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Item 4 of the provisional agenda  
Policy frameworks and thematic issues

Follow-up on policy frameworks and thematic issues: Land Tenure

Note by the secretariat

Summary

By its decision 26/COP.14 on land tenure, the Conference of the Parties (COP) recognized that responsible land governance is a fundamental component of sustainable land management 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), endorsed by the United Nations Committee on World Food Security, in the implementation of activities to combat desertification/land degradation and drought and achieve land degradation neutrality.

This report summarizes the actions taken by the secretariat in response to decision 26/COP.14, including a summary of the technical guide on how to integrate the VGGT into the implementation of the Convention and land degradation neutrality. It also provides conclusions and recommendations for consideration by the Parties at the fifteenth session of the COP.
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I. Background

1. Recognizing legitimate tenure rights for all, women and men alike, encourages good land stewardship. Those who hold land securely are able and motivated to invest in resource conservation practices with a view to promoting the long-term health and productivity of the land and without fear that their land may be unjustly taken or encroached upon. While improved tenure security has been shown to increase land users’ investments in sustainable land management (SLM) practices, such as agroforestry and soil conservation, it can also stimulate large-scale investments in Land Degradation Neutrality (LDN) and restoration. Without tenure security, it will not be possible to achieve inclusive sustainable development that “leaves no one behind”. Improving tenure security can provide multiple benefits in terms of poverty reduction, food security, women’s empowerment, etc., avoiding resource conflicts.

2. By decision 26/COP.14, the Conference of Parties (COP) noted the importance of land tenure within the framework of the United Nations Convention to Combat Desertification (UNCCD) and adopted a landmark decision on the issue. To date, the UNCCD stands as the only multilateral agreement to explicitly address the issue of land tenure. The same decision encourages 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), endorsed by the United Nations Committee on World Food Security, in the implementation of activities to combat desertification/land degradation and drought (DLDD) and to achieve LDN.

3. Decision 26/COP.14 requests the secretariat to:
   - (a) Collaborate with the Food and Agriculture Organization of the United Nations (FAO) and other relevant partners to produce a technical guide on how to integrate the VGGT into the implementation of the Convention and the achievement of LDN, taking national contexts into account;
   - (b) Explore options on how to promote awareness-raising on responsible land governance for combatting DLDD among all stakeholders, particularly among vulnerable populations, including indigenous peoples and local communities; and
   - (c) Explore options for the integration of existing globally agreed Sustainable Development Goal (SDG) indicators relevant to land governance into the UNCCD reporting process, with a view to avoiding the duplication of reporting efforts and ensuring the widest reach among different national contexts.

4. This note provides an overview of the progress made towards fulfilling these requests, including a summary of the work so far on the technical guide, awareness-raising options, and the potential use of SDG indicators in the UNCCD reporting process. It concludes with possible next steps in addressing land tenure under the Convention for the consideration of the Parties.

II. Policy – Technical guide on integrating 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 UNCCD and Land Degradation Neutrality

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

5. Decision 26/COP.14 requests the secretariat and invites the FAO and other relevant partners to collaborate to produce a technical guide for consideration by the Parties at the fifteenth session of the COP (COP 15). The collaboration between the UNCCD and the
FAO began after COP 14 with the development of a multi-stakeholder process, including a series of consultations with stakeholders and experts, and the formulation of case studies from various countries across regions, drawing upon the wealth of projects and programmes that the FAO and other partners have been supporting on the governance of tenure and SLM. Due to the COVID-19 pandemic, the consultation process was subsequently revised and carried out in an entirely virtual format.

6. The secretariat and FAO launched the process of multi-stakeholder e-consultations on Desertification and Drought Day in 2020. Three additional e-consultations followed in July, August, and November of the same year. In total, over 205 representatives from governments, civil society, academia, the United Nations and intergovernmental organizations participated in the e-consultations and provided valuable inputs for the technical guide. In addition, an external peer review of the draft technical guide was undertaken in late 2021, involving technical experts and representatives from civil society, gender and tenure experts, members of the UNCCD Science Policy Interface (SPI), and representatives from financing institutions.

7. The e-consultations facilitated exchanges to identify the challenges, enablers, and barriers to integrating land tenure into LDN. Several country case studies were presented to support the discussions with good practice examples. The discussions highlighted the importance of ensuring the inclusive participation of vulnerable populations, such as women, indigenous peoples and local communities, pastoralists, and youth in land tenure related matters, as well as the need for improved sectoral integration and collection of data and lessons learned to generate evidence on the role of tenure to achieve LDN. 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.

8. Progress made in the preparation of the technical guide was discussed by the Parties during the 19th Session of the Committee for the Review of the Implementation of the Convention (CRIC19). Some Parties noted that the technical guide and its implementation require significant capacity building, financial support and technical assistance for, inter alia, awareness-raising, training, legal reviews and policy guidelines, the development of social and environmental safeguards, effective multi-stakeholder platforms, the gathering of relevant data, the strengthening of women’s participation in land tenure issues, the development of international and regional knowledge exchange, and the establishment of partnerships with relevant stakeholders.

9. At the same session, Parties requested that the technical guide (1) be conclusive, adaptable and flexible in method, (2) respect national contexts and national legislation, (3) differentiate between the needs and capacities of state and non-state actors, (4) be voluntary in nature, and (5) consider the funding needed to address issues around tenure security. Some Parties stressed that the preparation of the technical guide should be transparent and open to all Parties and relevant stakeholders, including civil society organizations (CSO), to allow their inputs to inform the content of the technical guide. In response, the secretariat conducted an interactive webinar to introduce the draft technical guide, followed by a consultation process from November to December 2021 to receive written contributions from UNCCD Parties, the CSO panel and observers on the draft technical guide, which were considered before its finalization.1

10. Lastly, to raise awareness on the issue of tenure and to receive further input for the preparation of the technical guide, the UNCCD organized the following events together with the FAO in multiple international and regional fora, including a round table at the Second Arab Land Conference on the responsible governance of tenure in February 2021, a side event at the 49th session of the Committee on World Food Security on financing land rights in October 2021, and two presentations of the technical guide at FAO and Land Portal webinars on capturing knowledge from the implementation of the VGGT in October 2021. The FAO, together with the UNCCD and the Resilient Food Systems programme,

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organized a capacity building and awareness-raising webinar series on the responsible governance of tenure as a vehicle to achieve LDN and combat drought and desertification. The webinar series took place between September and November 2021 and was targeted at 17 selected participating in the Resilient Food Systems and European Union land governance programmes.

B. Summary of the technical guide

11. 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. Both LDN and responsible land governance are key elements of the 2030 Agenda, the SDGs and their respective targets. LDN is the operational element of Target 15.3 of the SDGs which 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". More than 125 countries have committed to setting voluntary national LDN targets under the UNCCD Target Setting Programme. United Nations General Assembly resolution 76/206 states that the measures to implement the LDN targets include creating an enabling environment and, particularly, the responsible governance of land and tenure security. The combined commitments under these LDN targets amount to more than 450 million hectares, which represents a significant proportion of the global restoration commitments, estimated to be between 765 and 1,000 million hectares.

12. The United Nations Decade on Ecosystem Restoration (2021–2030) aims to halt the degradation of ecosystems worldwide and restore them to achieve the global SDGs. The Decade embraces a broad definition of ecosystem restoration, including a continuum of activities encompassing conservation, sustainable management, and restoration, which is closely aligned with the LDN response actions to avoid, reduce and reverse land degradation. 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. 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.

13. The linkages between land governance and LDN are presented in an assessment conducted by the SPI of the UNCCD. Drawing from the literature and good practices, the SPI technical report on “Creating an Enabling Environment for Land Degradation Neutrality and its potential contribution to enhancing wellbeing, livelihoods and environment” considers the LDN enabling environment to comprise four main dimensions: (a) the science-policy interphase, (b) financial elements, (c) institutional arrangements, and (d) policy and regulatory elements. A critical component of the latter two dimensions is land governance – 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 are managed.

14. Land tenure is one element of land governance. It refers to the relationship among people, as individuals or groups, with respect to land and land resources. Land tenure defines how access is granted to the rights to use, control and transfer land, as well as associated responsibilities and restrictions. In other words, land tenure systems determine

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who can use what resources, for how long and under what conditions. The VGGT provide guidance on how to improve the governance of tenure with the overarching goal of achieving food security, poverty eradication and sustainable social and economic development for all. The VGGT are based on human-rights and promote the respect and recognition of all legitimate tenure rights holders and safeguard against the violation of their rights. In this context, the VGGT emphasize the need to recognize different land tenure systems, including customary (indigenous, local and informal systems) and statutory (policies and laws). Complementary to the VGGT principles, the technical guide highlights three key considerations for the design and implementation of all LDN initiatives:

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

15. The technical guide, to be presented at COP 15, aims to inform policy and decision-makers as to the potential of legitimate and secure tenure to contribute to LDN and land restoration commitments, and the means by which it may do so. It also strives to serve – as a secondary target audience – land administrators and potential beneficiaries who participate in and are impacted by LDN initiatives. The nine action-oriented pathways 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 programmes 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. The pathways are formulated in a generic and flexible way to adapt to diverse countries and contexts. However, not all pathways are relevant to all countries and policy- and decision-makers are invited to consider those pathways most pertinent to their national contexts while striving to achieve LDN and upholding the principles of VGGT. A brief overview of the nine pathways is presented below.

16. **Pathway 1: Enhancing policy and legal frameworks** – 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 resource management, as described by the VGGT and underscored by the LDN scientific conceptual framework. Another key aspect when integrating the principles of VGGT into policy and legal frameworks is to ensure that all legitimate tenure rights are recognized, respected, and safeguarded. The meaning of legitimate tenure rights may vary according to context.

17. **Pathway 2: Establishing targeted policy coordination mechanisms** – Sectoral fragmentation undermines the sustainability of LDN initiatives and the prospects of up-scaling them. With policy alignment and coordination, discrepancies between sectoral priorities can be mitigated. However, successful coordination goes beyond cooperation among different sectors, as it also includes the effective engagement between science and policy at the national level, multi-stakeholder participation and data interoperability, as well as donor coordination.

18. **Pathway 3: Securing women’s tenure rights and access to land and natural resources** – Women are fundamental to agricultural production and play a substantial role in ensuring food security, including in areas highly affected by DLDD. However, women often lack the incentives, opportunities and capacities to conserve and restore land and benefit differently from investments in these areas. Gender-responsive LDN initiatives can also contribute to the achievement of LDN and address the needs of the most vulnerable people, such as small farmers, rural communities, indigenous peoples and local communities, and youth. Achieving gender equality in land tenure encompasses policy reform, the redesign of land governance institutions, changes to land administration approaches, and improved communication. Social norms, including perceptions, attitudes and values about gender and secure tenure rights may take time to change, therefore specific efforts must be made to integrate these aspects into broader communication and
awareness-raising strategies. Policies promoting gender equity in tenure security can also support positive changes in perceptions and social norms that promote wider inclusion and economic development.

19. **Pathway 4: Setting up accessible and transparent grievance and dispute resolution mechanisms** – Accessible and transparent grievance and dispute resolution mechanisms are key to ensuring that LDN initiatives respect human rights as well as legitimate tenure and resource rights. Grievance and dispute resolution mechanisms are different, and both can provide access to remedy. Ideally, both should be available. When complaints cannot be resolved by the grievance mechanism, a dispute resolution mechanism is needed to solve the conflict. These mechanisms require a legal framework that is seen as legitimate, accessible, predictable, transparent and equitable by all parties, and which is aligned with internationally recognized human rights. At the national level, legal frameworks help ensure the establishment and functioning of accessible grievance and dispute resolution mechanisms at the local level where they are most effective.

20. **Pathway 5: Designing and implementing tenure-responsive and participatory integrated land-use planning** – Integrated land-use planning is an important enabling factor for LDN initiatives, ensuring that land use and management meets the needs of people today while safeguarding healthy and productive land resources for the future. Tenure-responsive and participatory integrated land-use planning requires: (i) improved access to information for individuals and communities whose livelihoods may be affected by land-use planning decisions (including capacity development when needed); (ii) the opportunity for meaningful participation, allowing potentially affected individuals and communities to be active decision-makers regarding issues that affect their livelihoods; and (iii) the assurance that all legitimate tenure rights are recognized, respected and safeguarded against threats and infringements. Further guidance on integrated land use planning and LDN developed by the SPI is available in document ICCD/COP(15)/CST/2.

21. **Pathway 6: Supporting LDN through land administration tools** – Land administration is the process of determining, recording, and disseminating information about ownership, value and the use of land and its associated resources. Various tools are available to support this process, such as surveying, cadastres, registration, demarcation, spatial planning (including integrated land-use planning), land consolidation and land banking. In the technical guide, land consolidation and land banking are highlighted as examples of tools to address land fragmentation issues which may result in land degradation, land abandonment, and land access problems.

22. **Pathway 7: Recognizing and documenting legitimate tenure rights on public lands** – Public lands are used in multiple ways by legitimate rights holders for, inter alia, agriculture, pasture or forestry. Public lands may encompass commons and collectively managed lands, including protected areas, wetlands and other important ecosystems. Land users on public land may have acquired legitimate rights to the land over an extended period but may not have legally recognized rights to the land. Without attention to legitimate tenure rights, vulnerable populations, including women, pastoralists, gatherers and collective or temporary rights holders may be overlooked during an LDN initiative. At the national level, the legal framework must provide for the demarcation of public lands as well as for systematic procedures to identify, verify and record all individual and collective legitimate tenure rights with the meaningful and informed participation of the legitimate tenure right holders.

23. **Pathway 8: Recognizing and documenting tenure rights for the sustainable management of commons** – Commons refers to land that is collectively managed and administered by local communities, indigenous peoples, or pastoralists according to customary rules, and may overlap with public lands in some instances. Commons are crucial for many communities to achieve or maintain food security and serve as a safety net in times of crises. Estimates show that around two billion people depend directly or indirectly on commons. In addition to the immediate importance of commons for people’s health and livelihoods, they are intrinsically tied to the culture, heritage, and identity of many communities. The recognition of commons and the institutions that govern them can improve the management of commons and support the implementation of LDN initiatives.
24. **Pathway 9: Allocating and strengthening rights and duties on private land** – Private land holders are a diverse group in terms of the size of landholdings, the type of tenure rights in question (owner or lessee rights), and the type of actor (natural or legal persons). The capacity of private land holders to practise sustainable land use and management varies, therefore tailoring approaches to these different capacities would increase the efficiency of LDN initiatives. LDN initiatives must also consider stakeholders who may influence land management but who may not have direct tenure rights, such as value chain actors (e.g. agribusinesses, retailers and companies operating under contract farming schemes). Land-use decisions by neighbouring land holders or other land holders in the community can also impact SLM investments on private lands (e.g. terracing, stone bunds, canals and trenches). Owing to the variety of situations and diversity among private land holders, LDN initiatives on private lands must plan for a variety of actions at national and local levels.

25. 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. Secure tenure is known to encourage land stewardship, leading to greater local and large-scale investments in SLM practices, LDN initiatives and land restoration. Improving tenure security through meaningful and informed participation, particularly that of vulnerable people, creates opportunities for community-wide economic, social, and environmental health and prosperity. Pursuing a combination of pathways outlined in the technical guide allows for opportunities to improve responsible land governance and gender equality through laws and policies, capacity building, awareness-raising, and the efficacy of land administration.

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

26. To raise awareness on the multiple benefits of responsible land governance and its importance in addressing DLDD, decision 26/COP.14 requests the secretariat “to explore options to be presented at the fifteenth session of the Conference of the Parties on how, within its scope and mandate, to promote awareness-raising on responsible land governance for combating desertification/land degradation and drought among all stakeholders, particularly among vulnerable populations, including indigenous peoples and local communities”. The need for appropriate technical and financial assistance for, inter alia, awareness-raising on responsible land governance was also emphasized by Parties at CRIC19.

27. 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. However, depending on the context, countries and communities face a variety of technical, social, and cultural challenges to improving land governance and tenure security, such as limited resources or competing development priorities. These challenges may be compounded by a lack of awareness of existing land rights, among both local authorities and the communities they serve.

28. With the goal of improving information flows, the secretariat has engaged in discussions with experts and institutions on advocacy and awareness-raising on land tenure issues. A working group was formed 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 COP 15, these options will be presented as parallel and complementary action tracks tailored to and implemented by different actors at

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6 Document ICCD/COP(14)/23/Add.1, Report of the Conference of the Parties on its fourteenth session, held in New Delhi, India, from 2 to 13 September 2019, Part two: Action taken by the Conference of the Parties at its fourteenth session.

different levels. These action tracks are built around three objectives: (i) raising awareness on responsible land governance to combat DLDD among all stakeholders, particularly vulnerable populations, including women, youth, indigenous peoples, and local communities, (ii) engaging with relevant partner institutions and CSOs in the countries affected by DLDD in order to build synergies and identify potential actions for joint impact, and (iii) guiding the future efforts of the secretariat to promote awareness-raising on the issue of land tenure.

29. More specifically, the development of the action tracks is guided by the following elements, as set out by the working group:

(a) Identifying potential risks, challenges, and opportunities that Parties, civil society and the UNCCD are likely to encounter in their efforts to raise awareness of secure tenure and propose actions to overcome them;

(b) Paying particular attention to the rights of (and barriers faced by) women, youth, indigenous peoples and local communities, and persons with disabilities in the context of equitable participation in land governance, recognizing that inequalities for vulnerable populations significantly limit the efficacy of LDN initiatives;

(c) Setting forth guidance on how to identify the incentives, responsibilities, and rights of a variety of stakeholders and ensure inclusive participation in awareness-raising activities;

(d) Complementing and integrating existing UNCCD initiatives (e.g. the Great Green Wall Initiative) incorporating strong messaging, broad engagement, and awareness-raising approaches to reinforce the linkages to secure tenure programming;

(e) Providing case studies and best practices that consider cultural sensitivities when developing options, which are applicable to a wide range of audiences, recognizing that the perception of tenure security varies from country to country, and even between communities within countries;

(f) Distinguishing between awareness-raising and capacity development for all actors, clarifying the links and proposing steps on how to move from awareness-raising to capacity development.

30. 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. These key messages will build on the following themes:

(a) Connecting land tenure and governance to activities related to combating DLDD and achieving LDN, including examples of context-specific and pre-existing projects and programmes;

(b) Highlighting synergies with the other Rio conventions, related processes, and common environmental goals as they relate to land tenure and LDN;

(c) Prioritizing links with other major global agendas that include specific provisions on both land tenure and LDN, including human rights agreements and the SDGs;

(d) Emphasizing the overall economic, social, and environmental benefits of regenerative land management, and highlighting the benefits of tenure security to communities and governments, such as dignity, stability, prosperity, and sustainability;

(e) Illustrating how investments to improve tenure security are a foundational and transformational strategy for combatting DLDD while advancing other developmental and human rights outcomes.

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

31. By decision 26/COP.14, Parties also requested the secretariat, in consultation with the Bureau of the CRIC, to explore options for the integration of existing globally agreed SDG indicators relevant to land governance into the UNCCD reporting process. In response,
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:

(a) 1.4.2. Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure;

(b) 5.a.1. (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure;

(c) 5.a.2. Proportion of countries where the legal framework (including customary law) guarantees women’s equal rights to land ownership and/or control.

32. 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 4. Nonetheless, the UNCCD reporting manual for the 2022 reporting period does urge Parties to report on experiences in setting up policy measures to mainstream gender in the implementation of the UNCCD which may involve enhancing women’s participation in land-based decision-making, improving women’s land rights and access to related resources, etc. For more detailed information on reporting on gender-related tenure components, see documents ICCD/COP(15)/17 (report on gender) and ICCD/COP(15)/CST/7-ICCD/CRIC(20)/8 (reporting guidelines).

V. Conclusions and recommendations

33. To date, the UNCCD stands as the only multilateral agreement explicitly addressing the issue of land tenure. The ground-breaking adoption of decision 26/COP.14 on land tenure has evoked interest from diverse stakeholders to engage with the UNCCD process in order to enhance the responsible governance of tenure in the context of LDN. Subsequent discussions in multiple international and regional fora have explicitly focused on the ways and means of improving tenure security in the context of DLDD, recognizing the potential to generate multiple benefits, such as gender equality, land restoration, climate change resilience and biodiversity conservation.

34. Decision 26/COP.14 on land tenure guided the work of the secretariat on land tenure within the framework of the Convention. Significant progress has been made in terms of developing the technical guide, awareness-raising, and the potential use of relevant indicators in the UNCCD reporting process. The secretariat wishes to express its appreciation for the financial and technical support provided by donor countries, country Parties and key partners for the implementation of the activities outlined in this document. In particular, the substantive contributions of UNCCD stakeholders were extremely valuable in finalizing the technical guide and ensuring its relevance to the various national and local contexts.

35. This intersessional effort which produced 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.
36. Accordingly, the COP may wish to consider the proposed draft decision, as included in document ICCD/COP(15)/21, at its fifteenth session.