

Smoothing Out the Bumps

The VGGT Implementation Guide for Fisheries is one of a set of tools for securing a world free of hunger and malnutrition

Although the road to socially equitable and sustainable fisheries is sometimes described as a bumpy one (see *SAMUDRA for Pondy*, 24 July 2014, pg 1), it is certainly helpful if there are good tools for smoothing the way.

Of course, like so many things in life, success depends much on how we use these tools. So, if we are going to eradicate hunger, food insecurity and malnutrition while also eliminating poverty and driving economic and social progress forward for all—and do this while sustainably utilizing and managing natural resources for the benefit of present and future generations—then we will need to make the best use of the tools we have.

the point of the VGGT Implementation Guide for Fisheries. (A preliminary version is available and open for comment.)

This article describes the VGGT, calls attention to some of the key paragraphs of the SSF Guidelines the VGGT directly supports, and the process for finalizing the VGGT Implementation Guide for Fisheries—so that these three tools can be used to help us achieve our goals.

The VGGT: Why, How and What

What are the VGGT? A globally recognized source of guidance

The purpose of the VGGT is to serve as a reference tool. It provides guidance to improve the governance of tenure of land, fisheries and forests for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development.

Why the VGGT? Tenure and governance concerns

How people, communities and others gain access to land, fisheries and forests is defined and regulated by societies through systems of tenure. These tenure systems determine who can use which resources, for how long, and under what conditions. The systems may be based on written policies and laws, as well as on unwritten customs and practices. Tenure systems increasingly face stress as the world's growing population requires food security and as environmental degradation and

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In the last two years, two major international tools have been developed: the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), and the Voluntary Guidelines for Security Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines).

Both these provide key guidance and support for those seeking secure and equitable access to natural resources. We have a third tool under development—about how we can use these two tools in daily life—and that is

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climate change reduce the availability of land, fisheries and forests. Inadequate and insecure tenure rights increase vulnerability, hunger and poverty, and can lead to conflict and environmental degradation when competing users fight for control of these resources.

The governance of tenure is a crucial element in determining if and how people, communities and others are able to acquire rights, and associated duties, to use and control land, fisheries and forests. Many tenure problems arise because of weak governance, and attempts to address tenure problems are affected by the quality of governance.

Weak governance adversely affects social stability, sustainable use of the environment, investment and economic growth. People can be condemned to a life of hunger and poverty if they lose their tenure rights to their homes, land, fisheries and forests and their livelihoods because of corrupt tenure practices or if implementing agencies fail to protect their tenure rights.

Conversely, responsible governance of tenure promotes sustainable social and economic development that can help eradicate poverty and food insecurity, and encourages responsible investment.

Specifically, the VGGT seek to:

- improve tenure governance by providing guidance and information on internationally accepted practices for systems that deal with the rights to use, manage and control land, fisheries and forests;
- contribute to the improvement and development of the policy, legal and organizational frameworks regulating the range of tenure rights that exist over these resources;
- enhance the transparency and improve the functioning of tenure systems; and
- strengthen the capacities and operations of implementing agencies; judicial authorities; local governments; organizations of farmers and small-scale producers, of fishers, and of forest users; pastoralists; indigenous peoples and

other communities; civil society; private sector; academia; and all persons concerned with tenure governance as well as to promote the co-operation between the actors mentioned.

The endorsement of the VGGT by the Committee on World Food Security (CFS) in May 2012 was a major achievement. The recognition of the importance of secure and equitable access to natural resources for food and nutrition security and sustainable livelihoods—as represented in the VGGT—is of fundamental significance to fishing communities and, in particular, for vulnerable and marginalized groups in the fisheries sector.

Based on key international human-rights standards, the VGGT constitute a powerful instrument for improving the lives of millions of people.

What's in the VGGT? The outline

The VGGT has seven parts, and fisheries are part of all of them. It starts with the basic Objectives and Principles (Part 1) before moving to a series of other key areas. Under General Matters (Part 2), the VGGT lay out the guiding principles of responsible tenure governance; rights and responsibilities related to tenure; policy, legal and organizational

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A creek fisherman in Tonle Sap Lake in Cambodia. Tenure systems determine who can use which resources, for how long, and under what conditions

frameworks related to tenure; and the delivery of services.

The text then lays out the framework for legal recognition and allocation of tenure rights and duties, including safeguards, with respect to the topics of: public land, fisheries and forests; indigenous peoples and other communities with customary tenure systems; and informal tenure (Part 3). Having done that, the text addresses key aspects of transfers and other changes to tenure rights and duties, including markets, investments, (land) consolidation and other readjustment approaches. Topics of restitution, redistributive reforms, and expropriation and compensation are also covered (Part 4).

Reflecting the genesis of the work in the land sector, the VGGT then take a somewhat land-centric approach regarding the administration of tenure regarding records of tenure rights, valuation, taxation, regulated spatial planning, dispute resolution over tenure rights, and transboundary matters (Part 5). That said, these are issues which are—or could be in the future—equally relevant for the inland and marine capture fisheries (and aquaculture) sectors.

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Moving beyond the more immediate issues pertaining to the governance of tenure, the VGGT then cover responses to climate change, natural disasters, emergencies and conflicts in respect to tenure of land, fisheries and forests (Part 6). The text closes by addressing the promotion, implementation, monitoring and evaluation of the governance of tenure—key elements to keep the process dynamic and responsive (Part 7).

What are the key paragraphs of the SSF Guidelines that the VGGT supports?

The 20 paragraphs of Section 5—Governance of Tenure in Small-

scale Fisheries and Resource Management—are most directly linked with the ideas and guidance of the VGGT. Section 5A addresses the overarching topic of responsible governance of tenure, and Section 5B addresses issues of sustainable resource management.

Paragraphs 5.1 and 5.2 emphasize the need for small-scale fishing communities to have secure tenure rights, and that responsible governance of tenure is a central tenet of genuine development.

Paragraphs 5.3 through 5.9 directly reference crucial concerns of the small-scale fisheries sector: appropriate tenure rights and adjacent land; all forms of legitimate tenure rights, including customary systems and rights; the need to recognize the key role of small-scale fishing communities and indigenous peoples; the social, economic and environmental objectives and the need to safeguard collectively used and managed resources; the facilitation of equitable access to fishery resources; and the need to ensure that small-scale fishing communities are not arbitrarily evicted and that their legitimate tenure rights are not otherwise extinguished or infringed.

But these are not the only issues covered. Section 5A also covers the need for consultations regarding impacts of large-scale developments (5.10), dispute resolution and remedies (5.11), and restoration of access when small-scale communities are displaced by natural or other disasters and conflicts (5.12).

As the text moves into the operational aspects of resource management, eight paragraphs lay out the essential elements of appropriate and legitimate forms of tenure and management systems, remind that with rights come responsibilities, advise on the uptake of strong co-management approaches (5.15 - 5.18), and call upon States to protect the tenure rights of small-scale communities in cases of transboundary fisheries (5.19). The final paragraph calls for States to avoid policies and financial measures that may contribute to overcapacity

and its symptom of overexploitation—therefore, arguably, calling for the use of rights-based approaches—as a means for avoiding the adverse impacts of overexploitation on small-scale fisheries.

Implementing the VGGT in fisheries: Creating a guide to use to secure sustainable small-scale fisheries and beyond

The Preliminary Version of the VGGT Implementation Guide is FAO's initial effort on how to do just this, focusing on the small-scale sector. It is meant to complement the VGGT and supplement other international instruments addressing sustainable development—for example, the FAO Code of Conduct for Responsible Fisheries (1995), the ecosystem approach to fisheries, and the FAO Voluntary Guidelines to the Right to Food (2005).

Creation of the Preliminary Version drew upon the results of case studies on governance of tenure in fisheries. It drew upon the Voices of Fishers initiative on issues relating to the governance of tenure—a project carried out in collaboration with the International Collective in Support of Fishworkers (ICSF).

It included the results of discussions held regarding the governance of tenure for responsible capture fisheries and information generated by other processes.

The Preliminary Version also considered the results of the consultations linked to the development of the SSF Guidelines.

The document itself was prepared by the FAO Fisheries and Aquaculture Department, with contributions by external peer reviewers.

The final version of the VGGT Implementation Guide will become available in 2015 after a period of additional discussions, reviews and the knowledge sharing and lessons learned during Tenure and Fishing Rights 2015—A global forum on rights-based approaches for fisheries (UserRights 2015), to be held in Siem Reap, Cambodia, 23-27 March 2015.

With the final version, we will all have a common guide and tool that we can use to help us to improve



Fishing activity in Cambodia. *UserRights 2015—A global forum on rights-based approaches for fisheries* will be held in Siem Reap, Cambodia, during 23-27 March 2015

fisheries management and more evenly empower fisheries stakeholders. And, in doing so, we can smooth out the bumpy road to achieving socially equitable and genuinely secure sustainable small-scale fisheries. 3

For more



www.UserRights2015.com/
**Tenure & Fishing Rights 2015:
 A Global Forum on Rights-based
 Approaches for Fisheries**

[ftp.fao.org/docrep/fao/005/y4470e/
 y4470e00.pdf](ftp://ftp.fao.org/docrep/fao/005/y4470e/y4470e00.pdf)

**The Ecosystem Approach
 to Fisheries. FAO Technical
 Guidelines for Responsible
 Fisheries. No. 4, Suppl. 2. Rome,
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**Thematic Fisheries Issue of
 FAO Land Tenure Journal
 (LTJ No. 1, 2013)**