



Introduction to the Responsible Governance of Tenure

Why is Governance of Tenure important?

 Food and Agriculture Organization of the United Nations

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Introduction to Responsible Governance of Tenure
Why is Governance of Tenure important?

LEARNING OBJECTIVES



- Understand the importance of responsible governance of tenure for achieving food security and other development goals.

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INTRODUCTION

Livelihoods and food security of people are based on secure and equitable access to land and other natural resources.



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WHAT IS TENURE?

What is tenure?



TENURE = RIGHTS (AND DUTIES) IN RELATION TO A NATURAL RESOURCE



Tenure rights can be created under **formal** legal systems, or arise from **custom**.



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WHAT IS TENURE?



People can have rights to a **land** or **forest**, such as the right to possess, occupy and use, harvest and collect produce, sell, gift, mortgage, lease out, leave by inheritance, etc.



People can have the rights in relation to that **fishery** or area, particularly the rights to take fish or other aquatic life or products.

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WHAT IS TENURE?

TENURE RIGHTS \neq OWNERSHIP

For example, someone could own the land where there is a forest, but other people have the right to hunt or gather food on it...



...or the state controls a fishery, but people can have a license or other rights to catch the fish or take materials from the sea, lake or river.

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WHAT IS TENURE?

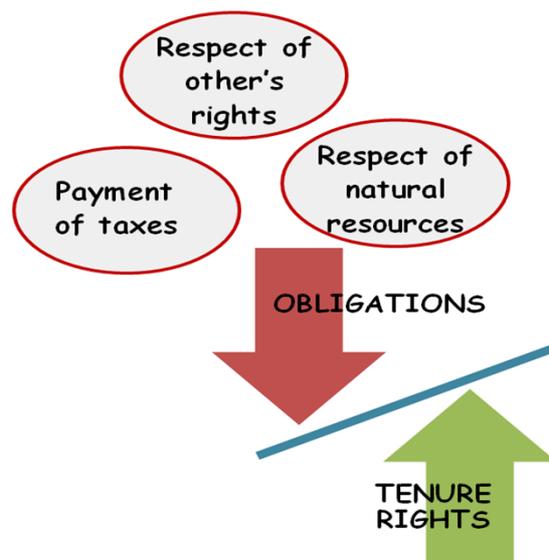
Tenure rights can be for an **indefinite period**, such as ownership, or for a more **limited period**.



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WHAT IS TENURE?

Tenure is also about **duties and obligations...**



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WHAT IS TENURE?



To summarize, how would you define the concept of tenure?

- 1 The ownership of one person, or a group, in relation to a particular resource, such as land, fishery or forest.
- 2 The rights and duties of one person, or a group, in relation to a particular resource, such as land, fishery or forest.

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LEGITIMATE TENURE RIGHTS

Can these people be considered as having tenure rights?

I have been fishing here for 30 years.



Albert

Everyone in the village knows that this is my house.



Asya

Mariam



We use the forest only sometimes, particularly when crops do not do well or in certain seasons when the forest produce is abundant.

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LEGITIMATE TENURE RIGHTS



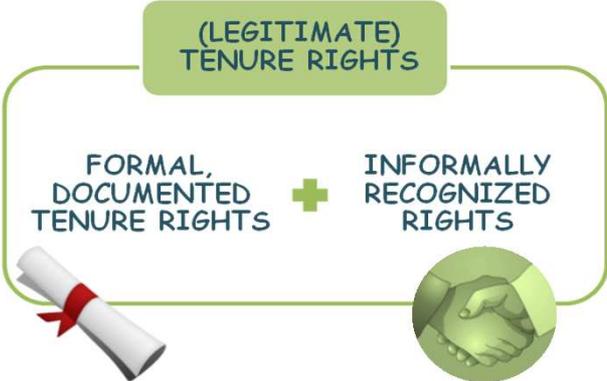
They do not have formal, legally documented rights.

However, they could be considered as having tenure rights.



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LEGITIMATE TENURE RIGHTS



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LEARNING OBJECTIVES

Think about your country...



What would "legitimate" mean in your country or work?

How long does it take to gain occupation rights?

Are there customary or traditional means for assigning or allocating rights?

Does everyone respect these customs or traditions?

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WHAT IS GOVERNANCE OF TENURE?

What is governance of tenure ?

It is the way in which access to and control over natural resources is managed in a society.



Governance of tenure refers to both the **organizations** (government, courts, agencies) and the **rules and processes** that regulate tenure rights.

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WHAT IS GOVERNANCE OF TENURE?

Governments and their agencies are a central part of governance. They are often in charge of the management of tenure rights.

In customary tenure systems, the **customary institutions and offices** within a group or community are central to governance.



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WHAT IS GOVERNANCE OF TENURE?

Written **laws, rules and procedures** control tenure rights in many countries, often based on a civil code, land code and forestry code.

In other parts of the world, the governance of land, fisheries and forest tenure is a customary matter regulated by the rules of **local customs and approaches**.



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WHAT IS RESPONSIBLE GOVERNANCE OF TENURE?

When can governance of tenure be considered responsible?

Examples of consequences of **weak governance**:



Power abuse



Displaced people



Land conflict



Corruption

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WHAT IS RESPONSIBLE GOVERNANCE OF TENURE?

Responsible governance of tenure is fair and equitable governance, which seeks to bring the greatest good to the most people, while minimizing adverse impacts on individuals or groups, and keeping in mind the principle of sustainability.

Principles of responsible governance

1. Recognition and respect for tenure right holders and their rights.
2. Safeguarding and protection of tenure rights against threats and infringements.
3. Promotion and facilitation of the enjoyment and exercise of tenure rights.
4. Provision of access to justice to deal with infringements to tenure rights.
5. Prevention of tenure disputes, violent conflicts and corruption.

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BENEFITS OF RESPONSIBLE GOVERNANCE OF TENURE



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BENEFITS OF RESPONSIBLE GOVERNANCE OF TENURE

Benefits for livelihoods and food security

For example:

↓ The farmers did not know where the **boundaries** of their properties were located, so they did not plant crops up to the boundaries, in case the neighbours claimed some of the land and took the crops. As a result, the land around the boundaries sat idle.

↑ But with clear boundaries, following surveying as part of a land registration project, the farmer could utilise all of the land and increase production for the family and for sale.

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BENEFITS OF RESPONSIBLE GOVERNANCE OF TENURE

Benefits for livelihoods and food security

For example:

 The **court system** that managed all the documents was a mess. Case files went missing, judges could not find the necessary documents, hearings were delayed, corruption was common, and decisions could not be located to be enforced.

 A new court management system was introduced that streamlined case management, greatly increasing security and efficiencies. Corruption opportunities were reduced dramatically. Cases were heard without delay, and decisions were delivered and enforced efficiently and promptly. Disputes over tenure rights were more reliably, quickly and securely resolved.

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BENEFITS OF RESPONSIBLE GOVERNANCE OF TENURE

Benefits for gender equality

Women often have **fewer and weaker rights** to land and other natural resources than men.

For example:

 In some places, women **cannot own or lease land**. More often though, women can own or lease land in theory, but custom and societal pressures stop them from acquiring rights or force them to give up those rights to male relatives.

In some places, **unmarried women** cannot acquire land, although the same rules do not apply to unmarried men.

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BENEFITS OF RESPONSIBLE GOVERNANCE OF TENURE

Benefits for the environment

↑

- farmers are more likely to invest in improving their land if they have secure tenure and can thus expect to benefit from their investments;
- fishers are motivated to protect productive aquatic habitats;
- in the same way, security of tenure and living conditions of urban dwellers will have positive environmental impacts.

Otherwise...

↓

- farmers overcrop or do not care for the topsoil;
- fishers take too many fish and the fishery collapses; or
- foresters take excessive numbers of trees without regard for the health of the forest.

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BENEFITS OF RESPONSIBLE GOVERNANCE OF TENURE

Responsible governance of tenure is perhaps more important **now than ever in the past.**



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SUMMARY



Tenure are the rights (and duties) that someone has in relation to a natural resource, such as land, fisheries or forests.

Legitimate tenure rights can be created under formal legal systems, or arise from custom, depending on the system in a particular country.

Governance of tenure is the way in which access to and control over natural resources is managed in a society.

Governance of tenure is **responsible** when it is fair and equitable and seeks to bring the greatest good to the most people, while minimizing adverse impacts on individuals or groups and keeping in mind the principle of sustainability.

Responsible governance of tenure supports people's **livelihoods and food security, gender equality** and the **environment**.