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ANTI-CORRUPTION
CONFERENCE**

**MOBILISING PEOPLE:
CONNECTING AGENTS OF CHANGE**

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Short Session Report: Global Solutions

Session Title: Governance of tenure of land, fisheries and forests. Making a difference with global governance frameworks.

Date & Time: Thursday 08 November 2012, 17.30-19.30

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Session coordinated by: Leila Shamsaifar, Associate Professional Officer, FAO

Main Issues Covered (500 words or more, narrative form)

The workshop analysed how the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security and other international initiatives, such as the Land Governance Assessment Framework developed by the World Bank can further shape activities and engage actors to collective efforts to remove corruption from the tenure sector.

The Voluntary Guidelines on the Responsible Governance of Tenure were endorsed by the Committee on World Food Security (CFS) on 11 May 2012. This is the first ever negotiated document that sets the scene on how tenure and access rights to land, fisheries and forests should be handled. It is an engagement towards changing the rules of the game and working towards more transparent and accountable tenure structures and administration.

The panellists of the workshop are involved in governance of tenure related activities at local, national and global levels. They shared insights on the role of international frameworks in improving the governance of tenure, mobilising actors for collective action, making people accountable and empowering the position of the poor. Through these interventions the objective was to analyse the governance challenges in the tenure sector, identify the potentialities of international instruments, and analyse means to create strong partnerships to shape governance of tenure agendas at all levels.

Main Outcomes/Outputs

Responsible governance of tenure of land, fisheries and forests is needed to ensure social, environmental and economic sustainability. Secure tenure rights are not only necessary to achieve the most efficient economic allocation of resources but it can also contribute to the eradication of poverty, to political and social stability and to the redaction of corruption and conflicts over those resources. Weak governance in the tenure sector oftentimes allows room for speculation and corruption.

International organizations are moving forward to provide frameworks and best practices to address these governance challenges. Instruments, frameworks and reports exist at national and international level, such as the Voluntary Guidelines on the Responsible Governance of Tenure and the Land Governance Assessment Framework. The Voluntary Guidelines on the Responsible Governance of Tenure allow people to focus on the rules, processes and structures through which decisions are made about access to land, fisheries and forests and their use; the manner in which the decisions are implemented and enforced; the way that competing interests in land, fisheries and forests are managed. They guide the development of policy, legal and organizational frameworks, and provide a room for multi-stakeholder dialogue. Similarly, the Land Governance Assessment Framework enables dialogue among different actors and provides a useful tool to assess land governance in country contexts as well as to clarify the institutional settings.

Governance challenges persist in the tenure sector and the interventions made during the workshop identified some key issues such as the complexity of legislations and unclear institutional roles and responsibilities; lack of institutions for regulation and governance (i.e. lack of enforcement of rules); in-transparent, incomplete and dispersed information on tenure as well as complex information systems; in-transparent and non-participatory policy and administrative processes; unsustainable land use planning and public land management practices; and difficulties to regularize urban areas. These challenges and lackings all provide room for weak governance and corrupted practices.

The examples drawn from the illegal logging sector demonstrate the complexity of corruption and its rooting into a chain of activities (regulatory chain, licensing chain, timber supply chain and enforcement chain). A number of international and bilateral frameworks on illegal logging already exist concentrating on the question of legality of logging. The Voluntary Guidelines on the Responsible Governance of Tenure complement these frameworks providing guidance on how to address tenure rights and to take into account the impacts of illegal logging on gender, food security and the livelihoods of people. The Voluntary Guidelines take into account the considerations of people who might be affected by illegal logging.

A range of actors with a variety of different backgrounds and with linkages to a range of interest groups are involved in corrupt practices in the tenure sector. This creates a challenge in the fight against corruption but it also demonstrates the importance to engage in collective action to connect the agents of change.

Recommendations, follow-up Actions (200 words narrative form)

Reversing weak governance in the tenure sector should be seen as a long-term, continual process of steps that demand political will and engagement. Citizens, civil society organizations and the media need to work with government officials and the private sector to find tailored solutions that fit each context.

International organizations and the global governance instruments are well placed to facilitate this dialogue process and some cases have proven to be most efficient in bringing people together in order to generate a necessary dialogue. In particular, this concerns the different institutions on a regional, country or local level that deal with the tenure of land, fisheries and forests and all stakeholders involved.

The panellists suggested that governance principles and best practices should inform the formulation of national land policies and legislation. Thereby, adequate, coherent and viable institutional settings should be developed; land and natural resource institutions need strengthening in capacities and resources; institutions need protection from political interference; institutions should stay neutral; management decisions should be made transparent i.e. documented and published; clearly defined standards for official decisions should be developed; decisions should be equitable, consistent and predictable; independent prosecution forces and investigation agencies should be developed to improve transparency and accountability; and access to justice needs to be improved.

Highlights (200 words please include interesting quotes)

“When all the trees have been cut down, when all the animals have been hunted, when all the waters are polluted, when all the air is unsafe to breathe, only then will you discover you cannot eat money.”

Cree Indian Proverb

Key Insights Recommended to be included in the IACC Declaration

Responsible governance of tenure of land, fisheries and forests is needed in order to ensure social, environmental and economic sustainability. Secure land rights are not only necessary to achieve the most efficient economic allocation of resources but it can also contribute to the eradication of poverty, to political and social stability and to reducing corruption and conflicts over those resources.

Reversing weak governance and corruption in the tenure sector should be seen as a long-term, continual process of steps that demand political will and engagement. Citizens, CSO's and the media need to work with governments and the private sector to find tailored solutions that fit each context.

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security provide a framework on responsible practices. The Voluntary Guidelines can be used by governments and other actors to develop policy, legal and organizational frameworks to address transparency and anti-corruption measures in the tenure sector.

Rapporteur's name and date submitted: Anni Arial and Leila Shamsaifar 09.11.2012
