



Investments in Land

The role of the Voluntary Guidelines on the Responsible Governance of Tenure

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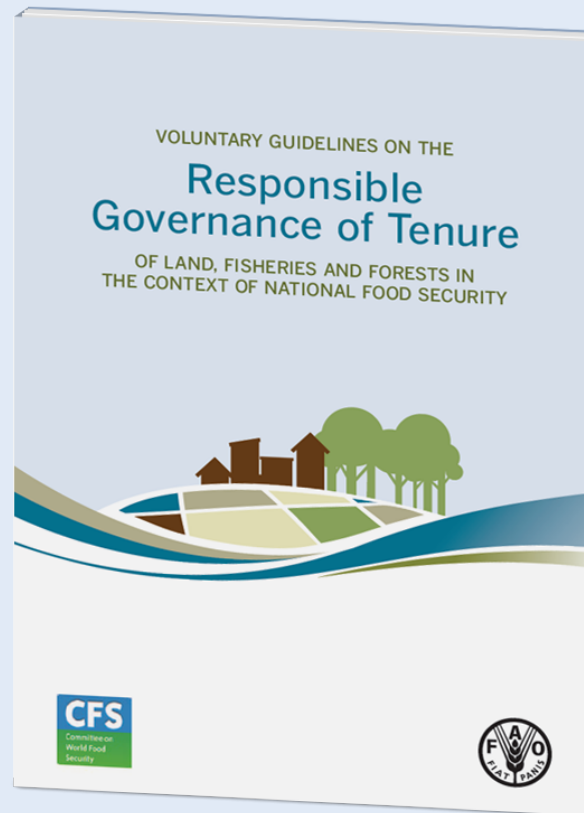
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Governance of tenure and land investments

- **Recognition, respect and protection of tenure rights**
 - **Access to justice to deal with infringements**
 - **Active, free and meaningful participation in decision making**
 - **Transparency and access to information**
 - **Non discriminatory negotiation**
 - **Accountability of all actors**
 - **Monitoring of impacts**
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**The first global soft
law instrument on
tenure**



**Negotiated by
governments;
participation of civil
society and private
sector**

**Consensus on
“internationally
accepted practices” that
already exist.**

**A reference for
improving the
governance of land,
fisheries and forest
tenure**

The essence of the VGGT

States should,

- **recognize and respect and safeguard all legitimate tenure rights and the people who hold them;**
- **promote and facilitate the enjoyment of legitimate tenure rights;**
- **provide access to justice;**
- **prevent tenure disputes, violent conflicts and opportunities for corruption.**

Non-state actors including business enterprises have a responsibility to respect human rights and legitimate tenure rights. Business enterprises should act with due diligence to avoid infringing on the human rights and legitimate tenure rights of others

Peculiarity of the VG in relation to land investments

- Focus on governance of tenure**
 - Focus on small holder farmers as largest investor in low and middle income countries**
 - Human rights and food security**
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- Investment to support broad social, economic and environmental objectives
- Support to small holders producers
- Transparent transactions
- Do no harm, safeguard against dispossession, respect of HR and promote food security
- Transparent rules on scale, scope and nature of investments
- Introducing safeguards (e.g. land ceilings, different investment models)
- FPIC, consultation, participation and capacity development
- Assessment of positive and negative effects
- Identification of legitimate tenure rights holders
- Provision of information for meaningful negotiation
- Monitoring impact of agreements, provide grievance mechanisms

Other relevant instruments: the relation to land investments

- UN Global Compact
- UN framework on Business and Human Rights
- UN declaration on Human Rights
- UNDRIP
- Voluntary Guidelines on RtF



VGGT



- rai principles
- WB safeguards
- G8 Transparency Initiative

- PRAI
- OECD guidelines for multinational enterprises
- Akwe: Kon Voluntary Guidelines
- IFC performance standards
- RSB/ RSPO
- Principles for responsible investment in farmland

Supporting instruments: technical guides

Agricultural Investment and access to land (end 2013)

- **people centered approach: stakeholders roles, responsibilities and suggested actions**
 - **opportunities and risks of different arrangements**
 - **policies, legal and effective administration**
 - **transparency, participation, assessment and monitoring**
 - **Yes: reference document, guidance**
 - **No: the ultimate tool to implement the VGGT**
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Respecting Free Prior and Informed Consent (summer 2013)

- **reference to VGGT 9.9 and 3.6**
 - **guidance for governments, private sector, NGO, indigenous peoples and local communities on how to implement FPIC at project level**

 - **Yes: process oriented, practical guidance**
 - **No: a tick the box tool, no isolated from legal framework (link to the other guide)**
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Additional supporting instruments

Technical guide: *Governing land for woman and man*

- **supporting the principle of gender equity, through more gender equitable governance of tenure**
- **policy, legal, institutional framework, technical issues and communication**

E-learning course

- **will include one module on investment and markets**

Capacity development material for CSO/Social movements

- **will increase understanding of VGGT and strengthen the capacities to use the VGGT**
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