INTRODUCTION TO VOLUNTARY GUIDELINES AND TECHNICAL GUIDE

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

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

These Guidelines seek to:

1. improve tenure governance by providing guidance and information on internationally accepted practices for systems that deal with the rights to use, manage and control land, fisheries and forests.
2. contribute to the improvement and development of the policy, legal and organizational frameworks regulating the range of tenure rights that exist over these resources.
3. enhance the transparency and improve the functioning of tenure systems.
4. strengthen the capacities and operations of implementing agencies; judicial authorities; local governments; organizations of farmers and small-scale producers, of fishers, and of forest users; pastoralists; indigenous peoples and other communities; civil society; private sector; academia; and all persons concerned with tenure governance as well as to promote the cooperation between the actors mentioned.


This technical guide aims to inform policy and decision makers on the potential and means whereby which legitimate and secure tenure can accelerate progress towards LDN and other restoration commitments. It also strives to serve land administrators and potential beneficiaries who participate in and are impacted by LDN initiatives, including civil society organizations, particularly those supporting vulnerable populations including Indigenous Peoples and local communities, women and youth.

The ultimate objective is to integrate activities to improve land tenure security into the implementation of LDN initiatives, thus creating the conditions for a continuum of legitimate tenure rights in a people-centered, participatory, and gender-responsive manner.


FIGURE 1

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

VGGT PRINCIPLES AS THE OVERARCHING GUIDING TOOL

PRELIMINARY ASSESSMENT OF THE PHYSICAL AND SOCIAL ENVIRONMENT IN THE CONTEXT OF THE LDN INITIATIVE

<table>
<thead>
<tr>
<th>Land tenure assessment</th>
<th>Gender assessment</th>
<th>Biophysical assessment</th>
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<tbody>
<tr>
<td>(Understanding the legitimate tenure rights)</td>
<td>(Understanding the gender roles, norms and inequalities)</td>
<td>(Understanding the direct and indirect drivers of land degradation)</td>
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IDENTIFICATION AND IMPLEMENTATION OF PATHWAYS TO IMPROVE GOVERNANCE OF TENURE

Universal pathways
(are applicable to all LDN initiatives)

Pathway 1: Enhancing policy and legal framework

Pathway 2: Establishing targeted coordination mechanisms

Pathway 3: Securing women’s tenure rights and access to land and natural resources

Pathway 4: Setting up accessible and transparent grievance and dispute resolution mechanisms

Context-specific pathways
(can be applied based on the land tenure assessment based on their relevance for specific LDN initiative)

Pathway 5: Designing and implementing tenure-responsive, participatory land use planning

Pathway 6: Supporting LDN through land administration tools

Pathway 7: Recognizing and documenting legitimate tenure rights for the sustainable management of commons

Pathway 8: Recognizing and documenting tenure rights for the public lands

Pathway 9: Allocating and strengthening rights and duties on private land
PATHWAY 1

Enhancing policy and legal framework

RATIONALE

Aligned policy and legal frameworks are necessary to provide guidance for sectoral policies in line with the principle of a holistic and sustainable approach to land use decisions and natural resources management. Well-intended, but ill-designed land tenure policies could therefore encourage unsustainable land use and management and undermine LDN efforts. Hence, prior to any integration, the concept of legitimate tenure needs to be translated into the applicable national legal and policy frameworks.

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<th>Main Activities</th>
<th>Important Considerations</th>
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<tr>
<td>1. Participatory assessment of the policy and legal framework: A technical assessment of national policy and how it is reflected in the legal framework related to land tenure needs to be conducted in a participatory and inclusive way to identify gaps. The identification of the gaps needs to: (i) analyze the relevant laws in the context of the VGGT to seek areas of improvement towards responsible governance of tenure; and (ii) review the alignment between the policy and legal frameworks of LDN and responsible governance of tenure to flag all possible contradictions.</td>
<td>• National ownership of the process is key including a wide range of stakeholders from a diversity of backgrounds. Enhancing policy and legal frameworks will only provide benefits if it is brought down to the local level for consultation and participation of all the relevant stakeholders to the process. • This participation and consultation can be organized through multi-stakeholder platforms (see pathway 2). Involvement of the platforms and other participants in the assessment is important for local buy-in.</td>
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<tr>
<td>2. Defining legitimate tenure rights in an inclusive way: This involves the non-discriminatory definition of legitimate tenure rights “after a careful catalogue of all existing tenure governance systems currently operative in their country” as a result of a land tenure assessment with the input of various stakeholders (see pathway 2), in particular vulnerable populations and with a special focus on gender equality. The catalogue can further build on previous assessments.</td>
<td>• Different forms of legitimacy (legal and social) might contradict each other. The emphasis of the VGGT lies on vulnerable and marginalized people. • The principles of the VGGT should be pursued within existing customary tenure rights, including addressing gender equality. • Different tenure rights such as, overlapping and/or periodic tenure rights, or rights to adjacent land resources should be considered legitimate and respected along with other tenure rights. • Multidimensional (social, cultural, spiritual, economic and environmental) values of land, fisheries and forests held under tenure systems of Indigenous Peoples and other communities with customary tenure systems need to be taken into account.</td>
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<td>3. Legally recognizing legitimate tenure rights, in accordance with national contexts: The non-discriminatory process of defining legitimate tenure rights might lead to the identification of legitimate tenure rights that are not yet legally recognized and need to be inserted into the legal frameworks to be recognized.</td>
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</table>
### Main Activities | Important Considerations
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4. Strengthening the organizational framework for policy implementation: The legal and policy frameworks are only as strong as the accompanying governmental processes designed to implement them. It is therefore key to establish organizational processes to support the alignment between land tenure governance, LDN and sustainable land use and management policy and legal frameworks at the national level. | • In view of frequent capacity constraints at the local and national levels, it is key to design implementation mechanisms of LDN initiatives that are embedded within the existing institutional framework in a way that strengthens the implementation capacity.

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### PATHWAY 2

#### Establishing Targeted Policy Coordination Mechanisms

**RATIONALE**

Sectoral fragmentation undermines the sustainability of LDN initiatives and the prospects of up-scaling them. This pathway exemplifies ways of leveraging the existing institutional landscape to overcome silos and to integrate VGGT principles into LDN. To that end, this pathway advocates for building policy coordination mechanisms onto existing national level multi-stakeholder platforms (MSPs) and, where necessary, to complement those by investing in new multistakeholder platforms at national and/or local levels. Establishing targeted vertical and horizontal policy coordination mechanisms include:

(i) building or strengthening MSPs including all relevant sectors and stakeholders (horizontal coordination) at national and local levels with coordination mechanisms in between levels (vertical coordination).

(ii) knowledge exchanges through MSPs.

(iii) fora to enhance data inter-operability work.

**GUIDELINES**

| Main Activities at the National Level | Important Considerations |
--- | ---
1. Strengthening national knowledge exchange between national institutions and authorities that are responsible for land use and management and land tenure governance: To overcome the challenge of thinking and acting in silos and reaching a shared language between different sectors, LDN initiatives can, firstly, establish or strengthen national multistakeholder platforms for transparent knowledge exchange and horizontal coordination. Secondly, the multistakeholder platforms will benefit from a coordination unit acting as steering committee. | • Vertical coordination with information circulating from national to local and from local to national levels needs to be ensured between the national and local multi-stakeholder platforms and steering committees. |
2. **Increasing the interoperability of data**: National multi-stakeholder platforms could include coordination mechanisms to improve data interoperability, standardize information exchange, data sharing and avoid duplication of efforts. Multi-purpose geospatial information systems, which manage remote sensing data, authoritative geospatial information, legal data (such as tenure rights), along with information on land use and management, land degradation or gender-disaggregated demographic data, are required to facilitate the achievement of multiple benefits, including improved land administration and sustainable land management.

- Increasing data interoperability could include exploring options for the integration of existing globally agreed SDG Indicators relevant to land governance in the UNCCD reporting process, with a view to avoiding duplication of reporting efforts and ensure the widest reach among different national contexts.

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<tr>
<td>3. <strong>Building or strengthening existing multi-stakeholder platforms at local level to facilitate the design, monitoring and implementation of LDN initiatives</strong>: They offer spaces for dialogue for the: (i) awareness-raising and capacity building of stakeholders on tenure rights and land degradation; (ii) analysis of tenure issues linked to land degradation drivers and (iii) the promotion of the emergence of possible solutions to tenure issues at the local level.</td>
<td>- The MSPs can serve to promote participation and consultation. Vertical coordination with information circulating from national to local and from local to national levels needs to be ensured.</td>
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<td>4. <strong>Strengthening service delivery capacity of existing organizations</strong>: LDN initiatives can contribute to strengthening the service delivery capacity of the existing organizations by developing the technical know-how of these organizations while supporting them to set up transparent mechanisms to deliver the needed services.</td>
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**PATHWAY 3**

**Securing Women’s Tenure Rights and Access to Land and Natural Resources**

**RATIONALE**

This pathway addresses the relationship between inclusive development, secure land rights for women, and the sustainable management and use of land that is necessary for land restoration. Gender-responsive LDN entails identifying and addressing gender differences in livelihood activities and tenure security constraints that impact women’s and men’s authority and incentives to invest in and contribute to LDN initiatives and have the potential to enhance women’s equal access to land and their land tenure security. Women’s meaningful participation must be guaranteed at each level of the planning, policy and program development, decision-making, implementation and monitoring processes. Achieving gender-responsive tenure governance encompasses policy reform, the redesign of land tenure governance institutions, changes in land administration approaches, and improved communication.
# GUIDELINES

## Main Activities at the National Level

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<th>Important Considerations</th>
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| **1. Eliminating barriers that prevent women’s meaningful participation in planning and decision-making processes related to land:** This may imply addressing social norms and practices that exclude women and girls from these processes or deny them rights to inherit, possess or use land. | - Reviews of the policy and legal frameworks on gender equality to identify policy provisions or legislation that do not ensure women and men to benefit from equal access to secure tenure rights.  
- Special policy provisions or affirmative actions may be taken to ensure participation of further disadvantaged groups. |
| **2. Supporting gender-equality reforms of administrative procedures:** To ensure gender-responsive provisions in LDN initiatives, it is recommended to first conduct a gender assessment and social mapping in relation to tenure. | - The methodology of the SDG Indicator 5.a.2. and data from SDG Indicators 1.4.2. and 5.a.1. can provide complementary information to the gender assessment. |
| **3. Setting up special mechanisms in collaboration with women’s organizations to engage with women in documenting their legitimate tenure rights and in other related administrative processes.** | - This is particularly important when a reform is introduced to ensure women are informed and equipped to benefit from the new legislation.  
- In some cases, special parallel support structures may be introduced to support legitimate tenure right holders. |
| **4. Strengthening the capacities of decision-making bodies on planning, implementing and monitoring gender-responsive LDN initiatives:** It is key to earmark a budget for gender-responsive impact assessments, planning, and monitoring of LDN activities and to invest in capacity building in land administration (or other decision-making units). | - The guide for reporting on SDG Indicator 5.a.2. (FAO, 2021a) can also be used to determine the type of resources needed. |
| **5. Ensuring gender-responsive legal and justice systems, and other remedies:** Laws providing for women’s tenure rights are a foundation of responsible land governance. | - A gender-responsive legal foundation calls for different elements such as:  
1) ensuring legal support to pursue land claims and by providing legal assistance; and  
2) ensuring access to justice, which for example includes the right to effective remedies for both women and men. |
## Main Activities at the Local Level

6. **Engaging men and women through awareness-raising campaigns on women’s empowerment to shift gendered norms and to strengthen women’s tenure rights:** It is key to invest resources to:

   (i) raise awareness about women’s land tenure rights.
   
   (ii) support the empowerment of women in claiming their land tenure rights through legal empowerment (including rights literacy), access to justice and knowledge building as well as campaigns and sensitization both at the household and community level.
   
   (iii) adopt a consensual approach that emphasizes sensitizing men and boys at all levels, from within the household to decision-making authorities; and
   
   (iv) conduct all of these activities in local languages and through communication means used by the communities.

7. **Considering intra-family or intra-community land allocation processes to secure women’s tenure rights:** This understanding offers the necessary basis to explore (informal) intra-family or intracommunity land allocation processes to secure women’s tenure rights and to document those rights at the tenure governance institution closest to the community (for example traditional authorities, local administration, religious/faith leaders).

8. **Ensuring women’s participation in community-level land institutions:** Meaningful participation can include the following:

   (i) ensure the representation of women in relevant community-level institutions when collective action amongst land users is necessary.
   
   (ii) introduce quotas for and quorum in women’s participation; and
   
   (iii) increase meaningful participation in local decision-making processes and oversight related to LDN initiatives by also considering cultural barriers and time constraints faced by women, or even scheduling meetings for women only.

9. **Ensuring equality in compensation and access to grievance mechanisms to enhance tenure security:** As a result of their lack of formal land rights and limited participation in decision-making processes, women can be overlooked in the distribution of just compensation. It is therefore key to pay special attention to ensure that women get equal and just compensation for their legitimate tenure rights – whether in the form of monetary compensation, replacement land or access to natural resources.

### Important Considerations

- Regulatory changes could make compensation and resettlement processes more equitable for women.
- It is also vital to ensure that there are no barriers caused by differentiated gender roles and norms – impeding women’s access to and participation in grievance and dispute resolution mechanisms.

10. **Including women in the technical aspects of project design, implementation and monitoring:** Ensuring that women are included in projects relevant to land tenure which have concrete, physical outcomes will contribute to supporting their empowerment, training, their knowledge on land management, entrepreneurship regarding land resources, and allow the broader community to become accustomed to women’s meaningful participation.

11. **Providing concrete examples of how women using their land rights result in greater economic opportunities at the community level:** Such gains make a strong economic rationale for women’s land rights, promote entrepreneurship with regard to use of land resources, and are aligned with the human rights-based approach.
PATHWAY 4

Setting Up Accessible and Transparent Grievance and Dispute Resolution Mechanisms

RATIONALE

Accessible and transparent grievance and dispute-resolution mechanisms are key to ensuring that LDN initiatives respect human as well as legitimate tenure rights, as negative social, economic or environmental impacts will prevent the achievement of LDN and broader development objectives. It is important to establish an independent mechanism for parties to raise concerns that may arise throughout the project’s lifetime. The grievance mechanism needs to be legitimate, accessible, predictable, equitable, transparent, a source of continuous learning, and based on engagement and dialogue. Where grievances cannot be solved by the grievance mechanism, a dispute-resolution mechanism is needed to solve the conflict.

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Main Activities at the National Level

Access to remedy requires a legal framework that ensures the establishment and functioning of accessible grievance and dispute-resolution mechanisms at the local level. Such mechanisms need to provide the right to appeal, to prevent corruption in dispute resolution by improving transparency and strengthening judicial oversight and accountability mechanisms and provide legal assistance to vulnerable people. The policy and legal frameworks also need to include provisions:

(i) for the definition of the “public purposes” which can lead to eviction; and

(ii) for prompt and just compensation. Forced evictions always need to be avoided. While evictions for public purposes are always forced, the priority should be ‘just compensation’ and peaceful relocation.

Main Activities at the Local Level

Establishing an accessible grievance mechanism: LDN initiatives can:

(i) provide a focal point for complaints.

(ii) agree with the community on a clear, transparent and impartial way to receive and register grievances. This can include customary grievance mechanisms, where they exist and the communities choose to follow them.

(iii) agree with the community on a clear, transparent and impartial way of how to review and investigate grievances, including grievance tracking and response systems, and relevant time frames.

(iv) agree on resolution options satisfactory to all parties (compensation, sanctions or restitution).

(v) agree on how grievance resolution will be monitored, evaluated and agreed to by all parties.

(vi) inform communities about government adjudication processes and access to justice.

(vii) formalize, document and publicize the grievance process in ways that are agreed upon with and accessible by the communities.
Providing access to dispute resolution: Providing access to effective, impartial and competent dispute-resolution mechanisms is essential to resolve disputes over tenure rights. More specifically, LDN initiatives can:

(i) agree with the community on the type of dispute resolution mechanism (for example, litigation, arbitration, mediation).

(ii) together with the community identify an existing State-based or non-State-based, judicial, or non-judicial dispute-resolution body or establish a new one. If a customary or other local dispute resolution is proposed by the community, ensure that it is fair, reliable, accessible, and non-discriminatory.

(iii) ensure that the members of the dispute-resolution body are impartial and competent and sufficiently qualified to take timely, impartial, and competent decisions. This may include capacity development.

Important Considerations

• In case a dispute arises, those responsible for implementing a LDN initiative should suspend any further activities on the contested land for the duration of the dispute-resolution and remedy-seeking process.

Program managers need to provide ample time and resources for the process to achieve fair outcomes and to provide legal assistance to vulnerable people.

PATHWAY 5

Designing and Implementing Tenure Responsive and Participatory Integrated Land Use Planning

RATIONALE

As a systematic and iterative process, integrated land use planning creates an important prerequisite for LDN initiatives, ensuring that the use and management of land resources meets the needs of people today while safeguarding land resources for the future. Achieving participatory and tenure-responsive integrated land use planning requires:

(i) improving access to information for individuals and communities who could be affected by land use planning decisions (including capacity development when needed).

(ii) providing for meaningful participation allowing potentially affected individuals and communities to be active decision-makers; and

(iii) integrating tenure aspects into land use planning to ensure that all legitimate tenure rights are recognized, respected and safeguarded against threats and infringements.
## GUIDELINES

### Main Activities at the National Level

Policies and legal frameworks on integrated land use planning need to provide for:

(i) wide, active, free, effective, meaningful and informed public participation for all and in particular for vulnerable people in the development of planning proposals and the review of draft land use plans.

(ii) appropriate risks assessment for integrated land use planning including environmental and social impact assessments.

(iii) provision to integrate legitimate tenure rights and legitimate tenure right holders to the integrated land use planning process in line with VGGT principles and guidelines.

### Main Activities at the Local Level

**Adapting outreach strategies:** Integrated land use planning accompanied by outreach strategies that are adapted to the local context will ensure access to information for all those who are affected by the planning process. To do this, LDN initiatives can:

(i) engage with Indigenous Peoples and/or local communities governance structures and institutional arrangements before implementation to define who needs to know what, when and how.

(ii) facilitate communication, in both official and local languages in order to reach all potentially affected individuals and use gender-responsive communication tools appropriate to the cultural context.

**Strengthening human and institutional capacities of those affected by the planning process:** Empowered community members and their representatives, through specialized capacity development and learning opportunities provided by LDN initiatives, will play an active role in the land use planning process.

**Ensuring meaningful participation of affected actors within the land use planning procedure:** LDN initiatives can ensure meaningful participation by:

(i) identifying, supporting and including forms of indigenous people and local communities’ organization.

(ii) providing mechanisms for proper representation of affected communities in land use planning.

(iii) being aware of and developing procedures to overcome social and cultural dynamics that hinder participation in land use planning, particularly by women and vulnerable groups; and

(iv) using land use planning tools and technologies appropriate to local contexts and necessary for informed decisions.

**Ensuring that all legitimate tenure rights are recognized, respected and safeguarded against threats and infringements during the land use planning process.** LDN initiatives can:

(i) consider and produce an inventory of all identified legitimate tenure rights holders.

(ii) assess possible impacts of the land use plan on all legitimate tenure rights holders. In the case of negative effects, first address the dispute or reconfigure the LDN activities or compensate legitimate tenure rights.

(iii) identify specific tenure-responsive land use planning objectives that contribute to safeguarding tenure rights or improving tenure security based on the needs of Indigenous Peoples and local communities.
**PATHWAY 6**

**Supporting LDN through Land Administration Tools**

**RATIONALE**

While there are variety of land administration tools, land consolidation and land banking are highlighted as examples of land administration tools that can support LDN initiatives by addressing land fragmentation and land access challenges. Land fragmentation in particular can hinder sustainable land use and management and LDN initiatives in three ways: (i) by increasing the production costs; (ii) by lowering incentives to invest in SLM; (iii) by increasing demarcation and documentation costs.

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<td><strong>Land consolidation</strong> focuses on the re-allotment of privately used or owned agricultural land. However, allowing the inclusion of publicly owned land into the process can facilitate the re-allotment through exchange and/or sale of publicly owned land within the project area. Sale of publicly owned land also provides space for enlargement of farms and/or taking agricultural land out of production for climate change adaptation or mitigation, nature restoration, construction of infrastructure and other public purposes.</td>
<td>Land consolidation (and land banking) are effective but complex land administration tools that require a set of preconditions including a clear legal and institutional framework, and that the land tenure system recognizes individual formalized land rights such as ownership and/or use rights. Specifically for land banking, the institutional set-up should ensure the proper supervisory framework, guaranteeing that the process is efficient, transparent and not subject to misuse. Land banking can face risks such as the possibility of corruption or conflicts of interest.</td>
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<td><strong>Land banking</strong> focuses on facilitating land markets either with landownership (buying/selling land) and/or land use rights (leasing in/leasing out land parcels) on public or private lands.</td>
<td>Both tools can also be applied to contribute to the implementation in LDN initiatives which require change of land use (see pathway 5) of privately owned land. If, for instance, privately owned land is planned to be taken out of production as part of the LDN project, land consolidation and land banking tools can be used to consolidate the land most affected by land degradation under state ownership and to compensate the private landowners and farmers with additional land already owned or acquired for the purpose by the land bank instead of a monetary compensation and in this way support the local farm structure and the affected rural households.</td>
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<td>Main Activities at the Local Level</td>
<td>Important Considerations</td>
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<tr>
<td>Conducting voluntary and majority-based land consolidation processes by</td>
<td>Ensuring the recognition of all legitimate tenure rights and the participation of all legitimate tenure rights holders in land consolidation: At the outset of a land consolidation process, it is key to invest enough time and resources to facilitate and enable a transparent, gender-responsive, participatory, inclusive and consultative land consolidation process, with the application of the “at least as well off” principle for all legitimate tenure rights holders.</td>
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<td>(i) facilitating community committees, or special councils and empowering the participation and decision making of women and other vulnerable people.</td>
<td>Establishing or strengthening dispute-resolution mechanisms: As land consolidation can result in disputes, it is essential to establish or strengthen dispute-resolution mechanisms in a land consolidation process (see pathway 4).</td>
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<td>(ii) reaching agreements with the whole community through building social capital and trust, and by investing in assessments of gender differences, needs of youth, and other vulnerable people.</td>
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<td>(iii) including CSOs and farmers’ organizations, which can also voice the concerns of local communities and hold decision-making bodies accountable.</td>
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Land banking can be considered by an LDN initiative through the following activities:

- **Strengthening spatial planning implementation**: When privately owned agricultural land is affected and the land use needs to be changed, land banking can be used to acquire private land that is used to catalyze the LDN process. Private landowners and farmers may choose whether to be compensated with additional land already owned (or acquired for this purpose) by the land bank, or to receive a monetary compensation.

- **Enhancing access to land with sustainable land management practices**: A land banking instrument can be an efficient tool to provide access to land. When the land banking functions through leases, leases can promote sustainable land management practices either by improving the lease terms and conditions or integrating obligations on practices.

For both land consolidation and land banking, awareness-raising and communication campaigns are key in order to gain trust, promote transparency and ensure gender-responsive inclusive participation of all stakeholders, a LDN initiative using land consolidation and land banking will need to run an awareness raising and communication campaign to explain the goals, functioning and criteria to beneficiaries.
**PATHWAY 7**

**Supporting LDN through Land Administration Tools**

**RATIONALE**

Public lands often include protected areas and wetlands and can also encompass collectively managed customary/traditional lands (pathway 8). Without attention to legitimate tenure rights, legitimate tenure rights holders may be overlooked during an LDN initiative. In addition, strengthening tenure security by recognizing and documenting legitimate tenure rights on public lands is a sound strategy to enhance the uptake of the LDN initiatives by all.

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<tr>
<td>Setting the conditions for documenting legitimate tenure rights on public land: This includes establishing a legal framework, a dispute-resolution mechanism, clear definition of roles and responsibilities of institutions and officials, a manual of procedures and information systems to document the process in a transparent and accountable manner.</td>
<td>The legal framework needs to provide for demarcation of public lands as well as for systematic procedures to identify, verify and document all individual and collective legitimate tenure rights on public land with due participation of the legitimate tenure right holders. To ensure the integrity of the documenting system, information must be verified. The system can rely on professionals who work with the public to provide one means of verification, but the documenting institution/system must also conduct its own verifications.</td>
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<tr>
<td>Strengthening or setting up a documenting system: There is no “best” approach, so states need to assess which approach is most suitable to its national context, local needs and conditions. The documenting system can encourage people to report mistakes and other problems with the records, and it needs to provide a simple process for them to do so.</td>
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<td>Ensuring adequate staffing for the documenting system: Staff play a central role in any documenting system, and they need to be adequately qualified, reliable, independent, and protected from claims for compensation when technical mistakes occur.</td>
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<td>Ensuring balance between privacy and public access to documenting systems: While information and communication technology can facilitate the establishment or strengthening of documenting systems, they also pose the risk of breaching privacy protection. Governments will reach different conclusions on how to best ensure public access while securing privacy of all actors involved.</td>
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Main Activities at the Local Level

When LDN initiatives are implemented in publicly owned land identifying legitimate tenure rights is key and can be achieved through:

(i) **identify the public lands** in the area of intervention with the relevant government authorities.

(ii) **identify legitimate tenure rights holders in a participatory and inclusive way** through interviews, consultations, surveys and focus group discussions, complemented by documented land use claims and land use catalogues and maps, ensuring that also temporary and overlapping tenure rights are documented.

(iii) **categorize the identified legitimate tenure rights.** Conduct a stakeholder meeting to discuss how to handle the different categories; and publicly display the identified tenure rights – ideally on a map accompanied by a list of tenure right holders. The latter, as well as long-term absentees, may have to be explicitly informed about the public display and the ongoing process. Allow for sufficient time – at least a minimum of four weeks – for objections, verify all complaints received and adjust the documentation of the legitimate tenure rights accordingly;

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

**Documenting legitimate tenure rights:** Promoting formal documentation of legitimate tenure rights contributes to tenure security and building an enabling environment and long term sustainability of LDN initiatives.

**PATHWAY 8**

**Recognizing and Documenting Tenure Rights for the Sustainable Management of Commons**

**RATIONALE**

The term commons refers to land that is collectively managed and administered by local communities, Indigenous Peoples or pastoralists according to local customary rules. Commons are crucial for many people to achieve or maintain food security, they also serve as a safety net in times of crises. The recognition and documenting of rights to commons and their governance can support LDN initiatives through the demarcation of boundaries of commons and strengthening the commons governance mechanisms in order to improve sustainable management of the natural resources within the commons.
### GUIDELINES

#### Main Activities at the National Level

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<td>Recognizing commons and the institutions managing them: In line with the concept of legitimate tenure rights, tenure legal and policy frameworks need to recognize collective rights to commons and specific procedures on how to document the rights of commons need to be prepared. Recognition needs to also include the established institutions that are already in place to manage the commons.</td>
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#### Main Activities at the Local Level

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<tr>
<td>Demarcation of the boundaries of commons: As a first step, it is key to arrive at a joint understanding of the area of the commons managed by the community or by communities and of the legitimate tenure rights holders within this area. In the context of LDN initiatives, demarcating boundaries to commons can encourage the investment by community members to sustainably manage their lands and to protect them from encroachment and inappropriate use.</td>
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| Strengthening of the governance to manage commons: The sustainable and equitable management of commons depends on the rules, organizations, and processes to manage them set by the governing actors relying on the resources the commons provide, such as by Indigenous Peoples and local communities. The governance to manage commons in a sustainable manner is linked to the generation of a positive collective action. To ensure equal participation within communities, government agencies or civil society organizations can support an inclusive participation of vulnerable community members in the management of commons. |
**PATHWAY 9**

**Allocating and Strengthening Rights and Duties on Private Land**

**RATIONALE**

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

**GUIDELINES**

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<th>Main Activities at the National Level</th>
<th>Important Considerations</th>
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<td>Creating or strengthening legal obligations to comply with environmental requirements in line with achieving LDN for private tenure rights holders:</td>
<td>This can include:</td>
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<td>(i) Inserting a right to a healthy environment in the constitution which can serve to create certain restrictions on land use and management for tenure rights holders.</td>
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<td>(ii) putting in place agricultural or environmental legal frameworks that prevent tenure rights holders from using specific damaging practices</td>
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<td>(iii) creating incentives linking tenure rights to the adoption of sustainable use and land management practices.</td>
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<td>Enhancing tenure security for temporary or secondary private tenure rights holders:</td>
<td>A LDN initiative can look at the conditions of access to land for temporary or secondary tenure rights holders to assess if such conditions create impediments or disincentives to the adoption of sustainable land management practices. Such an assessment can look at:</td>
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<td>(i) the term of the contracts (for example oral or written; recorded formally or informally or unrecorded; duration; conditions of returns of lands to primary tenure rights holders/landowners)</td>
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<td>(ii) possible disincentives in case of non-recognition of the temporary/secondary tenure rights holders in the legal framework.</td>
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<td>Creating or strengthening legal frameworks for land-based investments approval and for social and environmental safeguards:</td>
<td>There is first a need to ensure that all legitimate tenure rights will be respected in a process of land-based investment. Then, a LDN initiative can support the review of legislation ensuring that a land-based investment will do no harm to the environment.</td>
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### Main Activities at the Local Level

**Engaging with value chain actors to improve sustainable land management practices:**

(i) engage in awareness-raising campaigns and multi-stakeholder dialogues.

(ii) work on the inclusion of SLM components in contracts between value chain actors and farmers providing fair returns.

(iii) working on eco-certification

(iv) working on retailer standards to include SLM practices adoption.

**Supporting private landholders to adopt sustainable land use and management practices:** It may take the form of knowledge provision through extension services, provision of inputs or the transfer of financial resources through, for instance, payments for ecosystem services schemes.

**Supporting collective action by adjacent landholders:** LDN initiatives can require investments beyond the individual plot where collective action by adjacent land users becomes important. Activities to support collective action can be:

(i) providing information about the state of the land resources and the processes that influence them that is not yet accessible by community members.

(ii) establishing or supporting community-level organization for discussion and self-organization.

(iii) the provision of local dispute resolution mechanisms.

**Establishing adapted measures to enhance tenure security:**

The systematic recognition of legitimate tenure rights on private lands through titling is likely to be beyond the scope of most LDN initiatives. Hence, at the local level, adapted solutions to enhance land tenure security in LDN initiatives provides one way to address this challenge. These adapted solutions might not be readily available and finding them might need to become a key activity of LDN initiatives.

### Important Considerations

Tenure security on private lands should not be equated with having a title to the land or an enforceable legal agreement to use it. Flexible solutions to enhance tenure security can be designed and adapted to the local contexts. LDN initiatives can support the emergence of such innovations.