





# **Technical Guide on the Integration of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security into the Implementation of the United Nations Convention to Combat Desertification and Land Degradation Neutrality**

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# FOREWORD

The Earth's land resources are being stretched to their limit. To varying degrees, land degradation affects 20–40 percent of the global land area. This is caused by human activities – such as agricultural expansion, deforestation, and grazing – undertaken to meet the demands of a growing population. The pressures on land resources have never been so intense and are undermining the wellbeing of 3.2 billion people, compromising key agrifood systems, threatening biodiversity and ecosystem services, and aggravating the climate crisis. These alarming trends are described in the recently published FAO report *State of the World's Land and Water Resources for Food and Agriculture*, and the UNCCD's second edition of the *Global Land Outlook*.

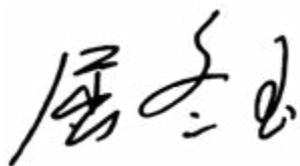
Despite the scale of the challenge, land degradation is avoidable and reversible. By doing the right things, in the right places, at the right scale, and putting people front and center, we can bring land back into balance. Responsible land governance that improves tenure security can accelerate the pivot from degradation to restoration. The reform of land governance constitutes a promising series of opportunities to address the drivers of land degradation and affirm the human right to a healthy environment by providing the necessary incentives to scale up the sustainable use and management of land resources.

This year marks the 10th anniversary of the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security* (VGGT), the internationally accepted framework on the responsible governance of tenure. The 2030 Agenda for Sustainable Development contains specific targets that highlight the importance of secure tenure and equal access to land, particularly for women and vulnerable communities, in the pursuit of many development objectives. In 2019, the 14th Conference of the Parties of the UNCCD adopted a landmark decision on land tenure, recognizing the importance of responsible governance of tenure in addressing desertification, land degradation and drought. It also requested the UNCCD and FAO to work together to produce this technical guide on how to integrate the VGGT into the implementation of the Convention and land degradation neutrality.

There is no “one size fits all” solution when it comes to enhancing tenure security for the increased uptake of sustainable land and water management practices. This technical guide, offering nine action-oriented pathways, is a first step, building on the rich expertise and experience of key partners and outlining practical solutions that can be tailored to diverse national and local contexts. We expect it will lead to further collaboration, which will in turn support countries and communities in implementing their unique pathways to improving land tenure security for the benefit of people and nature, including awareness-raising, inclusive participation, capacity building, resource mobilization, data collection and an analysis of lessons learned.

We must take urgent action to reverse the pervasive impacts of land degradation. One approach involves strengthening tenure security and unlocking opportunities to avoid, reduce and reverse

land degradation. We hope this technical guide acts as a catalyst for advancing innovative solutions and fostering stronger partnerships needed to ensure an efficient, inclusive, resilient and sustainable future for all, for better production, better nutrition, a better environment and a better life for all, leaving no one behind.



**QU Dongyu**  
Director-General  
Food and Agriculture Organization  
of the United Nations



**Ibrahim Thiaw**  
Executive Secretary  
United Nations Convention  
to Combat Desertification

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## The technical guide team

This technical guide was jointly produced by FAO and the UNCCD Secretariat, under the overall supervision of team leaders Vera Boerger and Miriam Medel.

Coordinators: Aurelie Bres and Enni Kallio

FAO contributors: Vera Boerger, Aurelie Bres, Tea Dabrundashvili, Jean Maurice Durand, Vladimir Evtimov, Qingqing Lyu, Stefan Schlingloff, and Yasmeen Telwala

UNCCD contributors: Miriam Medel, Enni Kallio, Sasha Alexander, Jon Unruh, Marcos Montoiro, Rockaya Aidara, Barron Joseph Orr, and Catherine Dillman

TMG Research (Think Tank for Sustainability) contributors: Jes Weigelt, Frederike Klümper, and Babette Wehrmann

## Reviewers

FAO reviewers: Amparo Cerrato Gevawer, Francesca Felicani Robles, Maria Acosta Lazo, Martha Osorio, Maxim Gorgan, Morten Hartvigsen, Bradley Paterson, Gregorio Velasco Gil, and Margret Vidar all contributed their specialized knowledge and expertise, helping improve the guide.

External reviewers: Ulrich Apel (GEF), Verona Collantes (UN Women), Beth Roberts and Rachel McMonagle (Landesa), Everlyne Nairesiae (UN Habitat), Noel Oettlé (Environmental Monitoring Group), Nahid Naghizadeh, Pablo Andres Motta Delgado, Sabina Gasimova, Manon Albagnac and Tcharbuahbokengo Nfinn (UNCCD CSO panel), and Nathalie van Haren (Both ENDS).

Expert contributions in the multistakeholder e-consultations and case studies: Baris Karapinar (Turkey), Batsaikhan Jamsranjav (Mongolia), Carlos Alberto Avila Ceron (Colombia), Cholpon Alibakieva (Kyrgyzstan), Djatougbe Aziaka (Togo), Enk-Amgalan Tseelei (Mongolia), Ermias Betemariam (Ethiopia), Hamid Custovic (Bosnia and Herzegovina), Ikhbayar Tsevelmaa (Mongolia), Joseph Rahall (Sierra Leone), Manon Albagnac (France), Marioldy Sanchez Santivañez (Peru), Melisa Ljusa (Bosnia and Herzegovina), Nahid Naghizadeh (Iran), Narangerel Yasanjav (Mongolia), Nathalie van Haren (Netherlands), Paulette Bynoe (Guyana), Samuel B. Mabikke (Sierra Leone), Tamsir Mbaye (Senegal), Valentin Ciubotaru (Moldova), Wissal Gharbi (Tunisia), Andres Molina (Paraguay), Fabiola Alcorta (Paraguay), Cesar Balbuena (Paraguay), and Benicia Almeida (Paraguay).

UNCCD consultation process: UNCCD country Parties, the CSO panel and accredited observers participated in the consultation process and submitted written contributions that were considered in the preparation of the technical guide.

Graphic design: James Morgan

Communication and outreach: Michele Piraux

Editing: Andrew Morris

Administrative Support: Alessandra Grandi

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# ABBREVIATIONS AND ACRONYMS

<b>CFS</b>	UN Committee on World Food Security
<b>COP</b>	Conference of Parties
<b>DLDD</b>	desertification/land degradation and drought
<b>FAO</b>	Food and Agriculture Organization of the United Nations
<b>FPIC</b>	free, prior, and informed consent
<b>GCF</b>	Green Climate Fund
<b>GGW</b>	Great Green Wall Initiative
<b>GIS</b>	Geographic Information System
<b>ILO</b>	International Labor Organization
<b>IPBES</b>	Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services
<b>IPCC</b>	Intergovernmental Panel on Climate Change
<b>IRP</b>	International Resources Panel
<b>IUCN</b>	International Union for Conservation of Nature
<b>LDN</b>	land degradation neutrality
<b>LDN SCF</b>	land degradation neutrality scientific conceptual framework
<b>MAER</b>	Ministry of Agriculture and Rural Equipment, Senegal
<b>MSPs</b>	multi-stakeholder platforms
<b>PLUP</b>	participatory land use planning
<b>SDGs</b>	Sustainable Development Goals
<b>SLM</b>	sustainable land management
<b>SPI</b>	Science Policy Interface
<b>UN</b>	United Nations
<b>UNCCD</b>	United Nations Convention to Combat Desertification
<b>UNDRIP</b>	United Nation Declaration on the Right of Indigenous Peoples
<b>UNEP</b>	United Nations Environment Programme
<b>UN REDD</b>	United Nations Programme on Reducing Emissions from Deforestation and Forest Degradation
<b>VGGT</b>	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forest in the Context of National Food Security



# EXECUTIVE SUMMARY

Secure access to land and natural resources is fundamental to achieving sustainable development. Improving tenure security can provide multiple benefits in terms of reducing poverty, increasing food security, empowering women and youth, avoiding resource conflicts and forced migration, and enhancing both biodiversity conservation and climate change mitigation and adaptation. This is especially true for poor and vulnerable rural communities where land is often the most important asset. Secure tenure provides a great incentive for sustainable land use and management and can provide the assurance needed to stimulate large-scale investments in LDN and restoration.

In 2019, the UNCCD Conference of the Parties adopted a landmark decision on land tenure, recognizing the importance of responsible land governance to address desertification/land degradation and drought. The decision specifically requested the UNCCD secretariat, in collaboration with FAO and other partners, to produce this technical guide on how to integrate the VGGT into the implementation of the UNCCD and LDN. The VGGT are an internationally recognized framework which provides guidance on how to improve the governance of tenure with the overarching goal of achieving food security, poverty eradication and sustainable development for all.

This technical guide aims to inform policy and decision makers on the potential and means whereby which legitimate and secure tenure can accelerate progress towards LDN and other restoration commitments. It also strives to serve land administrators and potential beneficiaries who participate in and are impacted by LDN initiatives, including civil society organizations, particularly those supporting vulnerable populations including Indigenous Peoples and local communities, women and youth. The ultimate objective is to integrate activities to improve land tenure security into the implementation of LDN initiatives, thus creating the conditions for a continuum of legitimate tenure rights in a people-centred, participatory, and gender-responsive manner.

## KEY MESSAGES

*Secure tenure increases the positive impacts of LDN initiatives for people and the planet.*

Improving tenure security through the implementation of LDN initiatives prompts multiple positive socio-economic and environmental impacts, and accelerates efforts to address desertification, land degradation and drought. The recognition and documentation of legitimate tenure rights, in line with VGGT principles, enables rights holders – and particularly the most vulnerable – to engage in and contribute to LDN initiatives with increased certainty of participation in decision-making and access to the benefits accrued.

*Addressing tenure in LDN initiatives begins with the assessment of local needs and conditions.*

Conducting preliminary assessments on biophysical conditions, land tenure and gender is essential to inform the design and planning phase of LDN initiatives. The first step towards identifying the drivers of land degradation and understanding the specifics of the existing land tenure and gender dynamics is to ensure inclusive and meaningful consultation and participation, particularly of the most vulnerable. This requires allocating sufficient time, capacities, and resources for the design and planning phase of LDN initiatives, in order to tailor them to specific local needs and conditions in a gender-responsive manner.

*Meaningful and inclusive consultation and participation is essential to ensure that legitimate tenure rights are not overlooked in LDN initiatives.*

Meaningful and inclusive consultation involves ensuring the active, free, effective, and informed participation of individuals and groups prior to decisions being taken. Understanding existing power imbalances between different stakeholders is key to providing equal opportunity for meaningful and inclusive participation and to ensuring that the pursuit of LDN does not encroach upon legitimate tenure rights. The VGGT put particular emphasis on safeguarding the legitimate tenure rights of vulnerable and marginalized people in a participatory and gender-responsive manner, and this is reflected in this guide through the key considerations and activities outlined in the universal pathways of this technical guide.

*Gender-responsive approaches can address underlying inequalities in control and access to land resources and are needed for realizing transformative change.*

A gender-responsive approach recognizes and acknowledges the existing gender roles and norms that inhibit women from participating in LDN initiatives, and proactively seeks to overcome and remove them. Women play a key role in land management and in ensuring food security for their families and communities, especially in areas highly affected by desertification, land degradation and drought. Securing women's tenure rights can also contribute to broader development goals. Involving both women and men on equal terms and at all stages of an LDN initiative – from equitable participation in land-related decision-making to the fair distribution of benefits – has the potential to remove structural or systemic barriers, thus leading to transformational change.

## **NINE PATHWAYS TO INCREASE TENURE SECURITY IN LDN INITIATIVES**

The nine action-oriented pathways focus on providing practical solutions to commonly encountered land tenure challenges in the context of national plans, legal frameworks, strategies and action programmes. The pathways are flexible and can be tailored to different national contexts. While some pathways are universal – enhancing legitimate tenure rights, consultation and participation, and gender-responsive approaches – others are context-specific and applicable under specific national or local circumstances.

**Pathway 1: Enhancing policy and legal frameworks** – focuses on aligning the policy, legal and organizational frameworks for the governance of tenure at national and local level to promote an integrated and sustainable approach to LDN.

**Pathway 2: Establishing targeted policy coordination mechanisms** – addresses sectoral fragmentation and fosters coordination, information sharing, and monitoring in LDN initiatives, by integrating the VGGT principles in an inclusive manner.

**Pathway 3: Securing women’s tenure rights and access to land and natural resources** – addresses existing gender roles and norms, policies and administrative systems which inhibit women’s tenure rights and access to natural resources through understanding and responding to the differentiated needs and roles of women and men.

**Pathway 4: Setting up accessible and transparent grievance and dispute resolution mechanisms** – defines ways to address potential complaints and disputes over land that may arise through LDN initiatives, by setting up mechanisms that are transparent, accessible by all stakeholders, and aligned with internationally recognized human rights.

**Pathway 5: Designing and implementing tenure-responsive and participatory integrated land use planning** – highlights ways in which legitimate tenure rights can be recognized, respected and safeguarded against threats and infringements through integrated land use planning to more effectively promote sustainable land management practices which sustain land resources for the future.

**Pathway 6: Supporting LDN through land administration tools** – focuses particularly on the use of land consolidation and land banking to address land fragmentation, land abandonment and land access problems that lead to land degradation.

**Pathway 7: Recognizing and documenting legitimate tenure rights on public lands** – identifies ways to ensure the continued use of public lands by legitimate rights holders in a sustainable manner, for their livelihood activities such as agriculture, grazing and forestry, among others.

**Pathway 8: Recognizing and documenting tenure rights for the sustainable management of commons** – focuses on how to strengthen the responsible governance of commons to improve land and natural resource management by the recognition of institutions that govern them and the demarcation of their boundaries.

**Pathway 9: Allocating and strengthening rights and duties on private land** – focuses on tailoring approaches to the different capacities of private landowners who represent a diverse group of actors in terms of the size of landholdings, the type of tenure rights considered (owner or lessee rights), and the type of actor (natural or legal persons).

The UNCCD COP decision on land tenure provides a timely opportunity to rejuvenate and accelerate the implementation of the VGGT. This integration of the VGGT and LDN is key to optimizing the multiple socio-economic and environmental benefits that arise from LDN initiatives. This technical guide is merely a first step and additional support will be needed for awareness-raising, technical capacity development, resource mobilization, knowledge sharing, and data interoperability to effectively integrate responsible governance into LDN initiatives and other restoration commitments.





# LAND & TENURE: AN OVERVIEW

## 1.1. LAND DEGRADATION NEUTRALITY

Avoiding, reducing and reversing land degradation coupled with responsible governance of tenure are pivotal for the progressive realization of people's right to adequate food, the achievement of national and international climate targets, and the conservation of biodiversity. Healthy land is a prerequisite for human survival, be it to produce food, feed, fibre, or fuel, or to provide terrestrial ecosystem services, such as fresh water or clean air. Land is also intrinsically tied to the culture, heritage, and identity of many indigenous and local communities. However, land is limited and subject to increasing degradation trends. Human use affects around 70 percent of the global ice-free land surface (IPCC, 2019) and land degradation negatively affects the wellbeing of more than 3 billion people, even more so when it overlaps with poverty (IPBES, 2018). Land use change and degradation also drive biodiversity loss (IPBES, 2018), deforestation (FAO, 2021c) and are responsible for significant greenhouse gas emissions (IPCC, 2019).

Land degradation neutrality (LDN) is “a state whereby the amount and quality of land resources necessary to support ecosystem functions and services and enhance food security remain stable or increase within specified temporal and spatial scales and ecosystems” (UNCCD, 2015).

The main objective of LDN is to tackle these trends and to halt the loss of healthy and productive land. LDN provides a practical framework for bringing land into balance, thereby creating the opportunity to bring food, water, energy and nature into balance by doing the right things, in the right places, at the right scale, with the right people. While the central goal of LDN is maintaining or enhancing land-based natural capital, the focus on people is the key means for achieving LDN, including the need to reinforce responsible and inclusive governance of land (Orr *et al.*, 2017).

Under the UNCCD more than 129 countries have committed to set voluntary national LDN targets.<sup>1</sup> Of those, more than 106 countries – over two thirds – have already set their targets, and over 71 countries have secured high-level government commitments to implement measures to avoid, reduce, or reverse land degradation. The combined commitment of these LDN targets amounts to more than 450 million hectares. This represents a significant part of the global restoration commitments estimated to be between 765 and 1 000 million hectares (Sewell, van der Esch and Löwenhardt, 2020).

In addition to the LDN target setting, countries have made multiple international, regional and national commitments to combat desertification/land degradation and drought (DLDD). The Great Green Wall of the Sahara and Sahel (GGW) is an African-led initiative aiming to restore 100 million ha of degraded land, sequester 250 million tons of carbon, and create 10 million green jobs by 2030 (UNCCD, 2021; Goffner, Sinare and Gordon, 2019). The Bonn Challenge was launched in 2011 with a global goal to bring 150 million hectares of degraded and deforested landscapes into restoration by 2020 and 350 million hectares by 2030. By 2017, the restoration pledges made by governments surpassed the 150-million-hectare milestone.<sup>2</sup> The Middle East Green Initiative, led by the Kingdom of Saudi Arabia, brings together countries in the Middle East and North Africa to plant 50 billion trees across the region, to restore an area equivalent to 200 million hectares of degraded land helping to reduce 2.5 percent of global carbon dioxide levels, and to reduce carbon emissions resulting from hydrocarbon production in the region by more than 60 percent.<sup>3</sup> The New York Declaration on Forests is a partnership of governments, multinational companies, Indigenous Peoples, and civil society who strive to end natural forest loss and restore 350 million hectares of degraded landscapes and forestlands by 2030.<sup>4</sup> The G20 Initiative launched in 2020 aims to build on existing initiatives, including the few mentioned above, to achieve a 50 percent reduction of degraded land by 2040. The extent of these commitments, across managed and natural terrestrial ecosystems, demonstrates that restoration and LDN initiatives are prominently placed on global policy agendas (Anseeuw & Baldinelli, 2020).

Considering this wide variety of global, regional, national and even local commitments and activities undertaken by countries and other stakeholders, this technical guide will use the term “LDN initiative” to encompass the variety of activities including, projects, plans, targets, programmes, practices, policy assistance, awareness-raising and other efforts to combat desertification, land degradation and drought.

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<sup>1</sup> For latest figures as of February 2022, see: [www.unccd.int/actions/ldn-target-setting-programme](http://www.unccd.int/actions/ldn-target-setting-programme).

<sup>2</sup> For latest figures on the Bonn Challenge, see: [www.bonnchallenge.org/](http://www.bonnchallenge.org/).

<sup>3</sup> For latest figures on the Middle East Green Initiative, see: [www.saudigreeninitiative.org/about-middle-east-green-initiative/](http://www.saudigreeninitiative.org/about-middle-east-green-initiative/).

<sup>4</sup> For latest figures on the New York Declaration on Forests, see: <https://forestdeclaration.org/>.

## 1.2. INTERNATIONAL RECOGNITION: IMPORTANCE OF SECURE TENURE FOR SUSTAINABLE DEVELOPMENT AND COMBATTING DESERTIFICATION, LAND DEGRADATION AND DROUGHT

There is a global consensus on the pivotal role of healthy and productive land in achieving sustainable development, especially for vulnerable communities where land is their most important asset. In 2015 the UN Member States adopted the 2030 Agenda for Sustainable Development and its 17 SDGs (UN, 2015). The SDGs are designed in an integrated approach such that the activities to achieve one SDG are interlinked and contributing to the synergistic achievement of other SDGs. Societies will not be able to achieve these SDGs if they do not manage their land resources sustainably and responsibly (IRP, 2019).

Both LDN and responsible land governance are key elements of multiple SDGs and their respective targets, in particular:

- SDG Target 15.3, which is the operational target for LDN, states: “By 2030, combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation neutral world.”
- SDG Target 1.4 states: “By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.”
- SDG Target 5.a states: “Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.”

The operational interlinkages between responsible land governance and sustainable development are increasingly recognized, and more particularly between tenure security and sustainable land management, soil health, land restoration, and combatting desertification, land degradation and drought. Both the Glasgow Leaders’ Declaration on Forests and Land Use (COP26 in 2021) and the Global Forum for Food and Agriculture (GFFA 2022) contain high-level commitments to respect the rights of Indigenous Peoples and local communities and stipulate that long-term, affordable and secure access to land and natural resources through ownership, use rights and other forms of legitimate tenure is of great importance for local and global food security.

In 2019, at the 14<sup>th</sup> Conference of the Parties of the UNCCD, countries stressed the importance of responsible land governance in addressing desertification/land degradation and drought, and adopted an unprecedented decision on land tenure.<sup>5</sup> To date, the UNCCD is the only multilateral environmental agreement to explicitly address the issue of land tenure. The decision addresses tenure and its relevance for the implementation of the convention and specifically requests to produce this technical guide on how to integrate the VGGT into the implementation of the Convention and the achievement of LDN. The decision also

<sup>5</sup> Decision 26/COP.14 on land tenure: [www.unccd.int/official-documents/cop-14-new-delhi-india-2019/26cop14](http://www.unccd.int/official-documents/cop-14-new-delhi-india-2019/26cop14).

invites Parties to consider actionable elements which include “to recognize legitimate tenure rights, including customary rights, consistent with national legal framework”, “to legally recognize equal use and ownership rights of land for women and the enhancement of women’s equal access to land and land tenure security” and “to review and, where appropriate, adopt national land governance legislation and procedures to support sustainable land management and land restoration”. These elements were also recalled by the United Nations General Assembly in resolution 76/206, calling for Member States to implement measures to accelerate the achievement LDN, by, inter alia, creating an enabling environment for the achievement of land degradation neutrality, including the responsible governance of land and tenure security and the engagement of stakeholders.<sup>6</sup>

The recently completed United Nations Decade for Deserts and the Fight Against Desertification (2010–2020) focused on action to protect drylands and put the spotlight on the critical role of drylands for humanity’s wellbeing. The ambition of the United Nations Decade on Ecosystem Restoration (2021–2030) is wider in scope and more proactive: to halt the degradation of ecosystems worldwide and restore them to achieve the SDGs. The Decade embraces a broad definition of ecosystem restoration, including a continuum of activities encompassing conservation, sustainable management, and restoration, which is directly aligned with the LDN response actions to avoid, reduce and reverse land degradation. It recognizes the direct and indirect drivers of land and ecosystem degradation, for instance that degradation may result from harmful policies, such as subsidies for resource-intensive farming or weak tenure laws that encourage deforestation. Furthermore, it puts people front and centre, calling for action by actors at different levels – from governments and development agencies to businesses, communities and individuals – and at different scales, including small and large-scale initiatives.

### **1.3. INTERNATIONAL PRINCIPLES FOR THE RESPONSIBLE GOVERNANCE OF TENURE: THE VOLUNTARY GUIDELINES ON THE RESPONSIBLE GOVERNANCE OF TENURE OF LAND, FISHERIES, AND FORESTS IN THE CONTEXT OF NATIONAL FOOD SECURITY**

The VGGT are a set of guiding principles and were unanimously endorsed at the 38th session of the Committee on World Food Security (CFS) in May 2012. The VGGT are the only international framework on responsible governance of tenure, drafted by over 1 000 stakeholders with different cultural backgrounds from all regions of the world and negotiated by governments, civil society and private sector representatives. In December 2012, the Second Committee of the United Nations General Assembly adopted resolution A/67/443 that “encourages countries to implement the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests

<sup>6</sup> Resolution adopted by the General Assembly on 17 December 2021, A/RES/76/206, on the implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa.

in the Context of National Food Security, endorsed by the Committee on World Food Security on 11 May 2012 with the overarching goal of achieving food security for all and to support the progressive realization of the right to adequate food in the context of national food security.”

The VGGT “seek to improve governance of tenure of land, fisheries and forests. They seek to do so for the benefit of all, with an emphasis on vulnerable and marginalized people, and with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development” (FAO, 2012).

The VGGT provide guidance on the responsible governance of tenure and seek to promote secure tenure rights and equitable access to land, fisheries, and forests thereby contributing to the eradication of hunger and poverty, sustainable development, and the sustainable management of natural resources (FAO, 2012). The VGGT are based on human rights and promote respect and recognition of all legitimate tenure rights holders and safeguard them against violation of their rights. In this context the VGGT emphasize the need to recognize different tenure systems in a gender-sensitive manner, including customary, indigenous and informal systems.

The VGGT provide principles (see general and implementation principles in sections 3.A and 3.B of the VGGT, respectively) and guidelines which encompass the: (i) legal recognition and allocation of tenure rights and duties;<sup>7</sup> (ii) transfers and other changes to tenure rights and duties; (iii) administration of tenure; and (iv) responses to climate change and emergencies. These two sets of principles are essential for the realization of responsible governance of tenure and form the basis for this technical guide and potential activities presented in the pathways.

### General principles of the VGGT (section 3.A)

States should:

- 1. Recognize and respect all legitimate tenure right holders and their rights.** They should take reasonable measures to identify, record and respect legitimate tenure right holders and their rights, whether formally recorded or not; to refrain from infringement of tenure rights of others; and to meet the duties associated with tenure rights.
- 2. Safeguard legitimate tenure rights against threats and infringements.** They should protect tenure right holders against the arbitrary loss of their tenure rights, including forced evictions that are inconsistent with their existing obligations under national and international law.
- 3. Promote and facilitate the enjoyment of legitimate tenure rights.** They should take active measures to promote and facilitate the full realization of tenure rights or the making of transactions with the rights, such as ensuring that services are accessible to all.

<sup>7</sup> In the VGGT, this refers to the legal recognition of tenure rights of Indigenous Peoples and other communities with customary tenure systems, as well as of informal tenure rights; and the initial allocation of tenure rights to land, fisheries and forests that are owned or controlled by the public sector.

**4. Provide access to justice to deal with infringements of legitimate tenure rights.** They should provide effective and accessible means to everyone, through judicial authorities or other approaches, to resolve disputes over tenure rights; and to provide affordable and prompt enforcement of outcomes. States should provide prompt, just compensation where tenure rights are taken for public purposes.

**5. Prevent tenure disputes, violent conflicts and corruption.** They should take active measures to prevent tenure disputes from arising and from escalating into violent conflicts. They should endeavour to prevent corruption in all forms, at all levels, and in all settings (FAO, 2012).

### Implementation principles of the VGGT

- **Human dignity:** recognizing the inherent dignity and the equal and inalienable human rights of all individuals.
- **Non-discrimination:** no one should be subject to discrimination under law and policies as well as in practice.
- **Equity and justice:** recognizing that equality between individuals may require acknowledging differences between individuals, and taking positive action, including empowerment, in order to promote equitable tenure rights and access to land, fisheries and forests, for all, women and men, youth and vulnerable and traditionally marginalized people, within the national context.
- **Gender equality:** Ensure the equal right of women and men to the enjoyment of all human rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating de facto equality when necessary. States should ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status.
- **Holistic and sustainable approach:** recognizing that natural resources and their uses are interconnected and adopting an integrated and sustainable approach to their administration.
- **Consultation and participation:** engaging with and seeking the support of those who, having legitimate tenure rights, could be affected by decisions, prior to decisions being taken, and responding to their contributions; taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.
- **Rule of law:** adopting a rules-based approach through laws that are widely publicized in applicable languages, applicable to all, equally enforced and independently adjudicated, and that are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.
- **Transparency:** clearly defining and widely publicizing policies, laws and procedures in applicable languages, and widely publicizing decisions in applicable languages and in formats accessible to all.

- **Accountability:** holding individuals, public agencies and non- state actors responsible for their actions and decisions according to the principles of the rule of law.
- **Continuous improvement:** States should improve mechanisms for monitoring and analysis of tenure governance in order to develop evidence-based programmes and secure on-going improvements (FAO, 2012).

## 1.4. LINKING TENURE AND LDN: THE SCIENTIFIC FOUNDATION FOR AN ENABLING ENVIRONMENT FOR LAND DEGRADATION NEUTRALITY AND COMBATING DESERTIFICATION, LAND DEGRADATION AND DROUGHT

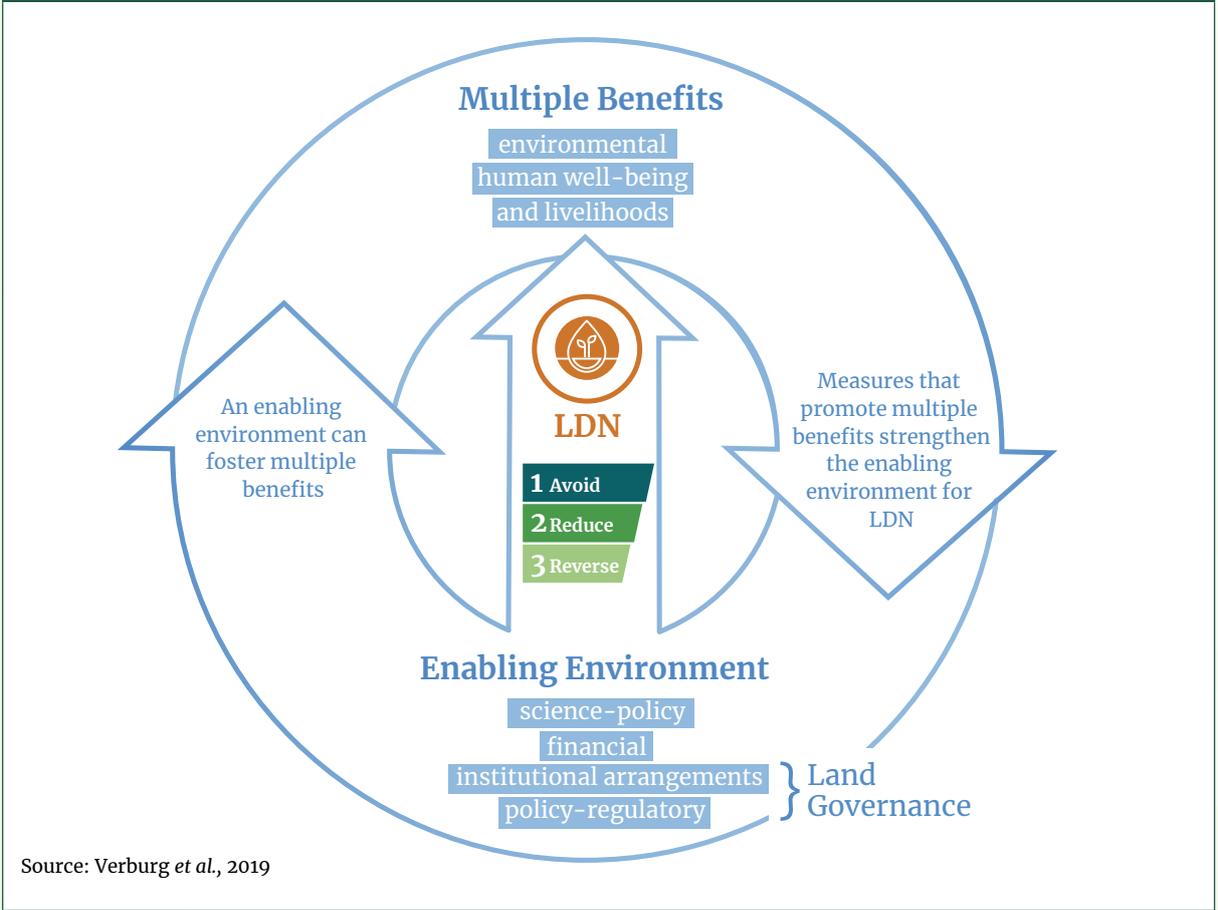
The international scientific community has conducted extensive research exploring the interlinkages between land tenure, sustainable land management and land degradation. The findings uniformly highlight the importance of secure land tenure in creating an enabling environment to avoid, reduce and reverse land degradation. The IPCC Special Report on Climate Change and Land states that many sustainable land management practices are not widely adopted due to insecure land tenure, lack of access to resources, ineffective agricultural advisory services, insufficient and unequal private and public incentives, and lack of knowledge and practical experience (IPCC, 2019). The assessment report on land degradation and restoration by IPBES highlights several key messages that the customary practices and knowledge used by Indigenous Peoples and within local communities can be effective for conserving biodiversity and avoiding, reducing and reversing land degradation. The report further highlights the importance of policy coordination in creating enabling conditions for more sustainable land management, including “policies that confer and protect individual and collective land tenure and property rights, in accordance with national legislation at the appropriate level, empower Indigenous Peoples and local communities, and recognize the role of indigenous and local knowledge and practices for sustainable land management” (IPBES, 2018). These findings are further supported by the data showing that more than 360 million Indigenous Peoples and local communities inhabit existing protected areas (Rights and Resource Initiative, 2020) and manage at least 17 percent of the carbon contained in the forests of 64 countries in Africa, Asia and Latin America (Frechette *et al.*, 2018).

These linkages have been further explored by the Science-policy Interface (SPI) of the UNCCD in the LDN scientific conceptual framework (LDN SCF) and the technical report on “Creating an enabling environment for land degradation neutrality and its potential contribution to enhancing wellbeing, livelihoods and environment”. Reinforcing responsible and inclusive governance of land, with an emphasis on protection of land tenure rights of vulnerable and marginalized people, is one of the four objectives of LDN identified in the LDN SCF. The scientific framework further highlights that by following the guidance on transparent and participatory land use planning provided in the VGGTs, LDN initiatives can be implemented in a way that safeguards legitimate tenure rights (Orr *et.al.*, 2017). The SPI technical report concludes that the LDN enabling environment is comprised of four main dimensions: (a) the science-policy interface; (b) financial

elements; (c) institutional arrangements; and (d) policy and regulatory elements. A critical component of the latter two dimensions is land governance and in fact the report highlights that creating an LDN enabling environment is, to a large extent, a land governance exercise. These findings highlight the multidimensional nature of the LDN enabling environment, which requires enhanced vertical and horizontal integration of institutions and governance mechanisms. Furthermore, land governance and secure land tenure need to be adapted to local conditions and meet the needs and aspirations of affected communities. They also underscore the dynamics of land governance and the increasing impacts of global value chains on land management practices, providing both challenges and opportunities for LDN implementation (Verburg *et al.*, 2019). Moreover, experiences across the globe highlight that land tenure is one of a range of challenges to the implementation of LDN measures<sup>8</sup> (Allen *et al.*, 2020; Chasek *et al.*, 2020; Collantes *et al.*, 2018; Cowie *et al.*, 2019; Dallimer and Stringer, 2018; Kapović Solomun *et al.*, 2018; Kust *et al.*, 2018; Okpara, Stringer and Akhtar-Schuster, 2019; Speranza, Adenle and Boillat, 2019; van Haren *et al.*, 2019; von Maltitz *et al.*, 2019; Wunder and Bodle, 2019).

It is evident from these scientific findings that secure tenure encourages land users and right holders to invest in sustainable land management, such as agroforestry, terracing, drainage, irrigation works and soil conservation, to increase long-term land productivity. Those with certainty over

**FIGURE 1**  
**CONCEPTUAL FRAMEWORK OF THE LINKAGES BETWEEN LDN, THE ENABLING ENVIRONMENT AND THE ACHIEVEMENT OF MULTIPLE BENEFITS**



Source: Verburg *et al.*, 2019

<sup>8</sup> The other implementation challenges can include, among others, weak policies, failure to incorporate gender considerations and lack of capacity for integrated land use planning, for integrative approaches, and for financial and other resources.

access and control of the land are motivated to invest in conservation and regenerative practices without fear that their land may be unjustly taken or encroached upon. Tenure security also reduces the prospect that any conflicting claims and disputes will result in land loss. The resulting confidence in landholdings over the long-term provides the assurance needed to engage in large-scale investments in LDN and restoration. A key issue for responsible governance of tenure is the need to secure and protect legitimate land rights and to ensure that vulnerable people, including Indigenous Peoples and local communities, can participate and benefit from efforts to conserve, sustainably manage and restore land. Weak, absent, or irresponsible land governance undermines tenure security, negatively impacting sustainable development, including efforts to address DLDD. Inequalities in land distribution and control, and unclear rights and how they are held can exacerbate competition for and pressure on scarce land resources where demand is high. On the other hand, improving tenure security can provide multiple benefits in terms of reducing poverty, increasing food security, empowering women and youth, avoiding resource conflicts, and enhancing biodiversity conservation and climate change mitigation and adaptation.

While the linkages between tenure and LDN initiatives have been broadly discussed and acknowledged in the context of UNCCD, the SPI technical report on the LDN enabling environment finds that very few LDN target-setting country reports consider land tenure even though stakeholders perceive that secure land tenure and access to land is among the most important policies, procedures and incentives that can help implement LDN (Verburg *et al.*, 2019). This suggests that the will and capacity to address tenure and access to land remains low. The UNCCD Secretariat, the SPI and the Global Mechanism have published multiple documents that give preliminary and conceptual guidance on how to consider responsible governance of tenure in the context of LDN, including the LDN SCF, the LDN Transformative Projects and Programmes Operational Guidance for Country Support, the checklist for LDN Transformative Projects and Programmes and the manual to design gender-responsive LDN Transformative Projects and Programmes. The aim of this technical guide is to delve deeper into the implementation and to propose potential activities on how to integrate the VGGT principles into LDN initiatives.

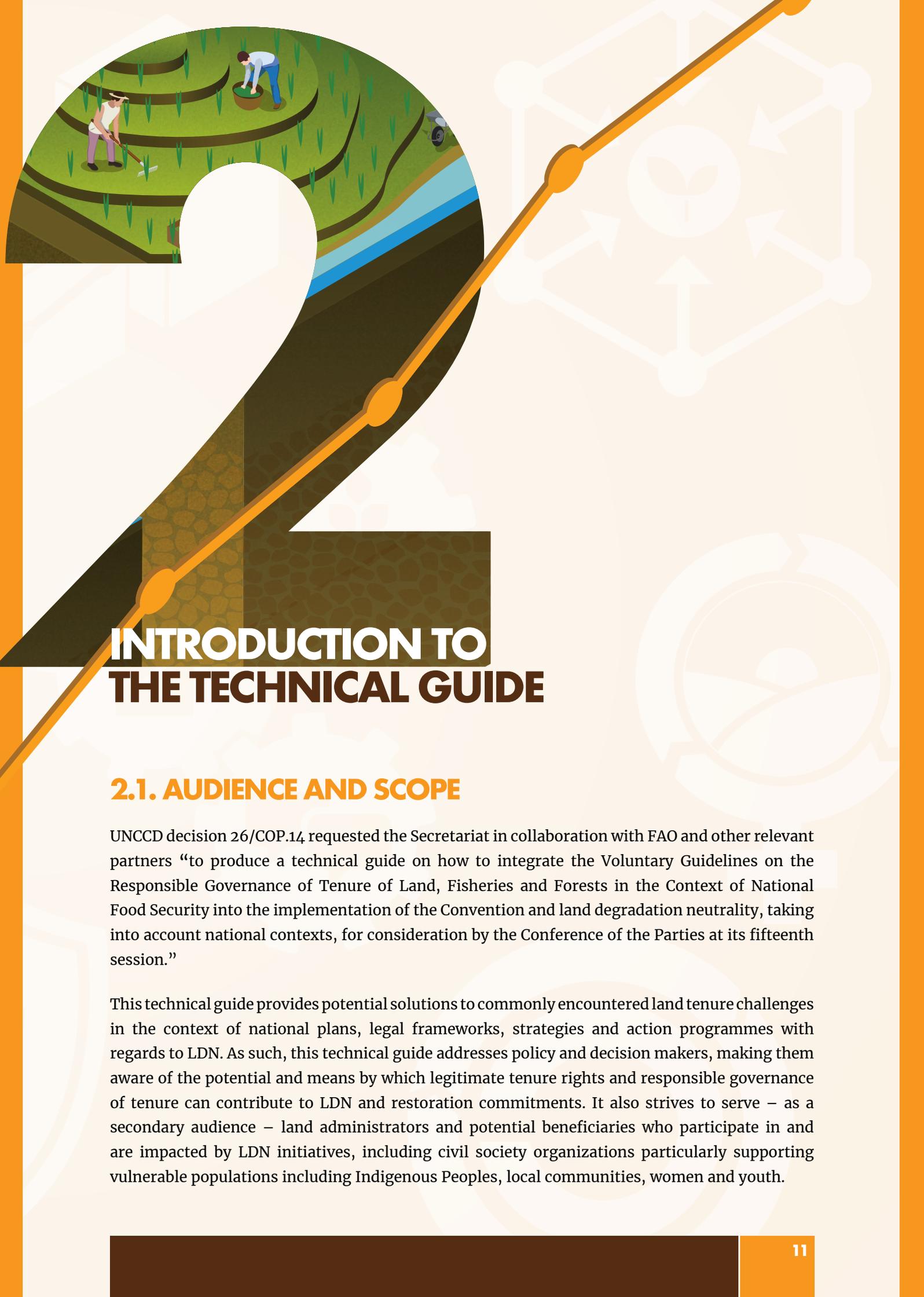
## FURTHER READING

FAO. 2012. *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. Rome.

IPC Working Group on Land, Forests, Water and Territory. 2016. *People's Manual on the Guidelines on Governance of Land, Fisheries and Forests*. International Planning Committee for Food Sovereignty.

Verburg, P., Metternicht, G., Allen, C., Debonne, N., Akhtar-Schuster, M. Inácio da Cunha, M., Karim, Z., Pilon, A., Raja, O., Sánchez Santivañez, M. & Şenyaz, A. 2019. *Creating an Enabling Environment for Land Degradation Neutrality and its Potential Contribution to Enhancing Wellbeing, Livelihoods and the Environment*. A Report of the Science–Policy Interface. Bonn. UNCCD.





# INTRODUCTION TO THE TECHNICAL GUIDE

## 2.1. AUDIENCE AND SCOPE

UNCCD decision 26/COP.14 requested the Secretariat in collaboration with FAO and other relevant partners “to produce a technical guide on how to integrate the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security into the implementation of the Convention and land degradation neutrality, taking into account national contexts, for consideration by the Conference of the Parties at its fifteenth session.”

This technical guide provides potential solutions to commonly encountered land tenure challenges in the context of national plans, legal frameworks, strategies and action programmes with regards to LDN. As such, this technical guide addresses policy and decision makers, making them aware of the potential and means by which legitimate tenure rights and responsible governance of tenure can contribute to LDN and restoration commitments. It also strives to serve – as a secondary audience – land administrators and potential beneficiaries who participate in and are impacted by LDN initiatives, including civil society organizations particularly supporting vulnerable populations including Indigenous Peoples, local communities, women and youth.

## 2.2. KEY CONSIDERATIONS

Complementary to the VGGT principles and the human rights framework, three key considerations are highlighted here to be mainstreamed in the implementation of LDN initiatives, regardless of which pathways are identified as most relevant to the national context. While these key considerations apply to all the pathways, the universal pathways give more insight and outline potential activities to address legitimate tenure rights, consultation and participation, and gender-responsiveness in LDN initiatives.

### **Legitimate tenure rights**

The VGGT state: “Based on an examination of tenure rights in line with national law, States should provide legal recognition for legitimate tenure rights not currently protected by law. Policies and laws that ensure tenure rights should be non-discriminatory and gender-sensitive. Consistent with the principles of consultation and participation of these Guidelines, States should define through widely publicized rules the categories of rights that are considered legitimate. All forms of tenure should provide all persons with a degree of tenure security which guarantees legal protection against forced evictions that are inconsistent with States’ existing obligations under national and international law, and against harassment and other threats” (FAO 2012, Paragraph 4.4).

Legitimate tenure rights include all existing tenure arrangements at the individual and community level, including collective or communal rights to land and resources, irrespective of their formal recognition by the state. They also include use and access tenure rights of all duration, and the natural resources to which they pertain. Legitimate tenure rights is a central concept of the VGGT principles and to all pathways described here after. A pro-active approach can be applied in the LDN initiatives to define and safeguard (VGGT from paragraph 7.1 to 7.6) all the legitimate tenure rights in areas of intervention and ensure buy-in and participation of all (see pathway 1).

### **Consultation and participation**

The VGGT define consultation and participation as “engaging with and seeking the support of those who, having legitimate tenure rights, could be affected by decisions, prior to decisions being taken, and responding to their contributions; taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes” (FAO, 2012, Paragraph 3B.6).

To enable meaningful and participatory consultation during the design, implementation and monitoring of LDN initiatives, those potentially affected by LDN initiatives need to have access to the relevant information, prior to decisions being taken, in an accessible format and language, and with sufficient time for inclusive consultation and participation. In this regard, it is important to identify and address the differentiated capacities of affected groups in order for full participation to be realized. Local civil society actors, such as environmental

organizations, farmers' groups, Indigenous Peoples' organizations, and other civic groups play an important role in serving and communicating with particularly vulnerable populations including Indigenous Peoples, local communities, women and youth. Hence, enhancing the capacities of local civil society has the potential to mobilize consultation and participation at different scales: organizing outreach activities, disseminating ideas and information, organizing training activities and channelling stakeholder feedback. Specific attention will be required to ensure a gender-responsive consultation process.<sup>9</sup> It is the responsibility of those implementing the LDN initiative to ensure meaningful, inclusive and participatory consultation throughout the design, implementation and monitoring of the initiative. However, the State can also set requirements for consultation and participation in all LDN initiatives and by all actors, including private sector actors.

Multi-stakeholder platforms are a tool for inclusive forms of participation and consultation to build informed consent among different stakeholders and can be supplemented by a variety of international instruments, such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the International Labor Organization convention 169 (ILO, 1989), among others. UNDRIP for example provides for free, prior and informed consent (FPIC) of Indigenous Peoples where their rights may be affected. FPIC is a collective right of Indigenous Peoples that flows from the right to self-determination on their lands, territories and other recognized properties. For the purposes of this guide, FPIC should be considered as a “collective right of Indigenous Peoples to make decisions through their own freely chosen representatives and customary or other institutions and to give or withhold their consent prior to the approval by government, industry or other outside party of any project that may affect the lands, territories and resources that they customarily own, occupy or otherwise use” (FAO, 2014a). There is thus a direct link between FPIC and self-government.

## **Gender-responsive approach**

The VGGT highlights the need to “ensure the equal right of women and men to the enjoyment of all human rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating de facto equality when necessary.” Ensuring commitment to gender equality throughout the entire LDN process is a fundamental feature to LDN initiatives and the Global Mechanism of the UNCCD has developed guidance to mainstream gender issues in LDN action.<sup>10</sup> A gender-responsive approach recognizes and acknowledges gender norms and inequalities and responds to them by creating actions, policies, and initiatives to address the different needs, constraints, and opportunities of women and men. A gender-responsive approach ensures that women's and men's differential needs are addressed; that participation of women and men is equitable; and that distribution of benefits, resources, status, and rights are equitably attended. This approach applies to all stages of program design, implementation, and monitoring.

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<sup>9</sup> See, for instance, Oxfam and IISD (2017).

<sup>10</sup> The manual can be accessed on the UNCCD website: <https://www.unccd.int/publications/manual-gender-responsive-land-degradation-neutrality-transformative-projects-and>.

In many contexts, women are disadvantaged in decisions on land use and management due to discriminatory governance arrangements and social norms, along with other persistent structural inequalities. They own proportionally less land than men and can be disadvantaged in inheritance rights. Women's land rights are more likely to be violated, where the benefits of investments into land management are appropriated by others. Women are also disadvantaged by unequal power relations and limited meaningful participation in decision-making. Male family members may have greater decision-making power on management techniques, crop selection, and the intra-household allocation of land rights. By applying a gender-responsive approach, LDN initiatives can address these issues and improve women's control over land, enhance their decision-making ability at household and community levels and foster their capacity to engage with LDN initiatives. Moreover, by addressing gender in an inclusive and intersectional manner in LDN initiatives, considering the interconnected nature of other social identities (such as age, ethnicity, gender, caste and class), can help address the differentiated needs of other vulnerable groups and result in wider community benefits and joint measures to address the overlapping and interdependent systems of experience, discrimination, and/or disadvantage.



## THE PATHWAYS

### 3.1. UNFOLDING THE PATHWAY APPROACH

To cater for the diversity of national contexts, this technical guide proposes a flexible, generic and inclusive set of nine action-oriented pathways that allows them to be adapted to different countries, in order to integrate VGGT principles in initiatives to combat desertification, land degradation and drought and to achieve LDN. In addition to the VGGT, UNCCD COP decisions and the LDN framework, the pathways are informed by a literature review on lessons learned, case studies and good practices, as well as a series of e-consultations with multiple stakeholders held from June to November 2020. The pathways are formulated so that they speak to a number of countries and are not specific to a single country context or case study. Any actions to implement the pathways should be aligned with the VGGT principles<sup>11</sup> and the human rights framework.

The nine pathways address commonly encountered land tenure related challenges in relation to LDN achievement. Each describes ways to apply the VGGT principles in achieving LDN and addresses the “how” questions of implementation. Each pathway also lays out: (i) a list of possible actions at national and local levels; (ii) references in the “Further reading” section to deepen insights into the topics presented in the pathways and to further provide technical advice pertinent to on-the-ground implementation; and (iii) a case study to illustrate the

<sup>11</sup> See the general and implementation principles of the VGGT in Section 1.4.

potential opportunities and challenges that might arise in implementing the pathways in various national and local contexts. However, not all pathways are relevant to all countries and users of this technical guide are invited to consider those pathways that are most pertinent to their national contexts while striving to achieve LDN and upholding the VGGT principles. To achieve LDN, several pathways need to be pursued in an integrated multi-pathway approach. Regardless of the pathways used, approaches should embrace legitimate tenure rights, broad and inclusive consultation and participation, and a gender-responsive approach, which are the key considerations described in section 2.2.

## 3.2. IMPLEMENTING THE MULTI-PATHWAY APPROACH IN LDN INITIATIVES

Figure 2 provides a schematic representation of the multi-pathway approach to integrate governance of tenure into LDN initiatives, with the VGGT principles as the overarching guiding tool.

In the planning phase of LDN initiatives, preliminary assessments are conducted to ensure that the activities and components of the initiative comply with the physical and social environment, and address the specific needs, challenges and realities on the ground. For the integration of land tenure into the activities of LDN initiatives, three assessments are recommended: land tenure, gender and biophysical assessment.

A land tenure assessment examines the tenure arrangements (who can use what resources for how long and under what conditions) under the formal/statutory legal framework and under customary tenure in the area of intervention (FAO, 2002). The assessment will aim at identifying the type of tenure (public or private or common lands) present in the area of intervention. The assessment takes into account all type of arrangements or legitimate tenure rights including those that are seasonal or periodic (such as grazing) and integrates a mapping of the statutory and customary authorities that play a role in the tenure arrangements (FAO, 2002). Where relevant, the assessment may aim at understanding tenure insecurity in the area of intervention which may include a typology of tenure-related conflicts. The assessment needs to identify what type of tenure issues in the legal and organizational frameworks at the national level and in the area of intervention may limit the impact of the planned LDN initiative.

A gender assessment examines the differences in gender roles, activities, needs, opportunities and rights/entitlements in certain situation or contexts. It further examines the relationships between females and males and their access to and control of resources and the constraints they face relative to each other. A gender assessment should be integrated into all sector assessments or situational analyses to ensure that gender-based injustices and inequalities are not exacerbated by interventions, and that where possible, greater equality and justice in gender relations are promoted. In the context of LDN initiatives, the gender assessment may be carried out as part of the land tenure assessment (UN Women, UNCCD and IUCN, 2019).

A biophysical assessment, which examines the direct and indirect drivers of land degradation, is inherent in the planning phase of any LDN initiative and can contribute to the identification of relevant pathways. The countries that have set their voluntary national LDN targets under UNCCD have analysed the causes and effects of land degradation to make evidence-based decisions on the targets desirable and feasible to achieve by 2030 in order to avoid, reduce, or reverse land degradation. An aggregated data analysis of the LDN target-setting country reports demonstrate that land degradation is primarily linked to crop lands, forests, grasslands and savannas and wetlands. The five most frequent categories of LDN targets include: (i) restore/improve crop land; (ii) restore/increase forests; (iii) restore/improve grasslands and savannas; (iv) increase soil fertility and soil organic carbon stock; and (v) improve management of wetlands (Grita and Rijpma, 2019).

In the multi-pathway approach, the identification of relevant pathways builds on the findings of these preliminary assessments. An understanding of the biophysical assessment – and particularly of the drivers of land degradation and the national priorities set in the LDN targets – can assist in identifying which type of land is undergoing the degradation, such as crop lands, forests, grasslands and savannas, and wetlands. The land tenure and gender assessments can help determine which tenure systems – private lands, common or public lands – are subject to land degradation, highlight underlying challenges in securing tenure, and help tailor activities to specific local needs and contexts.

There are two sets of pathways: universal and context-specific. The universal pathways can be applied to all LDN initiatives for all the drivers of land degradation and all types of tenure systems (private land, public land, commons land), whereas the context-specific pathways depend on the context, with the activities of these requiring elements of the universal pathways. Such contexts would include, for example, specific country situations, or situations pertaining to certain subnational regions, land uses, or groups. These specificities should be evident from the findings and iterations of the preliminary assessments.

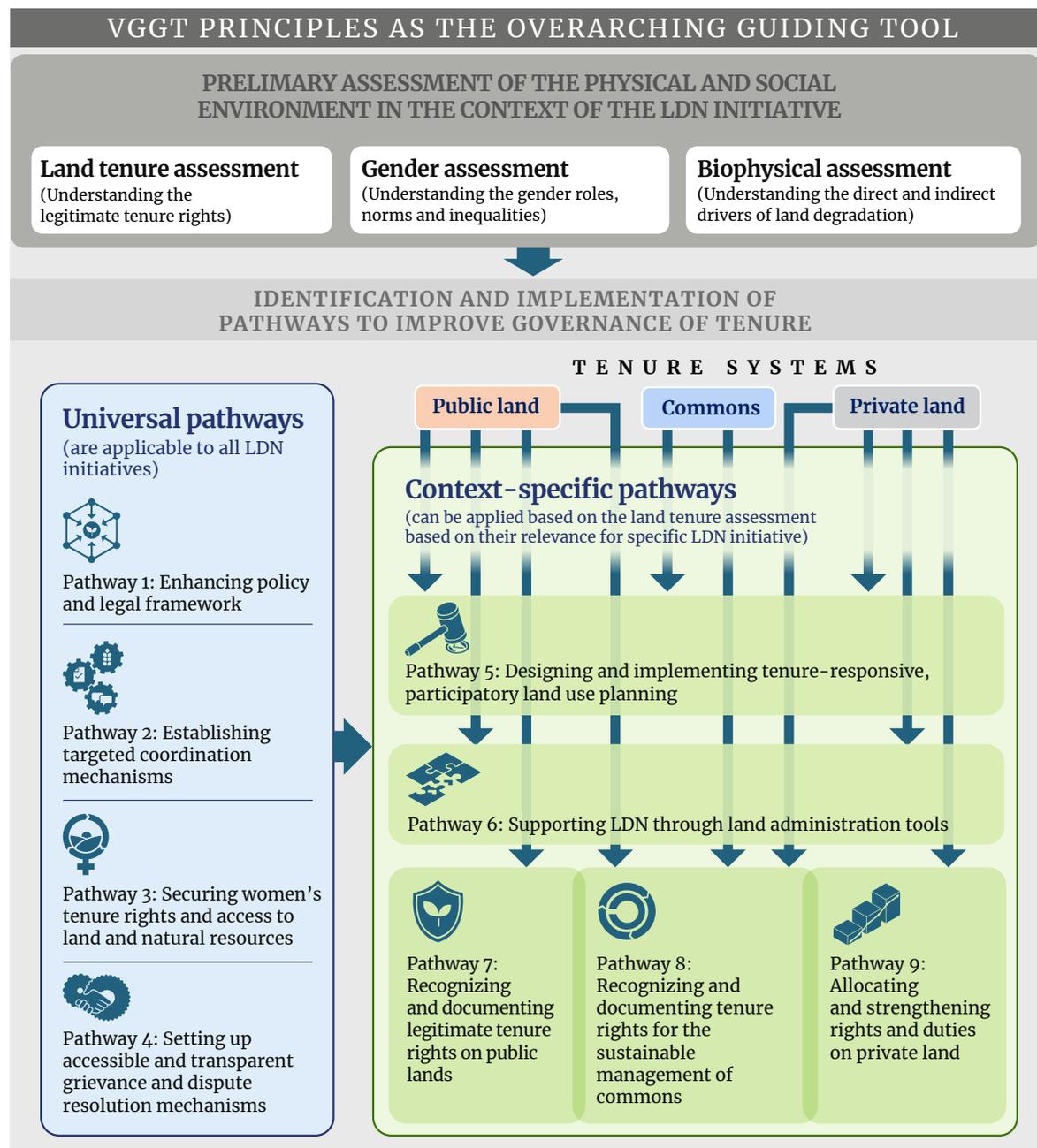
For example, the assessments on tenure and drivers of land degradation may reveal that issues of pasture management leading to land degradation occur mainly on public lands and that there is tenure insecurity. This first broad understanding of the linkage between a tenure challenge and a degradation driver can help identify which of the nine pathways are most relevant for this specific national or local context.

The four universal pathways are applicable to a range of land degradation and tenure issues and include: enhancing the policy and legal framework (pathway 1); establishing targeted coordination mechanisms (pathway 2); securing women's tenure rights and access to land and natural resources (pathway 3); and setting up accessible and transparent grievance and dispute-resolution mechanism (pathway 4). These four pathways contain concrete actions to address the three key considerations: legitimate tenure rights recognition (pathway 1); consultation and participation (pathways 2 and 4); and gender-responsiveness (pathway 3). These key considerations also apply to the context-specific pathways, including, designing

tenure-responsive participatory land use planning (pathway 5); supporting LDN through land administration tools (pathway 6); recognizing and documenting land tenure rights on public land (pathway 7); recognizing and documenting tenure rights for the sustainable management of commons, (pathway 8); and allocating and strengthening rights on private land (pathway 9).

**FIGURE 2**

**THE PATHWAYS APPROACH FOR THE INTEGRATION OF GOVERNANCE OF TENURE TO ACHIEVE LDN**

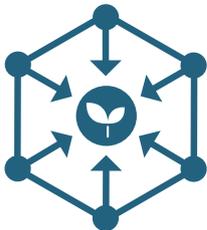


Source: This study

Sound planning is key to applying this integrated multi-pathway approach. It is recognized that significant organizational, financial and technological resources will need to be brought to bear to implement the pathways, and that these may be difficult to source in a continuous and reliable way. Funds are needed already in the planning phase to cover the preliminary assessments and to identify the appropriate pathways and activities to improve the governance of tenure. A dedicated budget to identify and support the necessary coordination and cooperation mechanisms at national and local levels therefore needs to be developed and financing from donors can be sought. From the donor perspective, providing such resources in the implementation of the pathways allows for greater impact to be realized, as the combination of the VGGT and LDN amplifies the change that comes about.

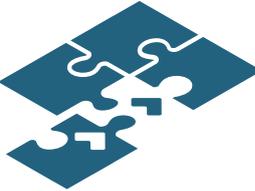
### 3.3. AN OVERVIEW OF THE PATHWAY RATIONALE: VGGT PRINCIPLES AND UNCCD COP DECISIONS

Table 1 presents the rationale for each pathway and their linkages with the relevant UNCCD COP decisions and VGGT principles and guidelines.

Pathway	UNCCD COP decisions	VGGT principles and guidelines
 <p><b>Pathway 1: Enhancing policy and legal frameworks</b></p>	<p>Decision 26/COP.14            “Invites Parties to review and, where appropriate, adopt national land governance legislation and procedures in order to support sustainable land use and land restoration; Encourages Parties to recognize legitimate tenure rights, including customary rights, consistent with the national legal framework.”</p>	<p>Paragraph 5.3 of the VGGT establishes that “states should ensure that policy, legal and organizational frameworks for tenure governance recognize and respect, in accordance with national laws, legitimate tenure rights including legitimate customary tenure rights that are not currently protected by law; and facilitate, promote and protect the exercise of tenure rights. Frameworks should reflect the social, cultural, economic and environmental significance of land, fisheries and forests. States should provide frameworks that are non-discriminatory and promote social equity and gender equality. Frameworks should reflect the interconnected relationship between land, fisheries and forests and their uses, and establish an integrated approach to their administration.”</p>

Pathway	UNCCD COP decisions	VGGT principles and guidelines
 <p data-bbox="209 577 459 701"><b>Pathway 2: Establishing targeted policy coordination mechanisms</b></p>	<p data-bbox="507 309 847 539">Decision 16/COP.14 “Also invites country Parties with land degradation neutrality voluntary targets to do so in pursuance of their national plans, strategies and action programmes by:</p> <ul style="list-style-type: none"> <li data-bbox="507 546 863 898">(a) Institutionalizing horizontal and vertical coordination taking into account multi-stakeholder participation in support of land degradation neutrality mainstreaming and implementation beyond the Land Degradation Neutrality Target Setting Programme;</li> <li data-bbox="507 904 863 1189">(b) Strengthening/developing mechanisms that support land degradation neutrality implementation and enforcement to better coordinate top-down and bottom-up actions related to land degradation neutrality.”</li> </ul>	<p data-bbox="906 309 1382 499">Paragraph 5.6 of VGGT emphasizes the need for states to “ensure coordination between implementing agencies, as well as with local government, and Indigenous Peoples and other communities with customary tenure systems.”</p> <p data-bbox="906 506 1374 857">Paragraph 26.2 of the VGGT stipulates that “States are encouraged to set up multi-stakeholder platforms and frameworks at local, national and regional levels or use such existing platforms and frameworks to collaborate on the implementation of these Guidelines (...). This process should be inclusive, participatory, gender-sensitive, implementable, cost effective and sustainable.”</p>
 <p data-bbox="209 1462 443 1619"><b>Pathway 3: Securing women’s tenure rights and access to land and natural resources</b></p>	<p data-bbox="507 1227 858 1682">Decision 26/COP.14 “Invites Parties to legally recognize equal use and ownership rights of land for women and the enhancement of women’s equal access to land and land tenure security as well as the promotion of gender-sensitive measures to combat desertification/land degradation and drought and achieve land degradation neutrality, taking into account the national context.”</p>	<p data-bbox="906 1227 1382 1771">The VGGT emphasize gender equality as one of the ten implementation principles. Further, Paragraph 5.4 of the VGGT adds: “States should consider the particular obstacles faced by women and girls with regard to tenure and associated tenure rights and take measures to ensure that legal and policy frameworks provide adequate protection for women and that laws that recognize women’s tenure rights are implemented and enforced. States should ensure that women can legally enter into contracts concerning tenure rights on the basis of equality with men and should strive to provide legal services and other assistance to enable women to defend their tenure interests.”</p>

Pathway	UNCCD COP decisions	VGGT principles and guidelines
 <p><b>Pathway 4: Setting up accessible and transparent grievance and dispute-resolution mechanisms</b></p>	<p>Decision 26/COP.14</p> <p>“Encourages the Parties to provide effective, timely and affordable access to justice and transparent dispute-resolution mechanisms.”</p> <p>“Also encourages Parties to recognize and promote fair and inclusive community-based conflict resolution mechanisms.”</p>	<p>Paragraphs included in guideline 21 of the VGGT outline the resolution of disputes over tenure rights. They highlight the importance for States to provide access to remedy through impartial State-based and non-State-based, judicial as well as non-judicial processes protected from corruption, free from political and other attempts to influence the outcome and accessible to all, women and men, in terms of location, language and procedures. As per Paragraph 21.6: “States should strive to provide legal assistance to vulnerable and marginalized persons to ensure safe access for all to justice without discrimination.”</p>
 <p><b>Pathway 5: Designing and implementing tenure-responsive and participatory integrated land use planning</b></p>	<p>Decision 16/COP.14</p> <p>“Encourages country Parties to take into account land tenure and land use planning conditions, as appropriate, for creating an enabling policy and regulatory environment for land degradation neutrality, following the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security to manage impacts of land degradation neutrality measures on land tenure.”</p> <p>”Encourages Parties and other stakeholders to: (...) (c) Take into account gender dimensions responsive to the concerns of women, youth and girls in land use planning and in the design of interventions towards achieving land degradation neutrality.”</p>	<p>Paragraphs included in guidelines 3, 16 and 20 of the VGGT emphasize that integrated land use planning needs to recognize and respect all legitimate tenure right holders and their legitimate tenure rights, as in 20.3: “States should strive towards reconciling and prioritizing public, community and private interests and accommodate the requirements for various uses, such as rural, agricultural, nomadic, urban and environmental. Spatial planning should consider all tenure rights, including overlapping and periodic rights.” Paragraphs 20.2 and 20.4 further stipulate that: “States should develop through consultation and participation, and publicize, gender-sensitive policies and laws on regulated spatial planning” and “States should ensure that there is wide public participation in the development of planning proposals and the review of draft spatial plans to ensure that priorities and interests of communities, including Indigenous Peoples and food-producing communities, are reflected.”</p> <p>If participatory, integrated land use planning results in expropriation which should only be possible for a public purpose of which concept needs to be “clearly defined by the law” as per Paragraph 16.1. The same paragraph specifies that only the minimal amount of land should be acquired and just compensation be provided promptly.</p>

Pathway	UNCCD COP decisions	VGGT principles and guidelines
 <p data-bbox="207 537 446 660"><b>Pathway 6: Supporting LDN through land administration tools</b></p>	<p data-bbox="502 302 853 851">Decision 26/COP.14 “Encourages Parties to promote responsible and sustainable private and public investments in combatting desertification/ land degradation and drought, including restoration programmes that adhere to environmental and social safeguards in line with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, and national legislation.”</p>	<p data-bbox="901 302 1380 1108">Paragraphs 13.1, 13.3 &amp; 13.4 of the VGGT emphasize the link of “land consolidation, exchanges or other voluntary approaches for the readjustment of parcels or holdings to assist owners and users to improve the layout and use of their parcels or holdings” to sustainable land management. “Where appropriate, States may consider encouraging and facilitating land consolidation and land banks in environmental protection (...)” and “Where fragmentation of smallholder family farms and forests into many parcels increases production costs, States may consider land consolidation and land banks to improve the structure of those farms and forests. States should refrain from using land consolidation where fragmentation provides benefits, such as risk reduction or crop diversification. (...) Measures should be developed to protect the investment of land consolidation by restricting the future subdivision of consolidated parcels.”</p> <p data-bbox="901 1108 1380 1780">As an underlying principle, Paragraph 13.1 to 13.6 of the VGGT accentuate voluntary approaches and stipulate that land users, owners and rights holders should be “at least as well off” after land consolidation as before and emphasize the necessity of establishing “(...) strategies for readjustment approaches that fit particular local requirements.” The VGGT place particular emphasis on safeguards in land consolidation: “States should establish appropriate safeguards in projects using readjustment approaches. (...) Participatory and gender-sensitive approaches should be used (...). Environmental safeguards should be established to prevent or minimize degradation and loss of biodiversity and reward changes that foster good land management, best practices, and reclamation.”</p>

**Pathway****UNCCD COP decisions****VGGT principles and guidelines**

**Pathway 7:  
Recognizing and  
documenting  
legitimate tenure  
rights on public lands**

Decision 16/COP.14  
“Encourages country Parties to take into account land tenure and land use planning conditions, as appropriate, for creating an enabling policy and regulatory environment for land degradation neutrality, following the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security to manage impacts of land degradation neutrality measures on land tenure by, inter alia: (...) (c) Recognizing and protecting customary land governance systems in national laws to enable customary land rights holders to be partners in land degradation neutrality.”

Paragraph 8.2, 8.3 and 8.4 of the VGGT mention that “Where States own or control land, fisheries and forests, the legitimate tenure rights of individuals and communities, including where applicable those with customary tenure systems, should be recognized, respected and protected, (...). To this end, categories of legitimate tenure rights should be clearly defined and publicized, through a transparent process, and in accordance with national law.”

“Noting that there are publicly-owned land, fisheries and forests that are collectively used and managed (in some national contexts referred to as commons), States should, where applicable, recognize and protect such publicly-owned land, fisheries and forests and their related systems of collective use and management, including in processes of allocation by the State.”

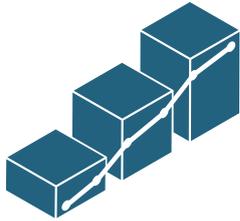
“States should strive to establish up-to-date tenure information on land, fisheries and forests that they own or control by creating and maintaining accessible inventories.(...) Where possible, States should ensure that the publicly-held tenure rights are recorded together with tenure rights of Indigenous Peoples and other communities with customary tenure systems and the private sector in a single recording system, or are linked to them by a common framework.”



**Pathway 8:  
Recognizing and  
documenting  
tenure rights for  
the sustainable  
management of  
commons**

Decision 26/COP.14  
“Encourages Parties to recognize legitimate tenure rights, including customary rights, consistent with the national legal framework;”  
“Invites the Parties to ensure that measures to combat desertification/land degradation and drought are carried out in a non-discriminatory and participatory way so that they promote equal tenure rights and access to land for all, in particular vulnerable and marginal groups, within the national context.”

Paragraphs 2.4, 8.2, 8.3, 9.2 and 9.4 of the VGGT call upon states to recognize and respect all legitimate tenure rights, where the term legitimate tenure rights are used explicitly to not only include private and public lands but also collective, indigenous and customary rights to commons. Further, Paragraph 8.2 of the VGGT establishes that a community can be a rights holder while Paragraph 8.3 mentions that collective use and management systems that are linked to these collective tenure rights should, where applicable, also be recognized and protected.



**Pathway 9: Allocating and strengthening rights and duties on private land**

**Decision 16/COP.14**

“Encourages country Parties to take into account land tenure and land use planning conditions, as appropriate, for creating an enabling policy and regulatory environment for land degradation neutrality, following the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security to manage impacts of land degradation neutrality measures on land tenure by, inter alia: (...) (g) Accounting for actors involved in private land governance who have an increasingly prominent role in shaping land governance and can therefore be instrumental to achieving land degradation neutrality.”

**Decision 26/COP.14**

“Encourages Parties to promote responsible and sustainable private and public investments in combatting desertification/land degradation and drought, including restoration programmes that adhere to environmental and social safeguards in line with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, and national legislation.”

Paragraph 4.3 of the VGGT mentions that “All Parties should recognize that no tenure right, including private ownership, is absolute. All tenure rights are limited by the rights of others and by the measures taken by States necessary for public purposes. Such measures should be determined by law, solely for the purpose of promoting general welfare including environmental protection and consistent with States’ human rights obligations. Tenure rights are also balanced by duties. All should respect the long-term protection and sustainable use of land, fisheries and forests.”

Regarding specifically land-based Investments, paragraphs 12.2, 12.4 and 12.6 of the VGGT are as follows: “Considering that smallholder producers and their organizations in developing countries provide a major share of agricultural investments that contribute significantly to food security, nutrition, poverty eradication and environmental resilience, States should support investments by smallholders as well as public and private smallholder-sensitive investments.”

“Responsible investments should do no harm, safeguard against dispossession of legitimate tenure right holders and environmental damage, and should respect human rights”, “States should provide safeguards to protect legitimate tenure rights, human rights, livelihoods, food security and the environment from risks that could arise from large-scale transactions in tenure rights. Such safeguards could include introducing ceilings on permissible land transactions and regulating how transfers exceeding a certain scale should be approved, such as by parliamentary approval.”



## PATHWAY 1: ENHANCING POLICY AND LEGAL FRAMEWORKS

**Rationale:** Aligned policy and legal frameworks are necessary to provide guidance for sectoral policies in line with the principle of a holistic and sustainable approach to land use decisions and natural resources management, as described by the VGGT and underscored by the LDN scientific conceptual framework. However, national policy and legal frameworks on land tenure governance and on land use and management can be designed and implemented without considering their interrelationships. Well-intended, but ill-designed land tenure policies could therefore encourage unsustainable land use and management and undermine LDN efforts. For instance, when tenure rights are tied to agricultural use of the land, there might be an incentive to deforest the land. Another key aspect when applying the VGGT principles is to ensure that all legitimate tenure rights are recognized, respected and safeguarded. The meaning of legitimate tenure rights varies according to context. Hence, prior to any integration, the concept of legitimate tenure needs to be translated into the applicable national legal and policy frameworks.

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**Description of the pathway:** Enhancing policy and legal frameworks at the national level encompasses two types of activities: (i) the definition of legitimate tenure rights according to the national context and recognition of legitimate tenure rights not currently protected by law; and (ii) a participatory assessment of the legal and policy frameworks to support the implementation of the LDN initiatives.

- **Defining legitimate tenure rights in an inclusive way:** A non-discriminatory definition of legitimate tenure rights according to the national context can only happen “after a careful catalogue of all existing tenure governance systems currently operative in their country” (FAO, 2016b). Such a cataloguing takes place as a result of a land tenure assessment which determines what legitimate tenure rights are, and must rely on the input of various stakeholders (see pathway 2), in particular vulnerable populations and with a special focus on gender equality. The catalogue can further build on previous assessments, such as the assessments by the World Bank’s Land Governance Assessment Framework (LGAF), national human rights institutions, civil society networks, and research institutions and scientific networks.

In defining legitimate tenure rights, a range of issues stand out from practitioners’ point of view.

- (i) Different forms of legitimacy (legal and social) might contradict each other. The emphasis of the VGGT lies on vulnerable and marginalized people. This reference point should guide the definition of the relationship between the two forms of legitimacy, in case there are areas of contradiction.
  - (ii) The principles of the VGGT should be pursued within existing customary tenure rights, including addressing gender equality.
  - (iii) Different tenure rights such as, overlapping and/or periodic tenure rights, or rights to adjacent land resources (such as trees, water, hunting, harvesting, grazing, fisheries) should be considered legitimate and respected along with other tenure rights.
  - (iv) Multidimensional (social, cultural, spiritual, economic and environmental) values of land, fisheries and forests held under tenure systems of Indigenous Peoples and other communities with customary tenure systems need to be taken into account.
- **Legally recognizing legitimate tenure rights, in accordance with national contexts:** The non-discriminatory process of defining legitimate tenure rights might lead to the identification of legitimate tenure rights that are not yet legally recognized. In devising a legal and policy framework to address the land tenure-LDN nexus, these legitimate tenure rights need to be inserted into the legal frameworks to be recognized.
  - **Participatory assessment of the policy and legal framework:** A technical assessment of national policy and how it is reflected in the legal framework related to land tenure, needs

to be conducted in a participatory and inclusive way so as to identify gaps. The identification of the gaps needs to: (i) analyse the relevant laws in the context of the VGGT to seek areas of improvement towards responsible governance of tenure;<sup>12</sup> and (ii) review the alignment between the policy and legal frameworks of LDN and responsible governance of tenure so as to flag all possible contradictions between each other. National ownership of the process is key, including a wide range of stakeholders, for such a review to take place at the national and local level. The participants of this participatory assessment should reflect the necessary diversity of backgrounds (government, private sector, civil society, academia, vulnerable groups, and land users) and each should be sufficiently capacitated for an informed and meaningful participation. In countries where multi-stakeholder platforms (MSPs)<sup>13</sup> on land tenure governance have been set up, this assessment work should be led in close collaboration with these platforms or under its aegis. Multi-stakeholder platforms at both national and local levels can engage with the assessment process for greater inclusiveness, particularly by capacitating its members and ensuring the reflection of its constituencies' views (see pathway 2). Such involvement by the platforms and other participants in the assessment is important for local buy-in. It is important to bear in mind that a comprehensive review of the legal and policy framework is a time consuming and resource intensive process. It is therefore key that this participatory assessment needs to include financial resource planning in order to engage subsequent consultations at the local level.

- **Strengthening the organizational framework for policy implementation:** The legal and policy frameworks are only as strong as the accompanying governmental processes designed to implement them. Progressive land laws can be difficult to translate into responsible land tenure governance on the ground when organizational frameworks are not in place and/or when there are financial and capacity shortcomings. Hence, the VGGT not only refer to legal and policy frameworks, but also to organizational frameworks. It is therefore key to establish organizational processes to support the alignment between land tenure governance, LDN and sustainable land use and management policy and legal frameworks at the national level. This refers to supporting regulations and guidelines for the implementation of legislation, as well as the organizational environment to apply these. In view of frequent capacity constraints at the local and national levels, it is key to design implementation mechanisms of LDN initiatives that are embedded within the existing institutional framework in a way that strengthens the implementation capacity. This capacity building can target governmental and non-governmental organizations (see pathway 2).

The enhancing of policy and legal frameworks will provide benefit if it is brought at the local level for consultation and participation of all the relevant stakeholders to the process. This participation and consultation can be organized through multi-stakeholder platforms (see pathway 2), and through the 'participatory assessment of the policy and legal framework' noted above.

<sup>12</sup> References to analyse policy and legal frameworks in the context of the VGGT and to recognizing legitimate tenure rights can be found in the "Further reading section" of this pathway.

<sup>13</sup> Multi-stakeholder platforms are mechanisms of dialogue including all relevant sectors and stakeholders (Government, Civil Society, Academia, Private Sector). The precise membership of MSPs will vary by country, and efforts should be made to have them be inclusive of all relevant stakeholders. They can address governance of tenure (as per Paragraph 26.2 of VGGT) or LDN or other themes relevant to this technical guide.

### Box 1. Adopting a new legal framework to transform land degradation of pastures on commons in Kyrgyzstan



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In Kyrgyzstan, the Parliament adopted a law “On Pastures” in 2009 reforming pasture tenure and creating a new community-based pasture management system. The legislative reform was introduced to address the unsustainable open access and use of the extensive pastureland in the country, contributing to pasture degradation and decreased pasture and livestock productivity. The adoption of the law led to the decentralization of pasture management by transferring the control over the use and management of state-owned pastures to the local authorities.

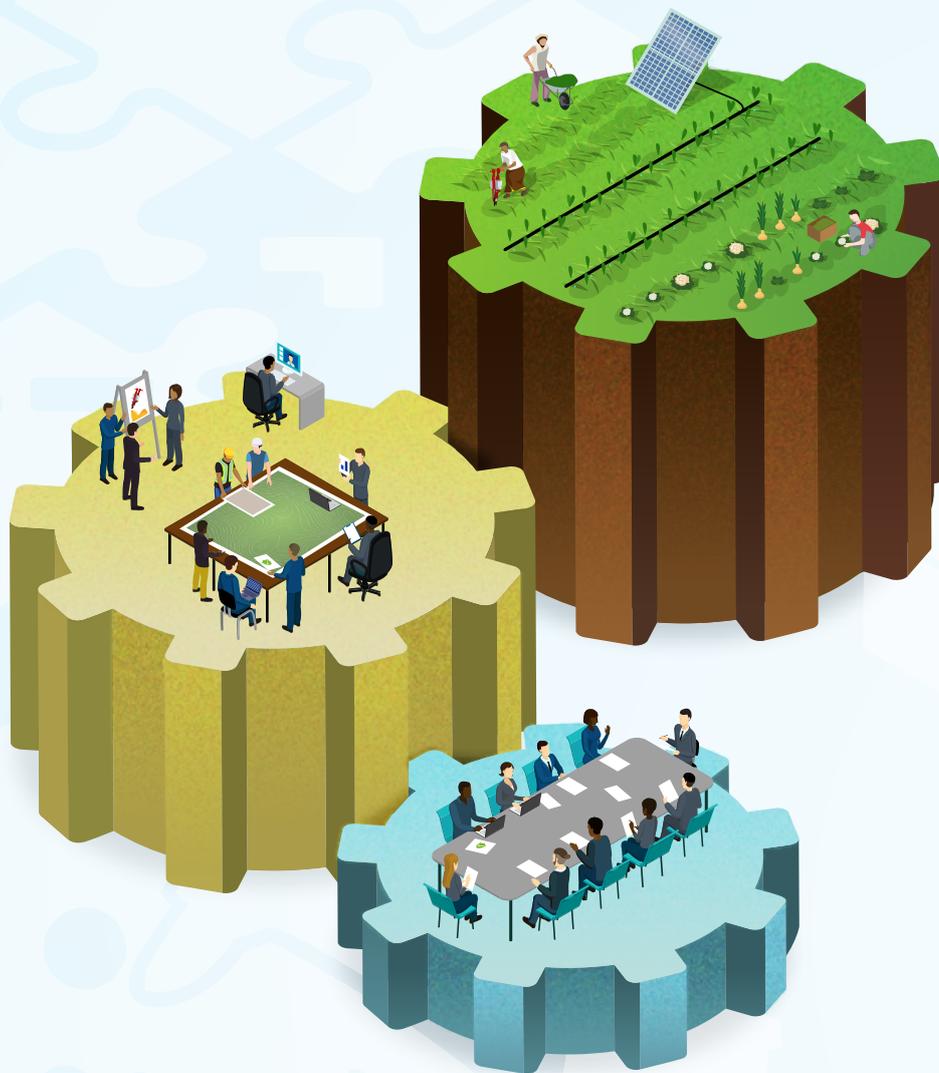
Previously, pastures could be leased out to private or collective users for a period of up to 49 years. This was replaced by the allocation of pasture tickets granting grazing access for a certain number of cattle. Under the new system, pasture tenure and management are decentralized to the 484 local authorities in the country, including 31 cities and 453 aiyl aimaks (rural villages). The local authorities have formed pasture user unions and pasture committees to manage all the registered community pastures in Kyrgyzstan. An inventory of pasture lands was carried out by "Kyrgyzgiprozem", an authorized state body under the State Agency for Land Resources, with the involvement of the local pasture committees. According to the Budget Code (Article 48) of the new legislation, the fees collected from the new pasture ticket fee system go to the budgets of pasture user unions to further support sustainable use and management practices.

The decentralization of pasture management to the pasture user unions and pasture committees has strengthened the pastoralists' community tenure rights, which has resulted in improved pasture management and reduced land degradation. However, further strengthening local capacity to collect fees, to assess pasture carrying capacities, and to coordinate between institutions would further support the measures to address land degradation and the benefits created through the pasture tenure reform.

This case study illustrates potential actions and lessons learned for the implementation of pathway 1 as well as pathways 5, 7, and 8.

## FURTHER READING

- Buxton, A., Schwartz, B. & Cotula, L.** 2021. *Tenure rights in large-scale and artisanal mining: Implications of the Voluntary Guidelines*. Legal Brief 5. Rome, FAO.
- Cotula, L. & Knight, R.** 2021. *Protecting legitimate tenure rights: From concepts to practice*. Legal Brief 2. Rome, FAO.
- Davies, F.** 2015. *Analytical Assessment Report for the Implementation of the Voluntary Guidelines on Responsible Governance of Tenure in the Land, Fisheries and Forestry Sectors of Sierra Leone*. FAO Legal Papers No. 96. Rome, FAO.
- Deininger, K., Selod, H. & Burns, A.** 2012. *The Land Governance Assessment Framework: Identifying and Monitoring Good Practice in the Land Sector*. Washington DC. World Bank.
- FAO.** 2016b. *Responsible governance of tenure and the law: A guide for lawyers and other legal service providers*. Governance of Tenure technical guide 5. Special reference to section 3.3.1. Rome.
- FAO.** 2016f. *Improving governance of pastoral lands*. Governance of tenure technical guide 6. Rome
- FAO.** 2019a. *Assessing the governance of tenure for improving forests and livelihoods: A tool to support the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure*. Rome.
- Knight, R.** 2021. *Legal empowerment to promote legitimate tenure rights*. Legal Brief 4. Rome, FAO.
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## PATHWAY 2: ESTABLISHING TARGETED POLICY COORDINATION MECHANISMS

**Rationale:** This pathway addresses practical ways to foster inter-sectoral coordination, information sharing, and coordinated monitoring of policy implementation and impact. Sectoral fragmentation undermines the sustainability of LDN initiatives and the prospects of up-scaling them. This pathway exemplifies ways of leveraging the existing institutional landscape to overcome silos and to integrate VGGT principle into LDN. To that end, this pathway advocates for building policy coordination mechanisms onto existing national level multi-stakeholder platforms (MSPs) and, where necessary, to complement those by investing in new multi-stakeholder platforms at national and /or local levels.

Overcoming silos is a frequent challenge when it comes to developing and implementing LDN initiatives. Besides sector-based planning and policymaking, resource allocation, personnel and accountability structures are often coupled to a specific sector or even to a particular institution. These are underlying challenges of sectoral fragmentation and are critical to overcome for meaningful coordination structures and processes (Neely, 2017). With policy alignment and

coordination, discrepancies between sectoral priorities can be mitigated. Successful coordination goes beyond cooperation of different sectors, as it also includes effective engagement of the science-policy interface at the national level (UNCCD, 2019d), multi-stakeholder coordination as well as donor coordination. However, the ways that such coordination can be implemented in the planning and implementation of LDN initiatives is country- and context-specific, such that precise activities are not described here.

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**Description of the pathway:** Establishing targeted vertical and horizontal policy coordination mechanisms include: (i) building or strengthening MSPs including all relevant sectors and stakeholders (horizontal coordination) at national and local<sup>14</sup> levels with coordination mechanisms in between levels (vertical coordination); (ii) knowledge exchanges through MSPs; (iii) fora to enhance data inter-operability work.

At national level, the following activities can be undertaken to support the necessary policy coordination and integration:

- **Strengthening national knowledge exchange between national institutions and authorities that are responsible for land use and management and land tenure governance:** To overcome the challenge of thinking and acting in silos and reaching a shared language between different sectors, LDN initiatives can, firstly, establish or strengthen national multi-stakeholder platforms for transparent knowledge exchange and horizontal coordination (Grita and Rijpma, 2019). While the precise membership of the platforms and who leads them will be country specific in order to attend to country-level priorities, they will need support by the adequate allocation of mandates and budgets by respective line ministries. Secondly, the multi-stakeholder platforms will benefit from a coordination unit acting as steering committee. The steering committee can be based in one of the line ministries, an adjacent agency or an organization trusted by all members. Vertical coordination with information circulating from national to local and from local to national levels needs to be ensured between the national and local multi-stakeholder platforms and steering committees.
- **Increasing the interoperability of data:** National multi-stakeholder platforms could include coordination mechanisms to improve data interoperability, standardize information exchange, data sharing and avoid duplication of efforts. Multi-purpose geospatial information systems, which manage remote sensing data, authoritative geospatial information, legal data (such as tenure rights), along with information on land use and management, land degradation or gender-disaggregated demographic data, are required to facilitate the achievement of multiple benefits, including improved land administration and sustainable land management. This can include the use of new innovative geospatial tools such as participatory mapping of tenure rights. Data interoperability and appropriate spatial and non-spatial data infrastructure would contribute to the combined monitoring of the SDG Indicators on LDN (SDG Indicator 15.3.1) and responsible land governance (SDG Indicators 1.4.2, 5.a.1). Increasing data interoperability could include exploring options for

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<sup>14</sup> Regional level coordination can be relevant in certain context to achieve LDN objectives.

## Box 2. Building a multi-stakeholder platform in Sierra Leone



In Sierra Leone the VGGT effort started in 2014 and comprised different forms of multi-actor involvement to share information on VGGT related matters and to coordinate the VGGT implementation in the country. The different forms of multi-actor involvement included: a technical working group, a steering committee, an inter-ministerial task force, and a multi-stakeholder platform.

The multi-stakeholder platform stood out as a particularly robust and effective approach in its involvement of different sectors of society, and in building dialogue and outcomes. The platform's "sharing of different perspectives" approach, combined with capacity building, resulted in successful solution-finding to land rights challenges, sensitization and awareness raising, and consensus on how to integrate the VGGT principles into the preparation of the new national land policy adopted in 2015. As a result, over 90 percent of the new policy reflects the VGGTs, and there is widespread buy-in within the national policy community, international partners and national stakeholders. It is widely acknowledged that the policy is of fundamental importance to a number of land-related issues, including LDN.

There were several successful features of Sierra Leone's multi-actor model. For the multi-stakeholder platform, these included an understanding of equality among members from different sectors, which enabled robust dialogue and hence trust to develop. As well, the flexibility of operation, membership, agenda, and follow-on activities allowed the platform to effectively attend to the realities of the land issues in the country. While such flexibility can seem disordered, it was important to have the platform 'find its way' organically in adapting to the specific land needs of the country in a way that was workable locally. It was also recognized that the acquaintances made by participation in the platform led to ongoing dialogue and solution finding on other related issues. Also noteworthy is the implementation of the multi-actor model within the same government ministry that adopted the LDN working group. This has meant that the multi-stakeholder structure was able to pursue synergies with the technical working committee on LDN, and with the steering committee which comprised of the senior officials working on strategic actions related to LDN.

This case illustrates the success whereby a land tenure governance policy coordination mechanism, in the form of the multi-stakeholder platform, can move initiatives forward in an effective manner, inclusive of the national policy community, civil society, media, private sector, tenure rights holders, and traditional leaders along with the relevant international community. For more examples of multi-stakeholder platforms on land tenure governance (FAO, 2020c).

This case study illustrates potential actions and lessons learned for the implementation of pathway 2 as well as pathway 1.

the integration of existing globally agreed SDG Indicators relevant to land governance in the UNCCD reporting process, with a view to avoiding duplication of reporting efforts and ensure the widest reach among different national contexts.

The local level is also key to achieving coordination for addressing the tenure-LDN nexus:

- **Building or strengthening existing multi-stakeholder platforms at local level to facilitate the design, monitoring and implementation of LDN initiatives:** The multi-stakeholder platforms can serve to promote participation and consultation. They offer spaces for dialogue for the: (i) awareness-raising and capacity building of stakeholders on tenure rights and land degradation; (ii) analysis of tenure issues linked to land degradation drivers and (iii) the promotion of the emergence for possible solutions to tenure issues at the local level (FAO, 2020a).
- **Strengthening service delivery capacity of existing organizations:** The implementation of LDN initiatives can imply substantial needs in service provisions which may not be guaranteed after the project ends. These needed services may include, for instance, capacity building of stakeholders, in particular the most vulnerable, to ensure informed and meaningful participation, facilitating local multi-stakeholder platform dialogues, coordinating amongst stakeholders, analysing land tenure issues, and supporting the emergence of local solutions to these issues. As such, LDN initiatives can contribute to strengthening the service delivery capacity of the existing organizations by developing the technical know-how of these organizations while supporting them to set up transparent mechanisms to deliver the needed services.

## FURTHER READING

- FAO. 2016e. *A good practice on multi-actor dialogue: The Voluntary Guidelines at the heart of Senegal's tenure reform*. Rome.
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- FAO. 2020c. *FAO support of multi-stakeholder platforms on land tenure governance: Innovative practices from the field and building on experience*. Rome. <https://www.fao.org/3/cb2425en/CB2425EN.pdf>
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### PATHWAY 3: SECURING WOMEN'S TENURE RIGHTS AND ACCESS TO LAND AND NATURAL RESOURCES

**Rationale:** This pathway addresses the relationship between inclusive development, secure land rights for women, and the sustainable management and use of land that is necessary for land restoration. Gender-responsive LDN initiatives strategically contribute to the achievement of LDN through understanding the differentiated needs and roles of women and men and can help address the needs of the most vulnerable groups. Vulnerability is context-specific and in relation to land those who may be particularly vulnerable to existing inequalities and disproportionately affected by land degradation include small farmers, rural communities, Indigenous Peoples, displaced populations, undocumented citizens, widows, etc.

Gender-responsive LDN entails identifying and addressing gender differences in livelihood activities and tenure security constraints that impact women's and men's authority and incentives to invest in and contribute to LDN initiatives and have the potential to enhance women's equal access to land and their land tenure security (UN Women, UNCCD and IUCN, 2019). Initial measures can introduce activities to secure women's tenure rights and access to land and natural

resources in intra-household and intra-community land allocation processes to strengthen women's capacity to engage in LDN initiatives. Women's meaningful participation must be guaranteed at each level of the planning, policy and programme development, decision-making, implementation and monitoring processes. By involving women in participatory monitoring corrective measures can be further introduced in response to their needs. In the long-term, LDN initiatives that are developed, implemented and managed in an inclusive and gender-responsive way will enhance women's land tenure security.

As food producers and entrepreneurs who depend on land resources, women play key roles in sustaining food security globally including in areas highly affected by desertification, land degradation and drought. However, women and men have unequal opportunities to restore land and to combat DLDD and benefit differently from investments in these areas (UNCCD, 2019a). Unequal opportunities are coupled or amplified by: (i) unequal tenure security of women compared to men (Okpara, Stringer and Akhtar-Schuster, 2019); and (ii) often lower quality and smaller parcels of arable land owned or accessed by women compared to men (Wehrmann, 2015). At the same time, inequalities in access to other productive resources, services as well as technical know-how and decision-making processes at the local and national levels limit women's capacities to restore and sustainably manage land (UNCCD, 2019a).

#### **Examples of land tenure challenges faced by women that could limit LDN implementation**

**Lack of, or unclear use, access, and control over land:** The willingness to invest in SLM practices is conditioned by the rights to use, access, and control land. Insecure tenure rights for women are especially challenging in cases of land conservation or restoration (Mabikke *et al.*, 2020).

**Women's subordinate role in the household and community:** At local level, women's land access and use rights can be subordinated to the ones of their male relatives. In some cases, women can be dispossessed by male family members of the land that they use or have even invested in. For example, in cases of sustainable land use and management or land restoration, where the value of land increases, women might be excluded, and their land rights undermined if access and use rights are not clearly recognized during the preparation phase of the LDN initiatives (Stiem-Bhatia *et al.*, 2019).

**Women's limited recognition, inclusion in and access to decision-making processes:** The lack of formal and informal land rights tied to a more subordinate role in the household lead to the marginalization and/or underrepresentation of women in decision-making processes. When it comes to land governance related decision-making processes, women can be excluded, which can result in biased land recordings and registration of land. Moreover, women's voices in collective decision-making are also relevant to ensure that the management of land is conducted in a manner consistent with women's needs and interests. This is especially challenging women to participate and voice their concerns, for example in the distribution of compensation related to tenure (Salcedo-La Viña, 2017).

**Description of the pathway:** A range of approaches is necessary to secure tenure rights for women to ensure women's participation in LDN initiatives. Achieving gender-responsive tenure governance encompasses policy reform, the redesign of land tenure governance institutions,

changes in land administration approaches, and improved communication (FAO, 2013). Social norms, including perceptions about gender and secure tenure right may take some time to change, so specific efforts must be made to integrate these aspects into broader communication and awareness-raising strategies (FAO, 2013). Policies promoting gender equality to secure tenure rights can also support positive changes in perceptions and social norms.

To address the land tenure-LDN nexus in a gender-responsive way, the following activities can be included at national level:

- **Eliminating barriers that prevent women's meaningful participation in planning and decision-making processes related to land:** This may imply addressing social norms and practices that exclude women and girls from these processes or deny them rights to inherit, possess or use land. Reviews of the policy and legal frameworks on gender equality to secure tenure right may help identify policy provisions or legislation that do not ensure women and men to benefit from equal access to secure tenure rights. Special policy provisions or affirmative actions may be taken to ensure participation of women and other groups that may be further disadvantaged such as disabled, widowed, youth, elderly, groups belonging to low castes, and others.
- **Supporting gender-equality reforms of administrative procedures:** Pathway 1 alludes to the importance of the organizational environment to address the land tenure-LDN nexus and the activities to enhancing policy and legal frameworks. To ensure gender-responsive provisions in LDN initiatives, it is recommended to first conduct a gender assessment and social mapping in relation to tenure, which maps the stakeholders as well as the land tenure issues (UN Women, UNCCD and IUCN, 2019). The methodology of the SDG Indicator 5.a.2. (FAO, 2021a) and data from SDG Indicators 1.4.2. and 5.a.1. can also be used to provide complementary information to the gender assessment and to identify the gender gaps needed to be addressed in gender-equality reforms of administrative procedures.
- **Setting up special mechanisms in collaboration with women's organizations to engage with women in documenting their legitimate tenure rights and in other related administrative processes:** This is particularly important when a reform is introduced in order to make sure that women are informed and equipped to benefit from the new legislation. In some cases, special parallel support structures may be introduced, for example to support legitimate tenure right holders to obtain needed documentation when they do not possess it, or for special legal assistance services.
- **Strengthening the capacities of decision-making bodies on planning, implementing and monitoring gender-responsive LDN initiatives:** It is key to earmark a budget for gender-responsive impact assessments, planning, and monitoring of LDN activities to ensure secured tenure rights for women (UN Women, UNCCD and IUCN., 2019). In this regard, the guide for reporting on SDG Indicator 5.a.2. (FAO, 2021a) can also be used to determine the type of resources needed. A budget also needs to be in place to invest in capacity building in land administration (or other decision-making units) to foster protection of women's tenure rights along with a gender-disaggregated monitoring of the performance of the land administration.

- **Ensuring gender-responsive legal and justice systems, and other remedies:** Laws providing for women's tenure rights are a foundation of responsible land governance. A gender-responsive legal foundation calls for different elements such as: 1) ensuring legal support to pursue land claims and by providing legal assistance; and 2) ensuring access to justice, which for example includes the right to effective remedies for both women and men (see also technical guide on Gender, Module 2, FAO, 2013).

Besides these national level provisions, the following activities at the local level can be implemented:

- **Engaging men and women through awareness-raising campaigns on women's empowerment to shift gendered norms and to strengthen women's tenure rights:** It is key to invest resources to: (i) raise awareness about women's land tenure rights; (ii) support the empowerment of women in claiming their land tenure rights through legal empowerment (including rights literacy), access to justice and knowledge building as well as campaigns and sensitization both at the household and community level (Mabikke *et al.*, 2020); (iii) adopt a consensual approach that emphasizes sensitizing men and boys at all levels, from within the household to decision-making authorities; and (iv) to conduct all of these activities in local languages and through communication means used by the communities (for example radio programmes, flyers) to ensure that information reaches both men and women.
- **Considering intra-family or intra-community land allocation processes to secure women's tenure rights:** In LDN initiatives, the first step in securing women's tenure rights could be addressing access, use and control rights. Progressively, in long-term LDN initiatives, all women's tenure rights including ownership right can also be addressed (Salcedo-La Viña, 2017). In this respect, it is key to understand the intra-household allocation of power. This understanding offers the necessary basis to explore (informal) intra-family or intra-community land allocation processes to secure women's tenure rights and to document those rights at the tenure governance institution closest to the community (for example traditional authorities, local administration, religious/faith leaders).
- **Ensuring women's participation in community-level land institutions:** Meaningful participation of women in community-level land institutions, not only empowers women, but also contributes to the empowerment of the whole community (UN Women, UNCCD and IUCN, 2019). Meaningful participation can include the following: (i) ensure the representation of women in relevant community-level institutions when collective action amongst land users is necessary; (ii) introduce quotas for and quorum in women's participation; and (iii) increase meaningful participation in local decision-making processes and oversight related to LDN initiatives by also considering cultural barriers and time constraints faced by women, or even scheduling meetings for women only (Salcedo-La Viña, 2017).
- **Ensuring equality in compensation and access to grievance mechanisms to enhance tenure security:** As a result of their lack of formal land rights and limited participation in decision-making processes, women can be overlooked in the distribution of just compensation in cases where their legitimate tenure rights are affected. It is therefore key to pay special

### Box 3. Promoting women's participation to achieve LDN in Senegal



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In most rural areas of Senegal, the transfer of land rights is determined by the social status of each actor and by relationships of subordination between actors involved in the transfer and family members attached to the land. In this arrangement women can be disadvantaged when it comes to land access and decision-making on land use and management. Senegal adopted a gender parity law in 2010 and issued administrative circular No.0989/MAER/CT/SMD in 2018 to reduce gender inequalities in access to land and natural resources. While constitutional and legislative advances in women's access to land and natural resources have been made, their implementation remains limited in many rural areas.

In an effort to implement the VGGT, the national steering committee on land tenure governance (COFIL-DV), has used the national gender parity framework to promote gender representation in village assemblies and foster women's inclusion in land restoration efforts. Highlighting a specific example from the local level in rural communities in Diouroup and Ndiago, potential interventions were discussed in a participatory approach to implement measures to reduce soil salinity in rice production fields in Diouroup and to restore soil fertility in Ndiago. As part of the interventions, the village assemblies and mayors allocated new parcels to a group of ten women in each community whom previously had limited access to land. In both communities including female representation in village assemblies resulted in female farmers having more secure access to land, being involved in land restoration, being motivated to participate in activities to improve food and nutrition security and, successfully participating in LDN initiatives.

This case study illustrates potential actions and lessons learned for the implementation of pathway 3 as well as pathway 2.

attention to ensure that women get equal and just compensation for their legitimate tenure rights – whether in the form of monetary compensation or in replacement land or access to natural resources. Regulatory changes such as requiring the compensation of both spouses or all household members, registering replacement land in the name of women and men (and in the case of households, in the name of both spouses), compensation for both cash crops (which are planted mostly by men) and subsistence crops (which tend to be planted by women), and the use of gender quotas in decision-making entities could make compensation and resettlement processes more equitable for women (Salcedo-La Viña, 2017). It is also vital to ensure that there are no barriers caused by differentiated gender roles and norms – impeding women’s access to and participation in grievance and dispute-resolution mechanisms (see pathway 4).

- **Including women in the technical aspects of project design, implementation and monitoring:** Ensuring that women are included in projects relevant to land tenure – mapping, demarcations, dispute resolution, boundary marker establishment, etc. – which have concrete, physical outcomes will contribute to supporting their empowerment, training, their knowledge on land management, entrepreneurship regarding land resources, and allow the broader community to become accustomed to women’s meaningful participation in the implementation of activities on land tenure.
- **Providing concrete examples of how women using their land rights result in greater economic opportunities at the community level.** Local economic gains at the community level that result from women exercising land rights can be made clear to communities, NGOs and government. Such gains make a strong economic rationale for women’s land rights, promote entrepreneurship with regard to use of land resources, and are aligned with the human rights-based approach.

## FURTHER READING

FAO. 2013. *Governing Land for Women and Men. A Technical Guide to Support the Achievement of Responsible Gender-Equitable Governance of Land Tenure*. Governance of Tenure Technical Guide 1. Rome.

FAO. 2021a. *Realizing women’s rights to land in the law: A guide for reporting on SDG Indicator 5.a.2*. Rome.

UNCCD. 2018. *Gender Action Plan*. Bonn.

UNCCD. 2019a. *Land Degradation Neutrality Interventions to Foster Gender Equality*. Bonn.

UN Women, UNCCD & IUCN. 2019. *A Manual for gender-responsive land degradation neutrality transformative projects and programs*. New York, USA. UN.

UN Women, UN Habitat, & GLTN. 2021. *Getting it right from the planning to reporting: a guidance tool for women’s land rights data and statistics*. New York, USA, UN.



## PATHWAY 4: SETTING UP ACCESSIBLE AND TRANSPARENT GRIEVANCE AND DISPUTE-RESOLUTION MECHANISMS

**Rationale:** Accessible and transparent grievance and dispute-resolution mechanisms are key to ensuring that LDN initiatives respect human as well as legitimate tenure rights, as negative social, economic or environmental impacts will prevent the achievement of LDN and broader development objectives. At the local level, ensuring the local buy-in of the LDN initiatives is paramount for all land users, including indigenous and local communities, to engage in the activities, plans, practices supporting land conservation, sustainable land management and land restoration. In addition, changes in land value that are likely to be generated by the LDN initiatives are susceptible to trigger the emergence of competing claims and disputes on lands. LDN initiatives thus need to be prepared for this eventuality by setting up at an early stage, accessible and transparent grievance and dispute-resolution mechanisms that help to provide resolution and, where relevant, prompt and just compensation.

**Description of the pathway:** Grievance and dispute-resolution mechanisms are two different mechanisms that can provide access to remedy. Ideally, they should both be in place. Where grievances cannot be solved by the grievance mechanism, a dispute-resolution mechanism is needed to solve the conflict.

“It is important to establish an independent mechanism for parties to raise concerns that may arise throughout the project’s lifetime. The grievance mechanism should allow consent of any stakeholder to be re-established through an accessible and ideally local alternative dispute-resolution process. The grievance mechanism should be discussed and developed early before disputes or breakdowns of consent occur. The decision on the form of the grievance mechanism can be part of the consultation and consent-seeking process. The process needs to be available for use during pre-agreement stages and be included in any agreements that are reached” (FAO, 2014a).

The grievance mechanism needs to be legitimate, accessible, predictable, equitable, transparent, a source of continuous learning, and based on engagement and dialogue. Its outcomes and remedies need to accord with internationally recognized human rights (UN and OHCHR, 2011).

At the national level, access to remedy requires a legal framework that ensures the establishment and functioning of accessible grievance and dispute-resolution mechanisms at the local level. Such mechanisms need to provide the right to appeal, to prevent corruption in dispute resolution by improving transparency and strengthening judicial oversight and accountability mechanisms, and provide legal assistance to vulnerable people. The policy and legal frameworks also need to include provisions: (i) for the definition of the “public purposes” which can lead to eviction; and (ii) for prompt and just compensation (FAO, 2012, paragraphs 3B 4; 4.3; 16.1; 16.2; 16.7). In accordance with the UN Sub-commission on the Promotion and Protection of Human Rights (resolution 2003/17 on the prohibition of forced evictions), forced evictions always need to be avoided. While evictions for public purposes are always forced, the priority should be ‘just compensation’ and peaceful relocation.

At the local level, access to remedy encompasses:

- **Establishing an accessible grievance mechanism:** More specifically, LDN initiatives can (FAO, 2014a): (i) provide a focal point for complaints; (ii) agree with the community on a clear, transparent and impartial way to receive and register grievances, and where customary grievance mechanisms exist and the communities choose to follow them, this should be respected by the other parties; (iii) agree with the community on a clear, transparent and impartial way of how to review and investigate grievances, which should include grievance tracking and response systems, and relevant time frames for the grievance-resolution process; (iv) agree on resolution options satisfactory to all parties (compensation, sanctions or restitution); (v) agree on how grievance resolution will be monitored, evaluated and agreed to by all parties; (vi) inform communities about government adjudication processes and access to justice in case the grievances cannot be resolved without outside assistance; and (vii) formalize, document and publicize the grievance process in ways that are agreed upon with and accessible by the communities.

The above listed possible series of actions need to be aligned to any specific requirements of a national legal framework or LDN initiative funding partner guidelines.

- **Providing access to dispute resolution:** Providing access to effective, impartial and competent dispute-resolution mechanisms is essential to resolve disputes over tenure rights. Dispute resolution mechanisms should be discussed and developed early on rather than left until disputes occur or consent breaks down.

More specifically, LDN initiatives can: (i) agree with the community on the type of dispute-resolution mechanism (for example, litigation, arbitration, mediation); (ii) together with the community identify an existing State-based or non-State-based, judicial, or non-judicial dispute-resolution body or establish a new one, if none exists. If a customary or other locally established form of dispute resolution is proposed by the community, ensure that it provides for fair, reliable, accessible, and non-discriminatory ways of promptly resolving disputes (over tenure rights); and (iii) ensure that the members of the dispute-resolution body are impartial and competent and sufficiently qualified to take timely, impartial, and competent decisions. This may include capacity development measures for the members of the dispute-resolution body focusing on knowledge, skills, and attitudes (FAO, 2014a).

To conclude, in case a dispute arises, or a grievance cannot be solved, and the dispute-resolution body needs to become active, those responsible for implementing a LDN initiative should suspend any further activities on the contested land for the duration of the dispute-resolution and remedy-seeking process. Programme managers need to provide ample time and resources for the process to achieve fair outcomes and to provide legal assistance to vulnerable people. One such resource is the inclusion in the grievance process of local professionals (agronomists, land law experts, and so on) relevant to land use and land rights, who may provide viable resolutions. Once dispute resolution is achieved and remedy agreed upon, it is key to monitor the implementation of the resolution and ensure that the agreed remedies are provided in time.

#### **Box 4. Grievance mechanism of PROEZA Project in Paraguay**



The PROEZA Project was designed by the Government of Paraguay with technical assistance from FAO and with funding from the Green Climate Fund (GCF). The project aims to implement environmentally and socially sound agroforestry practices in the Atlantic Forest of Paraguay through three key components. The first component aims to reduce poverty and to enhance household resilience to climate change at the local level involving vulnerable households including smallholders and Indigenous Peoples. The second component aims to engage with medium sized landowners (300 ha each) to increase the production of forest biomass in an environmentally and socially sustainable way that maintains ecosystem integrity, enhances biodiversity conservation, protects watersheds, ensures fair employment practices and contributes to economic growth. The third component aims to enhance institutional capacities by providing technical support to ensure quality standards and responsible environmental and social practices.

During the project design, a document for Environmental and Social Management of the PROEZA Project (FAO, 2018) was developed based on FAO's Social and Environmental Standards (FAO, 2015a) and in consultation with multiple stakeholders and beneficiaries, such as civil society, smallholder farmers, Indigenous Peoples, medium-scale landowners, local governments and public sector. This document includes, inter alia, a detailed description of the project, overview of the national institutional and legal framework, assessments of the environmental and social aspects of the project intervention area, and stakeholder engagement plan with a detailed planning framework for consultations with Indigenous Peoples in accordance with free, prior and informed consent (FPIC). The aim of the document is to identify, evaluate and manage the environmental and social risks of

the project and to adopt a mitigation hierarchy to avoid adverse environmental and social impacts, or where avoidance is not feasible, minimize or mitigate risks. An important component of the mitigation hierarchy is setting up a grievance redress mechanism. The grievance redress mechanism responds to complaints by people who feel they have been adversely affected, are being affected or could be affected by the PROEZA project, during the planning or implementation phase. The mechanism aims to promote a quick conflict resolution to address complaints or disputes and to avoid long judicial processes in tribunals.

In the development of the grievance redress mechanism a structure was put together identifying responsible authorities and contact persons to address complaints and grievances. The mechanism outlines clear guidance and timelines to ensure that the grievances are addressed in a timely manner that is fair, respecting human rights, complying with national regulations, and consistent with social and environmental standards. The mechanism pursues the following key guidance:

- (i) The affected person should be clearly identified in the complaint document or orally to proceed with the analysis of the grievance, with the confidentiality of the complaint preserved during the process.
- (ii) If the situation is complex or the complainer does not accept the resolution, the complaint should be sent to a superior level until a solution or acceptance is achieved.
- (iii) The complaint should firstly be addressed by the national authorities, if needed further guidance can be sought from FAO.
- (iv) For each complaint received, a written receipt will be sent within five calendar days and a resolution proposal will be made within thirty calendar days thereafter.
- (v) Pursuing the resolution, the person in charge for dealing with the complaint could interact with the complainer or could call for interviews and meetings to better understand the reasons.
- (vi) All the received complaints, subsequent interactions and resolutions should be adequately registered.

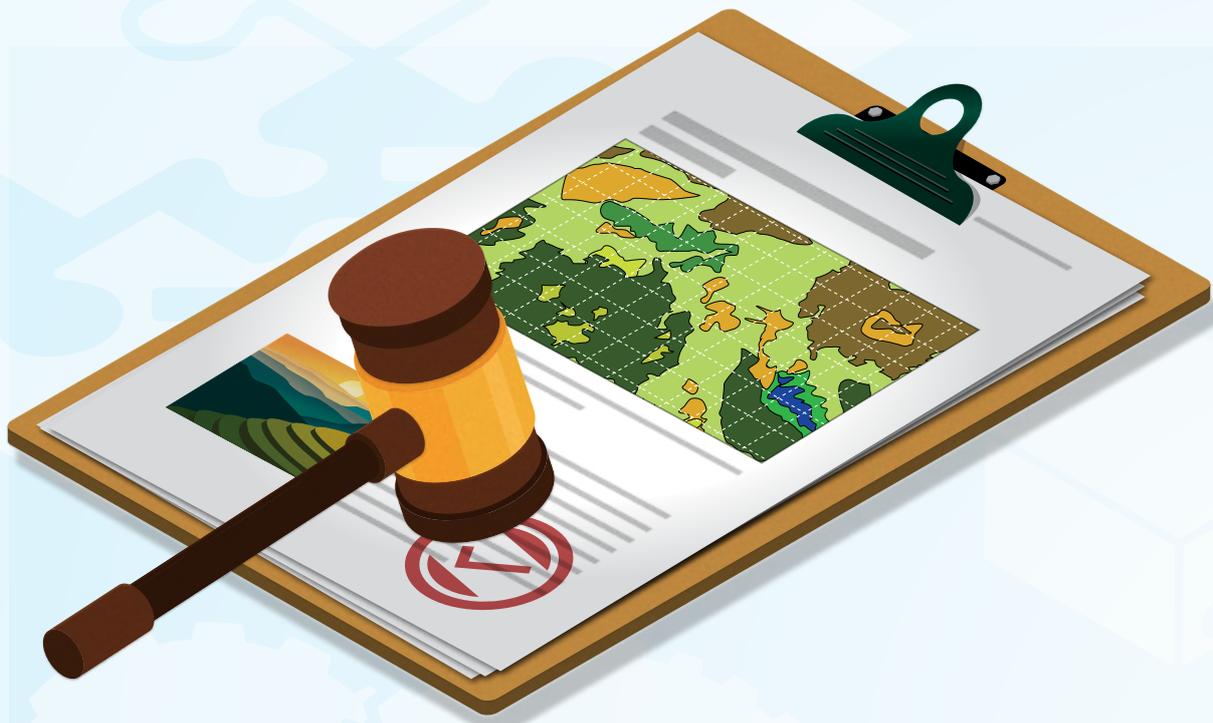
While the PROEZA project is in its early stages of implementation, it provides an example of how setting up a grievance mechanism can be integrated into the initial assessment and planning of an LND initiative. This ensures that a mechanism is in place at an early stage and grievances arising already from the planning can be adequately addressed in the implementation of the LDN initiative. However, moving towards implementation and operationalizing the grievance mechanism, awareness-raising and communication is key to ensuring that the information is widely distributed and accessible to those potentially affected by the project. Further capacity development may be considered to ensure that those needing to make a complaint are able to do so.

This case study illustrates potential actions and lessons learned for the implementation of pathway 4 as well as pathway 2.

## FURTHER READING

FAO. 2006. *Land Tenure Alternative Conflict Management*. FAO Land Tenure Manual 2. Rome.

FAO. 2014a. *Respecting free, prior and informed consent. Practical guidance for governments, companies, NGOs, indigenous people and local communities in relation to land acquisition* Governance of Tenure Technical Guide 3. Rome.



## **PATHWAY 5: DESIGNING AND IMPLEMENTING TENURE-RESPONSIVE AND PARTICIPATORY INTEGRATED LAND USE PLANNING**

**Rationale:** Integrated land use planning is defined as “Land use planning that seeks to balance the economic, social and cultural opportunities provided by land with the need to maintain and enhance ecosystem services provided by the land-based natural capital. It also aims to blend or coordinate management strategies and implementation requirements across multiple sectors and jurisdictions” (Orr et al., 2017). As a systematic and iterative process, integrated land use planning creates an important prerequisite for LDN initiatives, ensuring that the use and management of land resources meets the needs of people today while safeguarding land resources for the future. Tenure-responsive and participatory integrated land use planning helps bring about multiple benefits, avoiding negative impacts and easing implementation of LDN initiatives. To ensure buy-in and active and meaningful engagement in the process, special attention to the principle of public, informed and meaningful participation is needed for those involved in and affected by LDN initiatives.

**Description of the pathway:** Achieving participatory and tenure-responsive integrated land use planning requires: (i) improving access to information for individuals and communities who could be affected by land use planning decisions (including capacity development when

needed); (ii) providing for meaningful participation allowing potentially affected individuals and communities to be active decision-makers; and (iii) integrating tenure aspects into land use planning to ensure that all legitimate tenure rights are recognized, respected and safeguarded against threats and infringements.

At the national level, policies and legal frameworks on integrated land use planning need to provide for: (i) wide, active, free, effective, meaningful and informed public participation for all and in particular for vulnerable people in the development of planning proposals and the review of draft land use plans; and (ii) appropriate risks assessment for integrated land use planning including environmental and social impact assessments; and (iii) provision to integrate legitimate tenure rights and legitimate tenure right holders to the integrated land use planning process in line with VGGT principles and guidelines.

At the local level, integrated land use planning can encompass the following activities:

- **Adapting outreach strategies:** Integrated land use planning accompanied by outreach strategies that are adapted to the local context will ensure access to information for all those who are affected by the planning process. To do this, LDN initiatives can: (i) engage with Indigenous Peoples and/or local communities governance structures and institutional arrangements before starting the land use planning process in order to define who needs to know what, when and how; (ii) facilitate communication throughout the entire land use planning process, in both official and local languages in order to reach all potentially affected individuals (including Indigenous Peoples and local communities with customary tenure systems); and use gender-responsive communication tools appropriate to the cultural context.
- **Strengthening human and institutional capacities of those affected by the planning process:** Empowered community members and their representatives, through specialized capacity development and learning opportunities provided by the LDN initiatives, will be able to play an active role in the land use planning process.
- **Ensuring meaningful participation of affected actors within the land use planning procedure:** LDN initiatives can ensure meaningful participation by: (i) identifying, supporting and including forms of indigenous people and local communities organization; (ii) providing mechanisms for proper representation of affected communities in land use planning decision-making processes; (iii) being aware of and developing procedures to overcome social and cultural dynamics that hinder participation in land use planning, particularly by women and vulnerable groups; and (iv) using land use planning tools and technologies appropriate to local contexts and necessary for informed decisions.
- **Ensuring that all legitimate tenure rights are recognized, respected and safeguarded against threats and infringements during land use planning process:** LDN initiatives can: (i) consider and produce an inventory of all identified legitimate tenure rights holders during the land use planning process including all relevant sectors, governmental bodies

### Box 5. Integrated, participatory and tenure-responsive land use planning in Lao PDR



In Lao PDR, land titles have been mainly issued in urban and peri-urban areas and hence, land tenure rights in rural areas are predominantly informal. Cash crop production, commercial plantations and other investments in land are affecting traditional land rights of the rural population and especially of ethnic minorities. Without officially recognized land titles, farmers can lose access to valuable land resources that individual farmers and communities rely on.

The Participatory Land Use Planning (PLUP) is a national approach conducted by the Ministry of Natural Resources and Environment, the Ministry of Agriculture and Forestry and the National Land Management Authority based on the manual on participatory land use planning published in 2010. The manual sets standard procedures, defines clear roles and responsibilities of each agency and describes the link between the PLUP approach and land registration. The standard procedure consists of multiple stages including participation and consultation with local communities with special attention to gender and ethnic minorities, socio-economic and biophysical data collection, digital mapping and land registration and titling, among others (GIZ, 2011).

Implemented at the village and village cluster level, the overall aim of the PLUP is to improve land and natural resource management by zoning land, and to prepare for surveying and issuing of land titles to enhance land tenure security in rural villages of Lao PDR. Based on the land use zones, an overall village land use agreement is produced and signed by the district and village authorities. The final village land use plan is the basis for registration of all state, communal and individual land in the village area. Land use planning has been implemented in over 600 villages and a land use information system has been developed to save land use planning data in a standard national system and to make the data available to relevant stakeholders. A digital cadastre (LaoLandReg) was developed and is the officially recognized national system for the storing and management of all land title data into one single system.

Land use planning is often combined with a next step of agricultural management or village forest management using different methodological approaches. Since 2018, participatory land use planning has been further developed as a combined process with Participatory Agricultural Land Management and is implemented jointly by the Ministry of Natural Resources and Environment and the Ministry of Agriculture and Forestry through the district offices. Through this joint implementation, soil quality is tested, proper agricultural crops identified and concrete action plans for agricultural management are defined in a participatory manner. This contributes to a more efficient use of agricultural lands and thereby to more sustainable resource management.

This case study illustrates potential actions and lessons learned for the implementations of pathway 5 as well as pathways 2 and 7.

and civil society organizations, along with an active involvement of traditional authorities, elders and women who may have knowledge on land uses and use restrictions, primary and secondary land tenure right holders as well as boundaries; (ii) conduct an assessment of possible impacts of the land use plan on all legitimate tenure rights holders inventoried for the foreseen LDN initiative activities. If the assessment reveals possible or actual negative effects on legitimate tenure rights holders, attempts should be made to first address the dispute (see pathway 4), or reconfigure the LDN activities or compensate legitimate tenure rights; and (iii) identify specific tenure-responsive land use planning objectives that contribute to safeguarding tenure rights or improving tenure security based on the needs of Indigenous Peoples and local communities.

- **Carrying out participatory impact monitoring with regard to the implementation and updating of land use plans:** After approval of the land use plan, LDN initiatives can monitor impacts on legitimate tenure right holders by regularly measuring the perceived level of tenure security. The LDN SCF suggests monitoring and verification can be conducted at national level, using a participatory approach through a multi-stakeholder platform that links to comparable platforms at the local level (see pathway 2). Local communities could participate in verification, applying methods such as the Land Degradation Surveillance Framework (Vågen *et al.*, 2015) or a crowd-sourced method such as LandPKS (Herrick *et al.*, 2016).

## FURTHER READING

FAO. 2015b. *Safeguarding land tenure rights in the context of agricultural investments: A technical guide for government authorities involved with the promotion, approval and monitoring of agricultural investments*. Governance of Tenure Technical Guide 4. Rome.

FAO. 2016c. *Responsible Governance of Tenure: A Technical Guide for Investors*. Governance of Tenure Technical Guide 7. Rome.

FAO. 2017e. *Voluntary Guidelines for Sustainable Soil Management*. Food and Agriculture Organization of the United Nations Rome.

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FAO. 2020b. *Framework for integrated land use planning – An innovative approach*. <http://www.fao.org/publications/card/en/c/CB1170EN/> Rome.

GLTN. 2021. *Tenure-responsive land use planning. A guide for country level implementation*. Report 5/2021 Nairobi, UN Habitat.



## PATHWAY 6: SUPPORTING LDN THROUGH LAND ADMINISTRATION TOOLS

**Rationale:** There are variety of land administration tools such as surveying, cadastre, registration, demarcation, spatial planning (including integrated land use planning), land consolidation and land banking. However, land consolidation and land banking are highlighted in this pathway as examples of land administration tools that can help address land fragmentation, land abandonment and land access problems that can be a cause of or result in land degradation.

FAO defines land consolidation as a “legally regulated procedure led by a public authority and used to adjust the property structure in rural areas through a comprehensive reallocation of parcels, coordinated between landowners and users in order to reduce land fragmentation, facilitate farm enlargement and/or achieve other public objectives, including nature restoration and construction of infrastructure” (Veršinskas *et al.*, 2020), and land banking as “a public institution, performing the intermediate buying, selling or leasing of land in order to increase land mobility, to facilitate the rural land markets in general, and to pursue public policy targets related to sustainable rural land use in particular” (Veršinskas *et al.*, 2020).

Land ownership and/or use fragmentation and small land parcels can be a major structural problem for rural development and cause low farm productivity (Hartvigsen, 2019). It can lead to land abandonment (unused for production) particularly when correlated with tenure insecurity and lack of trust between actors on the land markets. Land fragmentation can hinder sustainable land use and management and LDN initiatives in three ways:

- **Fragmented land increases production costs:** Concerns about increasing production and transaction costs due to land fragmentation should be balanced against the viable use of different agroecological zones as a risk management strategy – which can include a strategy to avoid land degradation. In cases of fragmentation due to inheritance or poorly functioning land markets, production and transaction costs can be a significant detriment to livelihoods and a primary reason to consider consolidation (Di Falco *et al.*, 2020; Sklenicka, 2016; Asiama, Bennett and Zevenbergen, 2019).
- **Fragmented land can create lower incentives to invest in SLM:** Due to higher production costs on fragmented lands, farmers will have less financial availability left to invest into SLM practices which may prevent farmers from adopting agricultural innovations and SLM practices.
- **Fragmented land can increase demarcation and documentation costs:** A high level of farmland ownership fragmentation can be one underlying cause for tenure insecurity (Sklenicka, 2016) by increasing the cost for demarcation and documentation which can create disincentives for formalization. For example, non-formalized inheritance of small parcels can increase uncertainty over boundaries and can therefore lead to disputes.

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**Description of the pathway:** Land consolidation and land banking, can support LDN initiatives by facilitating environmental protection by state, improving the farm structures, and diminishing production costs to facilitate SLM adoption.

Land consolidation focuses on the re-allotment of privately used or owned agricultural land. However, allowing the inclusion of publicly owned land into the process can facilitate the re-allotment through exchange and/or sale of publicly owned land within the project area. Sale of publicly owned land also provides space for enlargement of farms and/or taking agricultural land out of production for climate change adaptation or mitigation, nature restoration, construction of infrastructure and other public purposes. Land banking focuses on facilitating land markets either with landownership (buying/selling land) and/or land use rights (leasing in/leasing out land parcels) on public or private lands. As such, land banking can facilitate the implementation of land consolidation.

These land administration tools can also be applied to contribute to the implementation in LDN initiatives which require change of land use (see pathway 5) of privately owned land. If, for instance, privately owned land is planned to be taken out of production as part of the LDN project (for example for the purpose of afforestation), land consolidation and land banking tools can

be used to consolidate the land most affected by land degradation under state ownership and to compensate the private landowners and farmers with additional land already owned or acquired for the purpose by the land bank instead of a monetary compensation and in this way support the local farm structure and the affected rural households.

It is important to note that land consolidation (and land banking) are effective but complex land administration tools that require a set of preconditions including a clear legal and institutional framework and a system of safeguards in place to ensure that the process is in line with the VGGT principles. Thus, land consolidation and land banking tools can contribute to the achievement of LDN only in countries where these tools exist and function. It is usually also a precondition for the application of these land administration tools that the land tenure system recognizes individual formalized land rights such as ownership and/or use rights.

At the national level, legal frameworks for land consolidation are related to “different branches of law, from human rights law and constitutional law to civil and administrative law” (Veršinskas *et al.*, 2020), as is land banking. Both need to be aligned with relevant national development strategies such as environmental or agricultural strategies.

In particular, land consolidation can be conducted either with a voluntary or a majority-based approach in countries where the legal and organizational frameworks to land consolidation are well defined and aligned to the VGGT principles and safeguards.

Specifically for land banking, the institutional set-up should ensure the proper supervisory framework, guaranteeing that the process is efficient, transparent and not subject to misuse. Land banking can face risks such as the possibility of corruption or conflicts of interest. Therefore, a robust system of safeguards, including a due supervisory framework should be put in place (Hartvigsen, Veršinskas and Gorgan, 2021); formal linkages to the cadastral and documenting system of the country (see pathway 7 for specific considerations on documenting) and articulation with other sectors in order to implement coordinated policies (see pathway 2).

At the local level, LDN initiatives can consider the following activities to include a process of land consolidation in line with the VGGT:

- **Ensuring the recognition of all legitimate tenure rights and the participation of all legitimate tenure rights holders in land consolidation:** At the outset of a land consolidation process, it is key to invest enough time and resources to facilitate and enable a transparent, gender-responsive, participatory, inclusive and consultative land consolidation process, with the application of the “at least as well off” principle for all legitimate tenure rights holders before and after the voluntary or majority-based land consolidation process. To support LDN initiatives, land consolidation needs to be applied with strict criteria to ensure sustainability of land management (for example promotion of hedge conservation, or planting of riparian or wind-protective forest belts). The land valuation and re-allotment processes will need to recognize the rights to land of women and men equally, whether or not these rights are formally documented, and promote joint registration of land rights in the name of both spouses whenever possible.

- **Establishing or strengthening dispute-resolution mechanisms:** Land consolidation can result in disputes. Therefore, it is essential to establish or strengthen dispute-resolution mechanisms in a land consolidation process (see pathway 4).
- **Conducting voluntary and majority-based land consolidation processes:** Based on the national legal and organizational frameworks for land consolidation, voluntary or majority-based land consolidation will be supported by the following activities: (i) facilitating community committees, or special councils and empowering the participation and decision-making of women and other vulnerable people; (ii) reaching agreements with the whole community through building social capital and trust, and by investing in assessments of gender differences, needs of youth, and other vulnerable people; and (iii) including CSOs and farmers' organizations, which can also voice the concerns of local communities and hold decision-making bodies accountable.

#### Box 6. Land consolidation supporting land conservation in Tunisia



Since 1958, legislative measures for agrarian reform have taken place in Tunisia, which includes land consolidation and the protection of agricultural land. In Tunisia land consolidation is designed to enable landowners with fragmented parcels to exchange them with a new larger plot with suitable physical access to the parcel. The legal frameworks set clear guidance and rules for the land consolidation process. A maximum and minimum ownership limit is established which obliges the farmer not to subdivide and sell parts of their land. Further, the division between heirs or co-owners of the land into smaller areas is forbidden below a minimum area.

The procedure for land consolidation incorporates participatory and gender-inclusive approaches. The land consolidation process starts with awareness-raising sessions for beneficiaries (men and women) to inform them about the potential long-term economic and social impacts of consolidation. Awareness-raising is done for example by publishing the design of the land consolidation project to allow for observations and objections by all stakeholders. Another awareness-raising example is the so called “sensory day”, where advantages, such as assembling the fragmented parcels, protecting the new plots from water erosion, and registering processes of men’s and women’s land rights on the new plot(s) are presented. Further, peer learning, through visits to other completed land consolidation project areas is key for the success of the project.

Based on the legislative measures, there are intensified and continuous efforts to sensitize all the relevant stakeholders at the national, regional and local levels through farmers’ associations or their representatives, public authorities, and civil society. For example, the Agricultural Land Agency is collaborating with the local farmers association (the Tunisian Union of Agriculture and Fisheries that represents farmers), and the regional agricultural development commissions to support this work.

The approaches are integrated in the legislative and institutional framework of land consolidation, where different stakeholders from the different policy areas are involved. This case study of land consolidation shows that although the primary objective of land consolidation in Tunisia is agricultural development, it also contributes to LDN by reducing land fragmentation and allowing up take of sustainable land management practices. This was done by creating plots with more suitable forms, that are more accessible and economically viable as well as more profitable. These forms are also favouring crops in contour lines (against the slope) which facilitate land conservation and make them more efficient in order to combat soil degradation. The experience has shown that land conservation measures are successful, feasible and cost less when they are implemented after land consolidation operation more than when they are implemented on dispersed parcels with irregular forms.

This case study illustrates potential actions and lessons learned for the implementations of pathway 6 as well as pathways 1, 2 and 3.

Land banking, at the local level, can be considered by an LDN initiative through the following activities:

- **Strengthening spatial planning implementation:** When privately owned agricultural land is affected and the land use needs to be changed, land banking can be used to acquire private land that is used to catalyse the LDN process. Private landowners and farmers may choose whether to be compensated with additional land already owned (or acquired for this purpose) by the land bank, or to receive a monetary compensation.
- **Enhancing access to land with sustainable land management practices:** A land banking instrument can be an efficient tool to provide access to land. When the land banking functions through leases, leases can promote sustainable land management practices either by improving the lease terms and conditions (for example higher duration) or integrating obligations on practices.

For both land consolidation and land banking, awareness-raising and communication campaigns are key activities to be utilized at local level:

- **Awareness-raising and communication campaigns:** in order to gain trust, promote transparency and ensure gender-responsive inclusive participation of all stakeholders, a LDN initiative using land consolidation and land banking will need to run an awareness-raising and communication campaign to explain the goals, functioning and criteria to beneficiaries. In such a context, awareness-raising and communication campaigns need to be adapted in local languages and through the local communication habits and tools (for example drawings, radio programmes, city hall meetings, among others) (FAO. 2014b).

### Box 7. Reversing land abandonment – an Eastern Caribbean experience



Grenada, Saint Lucia and Saint Vincent and the Grenadines are facing notable land abandonment since early 2000 on private and public lands. In addition, they are facing land degradation due to poor agriculture practices, deforestation and unplanned urban sprawl. The national land administration was lacking a tool to improve land access and land mobility – the potential of the transfer of land rights (sale, exchange, purchase or lease of land) – and the promotion of sustainable agriculture production.

With FAO support, pilot land banks have been established in 2019 in each country to improve the land administration capacity to deliver leases with particular attention towards landless, land insecure, women and youth. The setup of the pilot land bank has been prepared with a review of the legislative framework to ensure that land banking activities are compatible with national legislation and to prepare lease agreement templates including provision for sustainable land management. The setup has also been supported by multi-stakeholder committees participating in the institutional setup of the pilot land bank and by a National Land Bank Information System (open software) allowing for improved and transparent land management. The information system supports the land bank operations, increasing the capacity to match a parcel of land with a willing lessee and a project that commits to sustainable land management (FAO 2021b). Still in its pilot phase, the land bank experience faces the challenges of building trust amongst users, ensuring finance management (fees collection and services provision), capacity development for sustainable land use and management, and up-scaling.

The land bank in the eastern Caribbean represents the potential of improved land management and land access (through leases on public or private lands) to promoting sustainable land management.

This case study illustrates potential actions and lessons learned for the implementations of pathway 6 as well as pathways 7, 1 and 2.

### FURTHER READING

FAO. 2014b. *Communication for Rural Development*: Sourcebook. Rome.

Hartvigsen, M., Veršinskas, T. & Gorgan, M. 2021. *European good practices on land banking and its application in Eastern Europe and Central Asia*. FIG Conference paper.

Veršinskas, T., Vidar, M., Hartvigsen, M., Mitic Arsova, K., van Holst, F. & Gorgan, M. 2020. *Legal guide on land consolidation: Based on regulatory practices in Europe*. FAO Legal Guide, No. 3. Rome, FAO.

LANDNET website: <http://www.fao.org/europe/resources/land-tenure-workshops/en/>



## PATHWAY 7: RECOGNIZING AND DOCUMENTING LEGITIMATE TENURE RIGHTS ON PUBLIC LANDS

**Rationale:** Public lands are used in multiple ways by legitimate rights holders for agriculture, pasture or forestry, among others. Public lands are often the type of lands where are found protected areas and wetlands and can also encompass collectively managed customary/traditional lands (pathway 8). The legitimacy of rights to public lands derives from lasting broad social acceptance even without legal recognition. Without attention to legitimate tenure rights, legitimate tenure rights holders – particularly vulnerable populations, including women, pastoralists, gatherers, and collective or temporary rights holders – may be overlooked during an LDN initiative.

This pathway gives guidance on how to recognize legitimate rights, including secondary or temporary tenure rights or those of vulnerable people, prior to or as an integral part of LDN initiatives on public lands. Strengthening tenure security by recognizing and documenting legitimate tenure rights is a sound strategy to enhance the uptake of the LDN initiatives by all. When such recognition is in place, it can support governments to implement national legislation within the LDN initiatives. However, prerequisite is that provisions for legal recognition of legitimate tenure rights are in place (see pathway 1).

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**Description of the pathway:** The recognition and documenting of legitimate tenure rights on public lands should be based on and supported by the national legal frameworks. Requirements for recognition and documenting of legitimate tenure rights might vary from country to country, depending whether it is the initial set-up or the improvement/strengthening of documenting systems for legitimate tenure rights.

At the national level, the legal framework (including norms and regulations within the land administration) needs to provide for demarcation of public lands as well as for systematic procedures to identify, verify and document all individual and collective legitimate tenure rights on public land with due participation of the legitimate tenure right holders. Such legal provisions need to be accompanied by the introduction of effective procedures, capacity building, budget allocations, communication campaigns targeting the beneficiaries, and set-up for dispute-resolution mechanisms (see pathway 4).

To document legitimate tenure rights, the following lessons learned can inform either the set-up of a new documenting system or the strengthening of an existing one (FAO, 2017a&b):

- **Setting the conditions for documenting legitimate tenure rights on public land:** it includes an established legal framework, a dispute-resolution mechanism, clear definition of roles and responsibilities of institutions and officials, a manual of procedures and information systems to document the process in a transparent and accountable manner. Implementing such conditions can take place at the same time, or in a ‘fit for purpose’ approach in a way that begins with what is possible at a given time with existing capacities, and building systems in an upgradable and up-scalable manner, particularly at the local level. Communication with legitimate rights holders or claimants is essential. For the documenting system to be sustainable, the procedures and administrative services need to be established early on in setting up the documenting system. Changes related to tenure rights’ holders and parcels can all be expected soon after first documenting, and if right holders cannot document their changes or are not incentivized to do so, then the documenting system will soon become out-of-date.
- **Strengthening or setting up a documenting system:**<sup>15</sup> Various approaches on how current or new documenting systems can work include evidentiary or conclusive approaches, and constitutive or declaratory approaches (FAO, 2017a). There is no “best” approach, so states need to assess which approach is most suitable to its national context, local needs and conditions. The documenting system can encourage people to report mistakes and other problems with the records, and it needs to provide a simple process for them to do so. Documenting systems should be based around the parcel with a unique identifier and all transactions referring to that identifier. The archive and its documents are a cornerstone of the documenting system. There are numerous considerations for protecting documents, storing documents, and providing access to documents. To ensure the integrity of the documenting system, information must be verified. The system can rely on professionals

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<sup>15</sup> See in the “Further reading” section references (FAO, 2017 a&b) of the technical guides on how to establish documenting system, and how to strengthen existing documenting systems through documenting system approaches, considerations on system archives and documents, and verifications of the documenting systems.

who work with the public to provide one means of verification, but the documenting institution/system must also conduct its own verifications (FAO, 2017a&b).

- **Ensuring adequate staffing for the documenting system:** Staff play a central role in any documenting system, and they need to be adequately qualified, reliable, independent, and protected from claims for compensation when technical mistakes occur even though they have discharged their duties professionally.
- **Ensuring balance between privacy and public access to documenting systems:** Finding the balance between privacy and public access to documenting systems is challenging and while information and communication technology can facilitate the establishment or strengthening of documenting systems, they also pose the risk of breaching privacy protection. Governments will reach different conclusions on how to best ensure public access while securing privacy of all actors involved. As per VGGT Paragraph 17.5 (FAO, 2012) “States should ensure that information on tenure rights is easily available to all, subject to privacy restrictions. Such restrictions should not unnecessarily prevent public scrutiny to identify corrupt and illegal transactions. States and non-state actors should further endeavour to prevent corruption in the recording of the tenure rights by widely publicizing processes, requirements, fees and any exemptions, and deadline for response to service requests”.

Land users in public land may have acquired legitimate rights to the land over an extended period of time but not have legally recognized rights to the land, which poses especially the most vulnerable people, including Indigenous Peoples and local communities, to the risk of potential infringements of legitimate tenure rights and conflicting claims to resources in public lands. To avoid such risks, a careful process of mapping and documenting legitimate tenure rights at the local level can be undertaken with the following activities:

- **Identifying legitimate tenure rights:** When LDN initiatives are implemented in publicly owned land, integration of the following activities is key to identifying all legitimate tenure rights in the area of concern:
  - (i) identify the public lands in the area of intervention with the relevant government authorities;
  - (ii) identify legitimate tenure rights holders in a participatory and inclusive way through interviews, consultations, surveys and focus group discussions, complemented by documented land use claims and land use catalogues and maps, ensuring that also temporary and overlapping tenure rights are documented;
  - (iii) categorize the identified legitimate tenure rights. Conduct a stakeholder meeting to discuss how to handle the different categories; and publicly display the identified tenure rights – ideally on a map accompanied by a list of tenure right holders. Make sure that the display is accessible in appropriate languages to all, women and men, of the local community, including those of vulnerable groups, as well as of migrating

communities. The latter, as well as long-term absentees, may have to be explicitly informed about the public display and the ongoing process. Allow for sufficient time (at least a minimum of four weeks) for objections, verify all complaints received and adjust the documentation of the legitimate tenure rights accordingly; and

(iv) ensure access to justice in local people's own language taking into account local and / or traditional justice systems (see pathway 4).

- **Documenting legitimate tenure rights:** Promoting formal documenting of legitimate tenure rights contributes to tenure security and to building an enabling environment and long-term sustainability of LDN initiatives. If a system is already in place, the land rights must be documented there. In this case, the responsible cadastral officers or independent surveyors, if they are legally authorized to do so, must be involved at an early stage. Consider providing technical advice and support on improving the technical approaches, the procedures, the focus on legitimate tenure rights holders (or customers), the offices, the management, staff resources, ways to address fraud, mistakes and disputes, the communication campaigns, the information systems and communication technology and/or the policy and legal frameworks.

#### **Box 8. Documenting legitimate tenure rights on public pastureland in Mongolia**



In Mongolia a territorial development plan at the soum district level, including pastureland management planning and land restoration planning, is the basis for securing legitimate tenure rights of local pastoralists and communities on public lands.

In 2020, the government established and introduced the “Integrated electronic system of unified land territorial management”. This comprehensive system encompasses: (i) an electronic land management planning system, (ii) a land valuation, taxation, and payment system, (iii) a land cadastral database system, and (iv) a land monitoring system. This system is linked to the establishment of the territorial development plan at the soum level carried by the Agency of Land Management, Geodesy and Cartography. By 2020, with local and international support, 90 territorial development plans at soum level have been developed to establish land use zoning for pastureland, to enhance the planning of pastureland management, to monitor land degradation, and to document legitimate rights to use land and natural resources.

To monitor land degradation, 4 781 photo monitoring points provide an opportunity to conduct annual monitoring of grazing land condition. This monitoring helps to formulate and implement land management activities in areas undergoing degradation and to detect variations and impacts due to changes in management practices. In parallel to this monitoring, the tenure rights of about 900 pastoralist's groups that have been registered by the national cadastral system which has increased the tenure security of local people and communities.

Still in its early phase of implementation, the system aims to combine improved tenure security by documenting legitimate tenure on public land, with improved management of pastures and monitoring of land degradation. It is expected to bring data transparency, ensure coherence of different sectors, shorten delays for documenting legitimate tenure rights, establish a digital database, reduce bureaucracy, and reduce land degradation. By documenting tenure rights, the system is also expected to reduce disputes over land tenure, land use and ownership.

This case study illustrates potential actions and lessons learned for the implementation of pathway 7 and pathway 5.

## FURTHER READING

FAO. 2014b. *Communication for Rural Development: Sourcebook*. Rome.

FAO. 2017a. *Creating a system to record tenure rights and first registration*. Governance of Tenure Technical Guide 9. Rome.

FAO. 2017b. *Improving ways to record tenure rights*. Governance of Tenure Technical Guide 10. Rome.



## **PATHWAY 8: RECOGNIZING AND DOCUMENTING TENURE RIGHTS FOR THE SUSTAINABLE MANAGEMENT OF COMMONS**

**Rationale:** The term commons refers to land that is collectively managed and administered by local communities, Indigenous Peoples or pastoralists according to local customary rules. In some countries commons may overlap with public lands (pathway 7). Commons are crucial for many people to achieve or maintain food security, they also serve as a safety net in times of crises. Estimates show that about two billion people depend directly or indirectly on common lands (International Land Coalition, Oxfam and Rights and Resources Initiative, 2016). In addition to their immediate importance for people's livelihoods, commons are intrinsically tied to the culture, heritage and identity of many communities. Regarding indigenous lands, Article 6 (c) of the ILO Convention 169 states that governments shall "establish means for the full development of peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose" (ILO, 1989). Challenges for recognition and documenting of the commons can be due to: (i) lack of legal frameworks; (ii) lack of the organizational framework (for example insufficient procedures or insufficient capacitated staff) or; (iii) complexity and length of administrative procedures.

For an extended period of time, the narrative of the “Tragedy of the Commons” (Hardin, 1968) guided policies on the use of commons, arguing that commonly held resources – without exclusion rights – are likely to be overused and eventually degraded. Later research has shown that Hardin’s analysis only applies to very specific contexts (Ostrom, 1990) and that communities can govern their resources sustainably. Today, it is well-established that communal self-governance can secure the sustainable use and management of common lands and these findings hold true for different ecosystems as well as different national contexts.

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**Description of the pathway:** The recognition and documenting of rights to commons and their governance can support LDN initiatives through the demarcation of boundaries of commons and strengthening the commons governance mechanisms in order to improve sustainable management of the natural resources within the commons.

At the national level, the following can be pursued:

- **Recognizing commons and the institutions managing them:** In line with the concept of legitimate tenure rights, tenure legal and policy frameworks need to recognize collective rights to commons and specific procedures on how to document the rights of commons need to be prepared. To create the incentives for the sustainable management of commons, it is key that communities have the right and procedural means to exclude users who are not authorized to use the commons. Recognition needs also to include the established institutions that are already in place to manage the commons.

At the local level, LDN initiatives that engage in the recognition and documenting of commons can integrate the following activities:

- **Demarcation of the boundaries of commons:** As a first step, it is key to arrive at a joint understanding of the area of the commons managed by the community or by communities and of the legitimate tenure rights holders within this area. In the context of LDN initiatives, demarcating boundaries to commons can encourage the investment by community members to sustainably manage their lands and to protect them from encroachment and inappropriate use. The recognition of boundaries of commons poses particular challenges, as the boundaries are often not physically demarcated but known and orally communicated by community members. Aggravating these challenges, the spatial boundaries of commons are sometimes flexible and might change over time or depend on the state of the land (for example, by season). Therefore, active, transparent, effective, meaningful, and informed participation of individuals and groups representing all genders is key prior to decisions being taken on the implementation of LDN initiatives that affect common lands. When the boundaries of commons are not yet demarcated, consultation to identify the boundaries needs to include neighbouring resource users to avoid possible disputes arising from the demarcation process.
- **Strengthening of the governance to manage commons:** The sustainable and equitable management of commons depends on the rules, organizations and processes to manage them set by the governing actors relying on the resources the commons provide, such as

by Indigenous Peoples and local communities. The governance to manage commons in a sustainable manner is linked to the generation of a positive collective action. “Collective action occurs when more than one individual is required to contribute to an effort in order to achieve an outcome. Frequently, however, it becomes difficult to exclude non-participants from benefiting from the collective action of others. This situation creates a collective action problem for the participants.” (Ostrom, 2004). Within the communities managing the commons, fostering the inclusion of the most vulnerable participants in the governance to manage commons, implies that asymmetries of power are attended to, while creating consensus around future uses and management of natural resources (FAO, 2016d). To ensure equal participation within communities, government agencies or civil society organizations can support an inclusive participation of vulnerable community members in the management of commons.

**Box 9: South-south cooperation by indigenous communities to build capacities on community monitoring and territorial planning of forest in Latin America**



Mapping the commons can facilitate natural resource planning and management by communities and monitoring possible encroachments. Today’s technology (drones, open access satellite images, open-source mapping apps and GIS software) are tools that facilitate the mapping of commons, yet Indigenous Peoples and local communities need access and skills to use these tools.

In 2019, under a South-South peer-to-peer exchange, indigenous technicians from Panama that were trained under the UN REDD programme were connected with indigenous technicians from Paraguay to learn from each other, address hurdles and improve the effectiveness of their work while sharing their experiences on training and implementation of community monitoring of forests.

This sharing enabled the involved communities in Paraguayan forests to: (i) delimit community lands, (ii) develop maps of current use and administration of natural resources, (iii) make proposals for future/potential use plans that allow sustainable management of community resources, especially natural resources and (iv) conduct periodic community monitoring of the implementation of the activities set out in the plan.

The initiative has been supported by the Paraguayan Indigenous Institute, the National Forest Institute, the Ministry of Agriculture and Livestock, the Ministry of Environment and Sustainable Development, the National Institute of Rural and Land Development, the Ministry of Social Development and municipalities.

The initiative has allowed the communities to develop skills to map community territories. This has led to a better monitoring of the physical territories (its boundaries and possible encroachment) and it has reinforced natural resource governance by the community through the establishment of a sustainable natural resource management plan.

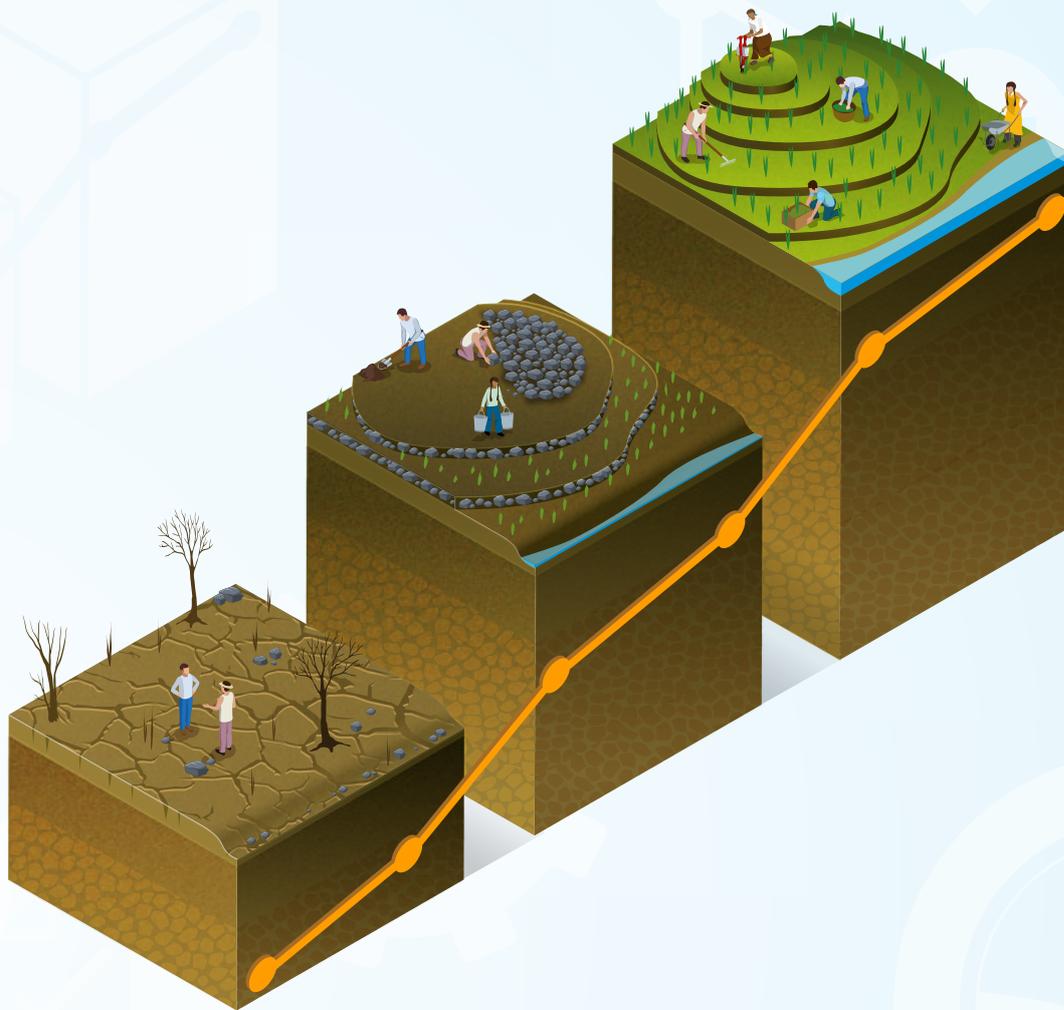
This case study illustrates potential actions and lessons learned for the implementation of pathway 8 as well as pathway 5.

## FURTHER READING

FAO. 2016a. *Governing Tenure Rights to Commons – A guide to support the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. Governance of Tenure Technical Guide 8. Rome.

FAO. 2016d. *Negotiation, Environment and Territorial Development: Green Negotiated Territorial Development (GReeNTD), More than a methodology– an approach for improving equitable access and sustainable management of territories*. Land and Water Devivision Working Paper: 16a. Rome.

FAO. 2017c. *Community recording of tenure relationships using Open Tenure*. FAO Land Tenure Manuals 4. Rome.



## PATHWAY 9: ALLOCATING AND STRENGTHENING RIGHTS AND DUTIES ON PRIVATE LAND

**Rationale:** Private land holders in rural areas can range from temporary tenure right holders (lease), small holders, to large-scale land-based investments, usually performed by legal entities. Since mid-2000, there is also a growing portion of medium-scale farms in the agrarian landscape, through the up-scaling of small farmers or urban origin investors in Africa (Jayne *et al.*, 2016) or through process of land concentration such as in Latin America and Western Europe (Debonne *et al.*, 2021). These private land holders possess different capacities to practice sustainable land use and management, and LDN initiatives will gain in efficiency by tailoring their approaches to these different capacities. LDN initiatives need also to take into account stakeholders with impact on land management on private lands who may not directly have tenure rights, such as the value chain actors (for example agribusinesses, retailers, companies operating under contract farming schemes) (Debonne *et al.*, 2021). At the collective level, land use decisions by neighbouring land holders or other land holders in the community can also be decisive for the success of sustainable land management investments on private lands (for example terracing, stone bunds or trenches).

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**Description of the pathway:** Private land holders present a diverse group of actors in terms of the size of farm structures (from small to large scale), type of tenure rights considered (primary or secondary tenure rights), and type of actor (natural or legal persons). Land management by private land holders can also be influenced by value chain actors. Due to this variety of situations and diversity in the private land holders, LDN initiatives on private lands need to plan for an array of actions at national and local levels.

At the national level, LDN initiatives can reinforce the enabling environment for LDN by undertaking the following activities linked to policy and legal frameworks:

- **Creating or strengthening legal obligation to comply with environmental requirements in line with achieving LDN for private tenure rights holders:** This can include: (i) inserting a right to a healthy environment in the constitution which can serve to create certain restrictions on land use and management for tenure rights holders (Cotula, 2021); (ii) putting in place agricultural or environmental legal frameworks that prevent tenure rights holders from using specific damaging practices (Cotula, 2021); or (iii) creating incentives linking tenure rights to the adoption of sustainable use and land management practices.
- **Enhancing tenure security for temporary or secondary private tenure rights holders:** If relevant in the national context, a LDN initiative can look at the conditions of access to land for temporary or secondary tenure rights holders in order to assess if such conditions create impediments or disincentives to the adoption of sustainable land management practices. Such an assessment can look at: (i) the term of the contracts (for example oral or written; recorded formally or informally or unrecorded; duration; conditions of returns of lands to primary tenure rights holders/landowners) (FAO, 2004); and (ii) possible disincentives in case of non-recognition of the temporary/secondary tenure rights holders in the legal framework. In particular, when temporary/secondary tenure rights holders are not recognized in legal frameworks, they are more tenure insecure and can be impeded from accessing incentives linking tenure rights to sustainable land use and management practices.
- **Creating or strengthening legal frameworks for land-based investments approval and for social and environmental safeguards (FAO, 2015b):** there is first a need to ensure that all legitimate tenure rights will be respected in a process of land-based investment. Then, a LDN initiative can support the review of legislation ensuring that a land-based investment will do no harm to the environment. To do so, it can review the legal provisions for environmental assessment and suggest the introduction of permits for certain activities (Cotula, 2021).

At the local level, LDN initiatives can undertake the following activities:

- **Engaging with value chain actors to improve sustainable land management practices:** Debonne et al (2021) list four motivators which can support engagement of value chain actors to LDN achievement, which are: (i) risk for reputation; (ii) reduced yields with land

degradation while SLM ensure long term yields; (iii) access to niche markets; and (iv) legal requirements, taxes and subsidies. A LDN initiative can plan for the following activities (Debonne *et al.*, 2021): (i) engage in awareness-raising campaigns and multi-stakeholder dialogues; (ii) work on the inclusion of SLM components in contracts between value chain actors and farmers providing fair returns (for more on contract farming, FAO & IISD, 2018); (iii) working on eco-certification; and (iv) working on retailer standards to include SLM practices adoption.

- **Supporting private landholders to adopt sustainable land use and management practices:** Engaging in sustainable land use and management practices can imply short-term costs, be it because of benefits foregone or actual investment costs. These costs can make adoption of sustainable land use and management practices unfeasible to private landholders, particularly for vulnerable people. In these cases, adapted support is necessary. This support may take the form of knowledge provision through extension services, provision of inputs or the transfer of financial resources through, for instance, payments for ecosystem service schemes.
- **Supporting collective action by adjacent landholders:** LDN initiatives can require investments beyond the individual plot where collective action by adjacent land users becomes important. For instance, measures such as watershed management, terracing, stone bunds or the restoration of gullies may require collective action by adjacent landholders. Key factors influencing the collective actions by adjacent landholders include the extent to which the land is already degraded, prior organizational experience, and the recognition of collective action decisions by higher administrative tiers. Activities to support collective action can be (Ostrom, 2004): (i) providing information about the state of the land resources and the processes that influence them that is not yet accessible by community members (for example, on processes enhancing soil organic carbon, the economic benefits of land restoration), (ii) establishing or supporting community-level organization for discussion and self-organization, and (iii) the provision of local dispute-resolution mechanisms. In order for collective action in such circumstances to realize its full potential, special attention needs to be paid to ensure that women can participate, as women tend to be underrepresented in collective action decisions but at the same time have a great deal of influence at the farm level (Agarwal, 2000). Experience shows that civil society organizations that have close linkages with communities can fulfil a key supporting role in organizing collective action (Kramer, Weigelt, and Blasingame, 2019).
- **Establishing adapted measures to enhance tenure security:** The systematic recognition of legitimate tenure rights on private lands through titling is likely to be beyond the scope of most LDN initiatives. If countries implement LDN and land tenure programs concurrently, a possible solution could be to aim at a spatial overlap between the two different types of programs. Given funding cycles and different donor priorities, achieving such a spatial overlap might not always be possible. Hence, at the local level, adapted solutions to enhance land tenure security in LDN initiatives provides one way to address this challenge. These

adapted solutions might not be readily available and finding them might need to become a key activity of LDN initiatives. In this regard, it is important to note that tenure security on private lands should not be equated with having a title to the land or an enforceable legal agreement to use it. Flexible solutions to enhance tenure security can be designed and adapted to the local contexts. LDN initiatives can support the emergence of such innovations.

#### **Box 10. Community-based land lease guidelines to enhance tenure security in Kakamega County, Kenya**



In Western Kenya, formal leasing is frequent between large landlords and tenants who can afford the cost of formal leases. Poorer land-constrained households tend to opt for informal lease arrangements as they cannot afford the cost of formal leases. These informal leases are often short-term and offer little motivation to invest in sustainable land use and management practices.

The process of developing land lease guidelines began in the context of a soil restoration programme in Western Kenya. Initial workshops incorporated local institutional stakeholders including the Land Control Board, the county ministries of agriculture and lands, and the area administration to ensure that the process received buy-in from local stakeholders and did not contravene any governmental regulations on land. Community-level committees were formed to draft the land lease guidelines. The terms and conditions included in the land lease guidelines were based on the experiences and challenges the communities previously faced in land leasing. In total, about 380 persons directly participated in developing the community land lease guidelines.

The consolidated draft of the land lease guidelines was then shared with the institutional stakeholders for their approval. The aim of doing so was to ensure that the proposed consolidated draft received the recognition and support of the formal institutions because some of them would be involved in the implementation of the land lease guidelines. After being validated by the institutional stakeholders, the land lease guidelines were launched in large community meetings, followed by awareness-raising campaigns. Once the community had approved the land lease guidelines, community committees were formed to monitor the adoption of land lease forms and to mediate conflicts.

Since the launch of the land lease guidelines in 2017, 105 households have used them, establishing a new precedent in a context in which informal agreements were previously the norm (Stiem-Bhatia, Kiragu-Wissler, & Kramer, (forthcoming)).

This case study illustrates potential actions and lessons learned for the implementation of pathway 9.

## FURTHER READING

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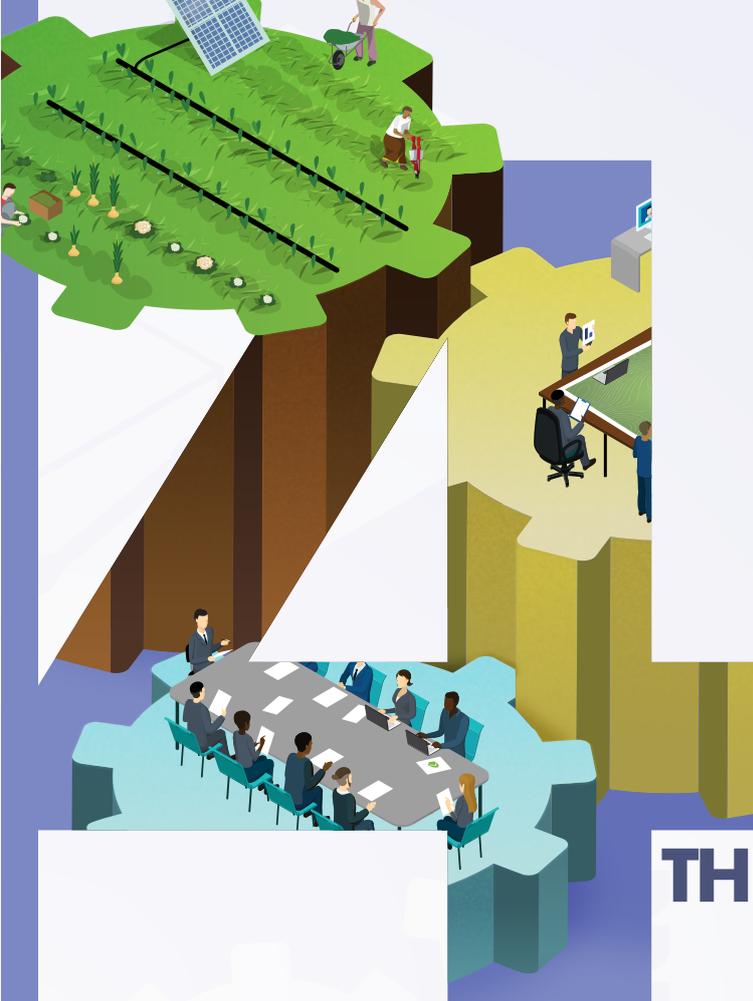
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## THE WAY FORWARD

This technical guide was developed to guide policy and decision makers in integrating the VGGT into the implementation of LDN initiatives. The multi-pathway approach outlined in the guide provides potential solutions to commonly encountered land tenure challenges in the context of LDN. Some pathways are universal – highlighting activities to mainstream key tenure considerations into LDN initiatives – while others are context-specific and may therefore be applicable under specific national or local circumstances.

This technical guide is a first step towards meaningfully integrating the VGGTs into the implementation of LDN initiatives. The pathways propose specific activities at national and local levels, offering a menu of options that can be tailored to diverse countries and contexts. These options are intended to prompt policy and decision makers to explore solutions that apply the VGGT in the context of national plans, legal frameworks, strategies and action programmes in order to advance the achievement of LDN. Strengthening tenure security within the planning, implementation and monitoring of LDN initiatives can contribute significantly to their ultimate success.

The fullest consideration of vulnerable groups – women, youth, Indigenous Peoples and local communities among others – is of fundamental importance within this technical guide. In this regard, there is a significant focus on legitimate tenure rights, defined here as both those which are socially recognized and those that are legally protected. Responsible land governance and improved tenure security are not mere elements in the LDN enabling environment, but fundamental to achieving multiple benefits, such as poverty reduction, food security and improved livelihoods. Without tenure security, it will not be possible to achieve inclusive sustainable development that “leaves no one behind”.

The following six key messages demonstrate the importance of integrating the VGGT principles in the implementation of LDN and the overall objective to combat desertification, land degradation and drought. These key messages pertain to all the pathways and give direction for the way forward to ultimately reach the goal of strengthening tenure security in a people-centred, gender-responsive, participatory and inclusive manner through LDN initiatives.

**1. Secure tenure increases the positive impacts of LDN initiatives for people and the planet.**

Overlooking tenure issues in LDN initiatives misses an opportunity for addressing desertification, land degradation and drought. The enhancement of land tenure security for all not only encourages investments in the long-term health and productivity of land, but also helps address and avoid competing claims and disputes over land. The recognition and documentation of legitimate tenure rights, in line with VGGT principles, enables tenure right holders – and particularly the most vulnerable – to meaningfully engage with LDN initiatives and to safeguard their legitimate tenure rights against potential infringements. This is especially important when LDN initiatives enhance the health and productivity of land, thus increasing both its value and the potential for competing claims and land uses.

**2. Addressing tenure in LDN initiatives begins with the assessment of the local needs and conditions.**

Conducting preliminary assessments – land tenure, gender and biophysical – in the planning phase of LDN initiatives is pivotal to understanding the specifics of existing land tenure and gender dynamics and to identifying the drivers of land degradation. The consultation and participation of all stakeholders, particularly the most vulnerable, should be an integral part of these assessments to ensure a comprehensive understanding of the environmental and social context and to document all legitimate tenure rights, both formal and informal. Allocating sufficient time, capacities, and resources for the planning phase of LDN initiatives is key to identify the underlying challenges and to tailor LDN initiatives to specific local needs and conditions in a gender-responsive manner.

**3. Meaningful and inclusive consultation and participation is essential to ensure that legitimate tenure rights are not overlooked in LDN initiatives.**

Meaningful and inclusive consultation is about ensuring the active, free, effective, and informed participation of individuals and groups prior to decisions being taken. The VGGT stress the need to safeguard the legitimate tenure rights of vulnerable and marginalized people. Understanding the existing power imbalances between various stakeholders is key to providing equal opportunity for meaningful and inclusive participation and to ensuring that the pursuit of LDN does not encroach upon legitimate tenure rights. This is reflected in the activities outlined in the universal pathways.

#### **4. Gender-responsive approaches address underlying inequalities in control and access to land resources and are needed for realizing transformative change.**

A gender-responsive approach recognizes and acknowledges existing gender roles, norms and inequalities and proactively seeks to overcome and remove them. Women play a key role in working the land and ensuring food security, particularly in areas affected by desertification, land degradation and drought. Securing women's tenure rights and access to land and natural resources has the potential to initiate widespread and positive socio-economic impacts for rural households and communities, contributing to broader development goals. Involving both women and men on equal terms and at all stages of an LDN initiative – from equitable participation in land-related decision-making to the fair distribution of benefits – has the potential to remove structural or systemic barriers and shift gender norms, roles and perceptions, leading to transformational change.

#### **5. Awareness-raising and the sharing of lessons learned on responsible land governance enhances dialogue, partnerships and mutual learning.**

Awareness-raising is the cornerstone of responsible land governance and a key activity in many of the pathways, for example in initiating stakeholder consultations, or shifting gendered norms and perceptions. While awareness-raising is the first step in making people aware of an issue, bringing diverse stakeholders together and initiating dialogue, it can also highlight the importance of land tenure in terms of achieving LDN and stimulate investments designed to address tenure in LDN initiatives. The sharing of lessons learned from past initiatives and the showcasing of results can further enhance mutual learning and dialogue between various actors and support the development of partnership at local, national and international levels.

#### **6. Data and indicators on land governance are currently limited in scope but essential for tracking progress and identifying gaps.**

While the use of new innovative technologies and tools has enabled the collection of land tenure data in certain communities and contexts, the availability of globally comparable land governance indicators – including the relevant SDG indicators – remains limited. Enhancing coordination mechanisms to improve data interoperability, standardizing information exchange, and data sharing can help avoid the duplication of efforts on both national and global scales. Data is key to tracking progress made and identifying potential gaps that need to be addressed. Further efforts are needed at international level to develop innovative and scientifically valid approaches to collecting land governance data at national level with global coverage and comparability.

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# GLOSSARY

**Collective ownership:** Ownership of means of production by all members of a group for the benefit of all its members (LANDVOC, 2022). It can also include ownership of space for residential, cultural, or spiritual purposes.

**Common land:** Land collectively managed and administered by local communities, Indigenous Peoples or pastoralists according to local customary rules (IASC, 2022).

**Coordination (horizontal and vertical):** Horizontal coordination refers to coordination across different sectors and ministries. Vertical coordination refers to coordination between different levels of government (for example national, provincial, municipal) (Verburg *et al.*, 2019).

**Customary tenure systems:** Comprise a set of (usually informal and unwritten) rules and norms that govern community allocation, use, access and transfer of land and other natural resources. Customary tenure is often associated with indigenous and local community administered land in accordance with their customs (FAO, 2002).

**Ecosystem restoration:** The process of halting and reversing degradation, resulting in improved ecosystem services and recovered biodiversity. Ecosystem restoration encompasses a wide continuum of practices, depending on local conditions and societal choice (UNEP, 2021).

**Gender-responsive:** A term used to describe laws, policies, programmes and public services that are formulated and/or delivered to: i) take into account existing structures and relations of gender inequality and seek proactively to overcome and remove them; ii) identify and bring attention to women's contributions and critical roles as agents and leaders, in order to facilitate gender equality, the empowerment of women and women's enjoyment of human rights (UN Women, UNCCD, IUCN, 2019).

**Integrated land use planning:** Land use planning that seeks to balance the economic, social and cultural opportunities provided by land with the need to maintain and enhance ecosystem services provided by the land-based natural capital. It also aims to blend or coordinate management strategies and implementation requirements across multiple sectors and jurisdictions (Orr *et al.*, 2017, adapted from United Nations General Assembly, 1992).

**Land abandonment:** Lands which may have legitimate tenure right holders but become unused (Elbersen *et al.*, 2014).

**Land administration:** The way that the rules of land tenure (formal or informal) are applied and made operational. Land administration includes process of determining, recording and disseminating information about ownership, value and use of land and its associated resources. These processes include the determination (sometimes called 'adjudication') of land rights and other attributes, surveying and describing these, their detailed documentation, and the provision of relevant information for supporting land markets (FAO, 2002). Land administration has four

functions (land tenure, land valuation, land use and land development) in the context of a defined land policy framework, institutional arrangement and information infrastructure (Enemark, 2005).

**Land banking:** Public institution, performing the intermediate buying, selling or leasing of land in order to increase land mobility, to facilitate the rural land market in general, and to pursue public policy targets related to sustainable rural land use in particular (Veršinskas *et al.*, 2020).

**Land consolidation:** Legally regulated procedure led by a public authority and used to adjust the property structure in rural areas through a comprehensive reallocation of parcels, coordinated between landowners and users in order to reduce land fragmentation, facilitate farm enlargement and/or achieve other public objectives, including nature restoration and construction of infrastructure (Veršinskas *et al.*, 2020).

**Land degradation neutrality (LDN):** a state whereby the amount and quality of land resources necessary to support ecosystem functions and services and enhance food security remain stable or increase within specified temporal and spatial scales and ecosystems (UNCCD, 2015).

**Land fragmentation:** The division of land into progressively smaller parcels due to inheritance systems, the need to take advantage of ecological variation, or the functioning of land markets. Land fragmentation can occur with a single person, family, or organization owning multiple geographically separate parcels; or by small parcels owned individually by inheritance processes or other allocation processes that divide land equally among a group (King and Burton, 1982).

**Land governance:** Concerns the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, and the way that competing interests in land are managed. (Palmer, Fricska and Wehrmann, 2009).

**Land allocation:** Processes (formal or informal) that distribute rights to land parcels to individuals or groups at the level of the family, community, or company (FAO, 2002).

**Land markets:** Land markets exist when and wherever it is possible to exchange rights in land, usually for agreed amounts of money (Mahoney, Dale and McLaren, 2007).

**Land registration:** Official recording of legally recognized interests in land and, usually part of a cadastral system. From a legal perspective a distinction can be made between deeds registration, where the documents filed in the registry are the evidence of title, and registration of title, in which the register itself serves as the primary evidence (LANDVOC, 2022).

**Land tenure:** Relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. Land tenure is an institution, that is, rules invented by society to regulate behavior. They define how access is granted to rights to use, control and transfer land, as well as associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources for how long and under what conditions. (FAO, 2002).

**Land valuation:** The process of estimating the economic value of the land. Valuation can be based on economic, social, or environmental attributes (FAO, 2017d).

**LDN initiative:** An umbrella term that encompasses a set of activities including, projects, plans, targets, programmes, practices, policy assistance, awareness-raising and other efforts to combat desertification, land degradation and drought.

**Primary tenure rights:** In customary tenure systems, primary tenure rights are secured through original settlement of unused land or through direct allocations of land from the founding lineages to group members. Primary rights holders enjoy more or less permanent occupation, have extensive discretion over land use and may transfer these rights through inheritance (FAO, 2022; Schoonmaker Freudenberger, 2000).

**Private land:** Lands under the exclusive control or ownership of non-state natural or legal person or companies (FAO, 2002).

**Public land:** Lands under control or ownership of the state or other public entities (FAO, 2012).

**Secondary tenure rights:** Secured from primary rights holders according to mutually agreed terms and conditions. These rights may be granted on a short-term seasonal basis or may be long-term agreements to use particular resources (FAO, 2022; Schoonmaker Freudenberger, 2000).

**Sustainable Land Management:** The use of land resources, including soils, water, animals and plants, for the production of goods to meet changing human needs, while simultaneously ensuring the long-term productive potential of these resources and the maintenance of their environmental functions (FAO, 2015c; Verburg *et al.*, 2019).

**Tenure-responsive land use planning:** An approach to solving land use planning and land tenure security challenges at the same time. Tenure-responsive land use planning is an approach to implementing such planning by embracing, among other objectives, the improvement of tenure security in a specific area by integrating particular tenure goals in the planning process. (GLTN, 2021).

**Tenure security:** Security of tenure is the guarantee of continued occupancy or use rights whether by virtue of formal rights, customary rules or other forms of assurance (AGROVOC, 2022).

**Voluntary or majority-based land consolidation:** In a majority-based approach, a qualified majority of the landowners representing the majority of the land in the land consolidation project area can decide about the implementation of the reallocation plan – when legal safeguards are in place and legitimate tenure rights properly protected. In a voluntary approach, only the willing landowners can be considered for land consolidation (Veršinskas *et al.*, 2020).



Produced jointly by the secretariats of the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Convention to Combat Desertification (UNCCD), with contributions from multiple stakeholders, this technical guide addresses the integration of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security (VGGT) within the implementation of the UNCCD and Land Degradation Neutrality (LDN), thus opening a new chapter in ongoing efforts to combat desertification, land degradation, and drought.

The guide outlines the practical applications of the VGGT – an internationally recognized framework on the responsible governance of tenure – in the context of the design and implementation of LDN initiatives. It offers a flexible multi-pathway approach to support policy and decision-makers and relevant stakeholders in shaping a tailor-made response to commonly encountered land tenure challenges via a range of national plans, legal frameworks, strategies, and action programmes addressing land degradation.

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