Land Tenure in a Just Rural Transition

Restoring our Relationships to Land and Natural Resources

Just Rural Transition

Executive Summary

Providing nutritious food, clean water, and sustainable raw materials to a growing population whilst protecting the natural systems which sustain life is a key challenge of the coming decades. A transition is needed to create new systems that are environmentally sustainable, resilient, and equitable, putting those most vulnerable to these crises at the forefront of new policy design and outcomes. **A just rural transition** must therefore be built on securing land and natural resource rights for the world's most vulnerable populations.

Secure land and natural resource tenure are essential for restoring healthy, prosperous, and sustainable relationships between people and their neighbours, people and their governments, and people and their environments. Supporting community initiatives and securing community tenure are some of the most cost-effective investments in climate mitigation and are the foundations of sustainable and prosperous livelihoods and effective stewardship.[1]

This brief identifies five themes as central to re-imagining the rural landscape, forming the pillars of a just rural transition:

1 Conservation and restoration initiatives are led and owned by Indigenous Peoples and rural communities.

2 Community and customary rights to lands and resources are prioritised for formal recognition.

3 Women are meaningfully included in the governance, control, and use of land and resources.

4 Ecologically appropriate livelihoods and local businesses are incentivised and nurtured.

5 Land and resource governance is conflict-sensitive, transparent, and equitable.

1

Conservation and restoration initiatives are led and owned by Indigenous Peoples and rural communities.

There is strong scientific evidence demonstrating that when rights are recognised and protected, Indigenous Peoples and rural communities all over the world reduce deforestation and preserve biodiversity better than protected areas managed by governments alone.[2] Recognising and protecting the land and resource rights of Indigenous Peoples and rural communities is therefore essential to the success of many international initiatives for conservation and restoration.

Recommendations include:

◎ Include specific, measurable, and robust tenure and natural resource rights for Indigenous Peoples and local communities in national climate change mitigation and adaptation strategies.

◎ When developing conservation and restoration policies and establishing new protected areas, ensure that Indigenous Peoples and rural communities (especially women) are included in design, planning, implementation, and monitoring.

◎ Restore use rights and return management of protected areas to Indigenous Peoples and rural communities.

◎ End the criminalisation of Indigenous Peoples and rural communities for the use of essential lands and resources.

◎ Invest in the preservation of local and Indigenous ecological knowledge and build trust with scientific and policy communities.

◎ Employ members of local communities to serve as guardians of existing and new protected areas.

◎ Ensure that the respect of tenure is part of safeguards and guidelines for Reducing Emissions from Deforestation and Forest Degradation in developing countries (REDD+) and restoration initiatives.

◎ Include representatives of Indigenous Peoples and rural communities (especially women) in national delegations to the UN Framework Convention on Climate Change (UNFCCC), the UN Convention to Combat Desertification (UNCCD), and the Convention on Biological Diversity (CBD).

2

Community and customary rights to lands and resources are prioritised for formal recognition.

This approach more accurately reflects the existing Indigenous and customary systems for governing forests, rangelands, and wetlands around the world. It is also more cost-effective for governments to focus their resources on the recognition and protection of communities' rights.[3] Community and customary governance systems should be supported to equitably and inclusively define and secure collective, individual, and household rights within their territories.

Recommendations include:

◎ Ensure that communities are recognised as rights-holding entities in national laws.

◎ Invest in community-scale delimitation / demarcation of land and resource rights.

◎ Streamline the processes for the recognition and delimitation of community lands.

◎ Support local communities to equitably and inclusively define and secure individual and household rights within their territories.

◎ Invest in gender-inclusive community-based land-use planning and integrate these into sub-national land-use plans.

◎ Where rights are recognised, defend them from encroachment and extinguishment.

3

Women are meaningfully included in the governance, control, and use of land and resources.

A combination of policies, legislative changes, and substantive engagement with local communities can ensure that women equitably benefit from and exercise control over lands and resources.

Recommendations include:

◎ Ensure that women's rights have equal and consistent recognition and protection across land and natural resources legislation and regulations.

◎ Regulate gender parity into land and resource governance institutions.

◎ Identify and support local institutions and leaders (both women and men) who are already advocates of more equitable changes to customary systems.

◎ Sensitise both women and men to legislative changes, taking into account how different groups best access and receive information.

◎ Provide women with the resources, support, and training required to ensure full and meaningful participation in these institutions.

◎ Build mechanisms of accountability for customary leaders to provide checks on their powers.

◎ Collect sex-disaggregated data to monitor and evaluate the effectiveness of policies and interventions.

4

Ecologically appropriate livelihoods and local businesses are incentivised and nurtured.

A just rural transition can be accelerated by levelling the playing field and reducing regulatory barriers for communities and their enterprises, facilitating their access to credit and support, creating incentives for ecologically restorative livelihoods, and repurposing public support to incentivise sustainable agricultural production and environmental stewardship.

Recommendations include:

◎ Recognise a complete set of rights to land and resources, including rights to manage and economically benefit from their resources, in perpetuity.

◎ Simplify legal and administrative procedures to secure and exercise community rights.

◎ Extend credit and small-business support to community-based enterprises.

◎ Eliminate incentives for damaging practices — reorient these resources to incentivise stewardship and compliance with environmental regulations.

◎ Hire local communities — especially women and youth — for restoration projects. Use these projects to improve the protection of their rights and inclusion within local systems of land and resource governance.

5

Land and resource governance is conflict-sensitive, transparent, and equitable.

Harmonised and equitably designed laws, regulatory frameworks and independent grievance mechanisms are essential to break cycles of conflict and are safeguards for environmental protection and social stability. They increase trust in institutions, can strengthen relationships within and between communities and attract sustainable investment; they are therefore essential for a just rural transition.

Recommendations include:

◎ Ensure that peace agreements include robust provisions on land and resource governance, and that they are implemented.

◎ Harmonise overlapping and conflicting systems of governance including laws, regulations, registries, and cadasters.

◎ Establish accessible and equitable dispute resolution systems to ensure coherence and consistency across institutions and claims.

◎ Promote mediation-based institutions to resolve overlapping claims between communities.

◎ Protect and defend the rights of women, Indigenous Peoples and rural communities.

◎ Strengthen social and environmental safeguards for all land and natural resource-based investments, including the requirement for the free, prior, and informed consent (FPIC) of affected Indigenous Peoples.

◎ Monitor and report on progress on land rights for the Sustainable Development Goals.

This brief explains each of these themes and highlights instances of governments and communities putting them into practice. With this knowledge and these tools and support structures at our disposal, we can move forward with confidence and conviction.

References

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A Just Rural Transition

Providing nutritious food, clean water, and sustainable raw materials to a growing population whilst protecting the natural systems which sustain life is a key challenge of the coming decades.

Our current systems of land and natural resource use contribute one-quarter of global greenhouse gas emissions, are depleting our soils and freshwater resources, and are driving biodiversity loss on an unprecedented scale. At the same time, rural communities face increasing socio-economic inequities and financial struggle. A transition is needed – not just as a way to reverse these negative trends, but as a once-in-a-century opportunity to create new systems that are environmentally sustainable, resilient, and equitable, putting those most vulnerable to these crises at the forefront of new policy design and outcomes.

That is the vision of a just rural transition.

The Just Rural Transition (JRT) initiative puts people at the centre of global efforts to transform food and land use systems to meet climate, biodiversity, and sustainable development goals. It fosters a community of purpose of public and private sector stakeholders designing, implementing, and scaling integrated and inclusive approaches that contribute to the objectives of the **JRT Vision Statement** – through their own commitments and by forging new partnerships. This work, aimed at advancing land tenure and governance efforts underway, complements other ongoing work linked to land degradation neutrality and biodiversity protection.

This initial brief identifies equitable and just land and natural resource tenure as the centrepiece of a just rural transition.

Any attempt to meaningfully change the global systems that produce our food, fibres, and timber and that conserve our irreplaceable biodiversity, must be built on securing land and natural resource rights for the world's most vulnerable populations. As a global community, we need to urgently build on examples of progress to make the changes needed to protect the natural systems that sustain life for many generations to come.

# Land and Resource Tenure in a Just Rural Transition

Secure land and natural resource tenure are essential for restoring healthy, prosperous, and sustainable relationships between people and their neighbours, people and their governments, and people and their environments.

When people trust their neighbours, their leaders, and their institutions, and have clear resource rights, it is easier for them to protect biodiversity, engage in the regeneration of damaged ecosystems, and actively and effectively steward the lands and natural resources on which they rely. Where rural communities have long-term tenure security, they are more likely to invest in sustainable conservation and production practices. Secure land and natural resource tenure are therefore the foundations of sustainable and prosperous livelihoods and effective stewardship.

With fair and clearly defined land and natural resource rights, disputes over boundaries and infringements of rights are less likely.

When they do take place, trusted institutions should be able to fairly, transparently, and impartially resolve disputes before they escalate.
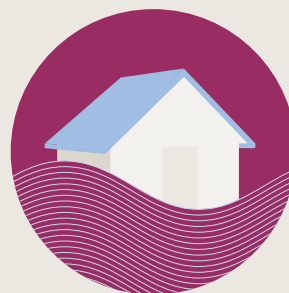
Overall, communities, households, and individuals with secure tenure are more resilient to:
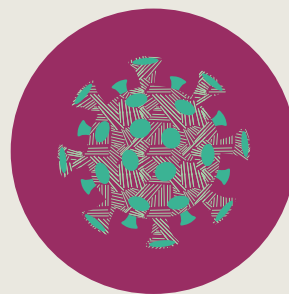
Pandemics

Economic shocks

Natural disasters

Conflicts

20%

of adults living in rural areas of Africa, the Middle East, South Asia, Latin America and the Caribbean feel insecure about their land rights.

65%

of the world's land under customary tenure is managed by Indigenous Peoples and rural communities.

18%

of this land is recognised formally by governments.

Governments have an essential role to play, yet important gaps remain. Approximately 20% of adults living in rural areas of Africa, the Middle East, South Asia, Latin America and the Caribbean feel insecure about their land rights.[1] Indigenous Peoples and rural communities manage 65% of the world's land under customary tenure.[2] However, their tenure is often vulnerable as governments formally recognise these communities' rights to only 18% of this land.[3] Within these communities, specific groups and individuals such as women, youth, religious, ethnic, and gender minorities, and disfavoured castes suffer multiple discriminations and tend to have even less secure tenure.[4]

Communities with the least secure tenure live on the front lines of climate change – in and near forests and woodlands, rangelands, and wetlands. It is well established that protecting and restoring critical ecosystems is essential for mitigating and reversing the current global environmental crisis. Global and national efforts to combat and mitigate the effects of climate change must work with these communities to secure our collective future.

However, doing so requires rethinking the way that these landscapes are viewed by governments and businesses – in high, middle, and low-income countries alike. For generations, the formula for development has been: more land under 'production' = more profit. This has meant clearing forests, draining wetlands, concentrating land ownership for large agricultural holdings, and placing remaining forests, rangelands, and wetlands under government ownership. This colonial and industrial development model has costs that are now more visible: biodiversity loss, pollution, water degradation, and social inequality.[5]

The good news is that these ways of thinking are changing. Indigenous Peoples and rural communities, policymakers, scientists, and business leaders are working to transform land and natural resource governance at local, regional, and national scales. Policymakers are increasingly recognising that biodiversity and ecosystem services are 'productive uses'.

Clear and coherent land and natural resource rights are increasingly understood as essential for natural climate solutions, conservation, and sustainable livelihoods. They also recognise the importance of reducing inequality and redressing the marginalisation of groups like Indigenous Peoples and rural communities, especially women within these communities.

This brief identifies five themes that have emerged from the literature and consultations with stakeholders as central to re-imagining the rural landscape, forming the pillars of a just rural transition:

1 Conservation and restoration initiatives are led and owned by Indigenous Peoples and rural communities.

2 Community and customary rights to lands and resources are prioritised for formal recognition.

3 Women are meaningfully included in the governance, control, and use of land and resources.

4 Ecologically appropriate livelihoods and local businesses are incentivised and nurtured.

5 Land and resource governance is conflict-sensitive, transparent, and equitable.

This brief explains each of these themes and highlights instances of governments and communities putting them into practice. They give cause for optimism. There is an opportunity now to build on these lessons and scale up action within these countries and elsewhere in order to accelerate and amplify a just rural transition.

1

Conservation and restoration initiatives are led and owned by Indigenous Peoples and rural communities.

There is strong scientific evidence demonstrating that when rights are recognised and protected, Indigenous Peoples and rural communities all over the world reduce deforestation and preserve biodiversity better than protected areas managed by governments alone.[6] Similarly, where Indigenous Peoples and rural communities are clearly empowered to manage and benefit from natural resources, they take the initiative to restore those that were previously degraded.[7] These results are even more likely when women from these communities are meaningfully included in the bodies that design and make decisions for conservation and restoration at local, regional, national, and global levels.[8]

It is estimated that Indigenous Peoples and rural communities invest an estimated US\$1-2.6 billion per year of their own resources into forest management and conservation, especially where their tenure is secure.[9] Meanwhile, numerous government-led conservation and restoration initiatives are held back by unclear and contested tenure.[10] **Supporting community initiatives and securing community tenure are therefore some of the most cost-effective investments in climate mitigation.**[11] They can also reduce governments' administrative burdens.[12]

Recognising and protecting the land and resource rights of Indigenous Peoples and rural communities is also essential to the success of many international initiatives. Specifically: for Reducing Emissions from Deforestation and Forest Degradation (REDD+), to meet the Paris Agreement Targets, for the Bonn Challenge to restore 150 million hectares of degraded forests and lands, and to build a global food system which provides food for all and leaves no one behind.

Additionally, the COVID-19 pandemic has had **disproportionate effects on Indigenous and rural communities**. Communities with strong governance and clear rights over their resources **have proven to be more resilient**. A just recovery will need to invest in the preservation of local and Indigenous ecological knowledge and meaningfully involve youth in the governance of lands and resources to ensure the continuity of these systems into the future. Where appropriate, investments should also be made to **foster ties of respectful collaboration** between holders of local and Indigenous ecological knowledge, and scientific and policymaking communities in the conservation and restoration sectors.

Policy Recommendations:

◎ Include specific, measurable, and robust tenure and natural resource rights for Indigenous Peoples and local communities in national climate change mitigation and adaptation strategies.

◎ When developing conservation and restoration policies and establishing new protected areas, ensure that Indigenous Peoples and rural communities (especially women) are included in their design, planning, implementation, and monitoring.

◎ Restore use rights and return management of protected areas to Indigenous Peoples and rural communities.

◎ End the criminalisation of Indigenous Peoples and rural communities for the use of essential lands and resources.

◎ Invest in the preservation of local and Indigenous ecological knowledge and build trust with scientific and policy communities.

◎ Employ members of local communities to serve as guardians of existing and new protected areas.

◎ Ensure that the respect of tenure is part of safeguards and guidelines for REDD+ and restoration initiatives.

◎ Include representatives of Indigenous Peoples and rural communities (especially women) in national delegations to the UN Framework Convention on Climate Change (UNFCCC), the UN Convention to Combat Desertification (UNCCD), and the Convention on Biological Diversity (CBD).

Some examples of putting these policies into practice include:

Namibia has developed an **extensive system of community conservancies and forests**, which cover nearly 20% of the country's total land area.[13] Over the past 30 years, it has encouraged communities to collectively manage their lands and resources as legally recognised, self-governing entities. The conservancies and forests have a constitution and elected community management committees. The law also ensures that women are represented in the management of community lands, conservancies, and forests. Community entities receive direct training and support from the Ministry of Environment, Forestry, and Tourism, for new conservation methods. Communities report on environmental outcomes to the Ministry as well as incidence of human-wildlife conflict. The Ministry in turn facilitates payment for environmental services as well as compensation for losses to affected parties.

In **Nepal**, over **19,000 distinct community forest user groups** have been established since the 1980s, managing over 13% of the country's total land area.[14] Recent studies have shown that **community forest management in Nepal has been able to simultaneously reduce rates of deforestation while also contributing to reductions in poverty**.

Niger's 2004 Forestry Code recognised local communities' right to own the trees on their lands − a radical shift away from the previous code where trees were owned by the government. This enshrined into law a shift to communities being entrusted with the stewardship of their resources, rather than being penalised for their use.[15] This shift, combined with the promotion of farmer-managed natural regeneration has led to the regeneration of five million hectares of agroforestry lands.[16] Regenerated native species have increased the supply of food, fuel and fodder, improved soil retention, and protected crops from winds. Niger's approach is a cost-effective model for the **Great Green Wall**.

In **New Zealand, a negotiated settlement between the government and the Indigenous Tuhoe people led to the disestablishment of the Te Urewera national park**. The park had been previously established on the Tuhoe's ancestral territories, leading to their expulsion. The territory is now an independent legal entity with a management board composed of members of the Tuhoe community and the government. The board is tasked with developing a management plan and overseeing its implementation.

In **Panama**, **a supreme court ruling restored the Indigenous Naso people's rights** to territories that had previously been set aside as protected areas. This ruling enables the Naso to establish a formally-recognised comarca (administrative region) over their traditional territories.

The governments of **Australia** and **Canada** have established Indigenous **Rangers** and **Guardians** programmes. These initiatives recognise the knowledge and stewardship of Indigenous communities by a) hiring individuals from these communities to monitor and protect critical species and ecosystems, b) resourcing the protection of Indigenous Ecological Knowledge, and c) engaging these communities in conservation and restoration initiatives.

Guyana has allocated nearly US$19 million from their REDD+ Investment Fund toward the **titling of Amerindian community lands**, as well as toward the design and implementation of **community development plans**.

2

Community and customary rights to lands and resources are prioritised for formal recognition.

It is important to recognise that in many parts of the world, forests, rangelands, and wetlands are held as community 'commons' — where multiple parties use and manage the land and resources.[17] Landscapes with higher biodiversity tend to be more accommodating of multiple users and rights-holders since different groups specialise in the complimentary management and harvest of different products.[18] As the previous section established, better environmental outcomes are achieved when communities combine their expertise to collectively govern their resources, and where the community's collective rights are secure.

A transition to more resilient landscapes therefore means that governments must focus on strengthening and securing customary and community systems of land and resource governance. Studies also show that where communities have customary rights over land and a long-standing relationship with their natural resources, costs of delimiting land can be lowered by focusing on community lands.[19]

Prioritising community-scale rights in these vulnerable landscapes does not mean that individual or household rights are irrelevant or should be disregarded. Many Indigenous and customary tenure systems recognise individuals' and households' rights to specific parcels or resources.

Community and customary governance systems need to be empowered and supported to secure individual and household rights when relevant. Responsibility for household or individual unit boundaries can be decentralised to local governance entities. This should include dedicated resources and efforts to achieve gender equality and social inclusion within Indigenous and customary tenure systems, building on local gender and social inclusion expertise as much as possible. **For a just rural transition, states should prioritise the recognition and protection of communities' rights and support communities to equitably and inclusively define and secure collective, individual, and household rights within their territories.**

At least 56 countries have already established legal frameworks that recognise the land and natural resource rights of Indigenous Peoples and rural communities.[20] Depending on the legal framework, the recognition of community rights may or may not require titling or other administrative procedures. While titling and delimitation can equip governments to defend these rights and resolve disputes, **the administrative steps involved can hinder implementation**.

Claims can take years or even decades to process. Arduous procedures and outstanding regulatory gaps mean many legal frameworks are not implemented and communities' rights remain unprotected. Governments therefore need to streamline their processes, ensure that the relevant ministries have the capacity to support communities through the process, and lower the costs.

One of the key tools that governments can use to support community systems of governance is gender-inclusive community-based land-use planning. This process allows communities to equitably identify complementary land uses, and identify goals for conservation, restoration, and economic development. These plans can help community leaders reinforce tenure arrangements in support of a community's stated needs and goals and inform sub-national land use and development plans. However, the recognition of communities' rights to their lands must not be conditioned on their completion of land-use plans.

Policy Recommendations:

◎ Ensure that communities are recognised as rights-holding entities in national laws.

◎ Invest in community-scale delimitation / demarcation of land and resource rights.

◎ Streamline the processes for the recognition and delimitation of community lands.

◎ Support local communities to equitably and inclusively define and secure individual and household rights within their territories.

◎ Invest in gender-inclusive community-based land-use planning and integrate these into sub-national land-use plans.

◎ Where rights are recognised, defend them.

Some examples of putting these policies into practice include:

In **Indonesia**, the Alliance of Indigenous Communities of the Archipelago of Indonesia (AMAN), won a case in the Constitutional Court in 2013 which recognised that the country's forests belonged to the Indigenous communities. The process for securing specific communities' rights has been extremely complex due to **overlapping jurisdictional responsibilities of government entities and contradictory regulations**. However, through collaboration with the federal government, AMAN has established its own **territorial registration body which has standardised processes for mapping, verifying and certifying communities' rights**. Their database feeds into the government's geospatial agency, which is rolling out a national **'One Map' Initiative'**, with the expectation that this will be used to plan land use more efficiently while mitigating natural resource-based conflicts.

Land was a key driver of **Liberia's** civil wars through the 1990s and early 2000s and a constant source of instability in the years that followed. The passage of the 2018 Land Rights Act (LRA) has paved the way for recognising and securing communities' lands and reducing associated conflict. Civil society organizations played a major role working with the government to develop and pilot tools to implement the LRA. Thus far, nearly **100 communities have taken steps to delineate their rights to 1.3 million hectares** of land. Communities must self-identify, delineate their territories, and develop their own by-laws for governing their lands and resources. Under the LRA, local by-laws must protect women and youth's land and resource rights and include them in local governance institutions. The government is currently working to **harmonise, formalise, and scale up** the processes and tools that have been piloted.

Morocco has legally recognised and protected collective land rights since 1919, covering approximately 27% of its national territory.[21] Assemblies called Jmaâ manage lands on behalf of the collectives. These are overseen by the Ministry of the Interior. In some areas, such assemblies retain linkages to customary governance structures and integrate Indigenous land management principles.[22] In Ait Ikis, the Mesoui tribe has maintained its traditional seasonal grazing rotations which also integrates agroforestry with pastoral livelihoods. Forest cover in these areas has increased since 1964, in stark contrast to high rates of deforestation in other parts of the country.[23]

3

Women are meaningfully included in the governance, control, and use of land and resources.

Women's rights to use and benefit from 'common' resources in natural forests, rangelands, and wetlands — as compared to their rights to use plots of land for housing and farming — are more readily recognised in customary systems of resource governance.[24] However, this also means that **women's livelihoods are more vulnerable when common resources are degraded by poor governance or climate change**.

As previously noted, the meaningful inclusion of women in the governance of land and resources leads to better ecological outcomes.[25] Women not only contribute **distinct and unique ecological knowledge to decision-making**, but their meaningful inclusion in decisions also increases buy-in from the community and the chances that benefits are shared equitably.[26] **Securing the rights of women and other historically marginalised communities to land and natural resources and ensuring their meaningful inclusion in governance mechanisms is essential for a just rural transition**.

And yet, the recognition and protection of women's rights to land and resources remains limited in many parts of the world, in both statutory and in customary law. **Women are often excluded from the institutions that make decisions** about how land and natural resources are used, managed, conserved, and restored. These institutions therefore operate without essential knowledge and perspectives about local ecosystems and communities.[27]

Many countries have passed legislation and adapted regulations in recent years to remedy this 'rights and inclusion gap.' In these reforms, many governments have been grappling with what often seems like a tension between strengthening customary systems of land and resource governance, while also promoting women's rights. However, these goals are not necessarily antithetical.

While some customary tenure systems are discriminatory against women (especially widows, divorcees, and unmarried women), customary systems are not homogeneous around the world or even within countries.[28] Many customary systems of land and resource governance already recognise that women have robust rights to land and resources and meaningfully include women in decision-making bodies.[29]

A combination of policies, legislative changes, and substantive engagement with local communities can ensure that women equitably benefit from and exercise control over lands and resources. This requires a gender-sensitive approach, which also means getting buy-in and support from male allies within communities and in government. Lastly, policymakers should not treat women as a homogenous group. They must pay special attention to securing the rights of women who face compounding layers of discrimination: single women (young, divorced, widowed), minority women (based on religion, ethnicity, migrant status, sexuality or gender identity), or women deemed lower caste or class.[30]

Policy Recommendations:

◎ Ensure that women's rights have equal and consistent recognition and protection across land and natural resources legislation and regulations.

◎ Regulate gender parity into land and resource governance institutions.

◎ Identify and support local institutions and leaders (both women and men) who are already advocates of more equitable changes to customary systems.

◎ Sensitise both women and men to legislative changes, taking into account how different groups best access and receive information.

◎ Provide women with the resources, support, and training required to ensure full and meaningful participation in these institutions.

◎ Build mechanisms of accountability for customary leaders to provide checks on their powers.

◎ Collect sex-disaggregated data to monitor and evaluate the effectiveness of policies and interventions.

Some examples of putting these policies into practice include:

In **Uganda** the Forestry Policy, Act and Plan, are all progressive when it comes to the recognition of women's rights and inclusion in the management of community forests. Adapted Collaborative Management approaches were piloted as a way to overcome the many social and structural barriers to their implementation. A **facilitated participatory approach** through a gendered lens required communities to identify problems, propose and implement solutions, monitor their impacts, and adapt their plans based on monitoring. Both women and men were given training on leadership and communication skills, forestry methods and regulations, and gender concepts to build awareness of, and challenge discriminatory norms. Over five years, this led to marked improvements in women's participation in decision-making structures and in their benefits from forest livelihoods.[31]

In **Jordan** the government is piloting the restoration of traditional rangeland management systems, called Hima, through community-based land-use grants. Communities prepare a management charter for their territories in which women's livelihoods must be included. A quota of 6 out of 13 seats is reserved for women within the Hima's governance committees. However, women's status and membership within a community are still dependent on marriage ties.[32]

In **Namibia** women already hold traditional leadership roles in some communities.[33] Nonetheless, certain reforms were needed to further secure women's rights. As such, the Communal Land Reform Act established communal land boards, whose role includes review of a customary chief's decisions for allocating or revoking land rights. This creates a safeguard over the power of customary chiefs. The act reserves 4 out of 11 seats on the board for women. The act also shores up women's inheritance rights, specifically in the case of widowhood; both widows and widowers have the right to stay on their land after the death of a spouse.[34] However, even with better representation in decision-making bodies, deep-rooted norms constrain women's rights to land. There are also still financial barriers to women claiming and exercising their rights.[35]

In **Indonesia's** Indigenous Kasepuhan community, women were traditionally excluded from governance and representation in negotiations over land, including in the face of potentially losing their rights with the declaration of a protected area overlapping their territory. To **build women's capacities to engage in these structures**, civil society organizations established a skills-based field school to bolster literacy and to teach sustainable farming techniques. They also established weekly workshops where women were able to learn from each other and build a sustained network of collaboration. Lastly, the community established a school for children so that women would be able to tend their fields and attend workshops and field schools. Combined, these approaches improved women's participation in community governance.

4

Ecologically appropriate livelihoods and local businesses are incentivised and nurtured.

The effective stewardship of land and resources is complementary with the goals of poverty reduction. Diverse landscapes, ecosystems and livelihoods are more resilient to environmental and economic shocks — whether pests, variations in rainfall, or fluctuations in the prices of commodities.[36]

Indigenous Peoples and rural communities need a complete range of resource rights to effectively manage and benefit from the diverse ensemble of resources. However, recognition of resource rights is generally segmented by resource sector. For example, some legal frameworks recognise communities' rights to their land but not their trees, or vice versa. Other laws recognise communities' rights to use trees for subsistence but deny their ability to sell them for income.[37] Some governments separate the ownership of carbon from ownership of the trees.[38] The list of segmented rights goes on — including rights to water and non-timber forest products, among others.[39] Segmented and uncoordinated sector policies that fail to recognise how these resources are inextricably intertwined stop communities from fulfilling the economic and environmental potential of their livelihoods.

Segmentation also increases communities' vulnerability to encroachment by outside actors as policies and land use maps of one Ministry may contradict those of another. This is a source of conflict and drives resource degradation.[40] Legal frameworks that recognise a more 'complete' bundle of rights for communities, including resource use and access to markets, are more economically sound in the longer term. Community rights also need to be recognised in perpetuity to allow communities to plan for their future.

Even when it is legally possible for communities' rights to multiple resources to be recognised, securing and exercising them may require distinct, complex, and expensive administrative processes. When regulatory compliance is either too difficult or costly, this increases the chance that communities' livelihoods will remain in the informal sector. Regulatory barriers and red tape limit community access to credit and support that is available to businesses to improve access to markets and technology. This, in turn, **perpetuates barriers to meaningful partnerships with investors**. At the same time, large companies tend to face fewer restrictions to secure their rights to land and resources, even if their business practices are harmful to the environment.

These entities are far better resourced to navigate complex legal and administrative procedures. Regulatory inequality translates into economic inequality and increases communities' vulnerability to encroachment.

A just rural transition can be accelerated by levelling the playing field and reducing regulatory barriers for communities and their enterprises, facilitating their access to credit and support, creating incentives for ecologically restorative livelihoods, and repurposing public support to incentivise sustainable agricultural production and environmental stewardship.

Lastly, ecological restoration and protection are labour-intensive and have the **potential to spur the development of sustainable businesses and jobs in rural communities**. One report estimated that such efforts could generate anywhere from US$7 to US$30 in return for every US$1 invested.[41] However, investments **may lead to further dispossession of marginalised communities from their land** and increased conflict if inequalities are not taken into account in the design, management and implementation of projects. As demonstrated earlier, ecological restoration and protection efforts are more successful where communities have secure tenure and are able to lead the efforts.

Policy Recommendations:

◎ Recognise a complete set of rights to land and resources, including rights to manage and economically benefit from their resources, in perpetuity.

◎ Simplify legal and administrative procedures to secure and exercise community rights.

◎ Extend credit and small-business support to community-based enterprises.

◎ Eliminate incentives for damaging practices – reorient these resources to incentivise stewardship and compliance with environmental regulations.

◎ Hire local communities – especially women and youth – for restoration projects. Use these projects to improve the protection of their rights and inclusion within local systems of land and resource governance.

Some examples of putting these policies into practice include:

In **Guatemala**, Indigenous Mayan communities were granted 25-year 'concession' rights to 350,000 hectares of forest in 1995 as part of the post-civil war Peace Accords. In the 25 years since, the **Association of Forestry Communities of Petén (ACOFOP)** has protected the largest area of broadleaf forest in the region and **increased the net coverage of forests through their restoration efforts**. Their management has also increased a number of keystone species like jaguars and precious trees like mahogany. Beyond their conservation achievements, the community-run enterprises for timber-finished wood products, cosmetics, tourism, and other

products **created more than 7,000 jobs and US$50 million in income from 2014-2019**, with profits re-invested into health and education within communities, and paying taxes to the State. This is **the largest FSC certified community-managed natural forest in the world**.

However, because the concession is only for 25 years, **these communities are expending considerable resources to renew their rights**, without guaranteed outcomes in the long term.

In 2008, the Central Bank of **Brazil** passed a resolution that **conditioned credit for farmers and ranchers in the Amazon** on strict adherence to environmental standards. Eligibility also required demonstrating legal title for the land and reporting on environmental issues. This policy disincentivised illegal land grabbing and forest clearance, and incentivised better stewardship of legally-owned land. The policy has been attributed to a 60% reduction in deforestation on affected territories during the study period between 2003-2011.[42]

In **Kenya**, members of the pastoralist Maasai community have reworked the private landholding system to re-open traditional migration routes for both livestock and wildlife, establishing the **Nashulai Conservancy**. The conservancy negotiated 10-year renewable lease agreements with landowning families, which allows them to collectively pool their land and remove physical barriers like fences in order to restore traditional seasonal and rotational grazing. Removing fences **restored wildlife migration corridors and created revenue opportunities from tourism**. These revenues have been re-invested in the community by **hiring members as wildlife scouts**. The conservancy also **incentivises members to reduce their herd sizes and to transition their livestock holdings** to hardier indigenous breeds. Women from the community are **managing a riparian restoration project**, from which they aim to generate revenue from beekeeping.

5

Land and resource governance is conflict-sensitive, transparent, and equitable.

Equitable and transparent governance and secure rights to land and resources are matters of local, national, and international security. As of 2020, at least 65% of conflicts had a significant land dimension, with conflicts over water also increasing.[43] As recent conflicts in North Africa and the Sahel have shown, localised conflicts can quickly spill across borders and destabilise entire regions.

These conflicts are often rooted in histories of inequality, lack of recognition of communities' rights, and weak institutions.[44] As populations grow and poorly-managed natural resources degrade, competition contributes to rising localised tensions. These grievances, in turn, can be used to divide communities. As food systems are increasingly disrupted by climate change and land degradation, these issues will increasingly drive instability unless they are adequately addressed.

Even when land and natural resources are not the original driver of an armed conflict, subsequent displacement and weakened institutions mean that land and natural resource issues will need to be addressed in order to end it.[45] This is essential for achieving durable and sustainable peace.[46]

But conflicts over land and natural resources do not need to escalate to civil wars to merit attention. These conflicts are also a driver of interpersonal, inter-communal, and institutional violence, including sexual and gender-based violence.[47] This disproportionately affects marginalised communities including women, Indigenous Peoples, and the rural poor, especially when they **claim** and **defend their rights**.

Overlapping or unclear jurisdictions, contradictory regulations, registries, and cadastres held by different government bodies can create confusion and social conflict. Furthermore, when different land uses and rights holders come into conflict, they may not have access to legitimate dispute resolution mechanisms. **Harmonised and equitably-designed regulatory frameworks and independent grievance mechanisms are essential safeguards for environmental protection and social stability. They increase trust in institutions and can strengthen relationships within and between communities; they are therefore essential for a just rural transition.**

However, with the COVID-19 pandemic disrupting national and local economies, some governments have been rolling back environmental and social safeguards in the hope of reviving economic growth and attracting investment.[48] Nevertheless, whatever short-term gains they hope to make, this activity may incur costs in terms of social stability and trust in institutions, as well as for the environment and climate.

Investors are also becoming more averse to the risks of operating in countries where social and environmental regulations are weak. An increasing number of businesses are implementing safeguards in their supply chains and lenders and insurers are looking to reduce their exposure to environmental and human rights risks. Lenders adhering to **the Equator Principles** now require FPIC of affected Indigenous Peoples. Weakening environmental and social regulations and safeguards will therefore make **many companies reconsider investing or staying in a particular country**.

Lastly, the de-carbonisation of global economies is leading to expanded wind, hydro, and solar power generation. These technologies can be land-extensive and their installation needs to be done with the FPIC of Indigenous Peoples and rural communities who live where projects are planned.

Policy Recommendations:

◎ Ensure that peace agreements include robust provisions on land and resource governance, and that they are implemented.

◎ Harmonise overlapping and conflicting systems of governance including laws, regulations, registries, and cadasters.

◎ Establish accessible and equitable dispute resolution systems to ensure coherence and consistency across institutions and claims.

◎ Promote mediation-based institutions to resolve overlapping claims between communities.

◎ Protect and defend the rights of women, Indigenous Peoples and rural communities.

◎ Strengthen social and environmental safeguards for all land and natural resource-based investments, including the requirement for the FPIC of affected Indigenous Peoples.

◎ Monitor and report on progress on land rights for the Sustainable Development Goals.

Some examples of putting these policies into practice include:

The first chapter of **Colombia's** 2016 Peace Agreement between the Government of Colombia and the Revolutionary Armed Forces of Colombia – People's Army (FARC-EP) is entitled 'Integral Rural Reform'. For land issues, the reform focuses on three key pillars.

The first focuses on historical inequality by restoring land to those dispossessed by the conflict (including Indigenous Peoples and Afro-descendant communities[49]), securing the rights of peasants without titles, and the redistribution of three million hectares through a land bank to landless peasants and those for whom restitution is impossible.[50] The second pillar is improving transparency by establishing **an integrated system for land registration and a multipurpose cadastre** to identify and resolve overlapping land claims and mitigate the risk of future land conflicts. The third pillar is to build and support a system of alternative dispute resolution (ADR) for land conflicts. **Substantial work is still required to implement these reforms**, with peace hanging in the balance.

In **Uganda** humanitarian actors and local governments observed that the mass influx of 1.2 million refugees from South Sudan and the Democratic Republic of Congo increased pressure on land and forest resources and was a source of conflicts with the local communities hosting the refugees. An **initiative was therefore launched to introduce ecosystem and landscape management in and around refugee camps** to mitigate these effects and restore degraded landscapes. Restoration efforts created new jobs and improved nutrition in both host and refugee communities (especially for women) as well as social relations between them.

In the North-West region of **Cameroon**, locally-managed Dialogue Platforms have been established to **mediate conflicts between farmers and pastoralists**. If resolutions cannot be found, parties are referred to the formal judiciary. The platforms work with parties to develop plans for complementary land use – in which pastoralists are invited to graze croplands only once harvests are complete and during fallows. This, in turn, increases natural mulching and introduces animal manures into the soil, increasing fertility without using machines or chemical fertilisers.

In **Malawi** a suite of ten new land and resource tenure reforms have been passed since 2016, including the Customary Rights Act. This has been accompanied by a rural land registration campaign and **efforts to promote forest regeneration**. The government has been actively **engaged in a platform** with civil society organizations, communities, traditional leaders, and companies to promote dialogue between the parties, reduce conflicts related to land-based investments, and improve understanding and compliance of all actors with the new legislation.

Conclusion

The evidence is clear and compelling. There is a strong economic, ecological, and social case for securing the land and natural resource rights of Indigenous Peoples and rural communities (and marginalised people within these communities). The achievement of many of the **Sustainable Development Goals** depends to varying extents on governments ensuring clear, fair, and secure land and natural resource rights for marginalised communities.[51]

As the case studies in this brief demonstrate, numerous countries and communities have already taken courageous steps toward restoring the relationships between people and their neighbours, people and their governments, and people and their environments. However, a larger-scale commitment to just transitions is needed both within these countries and in countries whose transitions are only beginning.

Globally, there is an abundance of existing guidance, standards, and pathways to show committed policymakers the way to a just rural transition including the **CFS Voluntary Guidelines on the Responsible Governance of Tenure (CFS VGGT)**, the **United Nations Declaration on the Rights of Indigenous Peoples**, the **United Nations Declaration on the Rights of Peasants**, the **Convention on the Elimination of All Forms of Discrimination Against Women**, the **IUCN Standards for Nature-Based Solutions**, the **UNCCD Decision on Land Tenure**, the **UN Guiding Principles for Business and Human Rights**, and the **Equator Principles**, amongst numerous others.

Several multi-stakeholder platforms like the **International Land Coalition**, **Stand for Her Land**, the **Interlaken Group**, the **International Forest and Land Tenure Facility**, and the **Just Rural Transition Initiative** are already bringing together governments, communities, civil society organizations, and investors to collaboratively find solutions to these challenges.

With this knowledge, tools and support structures at our disposal, we can move forward with confidence and conviction.

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