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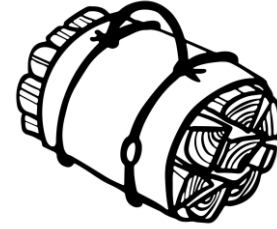


From the Voluntary Guidelines on Land, Forests and Fisheries to a Global dialogue on Water tenure

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Land and water tenure specialist –FAO

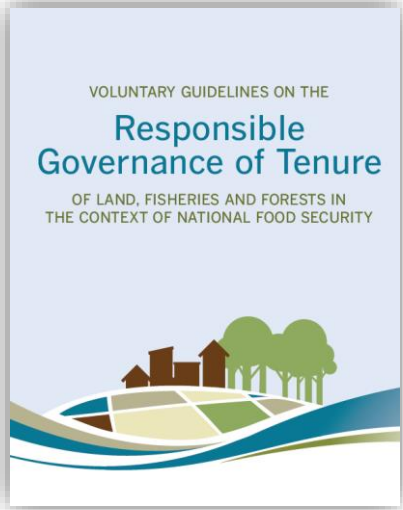
LESSONS FROM A TENURE APPROACH

- **Bundle of rights:** tenure as a bundle of rights rather than a single civil property right, including : access, withdrawal, management, exclusion, alienation, etc...
- **Recognition of formal and customary rights:** can be as effective, if not more, than legally recognized rights
- **Participation and self-governance:** decentralization in natural resource management can be more effective when local authorities have more autonomy



the recognition of indigenous peoples' and local communities' tenure rights, legal and policy reform processes and have benefited the environment

LESSONS FROM THE VGGT IMPLEMENTATION



MSPs



HOW DOES TENURE RELATE TO WATER RESOURCES?



- A core concept of the VGGT is "legitimate tenure rights," acknowledging diverse normative systems including customary and indigenous practices.
- Informal water tenure arrangements are recognized as significant for resource allocation and livelihood sustainability, especially concerning groundwater and water quality.
- Understanding informal tenure can inform strategies to address water scarcity and climate change.

Responsible governance of tenure aims at...

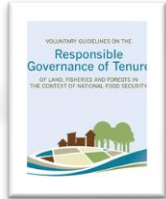
- *protecting legitimate rights*
- *enhancing the transparency of information and tenure systems*
- *improving policy, legal and institutional frameworks and reducing implementation gaps*

“the relationships, whether legally or customarily defined, between people, as individuals or groups, with respect to water resources.”

THE LONG ROAD TOWARDS THE GLOBAL WATER TENURE DIALOGUE



2012



CFS endorses Voluntary Guidelines for Responsible Governance of Tenure of Land, Forests and Fisheries

2015

CFS endorses policy recommendations on Water for Food Security and Nutrition

2019

Expert Consultation on water tenure in FAO **Knowing Water Better** project linking water accounting with water tenure assessment in Rwanda, Senegal and Sri Lanka.



2021

Water tenure Mondays webinar reach the 1000 participants
Results from Senegal, Rwanda and Sri Lanka available



THE LONG ROAD TOWARDS THE GLOBAL WATER TENURE DIALOGUE

2022

July: FAO COAG calls for Global Dialogue on Water Tenure in collaboration with UN partners



2023

Expert group reach 30 partners

March: Global Dialogue on Water Tenure launched at UN Water conference

FAO commitment in Water Action Agenda
Online global expert consultation



2024

Water tenure assessment guide revised
Water tenure Mondays publication
Launching ScaleWat project in Colombia, Thailand and the ECOWAS region for pastoral communities



Thank you!



From Data to Dialogue: Understanding and Enhancing Responsible Governance of Water Tenure

Jessica Troell

Senior Attorney

Director, International Water Program

Environmental Law Institute

Chloe Ginsburg

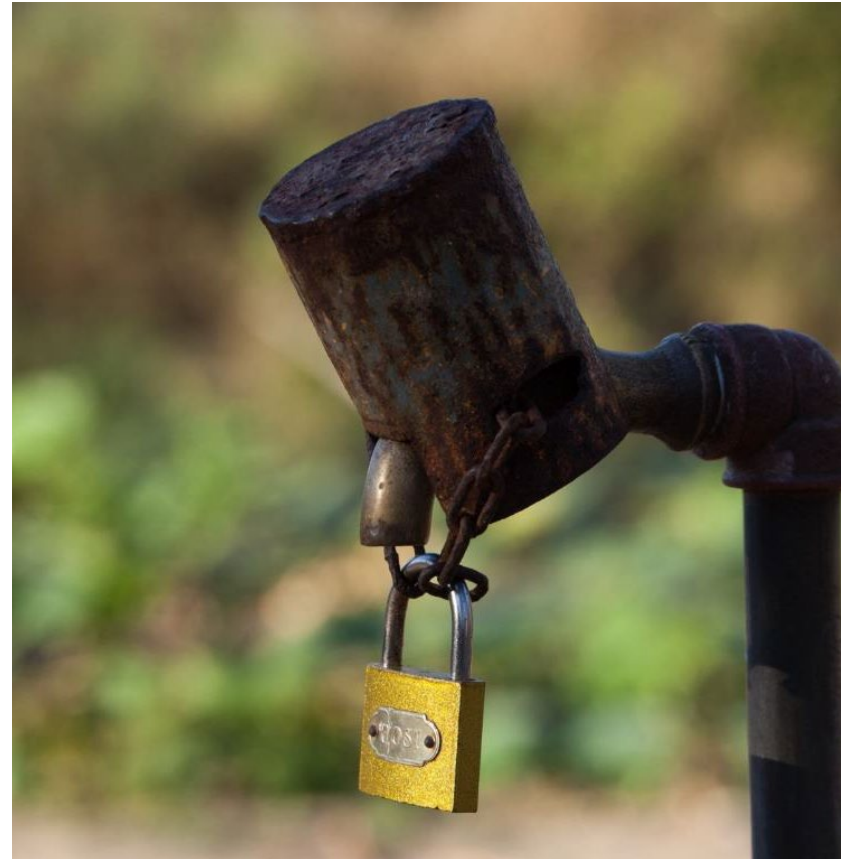
Senior Tenure Analyst

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Why Water Tenure?

- Bundle of forest/land **tenure rights** widely accepted and can be tailored to freshwater context
- Broad acceptance that **secure community forest/land tenure rights** are prerequisites for food security, sustainable land governance, sustainable livelihoods and development & climate goals – water is critical to achieving these goals
- A tenure lens provides basis for considering the rights of all legitimate rightsholders (including customary) and how they link to land and forest tenure to improve equity and sustainability in resource governance



Building the Evidence Base and Developing a Community of Practice

 Food and Agriculture Organization of the United Nations

LAND AND WATER DISCUSSION PAPER

15

Unpacking water tenure for improved food security and sustainable development



Whose Water?

A COMPARATIVE ANALYSIS OF NATIONAL LAWS AND REGULATIONS RECOGNIZING INDIGENOUS PEOPLES', AFRO-DESCENDANTS', AND LOCAL COMMUNITIES' WATER TENURE



RIGHTS AND RESOURCES INITIATIVE & ENVIRONMENTAL LAW INSTITUTE

AUGUST 2020

 Food and Agriculture Organization of the United Nations



KnoWat Project

Water tenure Assessment Guide

IWMI
International Water Management Institute

182

Research Report

Legal Recognition of Customary Water Tenure in Sub-Saharan Africa: Unpacking the Land-Water Nexus

Jessica Troell and Stephanie Keene

Unpacking the Land-Water Nexus

- Communities' freshwater tenure frequently depend on their legally recognized land or forest rights
- Tenure regimes with a land/water nexus often provide more consistent recognition of a wider range community-based freshwater
- The nexus is created under national laws are extremely diverse and rarely stemming from land, forest, agricultural and water laws, national constitutions, local government and administrative laws, and others.
- Particularly critical for women's water tenure and customary rightsholders
- Legislative harmonization and more integrated approaches to land, forest and water tenure governance are critical



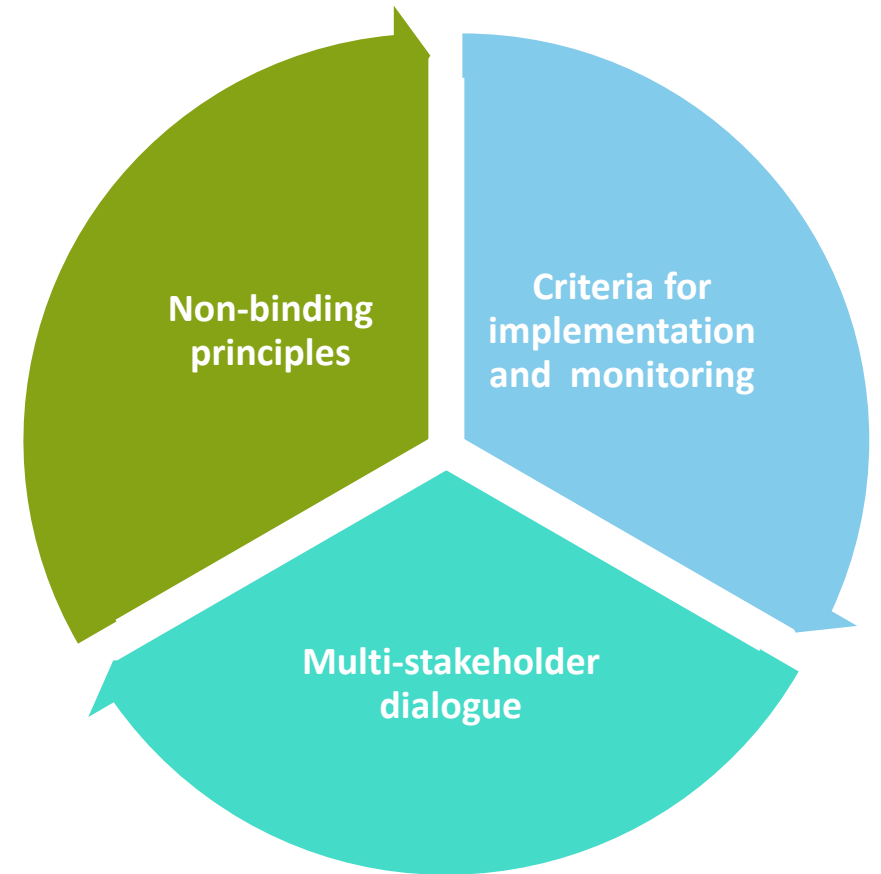
Indigenous and community women's particular relationship with freshwater

- Women have **differentiated knowledge** as well as **differing responsibilities, priorities, and needs with respect to water** that are vital to sustainable resource management, health and food security.
- And yet, evidence has revealed a clear gap between women's roles and their recognized rights.
- RRI/ELI research has found that **laws regulating community-based freshwater rights are typically gender-blind**, with **just one-third (13) of 39 community-based water tenure regimes** in 15 countries protecting women's specific rights to participate in freshwater governance.
- Forthcoming research will further unpack the importance of the land-water nexus for communities' ability to use and govern freshwater, and how this impacts women's water tenure rights.



A Global dialogue on Principles for the Responsible Governance of Water Tenure

The overarching objective of a Global Consultative Process on Water Tenure is to develop a **set of global Principles for the Responsible Governance of Water Tenure** that can support countries and their institutions to improve the governance of water tenure and its administration as a means of realizing food and water security, promoting social inclusion and equitable resource rights, fostering climate resilience, and protecting ecosystems within the broader framework of realizing the SDGs.



Objectives of Global Dialogue

- **Build set of non-binding principles** for the responsible governance of water tenure
- **Build consensus** around the principles through multistakeholder consultations at country, regional and global level
- **Define criteria** to guide the implementation of principles
- **Build capacities** of countries and non-state actors to apply principles



What's next?

- **ScaleWat:** FAO-led project funded by German government that will support:
 - Finalization of Roadmap for Global Dialogue
 - Development of thematic issue papers
 - Refining assessment methodologies and applying in 2 additional countries
 - Two regional (Asia and Latin America) and two national (Colombia and Thailand) consultations and one stakeholder-specific consultation focused on pastoralists (ECOWAS)
- **Expert's consultations & background papers** to guide process and to clarify concepts, finalize Roadmap, and develop criteria for implementation.
- **Political process for review and endorsement** of guiding principles at international fora
- **Partners' Meetings** with UN agencies, donors, civil society, academia, private sector to build political and financial support





JOIN THE PROCESS!