



Voluntary Guidelines on the
**RESPONSIBLE GOVERNANCE
OF TENURE OF LAND,
FISHERIES AND FORESTS**
in the context of national food security
Linkages and opportunities for Cambodia's land reform

Voluntary Guidelines Secretariat

*Natural Resources Management and Environment Department
Food and Agriculture Organization of the United Nations*



VOLUNTARY GUIDELINES ON THE

Responsible Governance of Tenure

OF LAND, FISHERIES AND FORESTS IN
THE CONTEXT OF NATIONAL FOOD SECURITY



- 1. The VGGT Development process**
- 2. Summary of the VGGT**
- 3. Building on the consensus**
- 4. Linkages with the White Paper and further work**

AN UNPRECEDENTED INTERNATIONAL AGREEMENT ON TENURE GOVERNANCE

3

“An historical momentum.”

Alberta Guerra, Food Policy officer, Action Aid
International

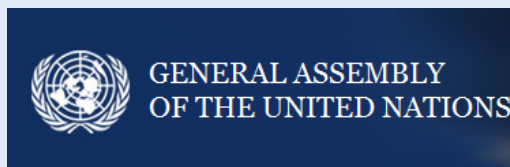
**“a milestone
achievement.”**

José Graziano da Silva, Director
General, FAO

•application encouraged by G8, G20, Rio +20, APEC,
Francophone Parliamentary Assembly, UN General Assembly
and Berlin Agriculture Ministers' Summit ...

**“We encourage private investment be carried out in a responsible
manner with VG and PRAI being taken into account.”**

Kazan Declaration on APEC Food Security



Problems of tenure and weak governance

Tenure rights not recognized

Inequitable access

Discrimination

Forced eviction

State capture

Bribery

Limited capacity

Expensive and difficult procedures

No accountability or transparency

Contradictory laws and policies

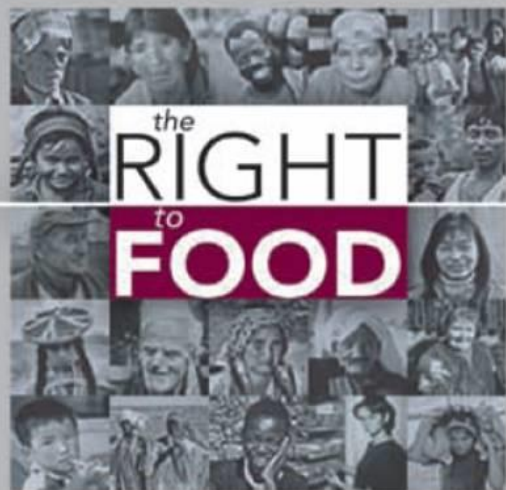
INCREASING COMPETITION FOR NATURAL RESOURCES:

- Population growth
- Urbanization
- Changing diets
- Demand for energy

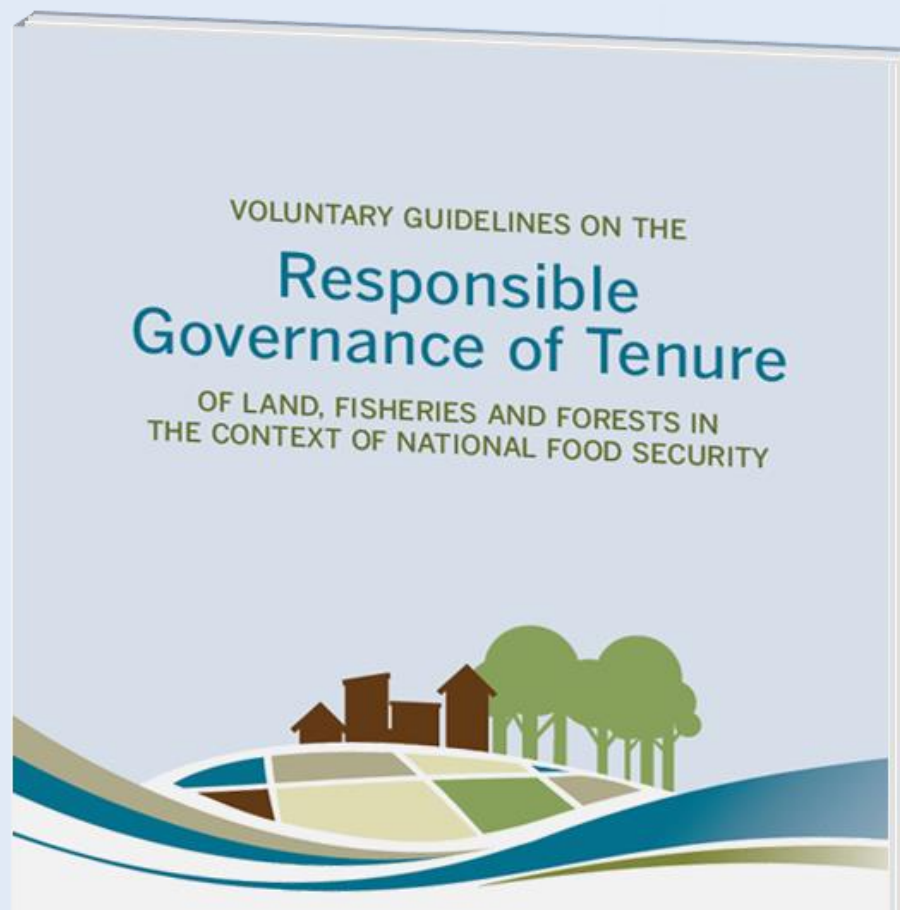
Governing institutions have
not adapted to growing
intensity of competition

VOLUNTARY GUIDELINES

support the progressive realization of
the right to adequate food
in the context of national food security



- **Voluntary**
- **Set out principles and practices**
- **Do not replace laws and treaties**
- **Do not reduce existing obligations**



Development of the Voluntary Guidelines

CONSULTING ACTORS

RESEARCH and NETWORKING

- *2000 onwards*

CONSULTATIONS

- 2009 – 2010

DRAFTING

- 2011
(January – June)



Development of the Voluntary Guidelines

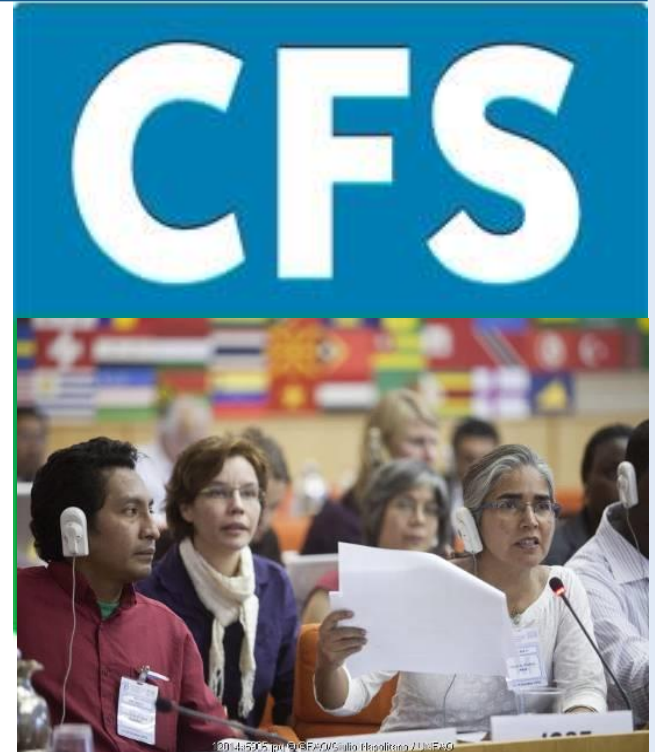
NEGOTIATING A RELEVANT TEXT

NEGOTIATIONS

- 2011 – 2012
(July, October, March)

ENDORSEMENT by CFS

- 11 May 2012



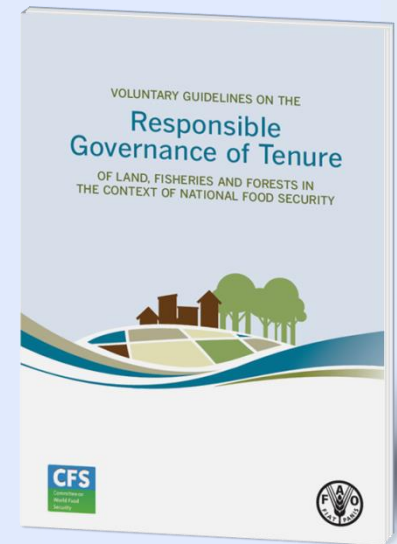
What are the Guidelines about?

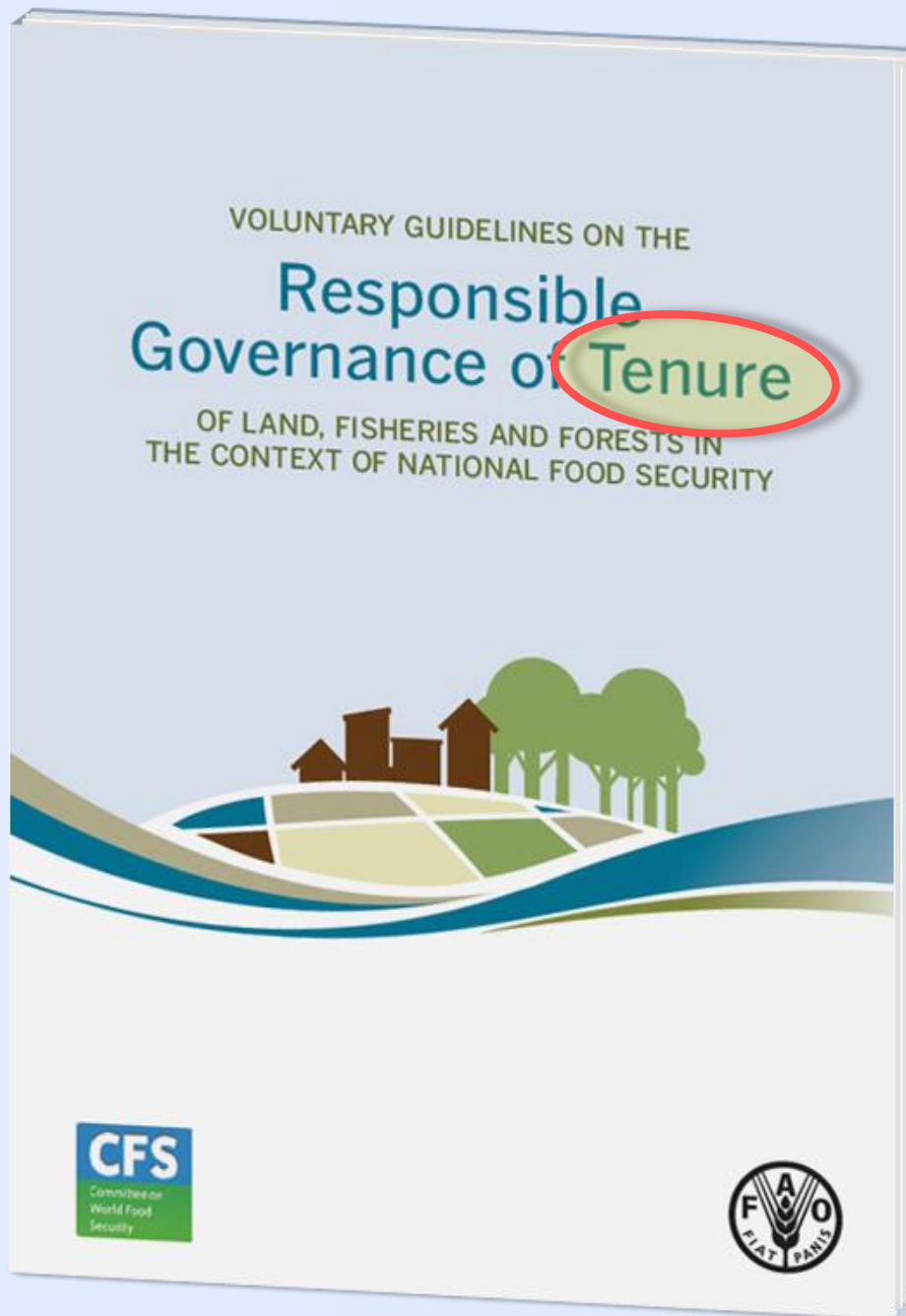
Responsible Governance

To support the sustainable use of land, fisheries and forest resources and care for the environment.

Tenure

- How people get access to natural resources.
- Who can use what resources, for how long, and under what conditions



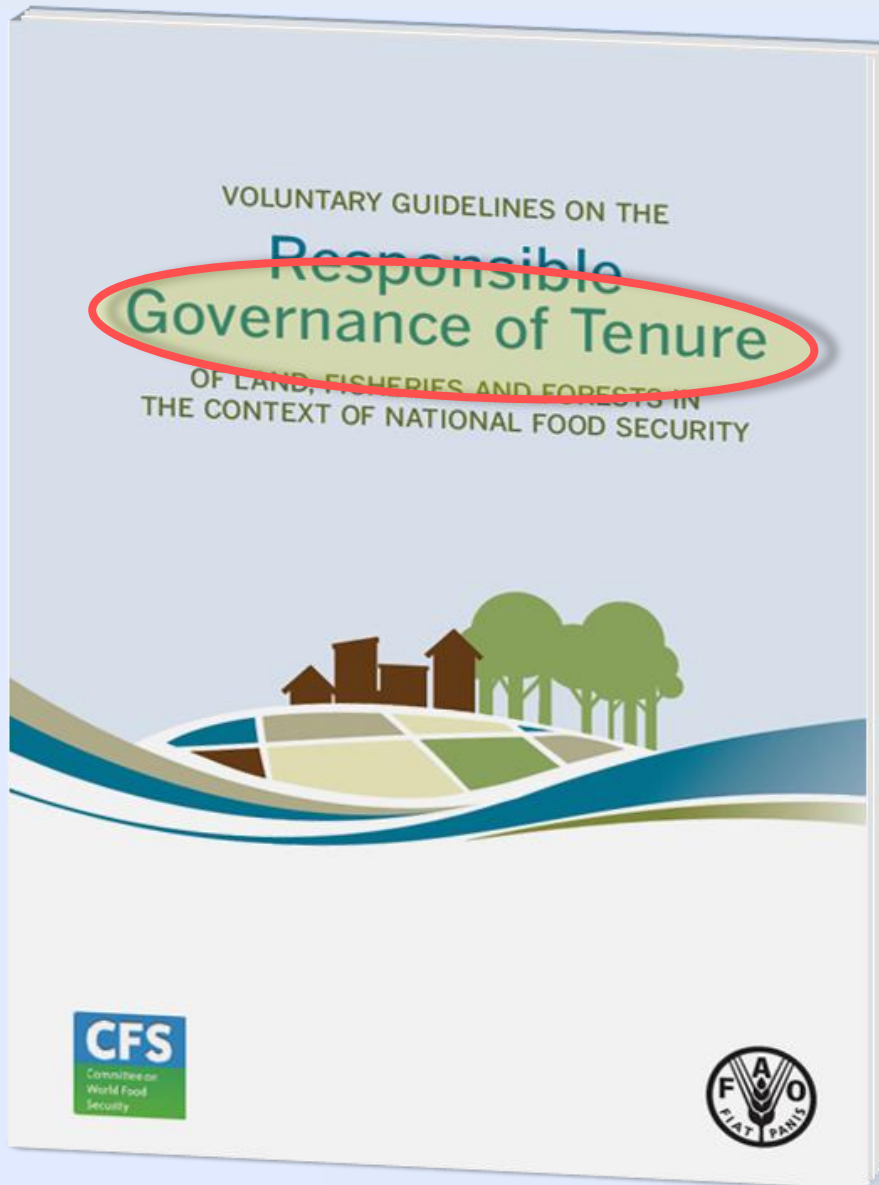


All forms of tenure

Public, private, communal, collective, indigenous and customary.

Ownership and other rights to use the natural resources.

What are the Guidelines for?

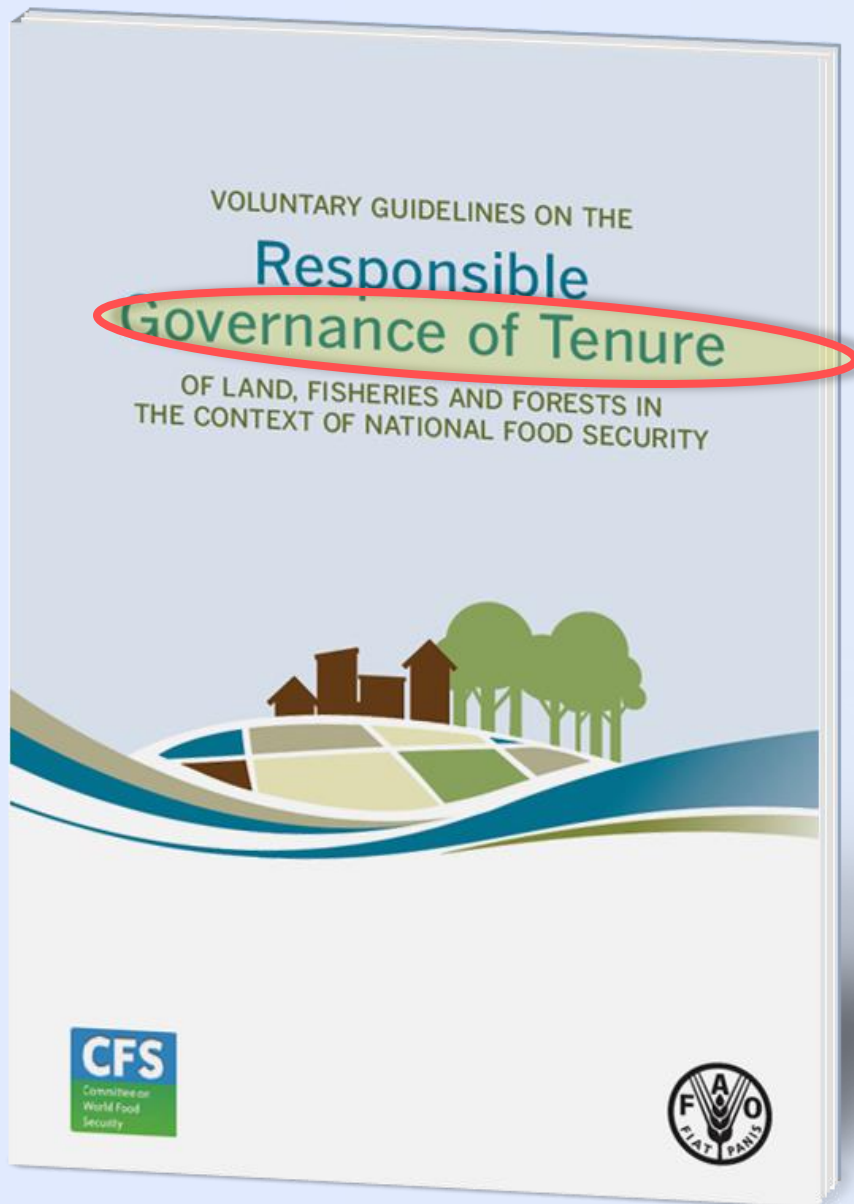


To improve governance of tenure

For the benefit of all people.

There is an emphasis on people who are vulnerable and marginalized.

Why is there a need to improve the governance of tenure?



To improve food security

And also...

poverty eradication,
sustainable livelihoods,

social stability,
housing security,

rural development,
environmental protection

and sustainable and equitable
social and economic
development.

Contents

PREFACE	iv
1 Preliminary	1
1. Objectives	1
2. Nature and scope	2
2 General matters	3
3. Guiding principles of responsible tenure governance	3
3A General principles	3
3B Principles of implementation	4
4. Rights and responsibilities related to tenure	6
5. Policy, legal and organizational frameworks related to tenure	7
6. Delivery of services	9
3 Legal recognition and allocation of tenure rights and duties	11
7. Safeguards	11
8. Public land, fisheries and forests	12
9. Indigenous peoples and other communities with customary tenure systems	14
10. Informal tenure	16
4 Transfers and other changes to tenure rights and duties	19
11. Markets	19
12. Investments	20
13. Land consolidation and other readjustment approaches	23
14. Restitution	25
15. Redistributive reforms	25
16. Expropriation and compensation	27
5 Administration of tenure	29
17. Records of tenure rights	29
18. Valuation	30
19. Taxation	31
20. Regulated spatial planning	32
21. Resolution of disputes over tenure rights	33
22. Transboundary matters	33
6 Responses to climate change and emergencies	35
23. Climate change	35
24. Natural disasters	36
25. Conflicts in respect to tenure of land, fisheries and forests	37
7 Promotion, implementation, monitoring and evaluation	39

Guidance which applies to all sections

Part 1: Preliminary

Sets the direction:

- Objectives
- Nature and scope

Part 2: General Matters

Provides overall guidance:

- Guiding principles.
- Tenure rights.
- Policy, legal and organizational frameworks.
- Delivery of services.

Contents of the Voluntary Guidelines

GENERAL PRINCIPLES

- **RECOGNIZE AND RESPECT** legitimate holders of tenure rights, and their rights.
- **SAFEGUARD** legitimate tenure rights against threats.
- **PROMOTE AND FACILITATE** the enjoyment of legitimate tenure rights.
- **PROVIDE** access to justice to deal with infringements.
- **PREVENT** tenure disputes, conflicts, and opportunities for corruption.

Contents of the Voluntary Guidelines

PRINCIPLES OF IMPLEMENTATION

- Human dignity
- Non-discrimination
- Equity and justice
- Gender equality
- Holistic and sustainable approach
- Consultation and participation
- Rule of law
- Transparency
- Accountability
- Continuous improvement



Contents

PREFACE	iv
1 Preliminary	1
1. Objectives	1
2. Nature and scope	2
2 General matters	3
3. Guiding principles of responsible tenure governance	3
3A General principles	3
3B Principles of implementation	4
4. Rights and responsibilities related to tenure	6
5. Policy, legal and organizational frameworks related to tenure	7
6. Delivery of services	9
3 Legal recognition and allocation of tenure rights and duties	11
7. Safeguards	11
8. Public land, fisheries and forests	12
9. Indigenous peoples and other communities with customary tenure systems	14
10. Informal tenure	16
4 Transfers and other changes to tenure rights and duties	19
11. Markets	19
12. Investments	20
13. Land consolidation and other readjustment approaches	23
14. Restitution	25
15. Redistributive reforms	25
16. Expropriation and compensation	27
5 Administration of tenure	29
17. Records of tenure rights	29
18. Valuation	30
19. Taxation	31
20. Regulated spatial planning	32
21. Resolution of disputes over tenure rights	33
22. Transboundary matters	33
6 Responses to climate change and emergencies	35
23. Climate change	35
24. Natural disasters	36
25. Conflicts in respect to tenure of land, fisheries and forests	37
7 Promotion, implementation, monitoring and evaluation	39

Part 3: Legal recognition and allocation of tenure rights

- Safeguards
- Public lands, fisheries and forests
- Indigenous peoples and others with customary tenure
- Informal tenure

Part 4: Transfers and other changes to tenure rights

- Markets.
- Investments.
- Readjustments.
- Restitution.
- Redistributive reforms.
- Expropriation.

Contents

PREFACE	iv
1 Preliminary	1
1. Objectives	1
2. Nature and scope	2
2 General matters	3
3. Guiding principles of responsible tenure governance	3
3A General principles	3
3B Principles of implementation	4
4. Rights and responsibilities related to tenure	6
5. Policy, legal and organizational frameworks related to tenure	7
6. Delivery of services	9
3 Legal recognition and allocation of tenure rights and duties	11
7. Safeguards	11
8. Public land, fisheries and forests	12
9. Indigenous peoples and other communities with customary tenure systems	14
10. Informal tenure	16
4 Transfers and other changes to tenure rights and duties	19
11. Markets	19
12. Investments	20
13. Land consolidation and other readjustment approaches	23
14. Restitution	25
15. Redistributive reforms	25
16. Expropriation and compensation	27
5 Administration of tenure	29
17. Records of tenure rights	29
18. Valuation	30
19. Taxation	31
20. Regulated spatial planning	32
21. Resolution of disputes over tenure rights	33
22. Transboundary matters	33
6 Responses to climate change and emergencies	35
23. Climate change	35
24. Natural disasters	36
25. Conflicts in respect to tenure of land, fisheries and forests	37
7 Promotion, implementation, monitoring and evaluation	39

Part 5: Administration of tenure

- Records of tenure rights.
- Valuation.
- Taxation.
- Regulated spatial planning.
- Resolution of disputes over tenure.
- Transboundary matters.

Contents

PREFACE	iv
1 Preliminary	1
1. Objectives	1
2. Nature and scope	2
2 General matters	3
3. Guiding principles of responsible tenure governance	3
3A General principles	3
3B Principles of implementation	4
4. Rights and responsibilities related to tenure	6
5. Policy, legal and organizational frameworks related to tenure	7
6. Delivery of services	9
3 Legal recognition and allocation of tenure rights and duties	11
7. Safeguards	11
8. Public land, fisheries and forests	12
9. Indigenous peoples and other communities with customary tenure systems	14
10. Informal tenure	16
4 Transfers and other changes to tenure rights and duties	19
11. Markets	19
12. Investments	20
13. Land consolidation and other readjustment approaches	23
14. Restitution	25
15. Redistributive reforms	25
16. Expropriation and compensation	27
5 Administration of tenure	29
17. Records of tenure rights	29
18. Valuation	30
19. Taxation	31
20. Regulated spatial planning	32
21. Resolution of disputes over tenure rights	33
22. Transboundary matters	33
6 Responses to climate change and emergencies	35
23. Climate change	35
24. Natural disasters	36
25. Conflicts in respect to tenure of land, fisheries and forests	37
7 Promotion, implementation, monitoring and evaluation	39

Part 6: Responses to climate change and emergencies

- Climate change.
- Natural disasters.
- Conflicts.

Part 7: Promotion, implementation, monitoring and evaluation

Contents

PREFACE	iv
1 Preliminary	1
1. Objectives	1
2. Nature and scope	2
2 General matters	3
3. Guiding principles of responsible tenure governance	3
3A General principles	3
3B Principles of implementation	4
4. Rights and responsibilities related to tenure	6
5. Policy, legal and organizational frameworks related to tenure	7
6. Delivery of services	9
3 Legal recognition and allocation of tenure rights and duties	11
7. Safeguards	11
8. Public land, fisheries and forests	12
9. Indigenous peoples and other communities with customary tenure systems	14
10. Informal tenure	16
4 Transfers and other changes to tenure rights and duties	19
11. Markets	19
12. Investments	20
13. Land consolidation and other readjustment approaches	23
14. Restitution	25
15. Redistributive reforms	25
16. Expropriation and compensation	27
5 Administration of tenure	29
17. Records of tenure rights	29
18. Valuation	30
19. Taxation	31
20. Regulated spatial planning	32
21. Resolution of disputes over tenure rights	33
22. Transboundary matters	33
6 Responses to climate change and emergencies	35
23. Climate change	35
24. Natural disasters	36
25. Conflicts in respect to tenure of land, fisheries and forests	37
7 Promotion, implementation, monitoring and evaluation	39

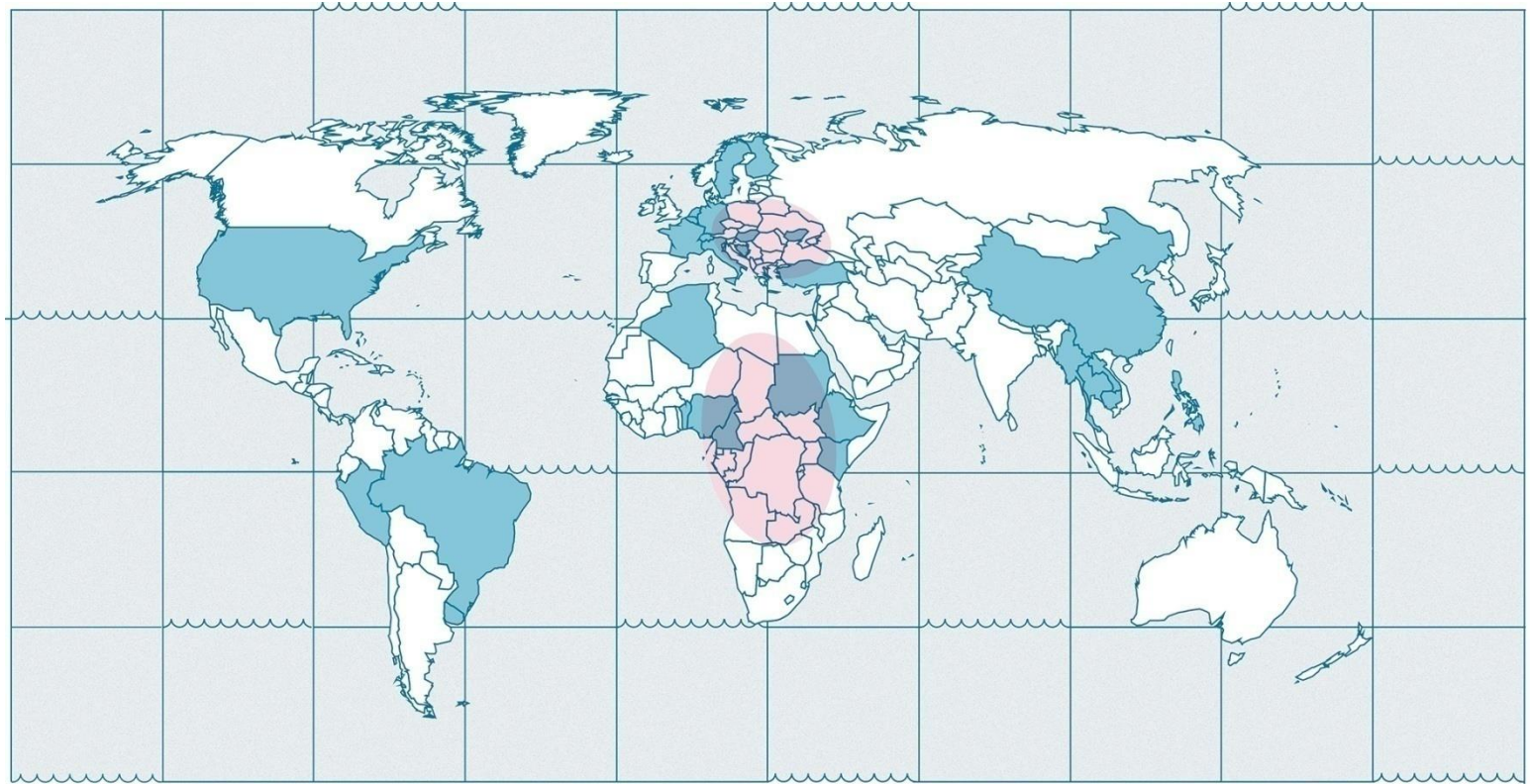
Part 6: Responses to climate change and emergencies

- Climate change.
- Natural disasters.
- Conflicts.

Part 7: Promotion, implementation, monitoring and evaluation

Building on the consensus

AWARENESS RAISING AROUND THE GLOBE



11 Regional awareness raising workshops completed around the globe

So far :

17 Country-level workshops requested

53 Briefings in over **35** countries completed

Building on the consensus

SUPPORT TO COUNTRIES

Already responding to country requests on the VGGT :

**Planned National
Workshops in Asia
INCLUDE :**

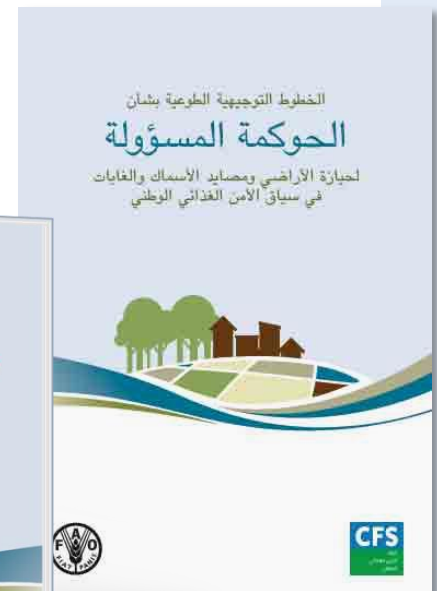
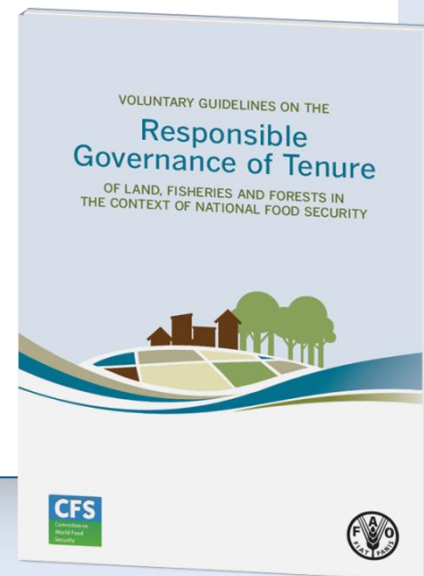
- China
- Mongolia
- Myanmar
- Nepal
- Pakistan
- Philippines
- Viet Nam

... and mainstreaming in all relevant country work

Reaching a consensus

A MILESTONE ACHIEVEMENT

- Globally relevant, appropriate and accepted text
- Dialogue between global, regional and national actors
- Awareness raising, capacity development , advocacy
- Networks and partnerships



Building on the consensus

STRENGTHENING OF PARTNERSHIPS

Partnership at the Regional level

- ☐ World Bank
 - ☐ IFAD
 - ☐ UNESCAP
 - ☐ Others (e.g. Chinese Academy of Agriculture Science)
-

Cambodia Rectangular Strategy Phase III

Side 3: **Land Reform**

Intensify and deepen land reform on strengthening the management organization, utilization and conservation of lands that will contribute to the national objective of poverty reduction, ensuring food security, protecting the environment and natural resources, and socio-economic development.

Side 4: **Sustainable management of natural resources**

Reinforce and broaden the management of natural resources and ensuring equity and effectiveness

Cambodia Land Policy

VISION

Land management, use and distribution in an equitable, transparent, effective and sustainable manner in order to achieve the national goals of poverty reduction, food security, environmental protection, and natural resources, national defense, and socio-economic development in the context of market economy.



Land Policy: Legal recognition and allocation

- Framework of land tenure
- Public lands, fisheries and forests
- Indigenous peoples
- National housing policy and temporary settlements

tenure systems
10. Informal tenure

14
16

Land Policy: Transfers and changes to tenure rights

- Social Land Concessions
- Economic Land Concessions

Part 3: Legal recognition and allocation of tenure rights

- Safeguards
- Public lands, fisheries and forests
- Indigenous peoples and others with customary tenure
- Informal tenure

Part 4: Transfers and other changes to tenure rights

- Markets.
- Investments.
- Readjustments.
- Restitution.
- Redistributive reforms.
- Expropriation.

Contents

PREFACE	iv
1 Preliminary	1
1. Objectives	1
2. Nature and scope	2

Action Plan of Land Policy: Land Administration

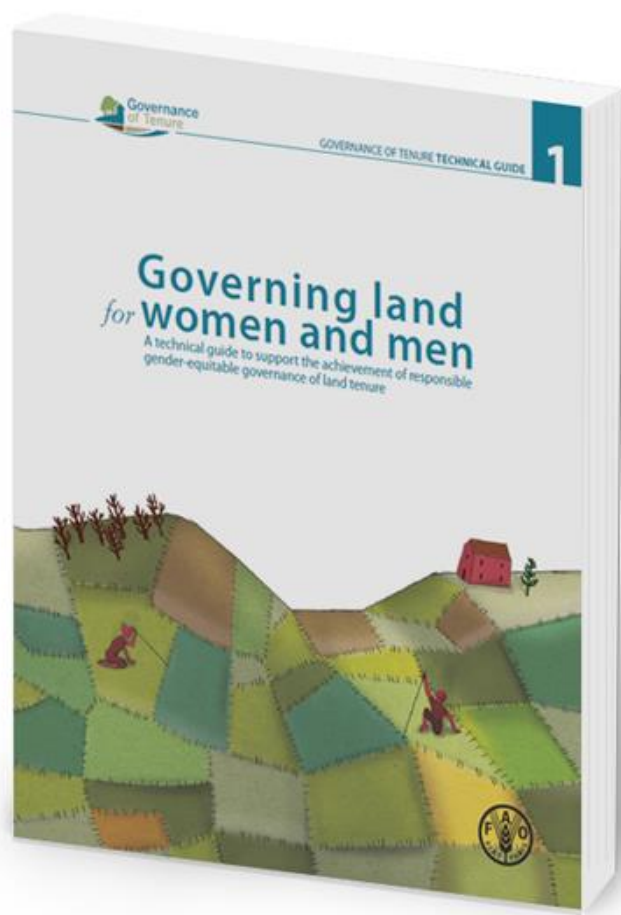
- Land registration
- Valuation system and taxation
- Demarcation of administrative boundaries
- Resolution of land disputes outside the courts
- Land information system and national spatial data infrastructure

6 Responses to climate change and emergencies	35
23. Climate change	35
24. Natural disasters	36
25. Conflicts in respect to tenure of land, fisheries and forests	37
7 Promotion, implementation, monitoring and evaluation	39

Part 5: Administration of tenure

- Records of tenure rights
- Valuation
- Taxation
- Regulated spatial planning
- Resolution of disputes over tenure
- Transboundary matters

Using the Voluntary Guidelines



Gender-equitable governance of land tenure ensures that women and men can participate equally in their relationships to land through both formal institutions and informal arrangements for land administration and management.

**Gender-equitable
governance of land,
fisheries and forests**

**Ensure
participatory,
gender-sensitive
processes**

**Design and ensure
gender-sensitive
service delivery**

**Ensure gender
sensitization of
institutions through
increasing access for
women and building
capacity**

White Paper on Gender

- Equal access to resources
- Equal beneficiaries of programs
- Joint ownership
- Titles for women heads of households
- Equal participation
- Equal representation
- Capacity development
- Participatory land use planning
- Land distribution



Building on the consensus

FROM PRINCIPLES TO ACTIONS

The real value of the Guidelines will be determined by their contribution to changes in the lives and livelihoods of men and women around the globe, particularly the vulnerable and marginalized

COLLECTIVELY DESIGNING THE ROAD AHEAD

- Awareness raising
- Capacity development
- Country level focus
- Partnerships, cooperation and coordination (e.g. LPI).
- Monitoring and evaluation



Building on the consensus

FROM PRINCIPLES TO ACTIONS

Stakeholders should **REACT**

R= Recognize

E= Equality

A= Administer

C= Consult

T= Transparency



From Principles to Action

Opportunities for Cambodia's land roadmap

Socially inclusive, gender-equitable and sustainable governance of land, forestry and fisheries

The VGGT can be

- Reference framework
- A roadmap for gender-equitable, socially inclusive and sustainable governance of land, forestry and fisheries
- A platform for inclusive dialogue



From Principles to Action

WORKING TOGETHER

A group of children in school uniforms are gathered outdoors, many making peace signs with their hands. The children are of various ages, mostly young, and are looking towards the camera. They are wearing white shirts, some with blue collars. The background shows a green corrugated metal wall and some trees.

A single tree does not
make a forest

A single string cannot
make music

- Chinese proverb

More information

DOWNLOAD THE VGs
www.fao.org/nr/tenure

SUBSCRIBE TO NEWSLETTER
VG-tenure@fao.org