

Synthesis note by the secretariat: Follow-up on policy frameworks and thematic issues: Land Tenure

The ICCD/COP(15)/19 document summarizes the actions taken by the secretariat in response to decision 26/COP.14 on land tenure, recognizing that responsible land governance is a fundamental component of sustainable land management (SLM) and encouraged Parties to follow the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) including a summary of the technical guide on how to integrate the VGGT into the implementation of the Convention and Land Degradation Neutrality (LDN) and relevant conclusions and recommendations for consideration by the Parties.

I. Background

Recognizing legitimate tenure rights for all, motivates and encourages good land stewardship to invest in resource conservation practices without fear that their land may be unjustly taken or encroached upon. The Decision 26/COP.14 of the UNCCD on Land Tenure is a landmark decision on land issues as the only multilateral agreement to encourage Parties to follow the VGGT endorsed by the UN Committee on World Food Security, in the implementation of activities to combat desertification/land degradation and drought (DLDD) and to achieve LDN.

The Decision 26/COP.14 requests the secretariat to: (a) Collaboration with FAO to produce technical guide on **how to integrate the VGGT into the implementation of the LDN** considering national contexts; (b) **Explore options on how to promote awareness-raising on responsible land governance and** (c) **Explore options for the integration of existing SDGs indicators relevant to land governance into the UNCCD reporting process.** The following part present a summary of the progress made towards fulfilling these requests and concludes with possible next steps in addressing land tenure under the Convention for the consideration of the Parties.

II. Policy – Technical guide in the Context of National Food Security into the implementation of the UNCCD and LDN

A. Participatory preparation process for the development of the technical guide

Preparation of the technical guide lunched through a series of multi-stakeholder e-consultation process with over 205 representatives started on Desertification and Drought Day in 2020 via identifying the challenges, enablers, barriers to integrating land tenure into LDN, formulation case studies on the governance of tenure, SLM and conducting an external peer review of the draft technical guide in late 2021. These exchanges formed the basis for developing the pathways in the technical guide to address commonly encountered land tenure challenges in the pursuit of LDN. During CRIC19 draft technical guide was discussed by the Parties and noted the implementation of the guide require significant capacity building, financial support and technical assistance, awareness-raising, training, legal reviews and policy guidelines, social and environmental safeguards, effective multi-stakeholder platforms, gathering data, and strengthening of women's participation and knowledge exchange at all levels.

It is requested that the technical guide (1) be conclusive, adaptable & flexible in method, (2) respect national contexts & legislation, (3) differentiate between the needs & capacities of state & non-state actors, (4) be voluntary in nature, & (5) consider the funding needed to address issues around tenure security.

In late 2021, an interactive webinar conducted to introduce the draft technical guide and receive written contributions from UNCCD partners before finalization.

B. Summary of the technical guide

In achieving sustainable development, both LDN (as the operational element of Target 15.3) and, responsible land governance, are key elements of the 2030 Agenda. More than 125 countries have

committed to setting voluntary national LDN targets to the restoration of more than 450 million hectares, which is a significant proportion of the global restoration commitments.

The UN Decade on Ecosystem Restoration (2021–2030) is closely aligned with the LDN response actions to avoid, reduce and reverse land degradation. However, while the central goal of LDN is maintaining or enhancing land-based natural capital, the focus on people is critical to achieving LDN, including the need for more responsible and inclusive governance of land.

Land tenure is one element of land governance referring to the relationship among people, and how access to is granted to the rights to use, control and transfer land conditions focusing who can use what resources, for how long and under what conditions. **As the VGGT emphasize the need to recognize different land tenure systems, the technical guide highlights three key considerations for the design and implementation of all LDN initiatives including:**

- (a) Legitimate tenure rights;**
- (b) Consultation and participation and;**
- (c) Gender-responsive approaches.**

The technical guide, to be presented at COP 15, aims to inform policy and decision- makers, land administrators and potential beneficiaries to the potential of legitimate and secure tenure to contribute to LDN and land restoration commitments. **The nine action-oriented pathways¹** outlined in the technical guide focus on providing potential solutions to commonly encountered land tenure challenges in the context of national plans, legal frameworks, strategies and action programs with regards to LDN. Each of the pathways set out **(i) a list of possible actions at national and local levels; (ii) references in the “to go further” section to deepen insights into the topics presented in the pathways and further provide technical advice pertinent to on-the-ground implementation; and (iii) a case study to illustrate the potential opportunities and challenges that might arise in implementing the pathways in various national and local contexts.**

In sum, the technical guide introduces a set of opportunities and potential activities to integrate the VGGT into the implementation of the UNCCD and LDN initiatives, with broader implications for countries' growth and prosperity.

III. Options for promoting awareness-raising on responsible land governance

Decision 26/COP.14 requests the secretariat “to explore options to be presented at COP15 on how to promote awareness-raising on responsible land governance for combat DLDD including the need for appropriate technical and financial assistance. As secure tenure, combined with a reduction in degraded land, has great potential to advance sustainable development, including food security, peace and security, gender equality, effective climate action, sustainable economic development, and the realization of human rights for vulnerable populations. In this context, the secretariat has engaged in discussions and formed a working group with members of the secretariat, Landesa, Land Portal Foundation, International Land Coalition, FAO, and the UNCCD CSO panel to provide options for awareness-raising on land tenure. **At COP15, these options will be presented as parallel and complementary action tracks tailored to and implemented by different actors at different levels.** These action tracks are built around three objectives:

- (i) Raising awareness on responsible land governance to combat DLDD among all stakeholders**

¹ **The nine action-oriented pathways** are (1) Enhancing policy and legal frameworks; (2) Establishing targeted policy coordination mechanisms; (3): Securing women's tenure rights and access to land and natural resources; (4): Setting up accessible and transparent grievance and dispute resolution mechanisms; (5): Designing and implementing tenure-responsive and participatory integrated land-use planning; (6) : Supporting LDN through land administration tools; (7): Recognizing and documenting legitimate tenure rights on public lands; (8): Recognizing and documenting tenure rights for the sustainable management of commons; (9): Allocating and strengthening rights and duties on private land.

- (ii) Engaging with relevant partner institutions and CSOs to build synergies for joint impact, and**
- (iii) Guiding the future efforts of the secretariat to promote awareness-raising on the issue of land tenure.**

The working group **set out different elements for the development of the action tracks** such as Identifying potential risks, challenges, and opportunities, paying particular attention to the rights of vulnerable groups, how to identify the incentives, responsibilities, ensure inclusive participation in awareness-raising activities, complementing and integrating existing UNCCD initiatives, providing best practices and distinguishing between awareness-raising and capacity development for all actors and, clarifying how to move from awareness-raising to capacity development.

The awareness-raising action tracks will also include **a set of key messages** that stakeholders can utilize to inspire the integration of more secure land tenure in LDN initiatives such as connecting land tenure and governance to activities related to combatting DLDD and achieving LDN, highlighting synergies with the other Rio conventions related to land tenure and LDN, prioritizing links with other major global agendas on both land tenure and LDN, Emphasizing the overall economic, social, and environmental benefits of regenerative land management, and Illustrating how investments to improve tenure security,

IV. Options for integrating land governance indicators into the UNCCD reporting process

In response to this request of parties, the secretariat commissioned a study to assess the availability of data on the SDG indicators relevant to land governance for integration into the UNCCD national reporting system, specifically:

- Proportion of the total adult population with secure tenure rights to land, with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure; or
- The proportion of the total agricultural population with ownership or secure rights over agricultural land, by sex; and share of women among owners or rights- bearers of agricultural land, by type of tenure;
- Proportion of countries where the legal framework (including customary law) guarantees women’s equal rights to land ownership and/or control.

The study found that the current data availability for the above indicators is still very limited and that it is currently not feasible to integrate them into the UNCCD reporting process and the Performance Review and Implementation System.

V. Conclusions and recommendations

To date, the UNCCD stands as the only multilateral agreement explicitly addressing the issue of land tenure to enhance the responsible governance of tenure in the context of LDN. Significant progress has been made on Decision 26/COP.14 in terms of developing the technical guide, awareness-raising, and the potential use of relevant indicators in the UNCCD reporting process.

The production of the technical guide provides a strong foundation for the future work of the secretariat and the Global Mechanism in order to integrate land tenure into the implementation of the Convention, combating DLDD, and accelerating progress towards achieving voluntary national LDN targets. This includes capacity building, technical assistance and resource mobilization for, inter alia, awareness-raising, training, policy guidelines, reviews and assessments, social and environmental safeguards, the creation or enhancement of multi-stakeholder platforms, the gathering of relevant data, and the development and exchange of case studies and good practices. Mainstreaming activities to improve tenure security in land-related investment decisions holds great promise for improving living conditions, particularly for vulnerable groups, especially women, indigenous peoples and local communities.