework regulating tenure rights. In general, the functioning of land markets is facilitated. This includes large-scale purchase or lease of agricultural land and forests with the same conditions for national and foreign investors.

A private company with both national and international capital arrives in the area with the intention of cultivating African palm, in order to produce export-oriented agrofuels. The company acquires the property deeds of the land in question. These titles, however, were granted by local government authorities, not acknowledging the customary rights of the people who lived there beforehand.

With these titles in hand, the company begins proceedings to request the eviction of communities that live there. The judge, the police and the local government civil servants do not protect the customary rights in place. They do not observe the ban on forced evictions and authorise the evictions. The communities defend their land by resisting the evictions, and they receive support from other peasant and indigenous peoples organisations and human rights defenders. The violence escalates, a farmer is murdered and many are injured. The area becomes militarised with private guards and paramilitary groups. Despite the community's persistence in their struggle, parts of the forest start to be felled; yet the country's media do not cover the conflict.



Let's see what the Guidelines say in the analysis of this situation

One of the key words identified in this case is **"customary rights"**. The Guide helps us to find different paragraphs in the Guidelines that refer to customary rights. Based on these paragraphs, we can ask questions such as: does the national legal framework ensure the recognition and effective protection of customary rights? If the answer is no, the Guidelines urge the state to reform its laws and policies in such a way as to give full recognition and protection to customary rights. If legal recognition of customary rights is weak or deficient, or if the law is not being enacted, the breach in the effective protection of customary rights needs to be identified in order to urge the state to solve it.

It is also relevant to the study of this case to look up in the User Guide the paragraphs of the Guidelines that emphasise the importance of taking into account the holistic vision of the territory of indigenous peoples and other communities with customary tenure systems for their administration.

Let's continue analysing the problem with the aid of other key words. What do the Guidelines say about evictions? Continue analysing all the aspects you believe are relevant to this case.

**Customary tenure:** Tenure of land that is generally associated with indigenous communities and governed in accordance with their customs. It often differs from legal tenure that is based on written laws and regulatory frameworks typically introduced by colonial administrations. However, in some countries, especially in Africa, it can coexist with the formal written law.





"Favela do Moinho Brazil Slums" by Milton Jung

CASE 2

CONCENTRATION OF LAND AND LANDLESS PEOPLE

KEYWORDS:

- CONCENTRATION OF LAND
- LANDLESS PEOPLE
- AGRARIAN REFORM
- CRIMINALISATION OF SOCIAL STRUGGLES

ACTORS:

JUDICIAL POWER, GOVERNMENT, POLICE, ENTERPRISES, LANDOWNERS, RURAL WORKERS ORGANISATIONS.

In country Sue land tenure is distributed unevenly: the most productive land is concentrated in the hands of private companies and landowners, and thousands of people do not have a place to live. In some cases, landowners do not use the land for any type of production. In the cities, urban settlements have thousands of marginalised people living in conditions of poverty, crowded into small houses built in the outskirts. Access to a parcel of land is even more limited for women and young people.

In this country, no efficient agrarian reform policies have been developed and the economic system has allowed for the concentration of land to increase over the past decades. Given this situation, rural workers organisations and organisations of poor people who live in urban areas initiate a struggle for access to land. The objective is to have a place to live, grow and produce food. In the framework of this struggle, an occupation of unproductive land takes place with the aim of building a settlement and starting to produce food. The local authorities order the eviction of the families, who are violently removed by the police from the place. During the following days, the fight continues and the local government responds with more repression against the dwellers, several of who are detained and injured. The judiciary orders that the land remain in the hands of the landlords.



Let's see what the Guidelines say in the analysis of this situation

What do the Guidelines say about **redistributive reforms and agrarian reform**? Are policies in place for the redistribution of land, fisheries and forests in your country, for example through caps on how much land can be owned by single entities? Do women benefit equally from the redistribution? Has the state developed effective production support programmes for the beneficiaries of land redistribution?

What other dimensions are important in order to analyse this case?







CASE 3

DEVELOPMENT PROJECTS IN COASTAL ZONES TO THE DETRIMENT OF FISHING COMMUNITIES

KEYWORDS:

- INVESTMENTS
- PARTNERSHIP AGREEMENT
- WATER GRABBING
- ANCESTRAL RIGHTS
- SPATIAL PLANNING
- PREVIOUS INDEPENDENT EVALUATIONS

ACTORS:

INDIGENOUS PEOPLES AND COMMUNITIES WITH TRADITIONAL TENURE SYSTEMS; FISHING COMMUNITIES (FISHERFOLK, COOPERATIVES OF WOMEN FISH PROCESSORS); INVESTORS; LOCAL, REGIONAL AND NATIONAL AUTHORITIES, INTERNATIONAL FINANCIAL ORGANISATIONS, REGIONAL DEVELOPMENT BANKS, DEVELOPMENT AGENCIES.

Fishing communities and villages found in the coastal region of the country Ua have a long history of tenure based on customary and traditional fishing rights, which are closely linked to land. Their relationship with natural resources and the territory is a source of cultural identity, knowledge and spirituality, while also being related to their survival.

They have to compete for access and use of the sea with tourism, oil and gas, urban growth, intensive export-oriented aquaculture, the construction of ports, airports, nuclear power plants, and dams. The authorities promote costly investments in infrastructure at local and national levels to boost expansion in these sectors. Their strategies for financial transactions, taxation, the rights of workers and the environmental sustainability of these projects lack regulation and transparency. Several of these projects are backed by international financial organisations and include the participation of development cooperation agencies and foreign governments in the framework of partnership agreements.

These processes lead to land and water grabbing and often have irreversible social-environmental impacts. Over the last two decades, thousands of fishers and peasants have been displaced from the coastal areas they have occupied and many of them have had to take on a new profession. Within the communities, there have been reports of shootings, harassment and the murder of leaders who were fighting against the companies behind the projects. Local communities are clearly marginalised and unable to participate in decision-making about issues that directly affect their lives.



Let's see what the Guidelines say in the analysis of this situation

What do the Guidelines say about the standards that should be observed in the framework of **investments**? Do these investments and investment policies (to promote tourism, export-oriented intensive aquaculture, the construction of large ports, etc.) contribute to eradicating poverty? to the progressive realisation of the right to adequate food? to enable food sovereignty? And to promote local food production systems and create employment, especially for fisherwomen and all poor fishing communities?

Do national strategies and public policies specifically aim to promote and support investment by artisanal fishworkers? Does the state undertake prior independent assessments on the possible repercussions of investments on the legitimate tenure rights, especially customary, traditional and informal tenure; on the realisation of the human right to adequate food, on food sovereignty, nutrition, and the livelihoods of woman fishers and other marginalised groups?

What other key aspects need to be analysed in this case?

**Worldview:** the combined beliefs and knowledge that create the image and general concept of the world for a person, era or culture, and from which they interpret their own nature and that of the world around them.







UN Photo/Fred Noy

CASE 4

EXTRACTIVE INDUSTRIES AND THREATS TO THE TERRITORIES OF INDIGENOUS PEOPLES AND OTHER COMMUNITIES

KEYWORDS:

- MINING
- HYDROCARBONS
- CORRUPTION
- TAXATION
- PROTECTION
- FREE, PRIOR AND INFORMED CONSENT
- ACCESS TO JUSTICE

ACTORS:

INDIGENOUS PEOPLES AND COMMUNITIES WITH TRADITIONAL SYSTEMS OF TENURE; SMALL-SCALE FOOD PRODUCING PEASANT AND FISHING COMMUNITIES; RIGHTS DEFENDERS; EXTRACTIVE INDUSTRY COMPANIES; LOCAL, REGIONAL AND NATIONAL AUTHORITIES; INTERNATIONAL ORGANISATIONS; FOREIGN GOVERNMENTS; NATIONAL AND INTERNATIONAL CIVIL SOCIETY; CONSUMERS OF HIGH-TECHNOLOGY PRODUCTS.

The country Yala has some of the largest deposits of minerals and hydrocarbons in the world. These minerals are essential raw materials for manufacturing high-technology products, such as mobile phones, photovoltaic modules and lithium batteries. For several decades, access to and control over these natural resources have been the cause of many conflicts in this country. These conflicts involve both domestic actors such as the host government, and external actors, such as governments of neighbouring countries and large corporations from wealthy countries. In the area of greatest mineral wealth, which has one of the world's largest open-pit mines, the local population lives mainly from agriculture and mining.

The institutional framework of the mining sector has been changed with the support of international organisations but with no citizen participation, in order to encourage private investment from transnational corporations. The government has facilitated the privatisation of mines by offering political support, subsidies and tax exemptions, while avoiding environmental and labour law regulations and prior consultation with communities.

The mining sector has led to minor financial benefits for the population of Yala. The areas from which minerals and hydrocarbons are extracted are some of the poorest and most degraded in the country. Cases of tax evasion and corruption have been reported, along with opaque negotiations surrounding the attribution of mining rights for several mines, and the lack of prior independent evaluations on the repercussions of mining projects. Among the devastating consequences of the company activities on the population and environment, the following takes place: violent displacements of indigenous peoples and other communities—with no financial compensation—by the government and paramilitary groups, harassment and murder of opponents of mining companies, the dismantling of the peasant economy and threats to food sovereignty in the region due to the loss of access to land, the pollution of and restricted access to water, deforestation, pollution of agricultural soil, and fish and animal deaths.

Breaches of extraterritorial human rights obligations of other states have been reported even though these states are responsible for monitoring and regulating their companies' actions to ensure that they respect, protect and allow local/affected people to enjoy basic rights such as the right to food.



Let's see what the Guidelines say in the analysis of this situation

In this case, as in other cases seen above, certain aspects such as investment and evictions play an important role in the analysis. We will now focus on the keywords “**access to justice**” and “**free, prior and informed consent**”. Having looked at all the paragraphs in the Guidelines that refer to these two topics, it is worth asking oneself whether indigenous communities gave their free, prior and informed consent to the legal reforms of the mining sector, which were undertaken in order to promote investment despite the serious impact on tenure rights. If these reforms were undertaken without the free, prior and informed consent of indigenous peoples, did they have access to a national or international judicial court through which to challenge these reforms? Do the countries where the foreign mining companies are based protect right defenders and indigenous populations from infringements on their rights to land and territories? Do victims of these violations have access to legal protection in the countries where the mining companies are based?







## RURAL WOMEN

Rural women - peasant, indigenous, fishing and pastoralist women, as well as agricultural workers - play a fundamental role in agriculture, fisheries, livestock rearing and forestry. They contribute to food and agricultural production through their work, knowledge and ability to care for others. Their reproductive role is inextricably linked with their approach to sustainability and to the protection and conservation of the environment, biodiversity, land, water, seeds and other natural resources. Women have developed ample knowledge and a wide range of competencies (cultivation, seed reproduction, medicine, culture, spirituality, etc.) over generations, based on experience, and from experimenting and innovating when facing problems. They work and struggle to ensure food sovereignty and nutrition for millions of families.

However, although gender equality is recognised and promoted through different national laws and international instruments, gender discrimination remains widespread. Rural women rarely have legally recognised rights to land, natural resources and productive resources, including possession of, access to, use and management of, conservation and enjoyment of the benefits from land, forests, pastures, lakes, seas, rivers and seeds. In many countries women are often excluded from owning or inheriting land and have limited access to credit, markets, training and technology. In addition, the right to make land transfer contracts and the right to make housing contracts are often exclusively allocated to men. Lastly, agrarian reforms and laws in favour of access to land, benefit men,

who have preferential treatment in social, economic and cultural structures. Hence, women are more vulnerable to exploitation, oppression, and different forms of discrimination and violence regarding tenure of natural resources. Taking into account the different problems rural women have to face, and the important role they play, it is essential to view access to and control of land, fisheries and forests by women as issues of equity, social justice, human rights and sustainability. In fact, rural women's groups and movements across the world continue their struggle. They have demonstrated their resistance skills by using different strategies and mechanisms to enforce their rights to property, access to and management of land and natural resources.

For the analysis of each case, it is relevant to incorporate the gender perspective of the Guidelines.

The Guidelines call on all actors to guarantee equal rights between men and women. They also emphasise that States should ensure that women and girls have equal tenure rights and access to land, fisheries and forests, independent of their civil and marital status.

*For further information and support, consult FAO's Technical Guide "Governing Land for Women and Men. A Technical Guide to Support the Achievement of Responsible Gender-Equitable Governance of Land Tenure", dealing with gender equity in the processes, institutions and activities of land tenure governance. <http://www.fao.org/3/a-i3114e.pdf>*





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CASE 5

WHEN THE POLICIES FOR PRESERVATION OF NATURE AFFECT POPULATIONS THAT DEPEND ON IT

KEYWORDS:

- FOREST CONSERVATION
- REDUCING GREENHOUSE GAS EMISSIONS (GHG)
- CLIMATE CHANGE
- GREEN ECONOMY
- PARTICIPATION
- RESPONSIBLE INVESTMENTS
- SUSTAINABLE DEVELOPMENT

ACTORS:

UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP); GOVERNMENTS; MINISTRY OF ENVIRONMENT; CORPORATIONS; PEASANT, FISHING AND PASTORALIST COMMUNITIES; INTERNATIONAL INSTITUTIONS; DEVELOPMENT COOPERATION AGENCIES; NON-GOVERNMENTAL ORGANISATIONS (NGO); RESEARCHERS.

The country Sapi has extensive forests, native woodlands and virgin jungles that contribute to the conservation, protection and preservation of ecosystems. Over the last three decades, the forest area has drastically decreased in size, due to the implementation of various large-scale projects promoted by diverse actors.

In the current environmental and climate crisis, much attention is being paid to the contribution that the forest sector can make to the fight against climate change by storing carbon. The Government of Sapi is discussing, with international institutions, NGOs and private companies, the implementation of policies and incentives to reduce their deforestation and degradation rates. The carbon capture and storage would offset the excess of greenhouse gas (GHG) emissions by the polluting companies that pay these incentives. This includes other conservation activities, restitution of nature and sustainable forest management. For this reason, the government has created natural reserve areas in many places, which have obstructed the migratory routes of nomadic pastoralists, depriving them of access to pastureland and water for their animals.

Forest-dependent communities and dwellers have very few legal protections and safeguards of their legitimate rights of tenure. Their participation in decision-making has been weak, as they have not been informed or consulted. There is a division at the heart of the organisations that participate in the government's programme for annual monetary rewards and this could create, or exacerbate conflicts between communities. The implementation of this programme can go hand in hand with the displacement of peoples, criminalisation of their traditional practices, financialisation of the commons and collective wealth, speculation, or usurpation of land, and militarisation of forests so as to restrict local peoples' access.

 **Let's see what the Guidelines say in the analysis of this situation**

We can start the analysis of this case by identifying in the User Guide the paragraphs in the Guidelines that call on States to adopt a sustainable approach in their administration of land, fisheries and forests, in particular to address climate change. What is meant by responsible investments?

In addition, a situation can be analysed by either using the keywords as a starting point, or by identifying the ac-

tors involved in the situation. In this case, we will focus on pastoralists and pastoralist communities. We look in the Guide and see how the Guidelines apply to this group. Among the specific issues of tenure in pastoral communities, the Guidelines address, among other things, whether States recognise and protect **traditional systems of tenure** related transhumant pastoralism, specifically taking seasonal migration routes into account, including those that cross international borders.

**Ecosystem:** All living beings in a specific region whose vital processes interact with each other and the environment they share. The habitat is the physical surroundings of the ecosystem, a region that provides the necessary natural conditions for the reproduction and continued survival of species.





UN Photo/Shareef Sarhan



CASE 6

CONFLICT, OCCUPATION AND WAR

KEYWORDS:

- PROTRACTED CRISIS
- CONFLICT
- OCCUPATION
- DISPLACEMENT
- RETURN
- REPARATION
- RESTITUTION

ACTORS:

ETHNIC GROUPS; DISPLACED COMMUNITIES AND REFUGEES; INTERNATIONAL COMMUNITY; MILITARY, PARAMILITARY AND SPECIAL POLICE FORCES; UNITED NATIONS - COUNCIL OF HUMAN RIGHTS, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR); INDIGENOUS PEOPLES.

The population of Anma is made up of different ethnic groups. Several decades ago, ethnic tensions intensified and there was a series of violent disputes due to the unequal access to land and political participation of these groups. These conflicts led to the death of hundreds of individuals and thousands of people, belonging to the Ibeler group, were displaced to refugee camps and neighbouring countries. This process was accompanied by the occupation of the Ibeler territory, the expropriation of land and water, the destruction of houses and institutionalised discrimination against this group. The Ibelers are confronted with a protracted crisis, which has deepened poverty, malnutrition, loss of livelihoods and dependence on external food and economic assistance.

Moreover, this conflict is perpetuated and exacerbated by competition for land. Despite the insecurity in the country, the interest of investors in the agriculture and mining sectors has increased. The development of these activities goes hand in hand with a heavy militarisation, by the national army, paramilitary groups and police special forces, of the areas where they take place. Far from meaning greater security of affected populations, this has provoked strong social conflicts, disappearances and forced displacements, extrajudicial executions, sexual violence against women, violations of human rights and international humanitarian law.

In the current postconflict context and peace-building process, and under international pressure, the State has initiated land access programmes for the Ibelers, who have been guaranteed legal and material tenure upon returning to their territories or relocating. Nonetheless, the continuing climate of tension and the structural causes related to the armed conflict hamper the safe return of displaced persons to their land and territories. Moreover, in different areas they have found that their land is in worse agricultural condition from when they left due to the destruction, use or inadequate exploitation of natural resources, thus leaving them unable to remain in their habitat and live according to their culture. Women who were victims of forced displacement and who lost their partners are the most vulnerable, as they face many obstacles in requesting protection or restitution of their or their family's estate.



Let's see what the Guidelines say in the analysis of this situation

Let's start consulting what the Guidelines say about situations of occupation and tenure rights acquired through forceful and/or violent means.

Now we will focus on States' obligations to refugees and displaced persons. Restitution is one of the crosscutting subjects addressed in several parts of the Guidelines. Here it is important to analyse whether the State has an effective programme for **restitution**, rehabilitation and reparation for victims of forced displacement; and whether the programme includes communities with traditional tenure systems, i.e. persons who probably did not have property titles for their natural resources before being displaced.







CASE 7

URBANISATION AND LAND SPECULATION IN URBAN AND PERI-URBAN AREAS

KEYWORDS:

- URBAN AGRICULTURE
- SPECULATION
- SPATIAL PLANNING
- URBANISATION
- SAFEGUARDS
- PUBLIC LAND
- REGISTRIES
- COMPENSATION

ACTORS:

LOCAL AUTHORITIES (MAYOR, MUNICIPAL COUNCIL); INVESTORS (REAL ESTATE AGENCIES, INVESTMENT FUNDS, INDIVIDUALS); SMALL-SCALE FOOD PRODUCERS; TRANSHUMANT PASTORALIST COMMUNITIES; CITIZEN MOVEMENTS; YOUTH; COMMUNITIES OF IMMIGRANTS AND REFUGEES; COMMUNITIES OF ETHNIC MINORITIES; WOMEN-HEADED HOUSEHOLDS.

Olli's capital city is growing rapidly, threatening several communities that live in peri-urban areas. This also affects vulnerable populations living within the city, the urban poor, migrant communities, ethnic minorities and women-headed households. For several decades, some of the land surrounding the city has been leased by the municipality to farmers who sell their produce in the city market. Some areas have allotment gardens that belong to families living in the city and who use them to produce part of their food. There are also areas that are used as commons by transhumant pastoralists, among others. Many young people who live in the city have applied for access to land to grow food.

An urban renewal plan includes rezoning of different areas of the city, which will change the legal framework of urban land use. Commercial and residential spaces will be created, which will affect home gardens, urban agriculture, and keeping livestock in some urban and peri-urban areas. Several individual investors and some investment funds are trying to buy land from within the city, as well as the rural hinterlands, for different purposes, among them land speculation.

The forms of access, control and tenure of land in the city centre and rural hinterlands are mixed. They vary from formal property rights or renting, to community ownership or informal possession (or squatting on unused spaces). Many who have formal tenure are refused formal papers from authorities, due to the complicated, non-transparent and corrupt registration system. Many of those tenants who are refused tenure papers are residing on the most valuable areas of land.

Communities scheduled for removal are offered compensation for their land and housing far below market value. They are also offered housing in peripheral parts of the city, which do not include access to parcels of land for home gardens or agriculture, and have yet to include integrated transportation, medical facilities, schools, markets, and opportunities for employment. Essentially these areas are planned slums. However for many families who do not have formal tenure this option, or any compensation package, is not available to them.



Let's see what the Guidelines say in the analysis of this situation

Let's see what the Guidelines say about the keyword **corruption**. How do the Guidelines concern local and customary authorities?

Let's continue the analysis identifying the paragraphs that call on States to provide access to all tenure **documents and create a transparent tenure registry**. Do the national government and local authorities ensure transparent and non-discriminatory market access to land? Does this include protection against the negative consequences of **speculation**? Does the State facilitate fair and non-discriminatory participation of all citizens, especially women and young people?

What other aspects need to be analysed in this case?

**Speculation:** the practice of buying something (cheaply) hoping that the price will increase and that it can be sold at a higher price to acquire profit. Speculation increases the price of food, land and housing.





Debdatta Chakraborty



CASE 8

IMPACTS OF TRADE AGREEMENTS ON TENURE AND ACCESS TO FISHERIES

KEYWORDS:

- INDUSTRIAL FISHING
- THE COMMONS
- ASSIGNMENT OF RIGHTS
- INFORMAL RIGHTS
- TRADE AGREEMENT
- REFORMS
- TRANSBOUNDARY MATTERS
- EXTRATERRITORIAL OBLIGATIONS OF STATES

ACTORS:


ARTISANAL AND SUBSISTENCE FISHING COMMUNITIES THAT HOLD ANCESTRAL, TRADITIONAL OR INFORMAL TENURE RIGHTS; NATIONAL GOVERNMENT, FOREIGN GOVERNMENTS; DEPARTMENT/MINISTRY OF FISHERIES; NATIONAL AND TRANSNATIONAL INVESTORS; REGIONAL INVESTMENT BANK.

The government of Diguar has reached preferential trade agreements with Naibe without having consulted the potentially affected populations. More specifically, they have signed a fisheries agreement that aims to ensure the fishing activities of different private enterprises from Naibe in the country's maritime waters through access to and control over fishing reserves.

This agreement has gone hand in hand with the introduction of a system that allows for the assignment of individual, transferable and renewable rights of access to fisheries and catches of fish stocks. As a consequence, inequality between artisanal or subsistence fishers and export-oriented industrial fishers has increased. Seventy percent of all licenses granted by the state or purchased from owners are in the hands of large companies that control the country's industrial fisheries. Furthermore, this system prevents fishworkers from having access to traditional fishing methods and resources, such as the commons of artisanal fisherfolk, indigenous peoples and traditional coastal communities.

Industrial vessels often violate the rules defining coastal zones reserved for artisanal fisheries, thus contributing to the disappearance of species on which local communities depend. They also cause serious accidents with pirogues and destroy the nets of artisanal fishermen. Deep-sea trawling in the industrial sector threatens the marine ecosystem with degradation. Large foreign industrial vessels play a role in illegal, undeclared and unregulated fishing (IUU), as they are controlled by joint ventures or acquire flags from countries that have no control over the type of fishing that is practiced. All these practices significantly contribute to overfishing.

Lastly, the dispute over navigation rights in transboundary waters between Diguar and neighbouring countries infringes on the rights of communities in these coastal areas to practice sub-sistence or artisanal fishing.

 **Let's see what the Guidelines say in the analysis of this situation**

One of the keywords used in this case is **"the commons"**. In the Guide, let's look for the paragraphs that deal with this topic in the Guidelines. We can ask ourselves, for example, whether the State recognises and protects systems of collective use and management of the commons, including land, fisheries and forests. In this

case, this should imply that it is not possible to privatise the commons.

In this case, let's also study the role of the state in the companies' countries of origin with regard to their extraterritorial obligations. While the nation state has the primary responsibility of ensuring responsible governance of tenure, governments that invest or boost investment in other countries (for example, by means of subsidies or loans to their domestic companies), also have the obligation to respect and protect legitimate tenure rights and human rights in destination countries. Consequently, the investing state (as well as the State receiving investments), should review those fishing agreements that have serious impacts on the commons and on the tenure rights of traditional fishing communities.

Let's continue analysing this case with the help of other keywords.







CASE 9

## LOSS OF LAND FOLLOWING A HURRICANE

## KEYWORDS:

- NATURAL DISASTERS
- RESETTLEMENT
- MONITORING
- EVALUATION OF GUIDELINES

## ACTORS:

NATIONAL GOVERNMENT; REAL ESTATE AGENCY; PEASANT AND FISHING COMMUNITIES; DEVELOPMENT (COOPERATION AND HUMANITARIAN AGENCIES).

For generations the livelihoods, particularly food and work, of the communities living in the coastal regions of Mogir have depended on agriculture and artisanal fishing. In this area historically affected by strong storms, the frequency and intensity of storms have increased drastically over the last few years because of climate change. A few years ago, a powerful hurricane destroyed the houses, fields and fishing boats of different communities, forcing them to abandon their villages and find refuge inland. They received support from the local authorities, who designated temporary resettlement areas for them.

When one of the communities returned to its village, community members discovered that their ancestral lands were no longer arable. The community had no choice but to stay in the place where they had temporarily resettled. However, the dearth of land in this area triggered a conflict with the communities already living there. After several months, the government assigned some more land to the displaced community, but it was of poor quality and in marginal areas of the main city of the region. Moreover, they did not have access to the sea, which was the basis of the fishworkers' livelihood. Hence the community finds itself in a situation of food insecurity. The government says it does not have sufficient land to give to all affected people, given the high concentration of land in the country.

Another community was unable to rebuild their houses and crops upon return after the storm. A real estate agency received support from the government to rebuild the whole area as part of a rebuilding plan financed by several international cooperation and humanitarian agencies. When the community tried to grow crops and build houses on land that had been public land before the natural disaster, the company threatened to destroy them. Lacking an alternative, the community had to settle in precarious conditions in tents, where they lived for several months with no access to land or water. The authorities did not intervene because these communities had no documents to prove the existence of rights over the disputed lands. After much pressure and mobilisation, the company and the government offered the communities two alternatives: the company would pay compensation to the community, or the community could resettle in another part of the country. The community rejected these proposals saying that they wanted to return to their ancestral lands. They are still living in precarious conditions.



## Let's see what the Guidelines say in the analysis of this situation

One of the key aspects of this case is **“natural disaster”**. Based on the paragraphs in the Guidelines that refer to this topic, we can ask ourselves what measures and actions should the state take in order to prevent negative impacts from natural disasters? And to respond to emergency situations, while recognising the rights of all who would be affected, especially small-scale food producers, and vulnerable and marginalised peoples?

Let us continue the analysis. Which actors should be involved in the monitoring and evaluation of the Guidelines' implementation? What activities and processes could be carried out?

**Climate Change:** significant change in climate or in its variability, sustained over a prolonged period (normally decades or longer). Climate change can be due to internal or external natural processes, or persistent man-made changes (effects, processes or materials that are a result of human activity) in the composition of the atmosphere or in the use of land

(Source: Intergovernmental Panel on Climate Change-IPCC).



## (CHAPTER 3

FROM TENURE RIGHTS  
TO THE EMPOWERMENT  
OF FOOD PRODUCERS: A  
PRACTICAL GUIDE TO USE  
THE GUIDELINES

# A practical guide to use the Guidelines



## From tenure rights to the empowerment of food producers

### Ways in which the Guidelines can be used

We must bear in mind that the decisions and actions that communities and social movements take when faced with territorial conflicts are like tools to be selected from a toolbox containing many and varied instruments. So, if you have to hammer a nail into the wall you chose a hammer, not a screwdriver. And inversely, if you are trying to unscrew a screw, you will go for a screwdriver and not a hammer.

It is exactly the same with the Guidelines. Simply put, they are a tool (among many others in a tool kit) that we can use in various different ways to deal with the emergency of a conflict, or political processes related to land, fisheries and forests. The Guidelines are not a magic formula, nor can they work in isolation. They are a tool that can be used in specific situations, and that require us to use our collective intelligence and creativity to use them for a specific purpose, in certain spaces and in an appropriate way.

While this Manual refers specifically to the Guidelines, we must not forget that other instruments exist, which sometimes can be more relevant: in one country some laws may be more progressive than the Guidelines on the recognition and protection of key aspects of tenure of land, fisheries and forests. In another region, a regional framework may have more strength or authority. Other instruments contain recommendations on some of the issues covered by the Guidelines, and they can be more specific when compared to what is contained in the Guidelines<sup>4</sup>.

4. For instance, the Basic Principles and Guidelines on Development-Based Evictions and Displacement (consult the User Guide for further relevant documents).

However, in all these situations, the Guidelines can serve as an additional reference, as they represent an international standard that should reinforce existing laws and legal frameworks.

Unfortunately, recourse to violence can be part of a territorial conflict. In most cases, when this occurs, laws and rights are set aside. However, organised communities can make use of the Guidelines as a tool in preventing some types of conflicts and the emergence of potential violent situations, or to avoid them being repeated.

The objective of this chapter is to look at the activities of many peasant, indigenous, fishing, pastoralist, landless, women's and youth communities that are being carried out throughout the world to deal with problems relating to land tenure, fisheries and forests. In addition, this chapter seeks to encourage thought and reflection, and look at ways in which the Guidelines can help strengthen grassroots struggle in each of our countries, respecting their specificities, their history and their culture.

### We will try and respond to the following questions in this chapter:

What have been done by peasant, indigenous and fishing communities around the world when faced with threats to territory? How can we use the Guidelines to strengthen what we are already doing? What other ideas, apart from those already mentioned, could we develop to use the Guidelines and ensure that they bolster our struggles?

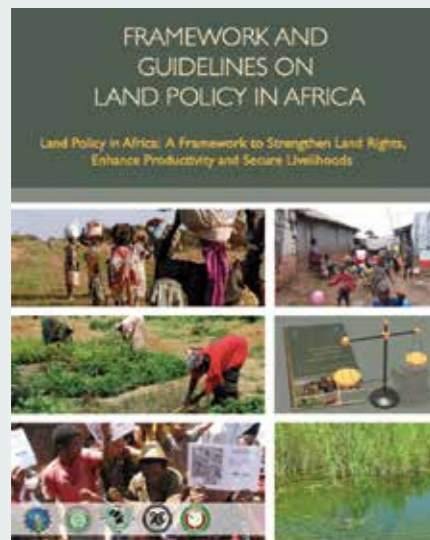
We already have an extensive toolbox that can be used to deal with territorial conflicts fed by the wide experience of communities and social movements, and this chapter seeks to add to this by conceptualising new instruments that might be useful to add to the toolbox.



### The Framework and the Guidelines on land policy in Africa

Africa has a regional document entitled: *Framework and Guidelines on land policy in Africa*. This document was developed through a participative process involving representatives of ministries and departments with responsibility for land, food producer organisations, civil society, the private sector and academics. It gives a general overview of the historical, political, economic and social situation with regard to land in Africa. The objective of this is to give African countries a framework to strengthen rights to land, improve productivity and ensure secure livelihoods for all through the revision of national legislation on land. It was approved in 2009 by the African heads of government and state; that is to say before the Guidelines on Land Tenure. However, the documents are complementary and are important references for the continent's social movements and organisations.

More information (in English and French): [www.uneca.org/lpi](http://www.uneca.org/lpi)



### International Guidelines for Securing Sustainable Small-scale Fisheries

In June 2014 the FAO Committee on Fisheries adopted a new international instrument for the protection and development of small-scale fisheries. This is in line with the ever-increasing recognition of the important contributions that small-scale fisheries make in reducing poverty and food security, as well as the guidance that came out of a series of global and regional conferences and consultation meetings to study the best way in which to unite responsible fishing and social development in coastal and inland fishing communities.

The objective of the International Guidelines for securing small-scale fisheries is to give guidance and make recommendations, establish principles and criteria, and give information to support states and interested parties to ensure sustainable small-scale fishing and corresponding subsistence means. They were established through a consultative process with the participation of governments, regional organisations, civil society organisations and small-scale fisher organisations, fishworkers and their communities. The Guidelines for Small-Scale Fisheries is a document that complements the Tenure Guidelines.

More information: <http://www.fao.org/fishery/ssf/guidelines/en>

### Applications: What activities can be carried out using the Guidelines?

#### 1. Promoting communities' and social movements' knowledge and defence of rights

For peasant, indigenous, fisher and pastoralist communities to protect tenure rights, they must have a good awareness of the norms, laws and treaties that enshrine them. So the Guidelines are a tool to make communities aware of their rights.

What can we do to improve awareness of these rights?

#### A. Training on the governance of natural resources, tenure rights and human rights

Knowledge of international tools such as the Guidelines and their recommendations can strengthen the strategies and arguments of social movements to back up their demands and defend their territories.

#### With this in mind, it could be useful to:

- . Organise workshops in communities to introduce the Guidelines and discuss the problems related to the use and the management of natural resources;
- . Translate the Guidelines into local languages;
- . Create and broadcast programmes on community radios to introduce the Guidelines and to have discussions on the issues they encompass. Special programmes for youth and women can also be produced;
- . Organise workshops in schools within the framework of education on human rights.

#### EXAMPLE:

##### Consultation with representatives from fishing communities in Sri Lanka

To create this manual, the Sri Lankan National Fisheries Solidarity Movement (NAFSO) organised a consultation with its members and representatives of other fishers'

organisations in Southern Asia. During this workshop the Guidelines were explained and there was a discussion on the most significant problems for fishing communities in the region, and which parts of the Guidelines are most relevant. A strategy was also created to use the Guidelines in the region and in some countries, despite weaknesses identified in some chapters. As a result of the workshop, NAFSO translated the Guidelines into local Sri Lankan languages Sinhala and Tamil, to ensure wider distribution and discussion.



Invitation poster for the consultation on the people's manual. It reads: "People's Manual on the Tenure Guidelines. Regional workshop in South Asia on the Guidelines, with a focus on fisheries".

#### EXAMPLE:

##### Community dialogues in Uganda

Katosi Women Development Trust (KWDT), a local organisation that supports fisher communities in Lake Victoria, Uganda, began a series of activities to facilitate the establishment of community dialogues to discuss the practice of land and water grabbing in the area of the lake, and possible solutions. During these meetings, KWDT introduces the Guidelines and other national and international instruments on the management of fishery resources. During a second phase, the organisation will plan dialogue with other key actors, such as public administration and political leadership.

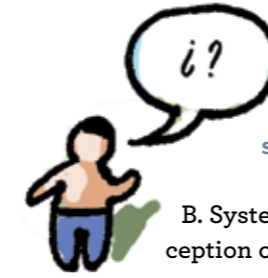
**EXAMPLE:**

**Guidelines poster in Kuna Yala, Panama**

The members of the International Indian treaty Council (IITC) made some drawings and posters that explain different chapters and paragraphs of the Guidelines. These illustrations will be used during the workshops that IITC will realise for indigenous peoples in Panama, Nicaragua, Mexico and Guatemala on the Guidelines and on free, prior and informed consent.



Illustration: posters of chapter 9 of the Guidelines (drawing by Olouaigdi de Agguanusadub)



Now IT'S YOUR TURN...  
What other activities like this could you conduct in your situation/community?

**B. Systematise communities' own perception of their relationship with natural resources and territory**

Food producers' communities have a very close relationship with natural resources and territory. Their perception of it is often very different to the more technical ones that national and local authorities, as well as other institutions may have. The Guidelines can provide a good opportunity to document and systematise the profound knowledge that communities have relating to their territories and how they use and govern them. Clarity on rights and being able to explain their way of life to actors that have a different vision is important for strengthening communities.

The following are some examples of how communities have systematised and documented their ways of living in and connecting with their territory.

**EXAMPLE:**

**Community mapping in South Africa**

The indigenous community of Vhavenda is one of the last indigenous communities in South Africa that continues to follow a traditional way of life. A large proportion of the ecological information that guides the Vhavenda people is in the hands of women, known as Makhadzi. Many of the Makhadzi are also the custodians of sacred natural sites, and are in charge of the practices and rituals that maintain order in the community and the ecosystem. However colonialism, industrialisation and the destruction of some traditional territories have had highly negative impacts on communities. The vhaVenda are afraid of losing their territories and their traditions. For this reason, they have begun to reactivate their knowledge and practices to protect sacred places and their traditional way of life. The Makhadzi began to

describe the relationship between their sacred sites, showing how these places—natural springs, woods, wetlands, water basins and waterfalls—are essential places for the ecosystem, maintaining the land's health and capacity to regenerate.

Based on this, all the community carried out an eco-cultural mapping exercise to try to visualise their relationship with their territories. Three maps came out of this exercise: the first one showed the territory when the community lived there traditionally in the past. The second one shows the present, in which the community depicts disorder and the current destruction of forests, and where many animals and traditional cultivation have disappeared. The third map is of the future, and the vision that these communities have of how they would like to regenerate their regions and strengthen their communities. On completing these maps, the Makhadzi and the community celebrated this expression of their knowledge of the land and ecology. They are now considering creating more detailed maps of their lands to protect them against the forces that threaten them.

GAIA Foundation. Mapping with the rainmakers in Venda, South Africa. Taken from: <http://www.gaiafoundation.org/galleries/albums/mapping-rainmakers-venda-south-africa>

Cartography or eco-cultural mapping exercises like this one may be useful to start becoming familiar with the Guidelines. The Guidelines describe principles of responsible governance of tenure in a technical language. Describing one's own vision of the territory in his own language allows to see how and where these values are also found in the Guidelines. Mapping also helps to explain the conception of territory of the communities to the authorities and other actors, among others in conflict situations, in law review processes or in programs for the implementation of the Guidelines.



**EXAMPLE:**

**Using participatory methodology to strengthen the understanding of changes in the governance systems in India**

The pastoralist organisation MARAG in India used a methodology called Rural Participative Evaluation (RPE) to strengthen the capacities of the pastoralist communities when analysing and visualising changes in access and control of natural resources and developing strategies to improve their living conditions.

One of the exercises consists of developing time lines that visualise the changes in access and control of resources for the community. This is done through tables that contain different natural resources on one side, and the different actors that have access to them or control over them on the top. Through doing two or more tables you can compare the situations at different periods in time.

**TABLE 1: CURRENT SITUATION**

| Resource          | Access                  |                   |            |         | Control                 |                   |            |         |
|-------------------|-------------------------|-------------------|------------|---------|-------------------------|-------------------|------------|---------|
|                   | Pastoralist communities | Other communities | Government | Private | Pastoralist communities | Other communities | Government | Private |
| Agricultural land | *                       | **                | **         | **      | X                       | √√                | √√         | √√      |
| Pasture           | **                      | *                 | ***        | ***     | X                       | X                 | √√         | √√      |
| Forests           | *                       | *                 | ***        | **      | √                       | X                 | √√         | √       |
| Livestock         | **                      | *                 | ***        | **      | X                       | X                 | √√         | √       |
| Market            | *                       | *                 | ***        | ***     | X                       | X                 | √          | √√      |
| Finance           | *                       | **                | ***        | ***     | X                       | X                 | √          | √√      |
| Bodies of water   | *                       | **                | ***        | **      | X                       | X                 | √√         | √       |

**TABLE 2: SITUATION 60 YEARS AGO**

| Resource          | Access                  |                   |            |         | Control                 |                   |            |         |
|-------------------|-------------------------|-------------------|------------|---------|-------------------------|-------------------|------------|---------|
|                   | Pastoralist communities | Other communities | Government | Private | Pastoralist communities | Other communities | Government | Private |
| Agricultural land | **                      | ****              | *          | X       | X                       | √√                | √          | X       |
| Pasture           | ****                    | **                | *          | X       | √√                      | X                 | X          | X       |
| Forests           | ***                     | **                | **         | X       | √√                      | √                 | √          |         |
| Livestock         | ****                    | *                 | X          | X       | √√                      | X                 | X          | X       |
| Market            | **                      | ***               | *          | *       | √√                      | √√                | √          | √       |
| Finance           | ***                     | ***               | *          | *       | √√                      | √√                | √          | √       |
| Bodies of water   | *****                   | **                | ***        | **      | √                       | √                 | X          | X       |

A second exercise can be useful to visualise the communities' knowledge about the status of natural resources over time. It works in the following way: working in an open format, with a lot of space, draw a large table:

|       | Agricultural land | Forests | Water | Livestock | Yield |
|-------|-------------------|---------|-------|-----------|-------|
| 1975  |                   |         |       |           |       |
| 1990  |                   |         |       |           |       |
| 2005  |                   |         |       |           |       |
| Today |                   |         |       |           |       |

Afterwards the members of the community define symbols to represent different natural resources (stones, leaves, beans, etc.). With these symbols the community can draw its historic trajectory representing the situation of natural resources in the community.

These visualisations can form the basis for discussion on the changes in land and the reasons for that changes, the change in (formal and informal) land tenure rights and the impacts of public policies and the role of the state, the relationship between the different food-producing groups, such as farmers and pastoralists, and the situation of pastoralist communities.



**Now IT'S YOUR TURN...**

**Have you ever conducted such exercises? Would you do that in your community? What would that be like?**

**How do you perceive your territory?**

**How do you live in it? How is your relationship with land, forests and water?**

**Was this relationship inherited from your ancestors?**

sources. The outcome of this process could be documented and act as a key reference for communities. The process of developing norms and laws strengthens communities, allows them to establish dialogue with governments and other actors, and focus on their aspirations and the ways in which they interact with nature and their lands. As the Guidelines contain internationally agreed principles of responsible governance of tenure, they can be a starting point or a source of inspiration for these discussions.

**C. Establish laws or governance regulation for natural resources by and for the communities themselves**

Communities know best what needs they have and what kinds of support they require and want in order to bolster food production and develop their livelihoods. Communities and social movements can promote participatory internal discussion processes in order to formulate their own priorities and development plans. We can see an example of this in tenure systems and management of natural re-

**EXAMPLE:**

**The fundamental law of the Kuna people**

Indigenous communities communicate their knowledge, history and laws in an oral tradition. Over ten years the Guna or Kuna people of Panama created the Fundamental Law of the Kuna Yala region, and they

then created a statute and internal regulation of the communities to strengthen Kuna identity and culture, and highlight the importance of the land. It is also important so that society and authorities recognise their values and culture, and ensure that they are acknowledged and respected by national laws. The Kuna law is called Anmar Igar, or 'our path'.

Although the Kuna law is not recognised by the Panamanian Parliament, it is the law by consensus for 50 Kuna communities and it unites the Kuna people. It protects the language, religion, health system, governance, land system, communication, political administration, social, economical and traditional structures. For the Kuna people it serves as a shield against any internal or external threats against Kuna Yala, the territory and sea of the Kuna people.

The Kuna law was drafted before the Guidelines. Other communities that plan to develop similar statutes may assess whether some of the principles or paragraphs of the Guidelines could be included or used as a starting point.

Alliances can be created at local, national and/or international levels, and between different actors.

#### EXAMPLE:

##### The National Coalition against Land Grabbing in Mali

Mali, in western Africa, is a country with many ongoing megaprojects and large-scale investments that involve extensive acquisitions of land by national or foreign investors. As a consequence, many communities lose their lands. Many peasant and civil society organisations started to study the issues and organise events to condemn the loss of some communities' tenure rights, demand that the government protect these rights and stimulate national debate surrounding the acquisition of land. They organised various fora and a peasants march. One of the results of these discussions was the necessity of uniting forces and creating a wide coalition to be able to act with more strength. Five organisations that were documenting agrarian conflicts and supporting the affected communities united to develop joint strategies and, in January 2012, they created the National Coalition against Land Grabbing in Mali (CMAT is the acronym, in French), which was formalised in October 2013.

Fighting in a coalition of various organisations and working with the Guidelines, human rights treaties and other international instruments ensured increased visibility of agrarian conflicts and increased pressure on authorities and investors to respect and protect communities' rights.



#### Now IT'S YOUR TURN...

Do your communities have applicable laws that have been handed down from your ancestors?

Which ones? What laws or rules do you have or could you establish as communities to strengthen your perception of your territory and your relationship with nature?

#### D. Create and strengthen alliances with other actors

Communities and organisations can create and strengthen alliances to be even stronger in their ability to defend their rights, fight against the loss of access to and control of their natural resources and to make proposals for governance and the use of land, fisheries and forests. These alliances can contribute to stimulating debate about issues such as the agrarian reform, natural resources grabbing, or the food production model in wider society.

#### EXAMPLE:

##### The Alliance "The land in our hands" in Myanmar/Burma

Since 2010, Myanmar/Burma is undergoing a process of political transition. As part of the "economic opening" that began then, the country opened up to investments in agricultural land. This has induced an increase in investors taking over large tracts of land, and has negatively affected the rural population that lives from agriculture, fishing, rearing livestock and forest produce. In February 2014, various representatives from peasant and indigenous communities, as well as organisations working on these issues met at a workshop. For five days, the representatives of 51 organisations discussed the problems that communities

were encountering at that time, especially everything relating to access to land and natural resources. They also developed proposals and recommendations for government and other relevant actors. Among other things, they discussed the Guidelines and they carried out a critical analysis of the laws in effect in the country. They also used the document to provoke debate on a vision and alternative proposals for policy on natural resources in the country.

The dynamic that was established during the workshop led to the creation of the alliance "The land in our hands," which comprises 51 organisations and seeks to coordinate and to intensify the struggles of peasant and indigenous organisations.





**NOW IT'S YOUR TURN...**

Who do you work with in your territory? And outside of it?

With whom did you establish alliances? Among the actors with whom you have not worked, who could you consider as an ally?

## II. Mobilisation in defence of territory and support of communities' demands

Throughout the world communities and social organisations struggle against hunger and poverty by fighting for land, pasture, forests, fisheries and other natural resources. These struggles can be in defence of territories and rights, against threats such as infrastructure projects, the expansion of monocultures, armed conflict, military occupation or rampant urbanisation, among others. Or they can be struggles for access to land, forests and bodies of water, or to support the proposals of alternative development based on a human rights approach, such as food sovereignty and agroecology.

The use of international agreements and documents such as human rights treaties and the Guidelines can strengthen and support mobilisations and struggles of social movements.

**EXAMPLE:**

### A successful movement carried out by pastoralist and peasant communities against the establishment of a "region for special investment"

Areas called "special economic areas" or "regions for special investment" have been established in various countries worldwide - or there are plans to establish them. These are geographical regions that have economic laws that are different from the laws of the country. In general, the aim is to increase investment by foreign investors. Companies that would set up in these areas often benefit from special treatment such as tax breaks. In several cases, the establishment of such areas directly affects communities and there are mobilisations to resist such projects.

In one case in Asia, various pastoralist and peasant organisations have mobilised against a government project that sought to establish a "region for special investment" that would have involved the loss of 50,000 hectares of cultivable land and pastures for communities. A part of the land earmarked for the project was communal grazing land, and the project would have expelled communities and 75,000 dairy cows belonging to regional cooperatives. Because of the mobilisation of 5,000 pastoralists and peasants for a period of one hundred days, the state government modified its project in August 2013 so that it would not affect the communities and pastoral lands.

The communities strengthened their demands by referring to national laws and to the Guidelines. They carried out a case study using the Guidelines. Based on this analysis they were able to emphasize the recommendations of applying a holistic and sustainable approach to the management and use of natural resources (paragraph 3B5), ensure consultation and participation of the affected communities (paragraph 3B6) and transparency (paragraph 3B8). They also stressed that the authorities should respect the constitutional systems of managing the communal pastures of the communities and their social, cultural, spiritual, economic and environmental values (paragraph 9.7).

**EXAMPLE:**

### Billboard Campaign in Mali

The National Coalition against Land Grabbing in Mali (a coalition of five peasant organisations and national NGOs) had the idea to pick some of the Guidelines that call for the protection of customary rights of peasant communities and to write them on large billboards on the way into towns. These signs serve to raise awareness in communities, and at the same time to call on authorities and investors to respect tenure rights and the human rights of the population. During a workshop on the Guidelines there were discussions with the communities about the texts and paragraphs and which ones to put on billboards, and they chose an article of land law, and a reference to the African Charter on Human and Peoples' Rights and the rights of the people. The billboards were put up at the end of February 2014 at the entrance to three towns that had lost lands or were facing the threat of land loss.

**EXAMPLE:**

### Training and mobilisation pull back land grabbing

In the presence of a concrete threat of peasant and pastoralist communities losing land to an ethanol production project, the national platform for peasant organisations of an African country started a national campaign called "My land, my life" to try to put a stop to the project and land grabbing. The campaign involved mobilisation against the project and workshops with the communities to inform them about their rights and about the Guidelines. Even if it did not completely stop the government and investors, the mobilisation reduced the amount of land considered for the project regarding that originally envisaged. The organisations continued their campaign, and went further than this specific project, which created national debate about agrarian and land policies. The awareness raising campaign on the issues of the tenure of natural resources intensified before the local elections that took place shortly after. The goal was for communities to influence the candidates and for community representatives to put forward their candidacy.



**EXAMPLE:**

**Members of a land workers' trade union cultivate public land**

While facing a process of reconcentration and privatisation of land, and an increase in poverty due to the economic crisis, a land workers' trade union started to occupy and cultivate unused public lands in various locations in its region. This initiative is part of the social movements' strategy to demand public policy that facilitates access to land for peasants, especially the youth.

The demand for land is not with a view to it becoming private property, but rather the formation of workers cooperatives to create employment and produce food in a sustainable way.

We can identify the aspects of the Guidelines relevant to support the struggle of the Trade Union, particularly the ones that encourage states to carry out redistributive reforms and agrarian reform programmes (chapter 15) and to establish or facilitate the creation of land banks (paragraphs 13.2 and 13.3).

**EXAMPLE:**

**The struggle of young farmers to access public land**

Access to land to cultivate by young farmers is a major problem in many countries worldwide, including in industrialised countries. In one country, the young people of the National Association for Organic Agriculture, in conjunction with other organisations, are fighting to secure access to lands in the Capital Region. The commune has lands around the city and there are plans to sell them to investors. The mobilisation of young people is seeking to avoid the mass sale of public lands and to assert the rights of young farmers to access these public lands to produce food, creating jobs, protecting the environment and providing services for the city.

The organisations started to involve local government and local representatives through writing letters and sending petitions signed by a great many citizens. They also organised marches and days of action on the ground so that the public becomes aware of its importance in relation to quality of life and the environment. They created alliances with other groups and organisations, such as consumer groups and environmental organisations. They also created a small vegetable patch within the FAO headquarters during the negotiations on the Guidelines. These activities led to some local representatives and media outlets becoming interested in the issue. The interaction with authorities and representatives led to concrete proposals to ensure that peasants have access to land. The arguments and proposals of the young people relied, among others, on sections 8 ("Public land, fisheries and forests") and 20 ("Regulated spatial planning") of the Guidelines. As a result of the activities, the local government announced that 220 hectares would be reserved for young farmers. Even after these lands have been allocated to cooperatives of young farmers through leases, the mobilisation continues so that more young people can access public lands to cultivate.

**Now IT'S YOUR TURN...**

**In your communities, have you mobilised in defence of your territories? What activities have you carried out? Which were successful and why? In what ways can the Guidelines help to support mobilisations?**



Making a list of all possessions is a concrete action that can be carried out in cases where communities are threatened with eviction. They can also create lists of what they have lost and the damage caused when they have been evicted. These lists are important documents in denouncing possible violations and filing demands for compensation.

(Photo: FIAN)

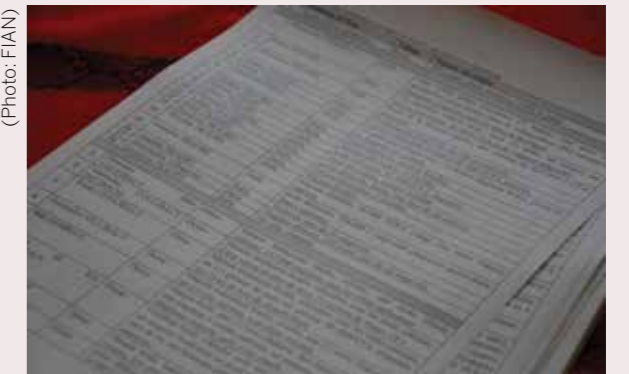


Photo: list of all the goods of the members of a community that were lost during a violent eviction by the police. The columns comprise the name of the person, the name of the village/settlement and a detailed description of what was lost (money, food, burned houses, destroyed cars, etc.)



### Prepare consultation on investment projects

The arrival of a company that wants to carry out an investment project (private or state run) can utterly disrupt the daily life of a peasant, indigenous, fishing or pastoralist community, as companies often seek to exploit natural resources located in territories in which communities live.

Several of these communities have reported that projects start to be carried out without prior consultation process and without their participation. Sometimes, only one meeting takes place with some representatives of the community chosen by the investors, or results of the consultation are manipulated. In other cases, investors inform communities when the decisions have already been made so that they have no opportunity to reject the project.

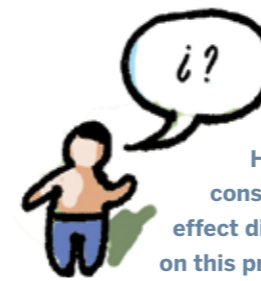
The Guidelines can act as a supporting instrument to carry out adequate consultation processes with affected communities, to see if they want the investment project to be carried out, and for this to influence the final decision to go ahead, in accordance with paragraphs 3B.6 and 9.9.

In particular, paragraph 3B.6 establishes the following principles for **consultation and participation**:  
 . engaging with and seeking the support of those

who, having legitimate tenure rights, could be affected by decisions, prior to decisions being taken, and responding to their contributions;  
 . taking into consideration existing power imbalances between different parties;  
 . ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decisionmaking processes.

This means that the consultation must take place before a decision is made on the investment project. Affected communities must have all the information relevant to the project: exact location, environmental impact studies, financial impacts on the communities, etc. Communities also have the right to choose legitimate representation to discuss the consultation process with the company and the state. Also, states have the responsibility to ensure that companies do not dominate the process and impose their own conditions, even though they have more financial resources.

It is vital that communities have a clear definition of their needs and priorities. This includes a position on whether they are willing to give up a part of their lands, fisheries or forests to external investors and if so, under what conditions. This position will allow the communities to be better prepared for the consultation processes or negotiations.



Now IT'S YOUR TURN...

Has there been an investment project in your community or in a neighbouring community?

How were local communities consulted about the project? What effect did the community's views have on this project? What did the community do to stop or influence the project?

What kind of activities could be carried out using the Guidelines, if your community were confronted with an investment project?

Could you imagine giving up a part of your lands, fisheries or forests to external investors? Under what conditions?

How should consultations be carried out?

We recommend that you consult the FAO Governance of Tenure Technical Guide "Respecting free, prior and informed consent. Practical guidance for governments, companies, NGOs, indigenous peoples and local communities in relation to land acquisition". This guide sets out practical actions for government agencies to respect and protect free, prior and informed consent (FPIC) and for civil society organisations, land users and private investors globally to comply with their responsibilities in relation to FPIC, as endorsed by the Guidelines.



**Communities can make their own proposals on how consultations should be carried out. Some of the criteria could be:**

- . The communities should be able to choose their representatives to interact with investors and authorities.
- . The consultation process should take place before any decision on the project is approved. The decision to approve the project or not should depend on the result of the consultation process.
- . Before the consultation process, the community should have all the relevant information on the project in a format that is accessible to the people that could be affected by it.
- . Governments have the responsibility to guarantee that the consultations will conform with certain minimum regulations:
  - Transparency with regard to all steps and procedures in the consultation, especially on the way in which the community's concerns are included in the design of the project, and how it is hoped to obtain consent from the community.
  - The inclusion of all people that could be affected, directly or indirectly by the project. This includes marginalised members of the communities.
  - Documentation of binding agreements arrived at during the consultation, and a commitment on all sides to implement them. Sanctions should be envisaged if one or more actors do not respect the agreements;

- The option of using available legal resources in the event where the consultation is not respected.

- . The consultation process could be held with the participation of independent observers that have been approved by the communities and the authorities, for example representatives of the national organisations for human rights, and/or neutral international observers, such as representatives from the Office of the United Nations High Commissioner for Human Rights.

In parallel with official consultation, communities can have their own process of internal consultation. This is important for discussion about the project and to arrive at consensus among all community members on positions and collective proposals. Maintaining unity and resolving internal conflicts that arise are essential to the negotiating power of the community. It is important to take note of the various examples of how disagreements and/or a breakdown in solidarity among members of the community have led to external actors imposing projects and unfavourable conditions.

It can also be useful to keep minutes of meetings and records of the times when investors or authorities come to the communities or their lands.

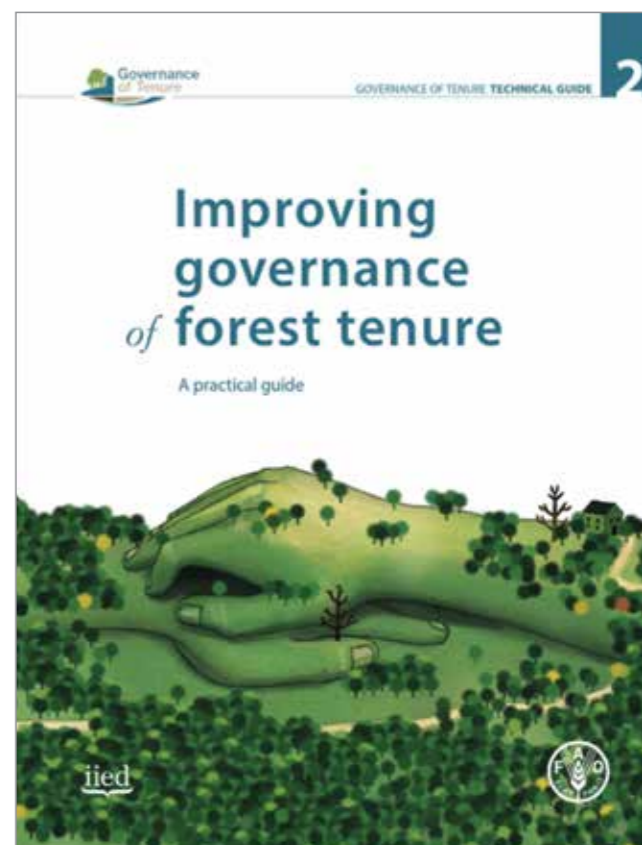
Identify, using the fold-out User Guide, the paragraphs of the Guidelines which refer to the Principle of implementation 6: "Consultation and participation".

### III. Carry out constant analysis of the situation of land, fisheries and forests

The continuous analysis of the situation of land, forests, pastures and bodies of water is an important activity for the defence of territories and the struggle for access and control of natural resources. Communities that live on the land and their organisations know best what is happening on the ground. They know where land conflicts or land grabbing take place, and where there have been evictions or related threats against members of the community. It is very valuable to collect and document systematically all of this information in a structured way. Taking such knowledge into account allows to complement official statistics and data that governments or technical and international institutions are more used to using. Understanding the real situation on the ground can help to avoid conflict, to denounce threats and human rights violations to concerned organisations and institutions, support an emergency situation and be aware of problems that could occur in other regions or countries, so that governments assume their responsibility.

#### What does monitoring mean?

The activity of observing a situation in a country or region periodically and during a long period of time is called monitoring, or observation. The monitors or observers verify the human rights situation in the territories, as well as systematically record what the authorities and other actors (for example, investors) are doing, the impacts of their actions, their compliance with laws, etc. For this, frameworks to monitor progress over time have to be established.



#### With monitoring ...

- We try to reflect a situation, evaluate what is happening, be aware of the issues that arise from different processes, learn lessons, share experiences and transform and improve our situations.
- We compare the official human rights position of state actors and its application on the ground, its impact on our lives, our wellbeing, our rights (those that have been recognised, and those that are yet to be recognised), as well as the costs, losses and damages incurred by the action. In this way, the Guidelines can be a reference document when we observe and analyse the real situation on the ground as compared to the law and public policy.



• We can communicate key information to carry out actions, demands and questions about some practices. New spaces will open up for the reaffirmation and assertion of our rights. Through these demands, so-called “standards” and “principles of protection and defence of the peoples” may arise, such as conventions and human rights treaties.

• We have the opportunity to make things more visible, to ensure that our situations are portrayed in the media, and we participate in the decisions that affect our wellbeing. This will strengthen us, especially through working in local, national and international networks.

**There is no one way to undertake monitoring, as conditions vary from country to country, from people to people, from one social group to another.**



**NOW IT'S YOUR TURN...**

**What is the situation regarding the tenure of land, forests and fisheries in the territories in which you live? Are communities' rights respected? In**

**what way have they advanced? Are there still some pending issues? Is there any kind of documentation in the communities, or systematic analysis? How can the Guidelines help in this regard?**

**Here are some examples of what can be done:**

#### **A. Documenting and analysing the reality of the governance of tenure of land, fisheries and forests**

##### **Analysing concrete situations of conflicts or struggles for land, forests, water or other natural resources**

It can be useful to document the analysis in written form, as this can be used to denounce the actors involved in the violation and abuse of rights, or to strengthen demands for restitution or compensation. The support of civil society organisations can be useful in writing reports on cases of conflict. Based on the information that they have, communities and organisations can, among other things, look at which principles of the Guidelines were not observed and evaluate the role of relevant authorities and other actors.

To collect and compile all of the key information, interviews can be carried out with the communities and if possible, with the relevant authorities and other involved actors.

#### **EXAMPLE:**

##### **Study on agrarian conflicts in Argentina**

Faced with a situation of various agrarian conflicts in the country, the National Peasants and Indigenous Peoples Movement (MNCI) called for an international investigation mission to be carried out to document and analyse some of the more complex situations for the peasant communities. In September 2012 a commission was set up, comprising of La Via Campesina, and other international organisations accompanied by MNCI. The commission documented four cases of conflicts based on interviews with the affected communities and relevant authorities. They also prepared a report that contains an analysis of the situations, based on the Guidelines.

#### **EXAMPLE:**

##### **Public hearing on the human rights situation in Bajo Aguán, Honduras**

While facing a violent agrarian conflict in the valley of Bajo Aguán, a public audience and international seminar on the human rights situation of the peasant communities in Bajo Aguán took place on 28–30 May 2012. This activity was convened by nine networks and international organisations that came to observe the conflict and monitor the human rights situation in coordination with local organisations.

A commission of 12 international experts and representatives of the organising international organisations were part of the hearing. The main goals were to collect testimonies from the peasants affected by the agrarian conflict and review the analysis of national organisations to try to make people aware of the human rights situation in the area.

Representatives of the Executive Secretariat of the Inter-American Commission on Human Rights, a delegation from the European Union and the Office of the United Nations High Commissioner for Human Rights were also present at the audience, in the capacity of

international observers. The organisers also invited various relevant national authorities to share their opinions on the conflict and what they did to resolve it. These hearings are a good opportunity to mention the Guidelines and relate them to the situation described.

#### **Carry out national assessments on the situation of access and control of natural resources**

Assessments can be carried out on the actual situation of the governance of natural resources, based on concrete situations and examples. It is also important to collect information from other sources, such as statistics, government documents or those of national and local institutions (like for example land registry institutions), scientific studies, newspaper articles, etc. With all this information we can carry out an assessment of the current situation in the countries and identify the governance problems that exist.

It is essential that we channel communal efforts into monitoring. While we will monitor the implementation of the Guidelines on a local level, it is also important to create links between local, regional and international actions through the construction of networks, solidarity and mobilisation. An example is the monitoring undertaken by La Via Campesina, with the Regional Observatory on the Right to Food, to monitor if people's rights are being respected or not, and what the main threats to them are.

#### **The following is some relevant information to be collected:**

- . The number of people and households without land or without sufficient access and control;
- . The percentage in certain groups (women, indigenous peoples, ethnic groups, forest communities, fishers, pastoralists etc.) with no, or insufficient access and control of natural resources;
- . The rate of ownership of lands, fisheries and forests;
- . The number of people (men, women, children, elderly) evicted forcibly over the past five years;

- . The number of communities and the percentage of the rural population involved in conflicts related to land, forests and fisheries over the past five years;
- . The loss of land suitable for agriculture, forests and fishing locations due to nonecological reasons over the past five years;
- . The percentage of demarcated indigenous land;
- . The number of arrests and murders of defenders of tenure rights;
- . The difficulties accessing justice encountered by the people affected and the amount of cases in their favour;
- . Conditions of access to information and participation of people who are potentially, directly or indirectly affected by the implementation of projects;
- . Data on the actual and/or potential losses, costs and damages that households and communities incur as a result of a project, policy action or land grabbing;

#### B. Analysis of the laws, public policies and state programmes

The Guidelines can also be used to analyse specific legal and political frameworks in countries. One of the objectives of the Guidelines is to give guidance to states with regard to the regulation of use, management and control of rights pertaining to land, fisheries and forests. They can help us to analyse the existing frameworks and compare them to the provisions of the Guidelines. We can also look at the scope and the limitations of laws and public policies in relation to the local population, in our own country as well as overseas. In this way, we measure the state's activities and the results obtained; i.e., their actual impact.



#### EXAMPLE:

##### Diagnostic of the legal framework relating to land

A platform for peasant organisations carried out an analysis of the legal framework governing land in the country, in conjunction with a jurists' association. Based on this analysis they are evaluating the existing framework and the current problems. To this end they created an evaluation committee comprised of experts in law, parliamentarians, deputies and local authorities, as well as representatives of food producers' organisations and other civil society organisations that work on the issue. Within the context of this assessment they also carried out various workshops with community representatives.



Some of these questions can be useful to analyse the legal and political framework:

- What is outlined in the constitution and relevant laws in relation to community rights to natural resources, for example, land, forests, water, fisheries, etc.?
- What policies, programmes or plans exist in rural development, poverty reduction, food security etc., and what do they say with regard to tenure?
- What management and use systems of natural resources are in place, for example, communal, collective, customary, informal, etc.? Are they acknowledged by the state and by the courts?
- Do laws, policies, programmes or plans take specific measures to protect and guarantee women's rights? Can women inherit and own land?
- Do laws, policies, programmes or plans protect and guarantee the rights of communities and groups that can be discriminated against, such as peasants, pastoralists, fishers, indigenous, rural workers, urban poor and the youth?
- Are the programmes transparent? Do they have an accountability system?
- Do we know if there are resources to satisfy our needs or that of our sector, and how to access them?
- Have we seen any change? What programme could we take as a good example to follow? What are the lessons learned?
- Is there effective access to justice for individuals and communities?
- What measures exist regarding the consultation and consent of individuals and communities?
- What measures exist to avoid forced evictions?

Has the state signed human rights treaties and other international instruments?

- Is there a mechanism to complain and question decisions related to rights that the Guidelines protect? Are they effective and easy to access?

#### EXAMPLE:

##### Historical studies on the governance of land tenure in Palestine

The Land Research Centre (LRC) has been analysing the historical evolution of governance of land tenure and natural resources in Palestine for several years. One of the focal points is the analysis of the legal framework for the management of the land and its historical evolution within the context of the colonisation and occupation of Palestinian territories, and the social and economic impact on the indigenous population. It emphasises the impact of the law and practices on peasant communities, especially on women.

The Guidelines are an important reference point because they are a foundation for analysis, to demand the effective application of the existing frameworks. They also provide the basis for creating proposals for new laws and policies.





**EXAMPLE:****Systematic analysis of the legal situation and actual situation of land and fisheries tenure**

A fishers support organisation carried out some consultation with fishing communities in the region of a lake, to follow up on complaints relating to insufficient access to land. Some of the testimonies stated that a large part of the lake and the shoreline had been sold to investors and that the communities cannot fish any more in some parts of the lake, or access places traditionally used to moor ships and dry fish (an activity that creates revenue for women). According to testimonies, only small areas of the coast and the lake remain available to the communities. The information collected during the consultations revealed the uncontrolled acquisition of land and water by private investors, and that this was carried out without informing or consulting with the affected communities. It also emerged that the communities knew very little about the laws and existing regulations.

The results of the consultation led the organisation to carry out a systematic analysis of the current situation of governance of tenure and the acquisition of land in the country, with a focus on the fisher communities and the lake area. This analysis includes a report based on interviews with the community, public authorities, investors and other relevant actors, as well as an evaluation of the existing problems in the policies and legal framework in the country, based on the Guidelines. The analysis will be used to develop proposals for new frameworks and to support advocacy within the government.

**C. Analyse regional policies and their impact on food producing communities**

In various parts of the world there are organisations and economic unions between and among countries. Some examples are the European Union (EU), the Association of South East Asian Nations (ASEAN), the Organisation of American States (OAS), the Union of South American Nations (USAN), the Organisation of Central American States (ODECA), the African Union (AU), the Arab League, the Southern Common Market (MERCOSUR), Bolivarian Alliance for the Peoples of our America (ALBA), the Economic Community of Western African States (ECOWAS), the Eastern African Community (EAC) and the Southern African Development Community (SADC).

Some of these organisations have their own policies or legal frameworks in place that can also have an impact on access to and control of natural resources of communities. In such cases these frameworks can be analysed specifically using the lens of the Guidelines. Monitoring based on the Guidelines also allows us to analyse and evaluate the activities of these organisations or unions at regional levels.

**EXAMPLE:****Analysis of the land situation in Europe**

The European Coordination of Via Campesina and other organisations that are part of the “Hands off the Land” Alliance, carried out a study on the land situation in Europe. The published report entitled “Land concentration, land grabbing and people’s struggles in Europe” contains case studies from 13 European countries. It also contains a specific chapter that evaluates these cases and public policies on a national and regional scale, in light of the Tenure Guidelines. The document concludes that increasing large-scale land acquisitions and concentration of land also affect Europe. Access to land is especially a problem for young farmers. Although statistics on agriculture in Europe abound, many of the processes described in the case studies are not commonly reported. Upon analysing the case studies and the public policies within the context of the Guidelines, they identified various challenges in the governance of land tenure in Europe. In this sense the study serves as an instrument for European organisations to denounce certain policies for its contribution to problems related to governance of land tenure and natural resources, and to develop proposals for alternative frameworks and processes.



European Coordination Via Campesina and Hands off the Land Network, Land concentration, land grabbing and people’s struggles in Europe (Amsterdam: Transnational Institute, 2011), at: [http://www.tni.org/sites/www.tni.org/files/download/land\\_in\\_europe-jun2013.pdf](http://www.tni.org/sites/www.tni.org/files/download/land_in_europe-jun2013.pdf).

Although the Guidelines mainly target states and their organs, nonstate actors, such as business enterprises, can also use them. We can use the Guidelines as a basis to investigate and publish reports on programmes and activities on the following entities, among others:

- Donor states, development cooperation agencies and philanthropic foundations;
- Financial institutions, both regional and international;
- National and transnational corporations.

#### D. Send reports to national, regional and international institutions

Sending reports or letters to monitoring institutions, as well as disseminating the results of relevant analyses is an important strategy in supporting the strategies and struggles of social movements. There are various mechanisms and institutions charged with the responsibility to safeguard the rights of individuals and communities against abuses. These include:

- . Defenders of the people and national institutes of human rights;
- . Regional human rights commissions in Africa and the Americas;
- . Human rights monitoring agencies at international organisations, for example, the Committee on Economic, Social and Cultural Rights (CESCR), the Human Rights Committee and the Committee for the Elimination of Discrimination against Women (CEDAW) at the United Nations.
- . The Committee on World Food Security should be the global forum where all relevant actors learn from each other's experiences, and assess progress toward the implementation of these Guidelines and their relevance, effectiveness and impact (paragraph 26.4 of the Guidelines).

All of these institutions have regulations on who can present complaints and reports and how this should be done. It is important to be fully informed in case technical support is needed from lawyers or international human rights organisations that have relevant experience.

You can request more information from the organisations themselves or from the United Nations High Commissioner for Human Rights, which has offices in all regions<sup>5</sup> (<http://www.ohchr.org>).

When giving recommendations on how states should manage natural resources in accordance with their human rights commitments, the Guidelines are a reference for institutions and human rights monitoring organisations.

5. Eastern Africa (Addis Ababa), Southern Africa (Pretoria), Western Africa (Dakar) Central America (Panama City), Latin America (Santiago de Chile), Europe (Brussels, Central Asia (Bishkek) South Eastern Asia (Bangkok), the Middle East and North Africa (Beirut) and the Pacific (Suva), as well as a Regional Centre for Human Rights and Democracy for Central Africa, in Yaoundé, Cameroon, and a Training and Documentation Centre for Southwest Asia and the Arab Region, in Qatar, in addition to OHCHR country offices in Bolivia, Cambodia, Colombia, Guatemala, Guinea, Mauritania, Mexico, Nepal, Palestine, Kosovo (Serbia), Togo, Tunisia and Uganda. See <http://www.ohchr.org/SP/Countries/Pages/RegionalOfficesIndex.aspx>.

#### EXAMPLE:

##### Report of civil society organisations in Egypt to the Committee on Economic, Social and Cultural Rights

Each state that has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) is obliged to present a report every five years on its efforts to respect, protect and fulfil the economic, social and cultural rights of the population. This includes, among other things, the rights to food, water and adequate housing. This periodic evaluation by the Committee on Economic, Social and Cultural Rights (CESCR) also allows for civil society organisations to present a parallel report.

In its parallel report for the periodic session on the state of Egypt, the Housing and Land Rights Network of Habitat International Coalition (HIC) joined with other organisations from Egyptian civil society to suggest that CESCR mention the Guidelines (to which Egypt had contributed) as a model for the governance of land tenure toward the State of Egypt's implementation of the Covenant. The Committee responded by asking the Egyptian delegation how the state party planned to use the Guidelines and included them among the references in the review of other states parties.



#### EXAMPLE:

##### The African Commission on Human and People's rights recommends ancestral lands to be returned to an indigenous community

A pastoralist indigenous community of roughly 60,000 people have lived for centuries in the area of a lake. Land in the region is fertile, has green pasture and stones containing medicinal salts, which are important for rearing livestock and sustaining the community. Also, the lake is extremely important in the religious practices and traditions of this people. Forty years ago, the community was displaced from its ancestral territory when it was declared as a natural reserve. The displacement took place without adequate previous consultation and without relevant compensation.

As the community did not have access to legal recourse on a national level, several organisations that defend minority rights in the country presented a complaint to the African Commission. The commission decreed that there was a violation of various articles of the African Charter of Human and People's rights, including the right to the free distribution of natural wealth and resources, and the right to economic, social and cultural development. It recommended that the government acknowledge the rights of the indigenous people and give them back their ancestral lands; that they guarantee that the community has unrestricted access to the lake and surrounding areas for religious and cultural practices, as well as for grazing pasture; that they pay adequate compensation to the community for the damage incurred; and that they start a dialogue with them to look at the effective implementation of the commission's recommendations. Unfortunately, the implementation of these recommendations is still pending.





### Human rights Special Rapporteurs

Special Rapporteurs are independent experts appointed by the United Nations Human Rights Council to examine and report on the situations in countries or on a human rights issue. They receive reports on human rights violations, they make urgent calls and send letters of complaint to governments to ask for explanation. They also make visits to the countries to investigate the human rights situation on a national level. The Special Rapporteurs must also present reports on their activities during the UN General Assembly sessions.

Within the context of the Guidelines, the most important rapporteurs are:

- The special rapporteur on the right to food
- The special rapporteur on the right to adequate housing
- The special rapporteur on the human rights of indigenous peoples

Communities and organisations can send information on abuses and human rights

violations to the United Nations rapporteurs. To be taken into consideration the communications must contain the following information:

- Identification of the presumed victim(s) of the violation
- Identification of the presumed perpetrator(s) of the violation
- Identification of the person or people, or organisation(s) sending this communication (this remains confidential);
- Date and location of the incident
- A detailed description of the circumstances surrounding the incident during which the violation took place.

More information: <http://www2.ohchr.org/spanish/bodies/chr/special/index.htm>.

The Inter-American Commission on Human Rights and the African Commission on Human and People's Rights also have special rapporteurs.

More information: CIDH: <http://www.oas.org/es/cidh/mandato/relatorias.asp> (in Spanish)

CADHP: <http://www.achpr.org/mechanisms/> (in English and French)

### IV. Participate in and influence decision making processes

Decisions that are made on a daily basis by national governments, local governments, parliaments (deputies and senators that create laws), by judicial powers (judges that make legal rulings) and other institutions influence our daily lives. Often these decisions can improve our quality of life, or considerably worsen them.

For this reason, *lobbying* or *advocacy* strategies are important. In other words, the participation and influence of communities and social movements in the discussion and the creation of laws and public policies. As a document that was created through consensus and which lays out principles that were agreed upon by states, the Guidelines can be an influential reference when creating public policies, laws or programmes that would impact the tenure of land, fisheries and forests. The Guidelines also highlight that it is essential to ensure the participation of food producers and civil society in decision making by states when it affects them (see paragraphs 3B6, 4.10 and 5.5).

The documentation and analysis of the actual situation of the management and use of natural resources (discussed in previous sections) are strong bases for influencing the creation of laws and alternative public policies based on human rights. At the same time social mobilisation is a powerful instrument to strengthen popular demand and support the promotion of better laws and public policy. Activities that communities and social movements can carry out to influence states' decisions using the Guidelines include:

#### Facing criminalisation of human rights defenders and access to justice

Advocacy activities can put emphasis on different issues related to governance of tenure depending on the situation in a country or region. However, there are some key elements that are relevant to all regions. One of these is the criminalisation of individuals and communities that defend their rights,

and access to justice for those who have been victims of violations and abuses. National courts are the main mechanism for recourse for victims of human rights or tenure rights violations. However, communities are often confronted with many obstacles to access to justice: often the courts are far away from the conflict zone, the judges lack impartiality and independence, or they are not familiar with the application of international norms in conflicts over natural resources. Also, most court rulings are based on formal regimes that protect the property of the powerful, but not on customary and collective rights of affected communities, especially those who depend on natural resources for their food, health and sustenance. Finally, the resolution of these cases can take a very long time.

The Guidelines have a specific paragraph on human rights defenders:

*"States should respect and protect the civil and political rights of defenders of human rights, including the human rights of peasants, indigenous peoples, fishers, pastoralists and rural workers, and should observe their human rights obligations when dealing with individuals and associations acting in defence of land, fisheries and forests." (Paragraph 4.8)*

**A. Ensure relevant agencies know the Guidelines**

Often, not all state agencies are aware of the Guidelines and their content. So, often the first step in influencing the state is to make all relevant state agencies and organs aware of the Guidelines and their content, for example, the Ministry of Agriculture, Fisheries or the Environment, but also other institutions like agencies responsible for investments. This should also include judicial bodies, technical agencies and human rights institutions.



**NOW IT'S YOUR TURN...**  
**What institutions should know about and apply the Guidelines? What can be done to see if they do know about them and apply them? If they do not know about them, what actions can be undertaken?**

**B. Participation of social organisations in the process of creating laws and public policies**

In many countries policies and laws impacting on the governance of natural resources, and communities' access and control of it are being revised. These policies and laws must take the concerns and proposals of food producers and other relevant actors into account. The Guidelines very clearly call for the effective participation of these groups and civil society in these processes. They also give recommendations that must be considered when new policies and laws are being established.

So the Guidelines can be a useful tool to influence participatory processes of preparation and decision making on laws and policies pertaining to the tenure of natural resources, and to ensure new frameworks based on the realisation of human rights to improve access to and control of natural resources.

In some cases conflicts on land, fisheries and forests involve foreign actors, such as business enterprises headquartered in other countries or transnational corporations. In these cases it can also be helpful to carry out advocacy with the embassies of their countries of origin, i.e., the countries where companies have their headquarters. Paragraph 3.2 stipulates that the states of the countries of origin:

*Should take additional steps to protect against abuses of human rights and legitimate tenure rights by business enterprises that are owned or controlled by the state, or that receive substantial support and service from state agencies.*

This also applies in cases where foreign states invest in a country or promote investments, i.e. through investment agreements or bilateral cooperation for development (paragraph 12.15)

**EXAMPLE:****Peasant memorandum on agricultural land policy in Mali**

The National Platform of Peasant Organisations in Mali (CNOP) issued a peasant memorandum for a process on creating agricultural land policies.

In 2006 in Mali, a law relating to agriculture was approved. It enunciated that the state would develop a policy and laws on agricultural lands through a participatory process. Within the framework of this process, CNOP wrote a memorandum outlining the aspirations of the peasants based on an analysis of the norms in force and the reality of land conflicts. They carried out consultation with communities from all around the country to produce the document. This memorandum was the input of peasant organisations in the institutional process and is the main reference for negotiations with the government.

The fundamental concern that peasant communities have in Mali is the protection of their ancestral and customary rights. The memorandum refers to the Guidelines and other approved international commitments that the state of Mali has ratified (human rights treaties for example) to ensure that policies and laws pertaining to agricultural lands bear in mind the state's legal obligations and protect the peasant communities' right to food.



**NOW IT'S YOUR TURN...**  
**What laws or policies are being revised or created? Are social organisations involved in these processes? How can you influence them to ensure that communities' proposals are taken into account? How could you use the Guidelines to do this?**

**C. Develop proposals for policies and laws by social movements**

Although it is often governments or parliaments that initiate the process of establishing political or legal frameworks, communities and social movements can also propose new laws and policies. This allows them to develop specific proposals based on the hopes of the communities and organisations. The Guidelines can serve as a jumping off point for discussion, or a source of inspiration and reference for people's proposals.



**EXAMPLE:****Initiatives for regional laws in Italy**

Draft laws in various regions of Italy had sought to ensure access to public land for young farmers. In Umbria and Liguria, the regional parliaments already approved the laws, while in Lazio, the proposals are under discussion in the commission for agricultural policies in the regional parliament. The law in Umbria provides for the leasing of public lands in the region to peasants, especially young farmers. The first step after its adoption is to make an inventory of the available land for lease. The law in Liguria looks to create a "land bank," i.e. reserves of public land that can be leased to groups or individuals without land.

The peasant organisations ARI and AIAB drafted the proposals in conjunction with some regional deputies. Some of the proposals made explicit reference to the Guidelines, though none of the approved laws refer to them directly. However, they have been an inspiration (especially chapter 8 of the Guidelines on public land, forests and fisheries) and an international reference.

**EXAMPLE:****Initiative for a European directive on access to land**

Given the current situation of increasing land concentration, the increase in largescale land acquisition, the loss of agricultural land to urbanisation and infrastructure, and the difficulties in accessing land especially for young farmers, the European Coordination of Via Campesina started a process to promote the idea of a European directive for fair and sustainable access to agricultural land.

The European Union (EU) is a political community of twentyeight European states. Through various different institutions the EU can approve norms such as community directives. These are for member states to transpose into national legal frameworks.

Up until now the governance of land tenure is not a competence of the EU although various policies and regulations affect it in some way, for example, environmental policies or the Common Agricultural Policy (CAP). This is the reason why various organisations believe that the EU should adopt measures to ensure sustainable and equitable governance of land tenure. One of the proposals is a directive based on the Guidelines, bearing in mind that all member countries of the EU adopted this document on becoming members of the CFS. The directive should, among other things, include provisions for facilitating access to land for the youth. A directive would allow for the Guidelines to be transposed into regional law, which would strengthen initiatives for the implementation of this directive.

**EXAMPLE:****The "Cristian Ferreyra law" in Argentina**

The draft of the Cristian Ferreyra law came about as the result of a discussion process and the joint action of various peasant organisations in Argentina, in response to the increase in forced evictions. This was mostly a consequence of agricultural expansion based on monoculture production to the detriment of family, indigenous and peasant food production.

This process involved collaboration between diverse organisations to create the text of the law, and an invitation to the regional members of parliament to learn about the situations and conflicts that concern communities from the peasants themselves.

In this way, the members of parliament that had been in contact with the organisations presented the law to parliament. The law proposed: the declaration of a state of emergency in territories for five years, in matters of

possession and ownership of rural lands that peasant and family agriculture communities are occupying, in the capacity of either inhabitants or owners; conducting a National Survey on Rural Land and, with it, creating a national registry for Rural Land; and the formation of dialogue platforms for the resolution of land conflicts.

It is important to note that the law is named after Cristian Ferreyra, in honour of the young peasant from the Peasant Movement in Santiago del Estero (MNCI, Via Campesina Argentina), who was killed while defending his land from private security employed by a local business man. In the legal proceedings arising from his murder, the businessman responsible was accused of orchestrating the murder and detained in custody until the trial. This detention was achieved through campaigning and pressure from organisations seeking justice.

Kuna



Cristian Ferreyra, peasant from the MOCASE-VC, killed on November 16 2011 while defending his land (drawing by Olouaigdi de Agguanadub)

**Now IT'S YOUR TURN...**

What laws or policy proposals could our communities and/or organisations present to state institutions? What would be the priority issues linked to the tenure of land, forests and fisheries that are currently not protected by legislation?

**D. Develop alternatives to investment projects**

Proposals formulated by organisations, social movements and civil society do not always have to be in the form of laws and policies. Alternative proposals for public or private investment, or infrastructure projects can also be developed. These proposals can complement and bolster movements that seek to defend territories. They can draw on the sections of the Guidelines that go through the need to reconcile and prioritise the various uses of land, fisheries and forests, as well as public, community and private interests, while also taking into account the Guidelines' main objective: the eradication of poverty and hunger through sustainable development (paragraphs 1.1, 20.1 and 20.3).

**E. Promotion of civil society - state platforms or institutions**

The participation of food producing communities and their organisations in decisionmaking that can affect their tenure rights and their human rights, is a key element in the responsible governance of the tenure of land, fisheries and forests.

Paragraph 26.2 of the Guidelines recommends the establishment of spaces for dialogue between states and food producers. Social organisations can use this recommendation to strengthen demands for the creation of dialogue spaces with governments on agrarian policies, land conflicts, etc. They can also refer to this paragraph to ensure that these platforms (or other already existing platforms of dialogue) operate according to the Guidelines' principles, giving priority to the most vulnerable and marginalised people and communities, and to the principles of nondiscrimination, equality and justice, gender equality, participation and consultation, transparency, etc.

**EXAMPLE:****Commission for agrarian reform in Senegal**

After a process of campaigning by peasant organisations that took many years, a commission for agrarian reform was set up in 2012. Despite campaigning from civil society, initially there was no representation from peasant organisations, nor from other civil society organisations. After complaints and lobbying by the National Platform for Agriculture and Land (CRAFS), the government accepted the National Platform for Peasant Organisations (CNCR) and another representative of civil society as full members of the commission. What is more, peasant organisations can now nominate ten people to the technical commissions of the commission.

The CNCR also organised a meeting of the members of the national platform for agriculture and land, and some local and national deputies to look at how they are taking on board the Guidelines when establishing general policies and the commission's action plan for agrarian reform.

**EXAMPLE:****Platform for dialogue on agrarian conflicts in Argentina**

As a result of demands from family agriculture, peasant, indigenous, fisher and pastoralist organisations, a national platform for dialogue on sustainable agriculture has been set up in Argentina. It counts on the participation of representatives from the previously mentioned organisations, local and national civil servants from the Executive, ecclesiastical representatives, and business entities. This platform wishes to carry out observation, science and technical missions, with the aim to encourage state intervention in resolving land conflicts, especially those related to the expansion of monocultures and the indiscriminate use of agrochemicals. It also seeks to preserve and promote the diversity of food production systems and the creation of popular economics food markets.

**Now IT'S YOUR TURN...**

Does a platform for dialogue on these issues exist in your country? How does it work? If there is none, would it be useful for food producing communities? How could the Guidelines be used to campaign for the establishment of dialogue platforms, and/or to put the communities' priorities on the agenda?

**F. Impact on regional and international institutions**

There are various organisms and institutions with which states work that are responsible for issues related to land, fisheries, forests, pastures, hunger, health, climate change, etc. These include regional organisations of states, regional economic unions and parliamentary fronts against hunger, among others.

It is important that all relevant agencies in the context of the governance of the tenure of land, fisheries and forests are informed about the Guidelines and that these are taken into account in their agenda.

**EXAMPLE:****Mercosur, the South American economic union, has put the implementation of the Guidelines on its agenda**

In August 2014, a workshop promoted by the Ministry of Agrarian Development of Brazil, Brazil-FAO International Cooperation Programme, FAO and the Special Meeting on Family Farming of MERCOSUR (REAF), was held in Brasilia, Brazil.

The objectives of this workshop were to: increase knowledge about the content, scope and application of the Guidelines; enhance the exchange and recognition among countries in South America on the ongoing processes of implementation of the Guidelines in each country; and learn about and debate the perspective of civil society. Furthermore, the incorporation of the Guidelines in the private sector was presented.

More information: <http://www.reafmercosul.org>

**Now IT'S YOUR TURN...**

What institutions and regional organisms exist in your region? Are issues related to the Guidelines, land, fisheries forests, pastures, hunger, etc. discussed there?

**V. Establish contacts with intergovernmental organisations**

Intergovernmental organisations are organisations whose members are sovereign states. Various intergovernmental organisations exist at the global level, one of the most important being the United Nations (UN). The UN has various specialised agencies that deal with different issues. The most important agencies for land, forests and fisheries are the Food and Agriculture Organization of the UN (FAO), the International Fund for Agricultural Development (IFAD) and the United Nations Human Settlements Programme (UN-HABITAT).

All these agencies have mechanisms that work with and support social organisations and communities.

The FAO has a particularly important role, as it is the agency responsible for supporting the implementation of the Guidelines. Social movements and organisations can establish contact with FAO and look for support options or joint activities.

FAO works with all key actors, including civil society organisations. Food producers' organisations will be given due attention and consideration.



The “FAO Strategy for Partnerships with Civil Society Organisations” is a document that defines the rules that FAO has for collaboration with nongovernment and social organisations. It is a document that is applicable to the FAO headquarters as well as national, subregional and regional offices.

The strategy says that FAO should involve civil society in its activities, ensuring representation and balance in all sectors (peasant, pastoralists, landless, fisheries, agricultural work, indigenous peoples, youth, women, urban poor, consumers, NGOs) and includes gender balance.

In its Rome headquarters, FAO has a department responsible for cooperation with civil society. If you face any problem contacting the regional or national offices, or indeed problems with cooperation, you can contact the office in Rome.

Link: <http://www.fao.org/partnerships/civil-society/en>

Email: [FAO-CivilSociety@fao.org](mailto:FAO-CivilSociety@fao.org)

More information: FAO Strategy for Partnerships with Civil Society Organisations, <http://www.fao.org/partnerships/civil-society/details-resources/en/c/176998/>.

### USEFUL CONTACTS AND LINKS

For general inquiries on ordering FAO publications, contact by email with: [Publications-Sales@fao.org](mailto:Publications-Sales@fao.org)

For general inquiries on the Guidelines, contact by email with the Climate, Energy and Tenure Division (NRC): [VG-tenure@fao.org](mailto:VG-tenure@fao.org)

FAO webpage on Governance of tenure: <http://www.fao.org/nr/tenure/en/>

FAO webpage with information resources on Governance of tenure: <http://www.fao.org/nr/tenure/information-resources/en/>

### Social movements and organisations can contact the national FAO offices and other intergovernmental organisations and do the following:

- . Ask for copies of the Guidelines to be distributed in their communities;
- . Ask for more information on activities related to land, fisheries and forests and the application of the Guidelines in the country and region;
- . Propose joint activities;
- . Invite FAO or other organisations to civil society activities such as workshops etc.;
- . Insist that the principles of participation established in the Guidelines and the FAO strategy on partnerships with civil society organisations are applied when FAO organises activities at all levels;
- . Inquire about the possibilities for FAO or other organisations to help secure funding for activities related to the Guidelines and governance of natural resources;
- . Check if there are translations of the Guidelines in local languages. If they do not exist, look into the funding options for translations;
- . Inquire about possibilities for technical assistance from FAO and other mechanisms, for example carrying out studies on the governance of land tenure (paragraph 26.3);
- . Inquire about possibilities for support for the creation of national dialogue platforms, as recommended in the Guidelines (paragraph 26.2)

**Final thoughts: The end of this journey, let's keep on working**

The creation of the Guidelines was a call to all social movements around the world, like in the Kuna myth where all peoples and communities came together in harmony and balance with each other to bring down Balu Wala. From the pastures of India to the shores of Lake Victoria in Africa, from the fields in Rome to the ancestral indigenous lands of Mexico, from the arid lands in Argentina to occupied areas of the Middle East in conflict, determined people laid down their mattocks, fishhooks, machetes and left the sowing of their seeds for a moment and met to work together.

In Chapter 1 of this People's Manual you have been introduced to the Guidelines, their content and their potential positive impacts in the defence of human rights and social and economic justice. In Chapter 2 we looked at conflicts that many communities face, acknowledged them and worked on assessments that can help to resolve these issues; we also learned about various actors and their respective contexts. In Chapter 3 we looked at some strategies and tactics on how to best use the Guidelines. The entire manual was designed based on the realities and experiences of communities.

The Guidelines are a tool and reference for education and raising awareness of tenure governance, that also seek to improve gender equality among all actors.

In this way, they represent a source of inspiration and guidance for policies, regulations and plans for the management of national resources, with the aim of strengthening the political will to implement responsible practices. They can have a key role in the promotion of political and institutional decisionmaking and can be used in the context of national laws and norms, taking local specificities into account.

The Guidelines should contribute to the establishment of national platforms that can help to resolve serious historical conflicts pertaining to land and territory, the revision of laws that improve the lives of smallscale producers, marginalised people and those excluded from land, and laws that improve the lives of youth and women. The Guidelines should serve as a reference and provide guid-

ance to improve the governance of tenure of land, fisheries and forests by the state, governments and nonstate institutions.

This manual is a starting point, to enable better understanding of the Guidelines and analyses of our realities. The work on the ground will continue, as will the struggles of our peoples.



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**Illustration title: *Sapi Burbamar Ayotzinapa*.**

meaning The spirits of the Ayotzinapa tree.

Author: Wen Hsu, Taiwan-born illustrator.

She has lived in Turrialba, Costa Rica since she is 2 years old. Her goal as an illustrator is

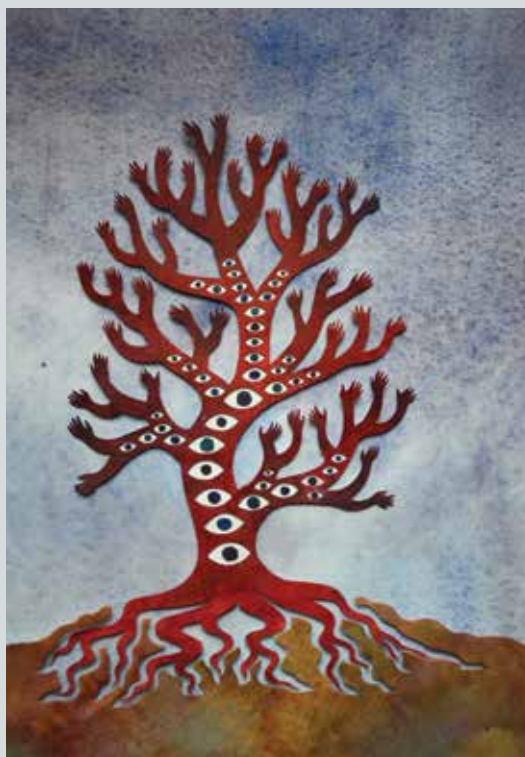
to capture the environment and culture for children, in order to mitigate the imported

patterns that dominate children's illustration

in Our America, Abya Yala. The work *Sapi*

*Burbamar Ayotzinapa* is in tribute to the 43

rural students of Ayotzinapa, Mexico.



*The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* are a new international instrument that can be used by peasant, fishing and pastoralist organisations, indigenous peoples, the landless, women and youth, and civil society as a whole, to assert their rights.

This People's Manual is a pedagogical and didactic guide, which aims to make it easier to understand the Guidelines and to provide a practical approach to people on how to use them in their struggles. It highlights the parts that offer answers to their needs and provides advice on mechanisms, strategies and actions that can be adopted to generate dialogue and to defend human rights and social justice in the processes, institutions and activities of land tenure governance.



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