

Submission of the International Land Coalition for the Secretary General's Report for CSD-17 on the Thematic Issue of Land

Introduction

The ways in which land is accessed and used are rapidly changing around the globe. Rising demand for agricultural commodities including food, feed, and agrofuels, as well as for ecosystem services including carbon sequestration and tourism, are driving significant and sustained increases in land values.

The increased global demand for agricultural commodities and natural resources presents new opportunities for the 1.5 billion smallholders growing food on less than 2Ha of land, and the even greater number of poor people whose livelihoods depend on access to common-pool resources. However, increased competition for land with global actors also increases poor peoples' vulnerability to loss of access to the land that they use.¹ Secure land access is central to the attainment of food security for the 923 million people who are undernourished in the world today. Access to land provides access to new pathways out of poverty; secure tenure minimizes the risk of loss of land rights, and the weakened livelihoods and entrenched poverty that accompany this loss.

Policy options and practical measures to secure access to land and natural resources:

1. Transparent, inclusive processes for land policy development

The revision or formulation of national land policies must allow for the participation of the full spectrum of land users. Processes that engage all affected stakeholder groups are more likely to strengthen the land rights of the poor than those carried out without strong consultation. Inclusive processes also build the consensus and political will upon which the successful implementation of land policy depends. Burkina Faso's approach to building a national land policy is exemplary of a process that has engaged farmers, pastoralists, communities, government and the private sector at local, regional and national levels to formulate their own visions of land tenure and land access as a basis for their land policy.

Assistance should be given to poor and vulnerable groups to take part in such inclusive processes through grassroots and civil society organisations, and through the formation of networks, platforms and alliances to more effectively represent their interests. The positive contributions that such organisations and platforms have made are widely evident in constructive national and regional policy processes.

2. People-centred land policies

Land policies should cater for the diverse, and even conflicting, interests of land-users. Some recent land laws and policies, such as Tanzania's Village Land Act, are aimed primarily at meeting the needs of local land users, particularly the most vulnerable. People-centred land policies prioritize the interests of vulnerable groups who depend on land to sustain their livelihoods, and address the root causes of insecure tenure and unequal access to land.

Vulnerable groups with weak land rights or insufficient access to land include women, indigenous peoples and pastoralists, users of common-pool resources, tenant farmers, farm workers and people affected by conflict. Policy measures to strengthen women's land rights include joint land registration of the rights of both husband and wife (Ethiopia) and the provision of incentives for women's land access, such as lowering the land registration tax when the land holder is a woman (Nepal).

¹ The International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD) report, released by 64 governments in April 2008 and authored by 400 scientists from 100 countries confirms the need for dedicated support to smallholders as the future of improved agricultural production, including support for ensuring secure access to land.

The UN Declaration on the Rights of Indigenous Peoples, the Convention on Biodiversity, the UN Convention to Combat Desertification, and the International Covenant on Economic, Social and Cultural Rights all recognise the important role that local communities play in managing land and natural resources. The importance of this role for sustainable development has been demonstrated by Community-Based Natural Resource Management initiatives around the globe. This role should be formalised by granting secure tenure rights to such communities.

3. Policies that recognize diverse tenure systems

A minority of the poor people who use land for their livelihoods hold private title to land; many users depend on local tenure systems, which tend to be better adapted to local contexts than official property systems based on Western models. Local tenure systems reflect the reality of diversity: they accommodate the needs of different land users in different social, ecological, and economic contexts. They often allow for the recognition of multiple and overlapping rights.

Where legal systems defend customary rights, these systems can empower local land users to maintain access to land in the face of competition by more powerful challengers. For instance, Colombia's Law 70 provides communal titling of the traditional properties of Afro-Caribbean communities, making it possible for communities to defend their rights against the illegal resource extraction and drug trafficking that have caused wide-scale displacement. Uganda's 1998 Land Act, for example, provides national, legal recognition of local, customary rights, including communal property regimes.

4. Land redistribution to expand access to land for the landless and land-poor

Redistributive reforms are an important policy tool, particularly in countries where biased past policies have created vast inequalities in land distribution. Countries with a colonial history such as South Africa and Namibia show not only the challenges of land redistribution, but also the importance and the possibility of achieving more equitable land ownership as an essential strategy for redressing past inequities and increasing political, social and economic stability. In the Philippines, the Comprehensive Agrarian Reform Program has redistributed an estimated 7 million hectares of agricultural and forestry land to 4.2 million landless tenants and farm workers over 18 years.

A clear lesson from land redistribution programmes is that redistribution must be accompanied by support services in agriculture and credit if beneficiaries are to use the land productively and to retain the rights they have gained.

5. Innovative and accessible systems for the recognition of land rights

To support poor people, systems for the recognition of land rights (including systems for land demarcation/registration and for conflict resolution) must be known, affordable, and accessible. Private land titles based on surveyed property boundaries, while secure, are unaffordable for most poor people. Innovative low-cost alternatives to private title have used GIS technology and/or Landsat imagery to define boundaries and have provided low-cost documentation of rights. Madagascar has decreased the cost of land registration from an average of USD507 to USD8 per parcel by introducing decentralised certification of land tenure.

Mozambique's 1997 Land Law provides another model for legal recognition of customary and informally acquired land rights. It grants automatic recognition of land rights to communities and individuals who have used land for generations or have occupied land in good faith for over ten years. It shifts the burden of proof of rights from the occupant/user to the party challenging occupation/use rights.

Legal systems for the defence of rights are often expensive, slow and difficult for poor people to access. Low-cost, local mediation options should be developed for local land disputes. Governments and local organisations can also improve equitable access of poor rights-holders to the court system through provision of free legal services, or by training community leaders as paralegals.