

# Framework for Action

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## Land Tenure Security for People, Planet and Prosperity

Final Version (22.03.2022)

# 1 Executive Summary

Tenure security<sup>1</sup> is a critical foundation for human development, for prosperity, and the health and sustainability of our planet. Tenure security and good land governance protects the rights of land users and facilitates a long-term relationship with land that enables sustainable land use and sustained investment in land. It promotes peace, stability and inclusive growth; it protects the poor and empowers women and marginalized groups such as indigenous peoples and local communities; it helps protect nature and allows for a healthy planet.

But, tenure security is a distant dream for almost a billion people who do not feel their rights to land or home are secure. Worldwide, weak land governance drives unsustainable land use and deforestation, and fuels conflict and human rights abuses; it marginalizes the poor and disadvantaged; it prevents responsible investment in land needed to create jobs and sustain livelihoods. Time is running out.

Global crises in 2021, including global infectious zoonoses, habitat and biodiversity loss, climate change, growing inequalities, underscore the fundamental reality that how land is managed and used affects everyone, now, not just those who depend on it directly or at some unknown time in the future. It is not surprising, then, that tenure security and sustainable land use underpin numerous Sustainable Development Goal (SDG) and are foundational for a green, resilient and inclusive recovery from the global pandemic.

Despite some progress, action at country-level is often slow or insufficient or and has faltered. This Framework for Action highlights four critical global priorities for which concerted action on tenure security is essential to enable inclusive, resilient and sustainable development. These are:

- **Empowering people and promoting gender and social equality** and resilience, in particular for women, the elderly, youth, indigenous peoples and local communities.
- **Climate adaptation and mitigation**, while protecting nature and promoting sustainable food systems.
- Sustainable rural and urban land investment for **inclusive and equal prosperity**.
- Promoting **peace, stability and security**.

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<sup>1</sup> Secure tenure refers to tenure systems that are well-defined, respected and enforceable in a formal court of law or through customary structures in a community. Any land tenure has the potential to be secure or insecure. Access to land refers to the ability to use the land, to control the resources and benefits from the land, and to transfer the rights to the land. Access to land is governed through land tenure systems, whether legally or customarily defined, among people, as individuals, households or groups. The Framework for Action uses 'tenure security' as shorthand encompassing both access to land and tenure security. Land governance involves the processes, policies, and institutions through which land, land rights and other natural resources related to the land, are managed. This includes decisions on access to land, land rights, land use, and land development.

Progress on tenure security requires a reinforced, broader and better coordinated approach to change for and from within the land sector, implemented hand-in-hand with global action on economic recovery, climate change, biodiversity and open societies.

Despite the need for a differentiated approach, within and between countries, this framework highlights six priority levers to turn the dial on tenure security for all around the globe:

- Recognising and respecting all legitimate tenure rights
- Securing equal tenure rights for women, men, youth, vulnerable and marginalized people
- Achieving a connected and balanced approach to strengthening inclusive rural and urban land governance
- Ensuring land investment and decisions are transparent, respect and protect all legitimate tenure rights, and are fair and accountable to all
- Promoting sustainable and inclusive national and sub-national land tenure institutions
- Influencing political incentives for sustainable and inclusive reform

Shifting these levers to achieve tenure security for all requires that we act now, taking concrete actions at the global, regional, national and local levels. To do so, this Framework for Action proposes to:

- Mobilise new, concrete and visible political commitments.
- Create a global forum on tenure security for dialogue and strategic direction.
- Establish a global accountability mechanism to track progress:
- Catalyse and increase funding for tenure security.

# 2 The Case for Action on Land Tenure Security for All, Now!

Building a resilient, sustainable and inclusive world depends on access to land and tenure security for all.

Tenure security is a critical foundation. It enables people to invest and prosper, to protect nature and plan for the future, It is critical for shelter and housing, for livelihoods and investment, for social security and resilience, and for sustainable natural resource management. Tenure security and property rights underpin open societies, gender justice and inclusive markets. Without secure rights and tenure security, individuals, communities and businesses cannot use land productively and sustainably.

Land and tenure security are not only critical for those who directly depend on it; how land is allocated, managed, and used around the world affects everyone and time is running out. Global crises in 2021, including global infectious zoonoses, habitat and biodiversity loss, climate change, as well as rapid urbanisation and mass migration, are all influenced if not driven by tenure security and its implication for land use. Solving these crises will depend, in part, on whether countries can achieve tenure security for all. Conversely, neglecting the importance of land tenure security in the coming decade would spell disaster. Tenure security and good land governance is critical to achieving almost every Sustainable Development Goal (SDG) and sustainable stewardship of land therefore needs to be at the centre of the global response to these global trends and crises.

## Progress to date

Over the last decade, some progress has been made in global awareness of the importance of tenure security and good land governance and in agreeing global principles and guidance on how to implement responsible governance of land, fisheries and forests. The enactment of the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) by the UN Committee on World Food Security in 2012 was a major landmark, as was the launch of the African Union's Framework and Guidelines on Land Policy in 2009. This was backed up with the inclusion of specific land targets and indicators under five of the seventeen SDGs. Also, some countries have made notable progress, including the introduction of innovative multi-stakeholder processes as well as legislation and regulations to strengthen land governance.

But despite its importance, land tenure security has too often been taken for granted or ignored in global action. There is still a large gap between global guidance and norms and practice in many countries and tenure security remains a distant dream for almost a billion people, in particular for women, the elderly, youth, indigenous peoples and local communities. Weak land

governance continues to facilitate unsustainable land use and human rights abuses.

### The Scale of the Challenge

The scale of the challenge is enormous as demonstrated by the following key statistics:

- Worldwide, nearly 1 billion people consider it likely they will be evicted from their land or homes in the next 5 years<sup>i</sup>.
- Women constitute less than 15% of the world's landholders<sup>ii</sup>.
- Indigenous Peoples and Local Communities are estimated to hold 50% of the world's total land area. But their legal ownership rights extend to only 10% of that land<sup>iii</sup>.
- The perceived tenure insecurity rates among renters is 3 to 5 times higher compared to owners, ranging between 27 to 45% according to the region<sup>iv</sup>.
- The largest 1% of farms in the world operate more than 70 percent of the world's farmland. On the other hand, about 84% of farms are smaller than two hectares, operating only about 12% of global farmland<sup>v</sup>.
- Land disputes were key factor in over two thirds of 416 cases of non-state conflict in Africa from 1989-2011<sup>vi</sup>.
- Over two thirds of all human rights defenders killed in 2020 were working on environmental, land or indigenous peoples' rights<sup>vii</sup>.

As it stands, we are not on track to achieve any of the SDG targets on land by 2030. Weak implementation of global principles, fragile institutions and rising pressure on land, have resulted in whole populations on large tracts of land, not least women, the elderly, youth, indigenous peoples and local communities, still lacking tenure security. Meanwhile responsible investment in land that can create jobs, raise incomes and promote food security is hindered by weak land governance systems that too often leads to disputes, unlawful land transactions, and poor outcomes for communities and businesses alike.

### Tenure Security and Global Priorities

While tenure security underpins many of the solutions to global and national challenges, this Framework for Action highlights four critical global priorities for which concerted action on tenure security is essential to enable inclusive, resilient and sustainable development. These global priorities are:

- **Empowering people and promoting gender and social equality and resilience particularly for women, the elderly, youth, indigenous peoples and local communities.** Tenure security enhances capacities of the most marginalised and is a core building block and enabler for gender equality and intergenerational justice.
- **Climate change adaptation and mitigation, while protecting nature and promoting sustainable food systems.** Tenure security provides incentives for sustainable land use and natural resource management and protects against potential negative impacts of land-based climate solutions. It facilitates and protects the critical stewardship role certain populations,

such as indigenous peoples and local communities, perform in their territories with regards to climate change, global biodiversity management, and sustainable food systems.

- **Sustainable rural and urban land investment for inclusive and equal prosperity.** Tenure security provides an essential foundation for national economic growth, increases in per capita income, rising productivity, as well as welfare, social integration, and access to basic services for all.
- **Promoting peace, stability and security.** Tenure security is a recipe to avoid land and natural resource related conflicts; it is also linked to wider processes of political inclusion and democracy, human rights and social recognition.

To move from aspirational policy frameworks to effective land reform that achieves tenure security for all, a reinforced, broader and better coordinated approach to change is needed, for and from within the land sector. Global actors, especially those with capacity to finance and influence reforms, need to align their actions and step up their commitment to tenure security. Sustained change will require a broader coalition that reaches beyond the land sector: it must bring together movements and actors from the climate change, forests, biodiversity, human rights, and other agenda to build a stronger voice and push for land tenure security as a basis for resilient, sustainable and inclusive societies.

# 3 Priority Levers for Tenure Security

Achieving tenure security for all by 2030 will require concerted action at many levels by a wide range of stakeholders. Country-level action and efforts must be based on the following principles and approaches:

## Principles

- **Beyond 'land':** change the narrative and approach to go beyond land policy and land rights alone and position tenure security as a critical enabler for progress on many other priorities, including climate change, inclusive growth, sustainable food systems, and peace and stability.
- **Secure all legitimate tenure rights:** recognise, register and protect all legitimate tenure rights, including customary rights and arrangements, individual (in particular for women) and collective rights, and adjusting land registries and administration systems accordingly.
- **Real change:** Recognise and be willing to challenge the vested interests and political economy dynamics that favour the status quo of weak land governance and tenure security.
- **Inclusive processes:** Land reform processes need to include all stakeholders and legitimate rights holders through dialogue and local participation. To be successful, interventions must be fully representative, socially inclusive, gender transformative and nature positive, including a specific focus on women and ensuring equal access to land and tenure security for women.
- **Whole government approach:** Take a whole government approach to land and reform, involving all relevant ministries and agencies, not just ministries with a formal mandate on land. This also means recognising that local government, municipal leaders and traditional authorities are key stakeholders who offer opportunities for driving change.
- **Bridge law and practice:** Go beyond legal reforms alone to change systems, practices and attitudes through the many institutions that affect people's ability to secure and exercise their rights in practice.

Land is governed differently from country to country and sometimes within countries so entry points and interventions must be tailored to each context. This framework highlights **six priority levers** to achieve tenure security for all that are relevant across contexts although specific actions will need to be tailored to each context. A decisive shift and increased investment is required in each of these areas around the globe.

## Six Levers for Achieving Tenure Security for All

- **Recognising and respecting all legitimate tenure rights:** the recognition of all 'legitimate tenure rights', including customary and collective rights, is a central principle of the Voluntary Guidelines on the Governance of Tenure<sup>viii</sup> and one of the core principles of this Framework for Action, It underpins the realisation of key human rights, and provides the

foundation for the recognition and protection of customary land rights, not least the tenure rights of indigenous peoples and local communities recognised for their longstanding contributions to sustaining nature and the planet. To achieve tenure security for all, we need a step change in global and national action to recognise, legally register, and protect all legitimate tenure rights.

- **Securing equal tenure rights for women, men, youth, vulnerable and marginalized people:** equal rights to access and own land and homes, and the tenure security that those rights can confer, provide an essential foundation for social and economic empowerment and peace of mind. In turn, this will contribute to other important outcomes such as nutrition and soil conservation. In particular, all countries need to enact laws that provide women with equal land and land inheritance rights and to support action so these rights are realised in practice at the national and local level.
- **Achieving a connected and balanced approach to strengthening inclusive rural and urban land governance :** Urban land governance reform and secure tenure is vital to create green, resilient, and connected cities that enable inclusive economic growth and safe and affordable housing. Urban tenure security considerations and better land governance need to be placed squarely within regional and rural-urban development planning and implementation processes, to ensure more efficient and effective land use and planning, better management of natural resources, and more equitable regional development for both urban and rural areas.
- **Ensuring land investment and decisions are transparent, respect and protect all legitimate tenure rights, and are fair and accountable to all:** A significant majority of businesses investing in land do not recognise or understand 'tenure risk' or the legitimate tenure rights of existing land users. Sustained change requires transparency and robust regulatory incentives and accountability mechanisms in home and host countries, Central to this is the recognition of local communities right to free, prior, informed consent on any investment projects that affect their land and therefore that local communities need to be brought into negotiation processes as main decision makers with regards land transactions and long-term sustainable land use planning.
- **Creating sustainable and inclusive national and sub-national land tenure institutions:** effective, transparent, accessible and 'fit-for-purpose' land administration systems are necessary to secure tenure security for all and facilitate transparent land transactions. Land administration systems in many countries are incomplete, not accessible, financially unsustainable, exclude customary and other rights, non-transparent or perpetuate corruption. Global and national action is needed to make the case for and support the establishment of robust and transparent land administration systems that have the capacity to register and protect the rights of all legitimate tenure rights holders.
- **Influencing political incentives for sustainable and inclusive reform:** in many cases, tenure security is weak, legitimate tenure rights are not recognised, and land administration systems are not fit for purpose because of vested interests in the status quo rather than a lack of



technical solutions or resources. Global and national action on land tenure security must therefore move away from both top-down technical solutions or a narrow focus just on community-level action and start with a consideration of the political incentives or disincentives for reform and work with these to drive change.

## 4 Evidence for Action

Global evidence and experience over many decades confirm the steps governments and other actors need to take to legislate for tenure security and equal access to land, establish the necessary systems and institutions to make them a reality and consistent application of the established rules and regulations as guided by the VGGTs.

The case for global action to secure land tenure rights and improve overall governance is clear and compelling while the cost of not acting now or delaying action will be excessive. This is highlighted in this brief summary of evidence focusing on the four global priorities identified in section two.

- **Sustainable rural and urban land investment and inclusive and equal prosperity.** A number of systematic reviews and more localised case-studies show that tenure security is associated with national economic growth, increase in per capita income, rising private investment and productivity, in both rural and urban economies (up to 40% increase in investment nationally, with agricultural productivity and income per capita increasing up to 40% and 15% respectively when land tenure is secure)<sup>ix,x,xii</sup>. Tenure security, individually or collectively, secures investment and facilitates access to credit<sup>xiii</sup> and support services<sup>xiv</sup> - allowing for more inclusive and equal growth. In addition, tenure security for inhabitants of informal settlements or persons with low-income housing, can positively contribute to household welfare, social integration and access to basic services for the urban but also rural poor<sup>xv</sup>.
- **Adaptation and mitigation of climate change, while protecting nature and promoting sustainable food systems:** The evidence is clear that one of the best strategies to protect nature, reduce emissions and reverse biodiversity loss, and subsequently strengthen resilience of food systems, is to secure and protect tenure rights, in particular of local communities and indigenous peoples as stewards of local territories and ecosystems<sup>xvi</sup>. There is strong evidence that community ownership of forests, for example, leads to reduced deforestation, better conservation of forest products, and thus greater protection of carbon storage and livelihoods benefits<sup>xvii</sup>. Furthermore, with clear and secure tenure rights for all, corporates and investors are compelled to act more responsibly with regards the rights, health and safety of communities and farmers, directly contributing to safeguarding and potentially strengthening local livelihoods, food security, more resilient supply chains and reducing impacts from shocks, such as the present pandemic, on local livelihoods and incomes<sup>xviii</sup>.
- **Enabling social empowerment, equality, and resilience, in particular for women, the elderly, youth, indigenous peoples and local communities:** The evidence shows that secure land tenure protects and empowers the most marginalized and lays the foundations for gender equality and

intergenerational justice. There is indeed a strong relationships between women's land rights and women's societal representation and decision making power<sup>xxix</sup>, in particular on household matters, production (allowing women to decide which crops to grow on the lands under their control) and consumption, as well as on human capital investment and intergenerational transfers<sup>xx</sup>. Women with strong land rights have more opportunities and are more likely to work off-farm, earn more (up to 4 times<sup>xxi</sup>), and are more likely to have individual savings and take out loans (+35% and +12% respectively<sup>xxii</sup>). Tenure security also offers more prospects for youth, as it is associated with young people increasing their investment and time allocation in land-based activities such as farming, and thereby reduces their likelihood to migrate as a last resort<sup>xxiii</sup>.

- **Promoting peace, stability and security:** Securing land rights is not only important to avoid conflicts over land through better delineation of rights and avoidance of grievances, it also reinforces conflict resolution, democratic processes and assures the realisation of associated human rights. Evidence shows that having tenure security reduces the occurrence of conflict between households<sup>xxiv</sup>, whereas land demarcation and registered titles that recognize the collective property of indigenous peoples and local communities' territories and that enable communities to gain direct control over natural resources, contribute to reducing long-standing inter-territorial conflicts, including between communities<sup>xxv</sup>. In post-conflict situations (such as in Liberia<sup>xxvi</sup>, Rwanda<sup>xxvii</sup>, Colombia<sup>xxviii</sup>, Bosnia<sup>xxix</sup>, besides many others) early interventions in reforming land tenure prevent and improve management of recurring conflicts associated with land and generate peace dividends, while improving social harmony, social cohesion and political reconciliation<sup>xxx,xxxi</sup>.

# 5 Moving to Action: Global Steps to Close the Land Access and Tenure Security Gap

The case for a significant change in global action on land tenure security is clear and urgent. Achieving the global goals and tackling pressing global problems requires that we act now to advance and accelerate action at the global, regional, national and local levels. To move to action, we commit to advance the following four priority actions at the global level:

- **Mobilise new, concrete and visible political commitments.** To build momentum, make and track progress against the SDGs and hold stakeholders to account, we need to secure new and reinforced, specific country-level commitments on land tenure security, that are agreed upon by all actors in the context of existing frameworks (including CFS's VGGTs and RAIs, AU F&Gs, UNDROP, UNDRIP). To achieve this, we commit to work towards a global land summit to be held by 2024 with high-level representation from rights holders and land users, governments, civil society organizations, Indigenous Peoples and Local Community representatives, UN agencies, donor agencies, the World Bank and Regional Development Banks. The summit will raise political ambition, secure new country commitments and establish a road map and mechanisms for coordinated global action on tenure security to 2030. In parallel, we will work in partnership with other sectors and stakeholders to ensure action on tenure security is duly recognised and prioritised in the UNFCCC, UNCBD and UNCCD, in the G20 and other relevant global processes.
- **Create a global forum on tenure security for dialogue and strategic direction.** While there are several global platforms on or related to land and tenure security, including the Committee on World Food Security, the Global Donor Working Group on Land, the International Land Coalition, and the World Bank Land and Poverty Conference, there is no global forum that brings together governments, civil society and private sector to debate and advance thinking and advocacy on tenure security. To fill this gap, building on the above-mentioned existing platforms, we propose convening an annual multi-stakeholder forum that brings these stakeholders together to follow-up on global land summit's commitments, provide strategic direction, establish norms and standards, discuss programs, identify lessons, and advance new initiatives.
- **Establish a global accountability mechanism to track progress:** To build the case and evidence base for action, track progress globally and in each country, and hold key stakeholders accountable to their commitments we will support the launch of independent monitoring initiatives. Besides others, these could include a Global Land Observatory and a Global Land Governance Report to be published every 2-3 years. These will allow for continuous monitoring of progress overall, will establish baselines and

keep track of country progress against relevant SDGs and implementing the VGGTs, and track implementation of other relevant commitments.

- **Catalyse and increase funding for tenure security.** To advance progress at the required scale and pace demands a scale-up of international and national funding for work on tenure security and land governance and a step-change in the quality and effectiveness of support provided. This will require increased funding commitments from governments and bilateral donors, from multilateral development banks and from private sources. To improve the quality and effectiveness of funding i) we will work towards better coordination of funding and programmes at the international level, which could include establishing a global fund or mechanism to channel resources to countries and organisations committed to close the land access and tenure security gap; ii) differentiated funding mechanisms will be developed to better reach the poor and marginalised, and specifically women and youth and indigenous peoples and local communities, and strengthen inclusive land governance.

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