



LAND TENURE

POLICY BRIEF • MAY 2022

Legitimate Tenure Rights for Food Security, Climate Resilience and Ecosystem Restoration

Prepared by the organisers of the UNCCD COP15 Food Day - Seeds for Change for a Nature-Positive Future

Key Messages:

- 1. Securing legitimate land rights to safeguard people from chronic poverty and food insecurity.**
Work on chronic poverty identifies a link between access to land and escape from chronic poverty and vice versa. Incremental increases in the size of accessible land can already have significant welfare effects. Even highly diversified livelihoods that rely on off-farm incomes in rural contexts depend on secure access to natural resources.
- 2. Securing legitimate land rights to enable collective natural resource management.**
Collective management of land and other natural resources by smallholder farmers is a key avenue to achieve sustainable livelihoods and ecosystem protection and restoration. Secure rights to land are a precondition for the successful collective governance of natural resources by smallholders. The boundaries of the natural resource need to be properly defined and the resource users must be able to defend these boundaries against possible rights violations.
- 3. Securing legitimate land rights to provide an incentive for investing in ecosystem restoration.**
If poor or food insecure resource users are to invest in more sustainable natural resource use (be it through use change, adaptation, or investments in resource condition), they need to be able to reap the returns of these investments. The commitment of scarce resources is unlikely to occur if it is uncertain whether the returns accrue to the person investing. To provide an investment incentive, land tenure rights need to be secure. Due to the climate crisis, the needs to invest in natural resources to maintain and enhance ecosystem services are likely to increase. This implies that the urgency of securing land tenure rights will increase even further.

4. Securing legitimate land rights to enable local innovations for sustainable resource use.

Innovations are necessary to address the magnitude and the urgency of the interrelated food, biodiversity, and climate crises. Local resource users are often the prime innovators to find adapted resource use solutions. Hence, there is a need to secure spaces for locally driven innovations. Power dynamics exist at all levels, and infringements of the land rights of the most “powerless” frequently occur. Therefore, providing space for local innovations requires a rights-based framework. Social innovations and securing legitimate land tenure rights are two sides of the same coin.

5. Securing legitimate land rights to democratise the food system.

Acknowledging legitimate land tenure rights and redistribution of land rights can also contribute to a changing political environment in rural areas, as there are often close ties between landholding and political power. In the absence of acknowledged claims to resources (be it through codification or by other means), valuable natural resources are nevertheless likely to be used. In these contexts, acknowledging the legitimate land tenure rights of smallholders to natural resources is very likely to alter the distribution of access among societal groups. Securing legitimate land tenure rights is a pathway towards equity and one way to create more democratic food systems.

Background: The basics of land tenure lingo

Language on land tenure and land rights is notoriously complex. Further, different legal histories give similar terms very different meanings, compounding complexity. To avoid misunderstandings, here is an introduction to land tenure lingo:

- Land rights are adaptable social relations, not static things. Rights exist because others bear the duty to observe them and because States have the obligation to protect them. Land tenure is insecure, if there is a risk that third parties violate rights or if the State cannot or does not enforce them. The perceived land tenure insecurity matters for investment decisions including the investment of labour and time.
- Rights do not need to be individualised and codified to be legitimate. Collective, communal rights are as important as individual rights. Rights can be recognised by statutory and customary systems. To determine what a suitable land rights regime is, context matters.
- Very often, women, youth, persons with disabilities, disadvantaged communities, and indigenous people suffer from violations of their land rights. Their rights require special attention to be secured.
- Land rights are one element of an enabling environment of sustainable land and natural resource use, they are a necessary but not a sufficient criterion. Land rights need to form part of broader reforms to create an enabling environment, that includes inclusive rural financial systems, responsive extension services, and access to markets.
- Country Parties who wish to strengthen responsible governance of tenure of land can build on a wealth of global agreements. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security (VGGT) have been unanimously adopted by members of the UN Committee on World Food Security. That means, wherever you are from, your country has adopted this global standard on responsible land tenure governance. Further, binding human rights agreements underpin the principles included in the VGGT.

- The UNCCD decision 26/COP.14 on land encourages the parties to follow the VGGT in the implementation of activities to combat desertification/land degradation and drought and achieve Land Degradation Neutrality (LDN). Parties are invited to adopt national land governance legislation and procedures supporting sustainable land use and land restoration and are encouraged to recognise legitimate tenure rights, including customary rights.

From scarcity to prosperity – Responsible land governance to enhance food security and resilience

Sustainable land use is a key factor in many of the most pressing socio-ecological challenges of our time. As the United Nations Convention to Combat Desertification (UNCCD) states, “healthy and productive land can play an unparalleled role as an engine of economic growth and a source of livelihood for billions worldwide, including the most vulnerable populations”.¹ The approach of LDN can become an accelerator for achieving the United Nations Sustainable Development Goals (SDGs) by contributing to the restoration of natural resources and improving food security, thus reducing poverty and hunger and stimulating economic growth².

For smallholder farmers to become the drivers of sustainable land management, and to actively participate in the achievement of LDN at national level, it is essential to promote responsible land governance. This means guaranteeing tenure security for smallholder farmers and other marginalised natural resource users. It is against this background that the landmark Decision 26 on land tenure was reached at the 14th Session of the Conference of the Parties to the UN Convention to Combat Desertification (UNCCD, COP 14) in New Delhi in 2019.

The Decision on Land Tenure recognises the importance of responsible land governance for sustainable land management and restoration, as well as for combatting desertification, land degradation and drought. The decision, recognising the importance of responsible land governance in the implementation of LDN activities, also encourages stakeholders to comply with the principles of tenure governance set down in the VGGT.

The VGGT are a globally accepted framework of reference for improving the governance of tenure of land, fisheries, and forests with the overarching goal of achieving food security for all. While many countries have expressed their commitment to combatting land degradation by setting national-level targets to achieve LDN, few have adopted the land tenure decision. Additionally, the application of the VGGT themselves is limited as states appear slow to comply with a non-binding agreement. As a result, individuals’ and communities’ legitimate land rights are frequently violated by different actors, including the state. For example, LDN measures often prioritise conservation over the tenure security of affected communities. This in turn limits the ability and willingness of those with vulnerable tenure rights to contribute to the conservation and restoration of land. Furthermore, it threatens their food security and resilience in the context of climate change.

Outlook: Towards progress at the local level

Recent case studies conducted by TMG Research show that LDN measures have a direct impact on tenure rights and livelihoods of communities.³ The data from the studies conducted in Kenya, Benin, Malawi, and Madagascar underlines that local communities often lack the capacities to leverage international standards to hold government actors to account. Governments in turn fail to fully recognise legitimate tenure rights and do not follow the provisions of the VGGT. Therefore, in many contexts, national and local civil society organisations are crucial intermediaries to achieve progress on securing legitimate land rights at the local level. They need to be strengthened to provide the essential services to communities.

The recognition of legitimate land rights is key to ensure that measures implemented in the context of LDN and climate change adaptation and mitigation achieve their intended impacts. Strong tenure rights empower local communities, enable them to profit from and contribute to ecosystem restoration while becoming more resilient and food secure. The international community can provide financial and technical support to ensure tenure security effectively contributes to safeguarding people, livelihoods, climate, and biodiversity.

References

¹ UNCCD LDN: Healthy Land for Healthy People

² UNCCD: Sustainable Development Goals, Overview

³ TMG 2021: Responsible Land Governance in LDN Programmes. Kenya Case Study; TMG/APIC 2021:

Responsible Land Governance in LDN Programmes. Benin Case Study.

TMG 2021: Responsible Land Governance in LDN Programmes. Kenya Case Study. Written by: Brian Washe Kazungu, Anna Kramer, Jes Weigelt, Oscar Schimdt, TMG Working paper, online: https://assets.ctfassets.net/rrir183jifda/6psTyfJdjGNDSWs5VMImuE/9a0c48ef06e262098716db908edd5cf3/211217Final_GSW21_KenyaCountryReport.pdf

TMG/APIC 2021: Responsible Land Governance in LDN Programmes. Benin Case Study. Written by: Check Abdel Kader Baba, Anna Kramer, Charles Tamou, TMG Working paper, online

https://assets.ctfassets.net/rrir183jifda/2iK5FGLRChlsnTVEwYst9/d22fd20dfaa7a1fbbda4d38806402d6f/211215Final_GSW21_BeninCountryReport.pdf

UNCCD: Decision 26/COP.14, Land Tenure, <https://www.unccd.int/sites/default/files/sessions/documents/2019-11/26-cop14.pdf>

UNCCD: Land Degradation Neutrality: Healthy Land for Healthy People <https://knowledge.unccd.int/topics/land-degradation-neutrality-healthy-land-healthy-people>

UNCCD: Sustainable Development Goals, Overview <https://www.unccd.int/land-and-life/sustainable-development-goals/overview>

VGGT - Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, FAO, Committee on World Food Security, <https://www.fao.org/policy-support/mechanisms/mechanisms-details/fr/c/448858/>

The **UNCCD Food Day - Seeds of Change for a Nature-Positive Future** is co-organised by [WWF](#), [CGIAR](#), the [Committee on World Food Security \(CFS\)](#), [FAO](#), [CIFOR-ICRAF](#), [TMG Think Tank](#), [UN Environment Programme](#), [IICA](#) and the [One Planet Network](#). The full day event, the first ever Food Day at a UN Conference of the Parties, encourages stakeholders to include food systems approaches in the implementation of the Rio Conventions on Desertification, Biodiversity and Climate. Organisers may hold individual opinions and positions on the topic of this briefing paper. The paper is not an official joint position from the organisers.

For more information

Dr. David Betge, TMG Research
david.betge@tmg-thinktank.com

Dr. Jes Weigelt, TMG Research
jes.weigelt@tmg-thinktank.com