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Secure and equitable land rights in the Post–2015 Agenda

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Headline recommendations

The ongoing global conversation to define the Post-2015 Sustainable Development Agenda is a historic opportunity to end poverty and improve the livelihoods of the poorest and most marginalised women and men in the world.

Governments have already made strong recommendations through the July 2014 Outcome Document of the UN Open Working Group (OWG).

As organizations working on food security, natural resources management and poverty eradication, we strongly encourage them to keep the profile of land and natural resources high in the document to be endorsed in September 2015. Secure and equitable land rights, particularly for those living in poverty and using and managing ecosystems, are an essential element of an Agenda that has the ambition to be people-centred and planet-sensitive.

We recall the international consensus governments have already reached on this subject, particularly with the 2012 Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests, agreed by 193 countries. We embrace and are guided by the principle of leaving no one behind, as recently stressed by the UN Secretary General's report "The Road to Dignity by 2030".

In the run-up to the launch of intergovernmental negotiations, we therefore stress the following dimensions:

- **Secure and equitable land rights are key to achieve sustainable development for all, and particularly Goals 1, 2, 5, 11, and 15.**
- **A stand-alone target promoting women's land rights in Goal 5 on gender equality and a reference to both women and men in all the other land-related targets is essential.**

In the finalisation of the Agenda, we also encourage the inclusion and monitoring of the following:

- **Explicit support to customary and collective rights to land and natural resources to sustain livelihoods of Indigenous Peoples and local communities.**
- **Use of the language "secure and equitable land rights" rather than "access to" as it brings about real change on the ground.**
- **The role of secure and equitable land rights to make cities and human settlements inclusive and resilient.**
- **Explicit reference to the principle of Free, Prior and Informed Consent to ensure that the Agenda is truly participatory and legitimate at all levels.**

We affirm from our collective experience that monitoring progress on land rights is feasible.

What makes secure and equitable land rights so critical to achieving the Sustainable Development Goals?

The Post-2015 Agenda must address the structural factors that undermine sustainable development. It is widely recognised that secure and equitable rights to land and natural resources are central to this effort.[1]

Land rights empower people and provide a sense of dignity. They enhance food security and are fundamental to achieve the right to food and increase the productivity of small-scale food producers. They provide an incentive for ecosystem stewardship, and they promote inclusive and equitable societies whilst underpinning cultures and value systems. In most countries of the world, land rights make the difference for girls and women that need education, income and voice. It is estimated that non-marketed services derived from the use of land and natural resources make up 50-90% of the total source of livelihoods of rural households living in poverty world-wide.[2]

Efforts to achieve sustainable development for all must therefore consider rights to land and natural resources as a priority. Ultimately, they are a key component of each of the overarching elements recently proposed by the UN Secretary General: *Dignity, People, Prosperity, Justice, Planet* and *Partnership*.

Building on the existing international consensus on land rights

Land is mentioned frequently in the Outcome Document of the OWG.[3] This reflects the already solid international consensus achieved on this subject in recent years.[4]

This consensus is manifest, among others, in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP 2007), the Africa Union's Framework and Guidelines for Land Policy in Africa (2009), and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (2012), but also a growing number of commitments by the private sector.

We encourage governments to further align the language and the ambition of the Agenda and its monitoring framework to these international standards.

Our recommendations

1 Indigenous peoples and local communities

The Post-2015 Agenda should advance and monitor progress on the land rights of Indigenous Peoples and local communities, including through recognition of customary and collective tenure systems.

Forests, rangelands, bodies of water, and related natural resources worldwide are often held and managed by communities through customary institutions. Two billion people access and use these resources, including 370 million Indigenous Peoples for whom international instruments recognize distinct rights.

The Post-2015 Agenda should strengthen rather than fragment these community-based and collective tenure systems, particularly in relation to poverty eradication (Goal 1), sustainable agriculture (Goal 2) and the protection and restoration of ecosystems and biodiversity (Goal 15).[5]

To address this subject, delegations can build on agreed language of the Voluntary Guidelines on the Responsible Governance of Tenure,[6] and the Framework and Guidelines for Land and Policy in Africa,[7] as well as the UN Declaration on the Rights of Indigenous Peoples and the recently released Outcome Document of the World Conference on Indigenous Peoples.[8]

2 Free, prior and informed consent

The Post-2015 Agenda should make explicit reference to and monitor progress on the implementation of the Principle of Free, Prior, and Informed Consent for Indigenous Peoples and local communities.

The achievement of land-related targets depends on recognition of rights and qualitative procedures, namely inclusive, participatory and representative decision-making and accountability at all levels, including the principle of Free, Prior and Informed Consent (FPIC), a right of indigenous peoples within international human rights instruments, and increasingly a principle to be extended to all local communities.

We welcome the reference to this principle in the Outcome Document of the World Conference on Indigenous Peoples[9] and, recently, by the UN Secretary General.[10]

We encourage governments to reintroduce this principle to be consistent with international benchmarks. This is critical to ensure that sustainable development strategies respond to people's needs and avoid devastating consequences on local communities.

3 Women's land rights

The Post-2015 Agenda should advance and monitor progress on secure women's land rights.

Supported by a robust body of evidence, the UN Secretary General has recently emphasised the role that secure women's rights to land and natural resources play in ending poverty and achieving a life of dignity for all,[11] including reducing gender-based discrimination and violence.

During the OWG negotiations over 37 governments, as well as the Group of 77 (G-77), championed the inclusion of gender equality and women's empowerment in targets related to land.

It is promising that the OWG Outcome Document makes women's land rights explicit under target 5a. It is of the utmost importance that this remains a stand-alone target to serve Goal 5, and continues to include inheritance rights as warranted by internationally-agreed standards.[12]

Explicit reference to women and men in all the other land-related targets – as currently under Goal 1 – is a necessary safeguard to ensure that the gender gap is not inadvertently exacerbated and Goals are met for all.

4 Land rights in cities and urban settlements

The Post 2015 Agenda should advance and monitor progress on secure land rights within sustainable cities and human settlements.

The OWG Outcome Document proposes a much-needed Sustainable Development Goal that aims to make cities and human settlements inclusive, safe, resilient and sustainable. Lack of secure and equitable land rights lies at the heart of poor housing. Well over one billion people in urban areas currently do not have security of tenure.[13] In a world characterised by massive demographic shifts, it is estimated that by 2030, about 3 billion people, or about 40 per cent of the world's population, will need proper housing and documented land.[14]

We believe that to meet the most basic needs of those living in poverty in cities, the Post-2015 Agenda should advance and measure progress on secure land rights in urban environments.

5 Rights to land and natural resources must be secure

The Post-2015 Agenda should track progress on "secure rights to land and natural resources", and not just "access".

For their full benefits to materialize, rights to land and natural resources must be secure. "Secure" land tenure is the language used in the Voluntary Guidelines and the Rio+20 Outcome Document.[15] Focusing solely on "access" to land does not guarantee that an individual or community has effective control over the longer term, limiting their confidence to invest and use the land. In addition, it may limit the applicability to legislative frameworks. This is especially true for women.

Likewise, language that refers to "ownership" only does not capture the range of individual and collective tenure arrangements that vary among and within countries, and may unintentionally exclude some of these countries.

To realise the transformative benefits of secure rights to land the Post-2015 Agenda should ensure that all women, men, indigenous peoples and local communities have secure rights to land, property, and natural resources necessary for their livelihoods and well-being, and should devise a monitoring framework accordingly.

Measuring progress on land rights is feasible

To achieve progress towards targets, we need measurable and disaggregated indicators that can be regularly reported on in a cost effective-manner. We believe that for land rights such measurement is feasible in all countries.

Land information is available from a variety of sources, and with well-established methodologies. Where data gaps exist resources should be put in place to up-scale current best practices.

The development of the Post-2015 Agenda provides a big opportunity to push the land rights evidence base forward, and we are encouraged by the emphasis given to the data revolution and participatory methodologies.[16] In the monitoring process, our experience affirms the following:

- Progress can and should be monitored on the full range of individual and community-based tenure systems, including over common land and natural resources.
- Measurement can and should focus on both legal frameworks and outcomes.
- Capturing perceptions of tenure security through surveys is critical.
- Measurement can combine qualitative and quantitative information.

Furthermore, there must be a realization that communities and individuals can generate their own data, geospatial information and statistics to complement public information. For example, community-based monitoring systems are already contributing to monitoring the Strategic Plan for Biodiversity 2011–2020.[17] People's knowledge is key to mobilising citizens and devising accountability mechanisms that will ultimately make the Agenda truly transformative.

Serving multiple Goals

	Directly serve		Reinforce progress on	
Secure and equitable land rights for women, men, indigenous peoples and local communities	**Goal 1**	End poverty [...]	**Goal 3**	Ensure healthy lives [...]
	Goal 2	End hunger, achieve food security and improved nutrition, and promote sustainable agriculture	**Goal 6**	Ensure availability and sustainable management of water [...]
	Goal 5	Achieve gender equality and empower all women and girls	**Goal 8**	Promote sustained, inclusive and sustainable economic growth [...]
	Goal 11	Make cities and human settlements [...] sustainable	**Goal 10**	Reducing inequality within and among countries
	Goal 15	Protect, restore and promote sustainable use of terrestrial ecosystem [...]	**Goal 12**	Ensure sustainable consumption and production patterns
			Goal 14	Conserve and sustainably use [...] marine resources [...]
			Goal 16	Promote peaceful and inclusive societies [...]

Endnotes

[1] See, among the others, the 2009 *IAASTD Report*, the 2010 UN High Level Task Force's *Updated Comprehensive Framework for Action*, and the *Global Strategic Framework for Food Security & Nutrition of the Committee on World Food Security*.

[2] TEEB. 2010. *The Economics of Ecosystems and Biodiversity: Mainstreaming the Economics of Nature: A synthesis of the approach, conclusions and recommendations of TEEB* (The Economics of Ecosystems and Biodiversity).

[3] Access to land is considered in targets 1.4, 2.3 and 5a.

[4] See, among the others, the 2014 African Union's *Common African Position* (CAP), the 2013 Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, various reports from the Sustainable Development Solutions Network, and 2014 IFAD's Post-2015 Overview Document.

[5] See Art 8 (J) of the Convention on Biological Diversity on the role played by knowledge of indigenous peoples and local communities in conservation and sustainable use of biodiversity. See also Sec. 197 of the Rio+20 Outcome Document, as well as the Chennai Guidance for Implementation of the Integration of Biodiversity and Poverty Eradication, recently adopted by the CBD Conference of Parties, which explicitly recognize the value of indigenous peoples and local communities' conserved territories and areas (ICCAs).

[6] See in particular *Chapter 9: Indigenous peoples and other communities with customary tenure systems*, where it is affirmed that States "should provide appropriate recognition and protection of the legitimate tenure rights of indigenous peoples and other communities with customary tenure systems".

[7] See in particular Section. 3.1.3 on the need to acknowledge the legitimacy of indigenous land rights systems.

[8] The Outcome Document of the World Conference on Indigenous Peoples mentions FPIC (A/69/L.1) in Section 20, as well as "fair, independent [...] processes to advance and adjudicate the rights of IPs pertaining to land, rights and resources" in Section 21, and "secure land tenure" in Section 26.

[9] Ibid.

[10] UN Secretary General. 2014. *The Road to Dignity by 2030. Synthesis Report of the Secretary-General on the Post-2015 Agenda*. New York: United Nations.

[11] Ibid.

[12] See Art. 14, 15 and 16 of the Convention on the Elimination of All Forms of Discrimination Against Women, and among others, Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, sections 3B4 and 4.6.

[13] UN-HABITAT. 2014. *Background paper World Habitat Day: Voices from Slums*. Available at http://unhabitat.org/wp-content/uploads/2014/07/WHD-2014-Background-Paper.pdf

[14] UN-HABITAT. Undated. Housing & Slum Upgrading. Website content from http://unhabitat.org/urban-themes/housing-slum-upgrading

[15] Resolution A/RES/66/288 adopted by the General Assembly of the United Nations.

[16] Independent Expert Advisory Group (IEAG). 2014. *A World That Counts. Mobilising the Data Revolution for Sustainable Development*. United Nations: New York.

[17] Strategic Plan for Biodiversity 2011-2020, adopted by the Conference of Parties of the Convention on Biological Diversity (CBD) in 2010.

Information and contact

This technical briefing has been prepared by Action Aid International, Biovision, Forest Peoples Program, the Global Land Tool Network (GLTN), Global Witness, Huairou Commission, the Institute for Advanced Sustainability Studies (IASS), the International Institute for Environment and Development (IIED), the International Work Group for Indigenous Affairs (IWGIA), Habitat for Humanity International, Landesa, the Millenium Institute, Namati, Oxfam International, the Rights and Resources Initiative (RRI), and the Secretariat of the International Land Coalition.

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- Center for Environment and Development, Cameroon
- CEMIRIDE, Centre for Minority Rights Development, Kenya
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- MACOFA, Mau Community Forestry Association, Kenya
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- MBOSCUDA, Mbororo Social and Cultural Development Association, Cameroon
- Naga Peoples Movement for Human Rights
- NEFIN, Nepal Federation of Indigenous Nationalities
- Ngorongoro Youth Development Association, Tanzania
- OPDP, Ogiek People's Development Program, Kenya
- RECOFTC, The Center for People and Forests, Thailand
- Rural Development Fund, Kyrgyz Republic
- Sabah Women's Action-Resource Group (Sawo)
- SDDPA, Society for Development of Drought Prone Area. India
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- WILDAF, Women in Law and Development in Africa, West Africa