



SESSION 11 - Training material

Main topics covered by the VGGT



16 Posters for the marketplace

These posters are suggestions. The facilitator may find it useful to adapt them with examples extracted from the national context analysis. The facilitator might also simplify the explanations of these topics according to the audience.

We also encourage the facilitators of the training to make a choice of the topics to be presented: some might not be relevant in certain national or local contexts.

1. *Human rights and tenure rights to land, fisheries and forests:*

- The VGGT place tenure rights in the context of human rights. The governance of tenure may affect the enjoyment of various human rights including the rights to food, housing, adequate standard of living for health and well-being, among others.
- Tenure rights are different from simple ownership – they are broader and encompass many types of rights including rights to possess, occupy and use, harvest and collect products, sell, gift, mortgage, lease, and leave by inheritance. In the case of fisheries, tenure rights can include the right to catch fish or other aquatic products.

2. *Recognition of tenure rights to land, fisheries and forests, including ancestral, customary and informal rights:*

- States should recognize and respect all legitimate tenure rights holders and their rights. They should take reasonable measures to identify, record and respect legitimate tenure rights holders and their rights, whether formally recorded or not; to refrain from infringement of tenure rights of others; and to meet the duties associated with tenure rights.
- The laws and procedures should have clear provisions that allow for the recognition of rights holders and their rights, and should clearly specify:
 - how rights are recognized;
 - how rights are recorded;
 - what they mean in practice.

3. *Indigenous peoples and communities with traditional tenure systems:*

- Recognition of tenure rights of these groups, which includes indigenous fishing communities, peasants, farmers and pastoralists, and other communities with customary tenure systems.



- Customary tenure refers to tenure of land and other natural resources that is generally associated with indigenous and traditional communities and governed in accordance with their customs (customary or traditional rights). Customary tenure often exists in parallel with legal tenure based on written laws and regulatory frameworks (statutory rights).

4. Land, fisheries and forests that are public or controlled by the public sector, including natural resources that are collectively used and managed (also referred to as commons):

- Protection of tenure rights, including commons on state land.
- Commons refers to natural resources such as land, fisheries and forests that are collectively owned, managed and/or used by a community or group of users, based on local, customary or indigenous tenure systems.

5. Access to land, redistribution and restitution:

- The VGGT look into several ways to facilitate broad and equitable access to land, fisheries and forest through redistribution. The VGGT address the issue of restitution when appropriate and possible legitimate rights to land, fisheries and forests for those individuals, peoples and communities who have lost them.

6. Evictions and expropriation:

- Protecting people against expulsion by force from their land and territories. In case of expropriation for public purposes, the concept of public purposes should be defined in law, processes to decide expropriation should be transparent, and participatory mechanisms to value and compensate the evicted should ensure a return to housing and access to productive resources.

7. Investments:

- Investments should do no harm to the environment, respect human rights and provide guarantees against the loss of legitimate tenure rights. In case of loss, legitimate rights should be compensated.

8. Corruption:

- States should prevent corruption.
- Transparency International defines corruption as 'abuse of entrusted power for private gain'. Corruption appears when individuals who hold a position of authority to allocate tenure rights misuse the public power they have been given for private benefit.
- The first type is called petty (or administrative) corruption and is about the abuse of office by individual officials who use their power for self-enrichment rather than to execute the tasks for which they are appointed.
- The second type is called grand (or political) corruption and consists of acts committed at a high level of government. It involves illegally transferring economic resources from the state to private interests.

9. Land speculation and concentration:

- States should take measures to prevent undesirable impacts on local communities, indigenous peoples and marginalized groups from speculation and the concentration of land.
- Land speculation is when some individuals or company will acquire a tenure right (property/rent) without using the land.
- Concentration of land is when a few individuals or companies hold tenure rights on a high proportion of the available land.

10. Participation of individuals, communities and social organizations in decision-making processes:

- Participation in all decisions that could affect them.

11. Protection of defenders of rights to land, fisheries and forests and access to justice:

- To respect and protect the civil and political rights of defenders of human rights, especially of indigenous people, peasant farmers, fisherfolk, pastoralists and rural workers.

12. Gender equality and women's and girls' rights:

- Gender – equity and equality for a responsible governance of tenure can be seen through:
 - Gender-equitable participation in the policy-making process;
 - Concrete pro-gender equality measures translated into laws;
 - Women's participation in the day-to-day processes of land governance tenure at all levels;
 - Gender-sensitive approaches in land administration;
 - Gender-sensitive communication.

13. Holistic view and integrated approach to land, fisheries and forests:

- Recognizing that land, fisheries and forests have a social, cultural, spiritual, economic, environmental and political value.

14. Transboundary matters:

- States should cooperate in addressing tenure issues related to land, fisheries and forests that cross over national borders.
 - Protection of tenure rights of migrating populations.
 - Seeking a better understanding of transboundary tenure issues such as rangelands, seasonal migration routes of pastoralists, or fishing grounds of small-scale fishers.

- Harmonization of legal standards of tenure governance.
- Development or strengthening of existing international measures to administer tenure rights that cross international boundaries.

15. Conflicts and occupation:

- Recognizing the problems of tenure during armed and other conflicts, including occupation.
 - Take steps to prevent and eliminate issues of tenure as a cause of conflict.
 - Act in accordance with international humanitarian law.
 - Resolution of problems through peaceful means, also considering customary and other local mechanisms for resolution.
 - When conflicts arise, protect existing legitimate tenure rights.
 - Settlement of refugees in safe conditions that protect tenure rights of host communities.
 - Protection of official records of tenure rights.
 - Durable gender-sensitive solutions to tenure problems.

16. Natural disasters and climate change:

- Land, fisheries and forests affected by natural disasters.
- Natural disasters increase insecurity of tenure since they may destroy natural resources, and displace people from their land.
- Insecure tenure can reduce the ability of people to return to their land, inhibiting their ability to recover from a disaster.