



# LAND 2018 2022

## TRENDS IN LAND GOVERNANCE

Laurel Oettle, Pragya Rai, Albora Kacani, Juan Pablo Chumacero,  
Giulia Maria Baldinelli, Ward Anseeuw

INTERNATIONAL  
**LAND**  
COALITION



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## LIST OF CONTRIBUTORS

- Agricultural Projects Implementation Unit (*APIU*), IFAD – Kyrgyzstan
- Alpha Gado Boureima, *Université Abdou Moumouni de Niamey* – Niger
- Améliorer la gouvernance de la terre, de l'eau et des ressources naturelles (*AGTER*) – France
- Arab Centre for Agricultural Development (*ACAD*) – Palestine
- Association for Rural Advancement (*AFRA*) – South Africa
- Centre pour l'Environnement et le Développement (*CED*) – Cameroon
- *Centro de Desenvolvimento Agroecológico Sabiá* – Brazil
- Comité Campesino del Altiplano (*CCDA*) – Guatemala
- Community Land Scotland (*CLS*) – Scotland
- Community Self Reliance Centre (*CSRC*) – Nepal
- Coordinación de ONG y cooperativas (*CONGCOOP*) – Guatemala
- Emmanuel Mikanda, *CERAMES* – DRC
- Environnement, ressources naturelles et développement (*ERND*) – DRC
- *FIANTSO* – Madagascar
- Harrison Nnoko Ngaaje, *AJESH (AJEMALEBU SELF HELP)* – Cameroon
- *Id Rais Abderrahim* (independent expert) – Morocco
- Indonesian Community Mapping Network (*JKPP*) – Indonesia
- Initiative Prospective Agricole et Rural (*IPAR*) – Senegal
- International Institute for Environment and Development (*IIED*)
- Jasil environment and development association (*JASIL*) and Central Asia Pastoralist Alliance (*CAPA*) – Mongolia
- Land Governance Working Group (*LGWG*) – Nepal
- *Lentamente* – Italy
- *Fundación TIERRA* – Bolivia
- *Modou Dia* (independent expert) – Senegal
- National Federation of Communal Forests and Pastures of Albania (*NFCFPA*) – Albania
- Observatorio Ciudadano (*OC*) – Chile
- *Office of Topography and Cadastre* – Tunisia
- Isaac Opolot, National Land Defense League (*NLDL*) – Uganda
- *Oxfam Uganda*
- *Prayatna Samiti* – India
- *Reconcile* – Kenya
- *Red de Productores de Servicios Ambientales Asociación Civil* – Mexico
- *Reseau des Organisations de Pasteurs et Eleveurs du Niger* – Niger
- *Sanjaya Kumar Parichha* (independent expert) – India
- Thandi Mosaase, Land Administration Authority (*LAA*) – Lesotho
- Uganda Community-Based Association for Women and Children's Welfare (*UCOBAC*) – Uganda

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# LAND 2018-2022

## TRENDS IN LAND GOVERNANCE

In contrast with the previous period of 2015–2018, the years 2018–2022 have been characterised by the prominence of a number of global crises, deeply affecting our planet and societies. Firstly, since 2020 the COVID-19 pandemic has severely affected all of us in all aspects of our lives. Secondly, the urgency and scope of the climate crisis have become more tangible. And thirdly, inequalities in general and of land in particular are on the rise in most countries. These crises are putting significant pressure on land rights. They also emphasise the urgent need for drastic changes towards a more sustainable, resilient and inclusive future. Their broad and embedded natures make the centrality of land rights and their crucial role in overcoming them more evident.

This paper is the second in a series, following on from “Land 2015–2018: Trends in Land Governance”, which took stock of changes in land governance between the Global Land Forums (GLFs) held in Dakar in 2015 and Bandung in 2018. The methodology of the papers in this series is based on contributions by International Land Coalition (ILC) members and partners, submitted in response to an open call and complemented by the authors, where necessary, through supplementary data and literature sources. The present paper draws on 34 submissions from ILC members and partners, covering a total of 24 countries<sup>1</sup> across different regions.<sup>2</sup> While the authors acknowledge the richness and diversity of the contributions, this paper cannot pretend to paint a comprehensive picture of land governance over the past four years. It does, however, present an interesting overview and provides a basis for debate during the GLF and beyond.

From the contributions, four main aspects, grouped in three sections in this paper, become apparent. It is evident that progress is being made with regards to people-centred land governance (**Section 1**). However, the numerous crises are making some existing challenges more acute, with new ones also emerging (**Section 2**). It is also evident that land rights are considered less and less as stand-alone issues but are embedded in broader global crises – such as climate change and unsustainable food systems – highlighting the centrality of land rights for a more sustainable, resilient and inclusive planet. As the contributions show, this embeddedness and the current crises are leading to increased mobilisations from within as well as from beyond the land community (**Section 3**).

1 Bolivia, Brazil, Cameroon, Chile, Democratic Republic of Congo, France, Guatemala, India, Indonesia, Italy, Kenya, Kyrgyzstan, Lesotho, Madagascar, Mexico, Mongolia, Morocco, Nepal, Niger, Palestine, Scotland, Senegal, Tunisia, Uganda.

2 Contributions come from all four ILC regions: Africa, Asia, Latin America and the Caribbean (LAC), and Europe, the Middle East and North Africa (EMENA).

# 1 TOWARDS PEOPLE-CENTRED LAND GOVERNANCE

*Despite persisting challenges and new pressures on land, the contributions to this paper highlight success stories and progress made towards people-centred land governance in specific contexts. The health, climate and inequality crises affecting our planet at present have put additional pressure on land-related challenges; they have also – due to the urgencies they make visible – accelerated much-needed responses and actions with regard to land and land rights.*

## INDIGENOUS AND COMMUNITY LAND RIGHTS HAVE RECEIVED MORE ATTENTION AND RECOGNITION

Although globally five billion hectares of land remain unprotected and vulnerable to land grabs (Oxfam International, ILC and RRI, 2016) and only 10% of the world's land is legally recognised as belonging to indigenous peoples and local communities (IPLCs), there has been increased recognition of the need for land tenure rights for such communities.

Increased action around securing IPLC land rights was reported by contributors. Several contributions, particularly from Africa, highlighted progress, including on land rights documentation and registration of collective rights. Experience from Uganda<sup>3</sup> highlights growing efforts for policy change to secure IPLC land rights. In Kenya,<sup>4</sup> after years of advocacy on the importance of rangelands, a rangelands management strategy was developed in 2021, which recognised the importance of pastoral community land rights.

3 Contribution by Isaac Opolot, National Land Defense League, Uganda.  
4 Contribution by Reconcile, Kenya.

At the same time, significant constitutional and legal reviews are being implemented to uphold IPLC land rights, holding governments to account for their failure to do so, and even reversing cases of land losses. In South Africa, for example, the High Court passed a ground-breaking judgement<sup>5</sup> concerning a Land Trust under the Zulu King, declaring the conversion of the rights of customary tenure into rent-paying leases to be unconstitutional.

The Court ruled that the people living on this customary land were its “true and beneficial owners”.<sup>6</sup> There are also numerous examples of communities regaining control over land after the introduction of more people-centred laws and policies or after victory in years-long legal struggles.<sup>7</sup> The case of Chile deserves particular attention for the inclusion of IPLCs in the development of a new Constitution – a strategic process that might change the way in which land is managed and indigenous and territorial rights are guaranteed in practice.<sup>8</sup>

These trends of recognition for IPLC land rights and territories were reinforced at the COP26 summit in Glasgow in November 2021, where several countries and major donors pledged a combined US\$1.7 billion to support IPLC forest tenure rights, recognising the crucial role that IPLCs play in protecting biodiversity. Through this pledge, they recognised that securing and protecting the rights of IPLCs can help safeguard our tropical forests (Tseng et al., 2021), allowing the natural world to recover its resilience and protect the planet against climate change.

## LAND RIGHTS AND INCLUSION: AN INCREASED FOCUS ON WOMEN AND (TO A LESSER EXTENT) ON YOUTH

The contributions received indicate an increased prominence for the land rights of women and youth over the past four years. There is a recognition of the need to address persistent discriminatory social norms and practices, which are among the biggest barriers standing between women and their land and property rights. This also sheds light on the weak implementation of policies, insufficient capacity to enforce laws and a lack of political will.

5 Judgement in the High Court of South Africa, KwaZulu-Natal Division, Pietermaritzburg. [https://www.groundup.org.za/media/uploads/documents/itb\\_judgment\\_11\\_june\\_2021.pdf](https://www.groundup.org.za/media/uploads/documents/itb_judgment_11_june_2021.pdf)  
6 Contribution by AFRA, South Africa.  
7 Contributions by CLS, Scotland; NCFCPA, Albania; CONGCOOP and CCDA, Guatemala.  
8 Contribution by Observatorio Ciudadano, Chile.

Although work in this area is not new and much more still needs to be done, the contributions show the emergence of an increasing number of initiatives aiming for better awareness and recognition of the land rights of women and youth.<sup>9</sup>

To underscore the fact that women in half the countries in the world are unable to assert equal land and property rights despite legal protections, a new global campaign, Stand For Her Land,<sup>10</sup> was launched in 2021. It aims to close the persistent gap between law and practice worldwide, so that millions of women can realise these rights in their daily lives. Also in 2021, the Committee on the Elimination of Discrimination against Women (CEDAW), during its 79th session, held a day on the rights of indigenous women and girls, during which 44 indigenous women's organisations submitted their written inputs on CEDAW – many of them demanding indigenous women's rights to land (OHCHR, 2021).

This strengthened awareness is evident not only in claims to land rights by women and youth, but also in claims for inclusion in decision-making processes over land; both are intrinsically complementary and necessary in order to balance gender and power relations over land rights.

These advances are taking place worldwide. In Asia, increasingly the voices of indigenous women<sup>11</sup> have demanded more participation in decision-making and the right to land, territories and resources.<sup>12</sup> In countries like Nepal, where the National Land Policy of 2019 introduced joint land ownership, important steps have been taken towards securing women's land rights.<sup>13</sup> In Africa, the main changes have concerned either increased recognition – thanks to collective mobilisation to influence land laws and practices – of the leadership and agency of grassroots women and youth,<sup>14</sup> or the development of new land policies that introduce more transparent and inclusive land management approaches, participatory land use planning and equitable and more secure access to land for women and youth.<sup>15</sup> In Latin America, as a result of the active participation of women in advocacy and decision-making, new laws have been passed in support of rural women.<sup>16</sup>

9 Contributions by ERND, DRC; and CSRC, Nepal.

10 Stand For Her Land. "Her rights. Her land. A better future for us all". <https://stand4herland.org/>

11 Female indigenous activists such as Janie Lasimbang (Malaysia), Rukka Sombolinggi (Indonesia) and Kakay Tolentino (Philippines) have been setting the tone and amplifying concerns on the issue of recognition for indigenous women's land rights.

12 Contribution by AIPP, Philippines.

13 Contribution by CSRS, Nepal.

14 Contributions by Isaac Opolot, NLDL, Uganda; ERND, DRC; and UCOBAC, Uganda.

15 Contributions by Reseau des Organisations de Pasteurs et Eleveurs du Niger, Niger; and FIANTSO, Madagascar.

16 Contributions by Red de Productores de Servicios Ambientales Asociación Civil, Mexico; CONGCOOP and CCDA, Guatemala.

For example, in Guatemala initiative 5452, which demands the adoption of the Ley de Desarrollo Económico de las Mujeres (LEYDEM), allows for the provision of support to initiatives and projects that sustain and empower women.<sup>17</sup>

## LAND AS A HUMAN RIGHT – RECOGNITION OF LANDLESSNESS AND INFORMAL SETTLERS

The last four years have also seen strengthened calls for land rights to be recognised as a human right. This aims to counter ongoing trends of land dispossession, to further develop the international human rights framework and to provide a powerful tool to aid people's struggles for control over land. A rights-based approach enables rights-holders to claim their rights while simultaneously enjoining duty-bearers – mainly states, but also non-state actors including business enterprises and international organisations – to comply with their obligations and responsibilities.

Following the successful experience of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), members and partners of ILC have continued to advocate for recognition of the human right to land, for example in processes at the United Nations Human Rights Council (UNHRC) towards the adoption of a UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP). They have also advocated for the right to land in the current discussions about a general comment on land in the UN Committee on Economic, Social and Cultural Rights (CESCR).<sup>18</sup>

These battles continue, particularly in global forums, but some countries have also pushed for human rights to be better embedded in land policy reform processes. Nepal has seen significant policy changes in this regard, with amendments to the land reform act and rules to provide land titles to landless and informal settlers.<sup>19</sup> However, despite the approval of more people-centred land laws, policies and regulations, the implementation of these is still far from meeting real needs to redress exclusion and inequality.

17 Contribution by CONGCOOP, Guatemala.

18 Contribution by IIED.

19 Contribution by LGWG, Nepal.

## TOWARDS MORE ACCOUNTABILITY, DUE DILIGENCE AND GRIEVANCE MECHANISMS

The inclusion of land in the Sustainable Development Goals (SDGs) has been applauded by many. To date, however, only a few countries have officially reported: 24 countries have reported to SDG Indicator 1.4.2, 27 countries to Indicator 5.a.1. and 35 countries to Indicator 5.a.2, with only five countries reporting to all three core land SDGs.<sup>20</sup> Overall, even if progress is slow, a number of trends show at least some progress towards more accountability, due diligence and grievance mechanisms at local, national and international levels.

The demands for better land governance through good land administration and respect for legal and policy frameworks, including through court decisions,<sup>21</sup> are a clear demonstration of change and of the importance that citizens attach to accountability. This is also demonstrated by the number of requests for support with grievance and accountability strategies, with regards to existing, delayed or stalled investments or investments in the process of changing hands.<sup>22</sup> Globally, in early 2022 the European Commission adopted a proposal for a directive on due diligence in corporate sustainability. This aims to foster sustainable and responsible corporate behaviour throughout global value chains. Companies will be required to identify, prevent, end or mitigate adverse impacts of their activities on human rights, such as the exploitation of workers, and on the environment. For the first time, such a proposal establishes a duty of due diligence in corporate sustainability to address negative impacts on human rights and the environment- including on land. Hence, there appears to be new momentum for regulating the extraterritorial behaviour of European and North American corporations (carbon import taxes, human rights due diligence, deforestation risk commodities, changing fuel and renewable energy standards, etc.), including efforts to expand possibilities of redress for land rights violations. However, the effectiveness of existing proposals and their likely implementation are still uncertain.

20 Data published by custodians on behalf of countries, officially reported to them. See SDG Global Database: <https://unstats.un.org/sdgs/dataportal>. See also the brief by ILC, Landesa and Oxfam (2020). "5 Years Later. Progress towards the SDG land rights commitments" in the references section.

21 Contribution by AFRA, South Africa.

22 Contribution by IIED.

## DEMOCRATISATION OF THE USE OF TECHNOLOGY AND DATA

The past four years have seen a global push to strengthen the use of data and technology in the land sector. In the context of improved accountability, data initiatives have mushroomed, significantly developing the data ecosystem around land. Covering various land-related aspects (from governance via killings and harassment of land rights defenders to the perception of tenure security), from local to global, these initiatives complement and enrich often limited formal sources. Land data are increasingly available, making land-related decisions potentially more transparent and inclusive. More efforts are needed, however, to have these data more formally recognised, so that their impact and potential for effective change can be strengthened.

Secondly, and although it is recognised that technology is rarely the real solution to socially embedded land problems (and can generate new challenges of its own), the contributions illustrate an acceleration in the digitalisation of land administration in many countries. This is related to better documentation and securing of land rights in general. There are numerous examples of comprehensive land information systems at country and local levels, which create a basis for the development of effective land policies and of pro-poor digital technologies in land governance.<sup>23</sup> The digitalisation process, where adequately planned and implemented to avoid the creation of new barriers, also contributes to better planning and reporting, as well as to greater transparency and accountability.

23 Contributions by APIU/IFAD, Kyrgyzstan; LGWG, Nepal; UCOBAC, Uganda; IPAR, Senegal; CONGCOOP, Guatemala.

# 2 PERSISTING ISSUES, AMID GLOBAL CRISES

*ILC members report the emergence of new challenges as well as the persistence of longstanding issues. While all these trends have longer histories, it is undeniable that newly emerging challenges, such as the COVID-19 pandemic, have exacerbated many of them.*

Pressures on land and large-scale land acquisitions, without any improvements as regards sustainability, transparency and inclusiveness

First, pressures on land continue to grow. Although the global land rush peaked several years ago and has since ebbed, large-scale land acquisitions (LSLAs) steered by agro-industrial elites continue to be a major cause of land grabbing, evictions and violent conflict (Lay et al., 2021).

In addition to the growing pressures, 10 years since the surge of large-scale investments in developing countries it is now possible to start assessing them, and it is clear that their impacts are sobering and in part alarming. The results expected in terms of employment or infrastructure and market development have not materialised. Worse, expanding production on the land acquired poses significant threats to rural livelihoods, with numerous communities losing their land rights and livelihoods, jobs being lost or not created, and natural habitats put under threat (39% of agricultural LSLAs fall at least partially within biodiversity hotspot areas) (Lay et al., 2021).

Although progress has been made in terms of land governance and national policy (see Box 1), a lack of policy implementation in this area is evident. A Land Matrix report highlights that 78% of all land deals assessed in Africa show unsatisfactory levels of uptake and implementation of the Voluntary Guidelines on Tenure (VGGTs); 20% of all deals assessed do not comply with any of the VGGT principles. Land deals in Africa are generally the worst performing when it comes to consultative processes, respect for national laws and legislation and respect for legitimate tenure rights, including the informal tenure of local communities and indigenous peoples (Anseeuw et al., 2022).

## BOX 1: TOWARDS CORPORATE RESPONSIBILITY IN UGANDA – ONE OF THE FEW ENCOURAGING CASES?

Illegal evictions due to large-scale land acquisitions by the corporate sector are a longstanding issue in Uganda and are responsible for food insecurity in rural areas and increasing rural-to-urban migration. At the beginning of 2022, however, the country's president took a firm stand against such abuses by declaring all land evictions illegal unless carried out with the consent of District Security Committees (Uganda Media Centre, 2022). Land and environmental defenders hope that this will be a step towards providing stronger protection for IPLC land rights in the country.

More recently, the expansion of mining exploration (Nkumba-Umpula et al., 2021) and special economic zones, as well as changing land use patterns within local economies,<sup>24</sup> have also received more attention. For example, major projects have been initiated in Nepal (the 52.4 MW Likhu IV hydroelectric project and the 220 kV Marsyangdi Corridor, part of a power system expansion initiative in Lamjung district) where investors have failed to obtain the free, prior and informed consent (FPIC) of local communities or to pay compensation to those whose lands have been destroyed.<sup>25</sup>

These negative observations are all the more worrying as after a decade of decline commodity prices are surging again, mainly due to a new “commodity super-cycle” driven by the post-COVID economic recovery and unstable geopolitical situations. Another potential land rush is on the horizon.

## LAND INEQUALITY AND THE UNSUSTAINABLE USE OF LAND AND NATURAL RESOURCES

The research project “Uneven Ground: Land Inequalities at the Heart of Unequal Societies”, led by ILC and Oxfam and launched in 2020, has clearly shown with new data the shocking state of land inequality. By using a methodology based on survey data and looking at land value inequality including the landless, it highlights that land inequality is increasing in most regions of the world, and that currently the largest 1% of farms operate 70% of farmland, supplying corporate food systems.

<sup>24</sup> Contribution by IIED.

<sup>25</sup> Contribution by AIPP, Philippines.

In particular, the highest levels of land inequality can be found in South Asia and in Latin America, with the top 10% of landowners capturing up to 75% of agricultural land and the bottom 50% owning less than 2%. In general, while in low-income countries the size of farms is getting smaller and their number higher, in all regions, but especially in higher-income countries, large farms are becoming bigger – marking a clear trend of land concentration (Anseeuw and Baldinelli, 2020).

The real consequences of this trend on the ground are evident from the contributions of ILC members, particularly those from South America,<sup>26</sup> which report the increasing concentration of land and natural resources by the corporate sector throughout the agri-food system. In particular, the purchase of land by technology enterprises, whose strategies are a combination of speculative and productive aims, seems to be a growing trend. The impact is deleterious, with pollution of soil and water, deforestation and overall environmental crisis. In Bolivia, for example, the unsustainable and profit-driven use of land has been responsible for widespread fires in the Amazon, which in 2019 destroyed about five million hectares of rainforest.<sup>27</sup>

#### **BOX 2: BRAZIL – A TIMEFRAME FOR LAND EXPLOITATION**

In 2021 in Brazil, the Supreme Court suspended a case that establishes a timeframe for the recognition of indigenous peoples' land, which cannot be claimed back unless it was occupied in 1988, the year when the country's constitution was ratified. The right-wing government and the agricultural corporate sector are supporting the application of this timeframe, which would give large agribusinesses more legal security and intensify their accumulation of land and exploitation of forest and water resources. At the same time, this provision would cause the eviction of indigenous peoples whose land occupation and use are ancestral and whose territories are not demarcated<sup>28</sup> (Business & Human Rights Resource Centre, 2021a).

## **THE CLIMATE CRISIS ACCENTUATING LAND PRESSURES**

Millions of rural people are already suffering from environmental degradation driven by climate change, which is felt through changes in ecosystems and land capability, including changes in the productivity and habitability of land and its social and economic value and changes in land use systems. Communities risk slipping into a downward spiral of increasing poverty and inequality, social unrest and conflict. Marginalised and disenfranchised people, those who have little say or influence over critical decisions, including women, youth and indigenous peoples, are often affected the most by climate change. Over the last four years climate-related crises have become more noticeable and pronounced, and they are becoming more frequent and intense as the world warms. At current rates, 90% of land will bear the imprint of humans by 2050 – affecting more and more people directly or indirectly through accentuated pressures and conflicts (UNCCD, 2022).

Important steps forward have been taken in the recognition of land rights and tenure security as solutions to the climate change crisis. As described in Section 3, international climate instruments are increasingly recognising the role of rural people and tenure security in adapting to and mitigating climate change. However, although this recognition has translated into some new supportive financial resources and other commitments, at the global level these commitments have not been translated into practice. So far, most nationally determined contributions (NDCs) adopted under the Paris Agreement have not made any specific commitments to securing land rights (RRI, 2016). Also, the 2020 “enhanced” NDCs and other related policy documents have failed to acknowledge the crucial role of rural people, their lands and tenure security in meeting national targets. Overall, they fall short of establishing strong supportive actions, targets and policies (Forest Declaration Platform, 2022; Veit, 2022). Limited recognition of customary access to land and land rights can result in increased vulnerability and reduced adaptive capacity.

26 Contributions by Centro de Desenvolvimento Agroecológico Sabiá, Brazil; CONGCOOP and CCDA, Guatemala.

27 Contribution by Fundación TIERRA, Bolivia.

28 Contribution by Centro de Desenvolvimento Agroecológico Sabiá, Brazil.

## COVID19- – POLICY ROLLBACKS AND LAND FRACTURES FURTHER EXPOSED

The COVID-19 pandemic and related policy responses have had a major impact on land governance in the past two years. This includes direct and indirect implications for land relations within communities and within families, with an unbalanced division of roles and burdens between genders.

On the policy side, we have seen “regulatory rollbacks” that erode social and environmental safeguards, such as those protecting land rights in land-based investment processes.<sup>29</sup> It is a common observation across the contributions of ILC members that the COVID-19 pandemic has exacerbated land inequality and insecurity.<sup>30</sup> In Bolivia, the agro-industrial elite took advantage of the pandemic to push for shortened land titling processes, to the detriment of small farmers, and obtained the government’s approval for numerous concessions to the corporate sector – many of them were subsequently withdrawn – and the introduction of new genetically modified seeds.<sup>31</sup>

The pandemic has also upended many plans for land reform. In South Africa, the land reform budget was diverted to assist farmers with food production. However, while the government was on the frontline in supporting small-scale farmers through the severe food crisis, no attention was given to the structure of the food system and its strongly centralised and profit-driven nature.<sup>32</sup>

Many expect that, in a post-pandemic context, resource-dependent low- and middle-income countries will be under greater pressure to promote large-scale investments, as part of efforts to promote economic recovery. This is likely to generate further pressure on land rights, safeguards and activists.<sup>33</sup>

29 Contribution by IIED.

30 Contributions by Fundación TIERRA, Bolivia; Isaac Opolot, NLDL, Uganda; ERND, DRC; JASIL, Mongolia.

31 Contribution by Fundación TIERRA, Bolivia.

32 Contribution by AFRA, South Africa.

33 Contribution by IIED.

### BOX 3: THE IMPACT OF THE PANDEMIC ON MONGOLIA'S PASTORALISTS

In Mongolia, the COVID-19 pandemic has brought the process of decentralisation of land governance to a halt, leading to restrictions on the use of land for people who depend on rangelands for their livelihoods, with stark environmental impacts. Pastoralists have been severely affected by the limitations imposed on herder mobility and their use of natural resources, as well as by difficulties in gaining access to markets for food and animal husbandry products and in purchasing products and food they need due to increased prices. Members of the Central Asia Pastoralist Alliance (CAPA) have advocated for the review of rangeland use agreements with COVID-specific provisions to reinforce the liability of such agreements and address the varying seasonal movements in rangelands due to COVID-19 limitations.<sup>34</sup>

## RURAL DISENCHANTMENT, (YOUTH) MIGRATION AND LAND CONFLICTS – ACCENTUATED BY GLOBAL CRISES

The persistence of land conflicts is clear from several contributions. There are deeply rooted issues that reignite periodically. A contribution from Palestine denounced the confiscation of land, particularly agricultural land, by Israel.<sup>35</sup> Another from Senegal detailed how land corruption was exacerbating conflict as well as societal inequalities and injustices.<sup>36</sup> These issues are not new, but they have grown more significant over the past four years, aggravated by the current crises. Climate change and its effects on land scarcity, combined with population growth in certain areas, increase competition for the use of resources.<sup>37</sup> Land degradation and desertification generate conflicts over the use of rangelands: in Kazakhstan between illegal owners of large quantities of land and pasture users; in Kyrgyzstan over seasonal pasture use between administrative regions; and in Mongolia between incoming herders and local communities during the drought and frost seasons.<sup>38</sup>

34 Contribution by JASIL/CAPA, Mongolia.

35 Contribution by ACAD, Israel.

36 Contribution by Modou Dia, Senegal.

37 Contribution by CED, Cameroon.

38 Contribution by JASIL/CAPA, Mongolia.

The pandemic and land inequality make land conflicts not only more severe and more frequent, but also more structural. As such, land-related issues are depressing rural prospects overall, pushing more migration, especially among youth, and fuelling a spiral of further conflict and instability.

The case of Guatemala is illustrative of how a lack of public investment to sustain rural livelihoods, aggravated by COVID-19 lockdowns and even further disinvestment as well as by climate-related disasters, has accelerated internal and international migration, with young farmers in particular leaving their land. This contribution stresses that almost everyone has experienced some degree of uncertainty about what to do with their land and where their next meal will come from.<sup>39</sup>

Contributions from Mexico, South Africa, Uganda, Cameroon, Albania and Indonesia show that this has been a common trend across regions in the last four years. In these countries, higher numbers of youth, particularly those belonging to indigenous and peasant communities, have chosen to migrate to urban areas or abroad because of land scarcity, social exclusion and poverty overall.<sup>40</sup> In its turn, migration is also a cause of issues relating to land governance and local land management.<sup>41</sup>

## INTENSIFICATION IN THE CRIMINALISATION AND REPRESSION OF LAND, INDIGENOUS AND ENVIRONMENTAL DEFENDERS

The past four years have seen an overall intensification in the criminalisation and repression of land, indigenous and environmental defenders. In 2020, Global Witness documented a record number of 227 land and environmental defenders (LEDs) murdered (Global Witness, 2021), while recently released data by the Business and Human Rights Resource Centre show that of the 615 attacks on human rights defenders documented in 2021, 70% were against defenders of climate, land and environmental rights (Business & Human Rights Resource Centre, 2021b).

39 Contribution by CCDA, Guatemala.

40 Contributions by Red de Productores de Servicios Ambientales Asociación Civil, Mexico; AFRA, South Africa; Isaac Opolot, NLDL, Uganda; CED, Cameroon; NFCFPA, Albania; JKPP, Indonesia.

41 Contribution by CED, Cameroon.

These numbers, however shocking, continue to represent only a small proportion of the actual violence perpetrated against these defenders and their communities, which is still all too invisible.

Repression of land rights defenders has been exacerbated in the context of the pandemic, which has worsened longstanding conflicts and has seen a withdrawal of state actors in regions of business activity and conflict.<sup>42</sup> During the pandemic, new types of attacks have become more prominent – including harassment, evictions and demolitions – and indigenous human rights defenders have been particularly exposed.<sup>43</sup>

In recent years, however, new networks and platforms have emerged, seeking to raise awareness around and to monitor the threats faced by land rights defenders. In the case of the ALLIED Data Working Group, this has involved building an integrated database of non-lethal attacks that can better profile threats to defenders.<sup>44</sup>

In 2020, when Global Witness documented 137 killings of LEDs across five countries where defenders face high levels of violence,<sup>45</sup> the Data Working Group documented 355 non-lethal attacks against 536 distinct individuals, communities, organisations and unaffiliated groups. Of these attacks, 86% were carried out against indigenous peoples, community members and leaders, while 60% of those attacked were defending land and territory, and an additional 21% were defending customary rights.

States are not systematically monitoring these attacks (ILC and ALLIED, 2021), due to direct involvement and collusion, and this has left civil society data collectors to fill the gap. However, this work is not without significant risks. Local organisations known to support these defenders are also widely targeted, with the persecution of their members increasing as a result.<sup>46</sup>

42 Contribution by IIED.

43 Contribution by AIPP, Philippines.

44 See: <https://environment-rights.org/allied/our-work/data-collection/>

45 Contributions by CCDA, Guatemala; Reconcile, Kenya; Red de Productores de Servicios Ambientales Asociación Civil, Mexico; AIPP, Philippines.

46 Contribution by CCDA, Guatemala.

# 3 THE GLOBAL CRISES, AND THE RECOGNITION OF LAND'S CENTRALITY TO THEIR SOLUTIONS, ARE LEADING TO INCREASED MOBILISATION AROUND LAND

*Besides putting significant pressure on land rights, the number and urgency of the present global crises are also increasing awareness and encouraging mobilisation around land, with a view to a more sustainable, resilient and inclusive future overall.*

Firstly, within the land sector, the number of collectives and movements has burgeoned at local and national levels since 2018, with the aims of defending land rights, supporting those who fight for land and environmental rights or more broadly supporting more sustainable and inclusive land-based development. Examples are numerous, but a few can be given based on the contributions received. South Africa, Uganda and Senegal have seen increased multi-actor engagements, partnerships, movements and advocacy initiatives aimed at land law reform and implementation to close the gap between land law and practice.<sup>47</sup>

<sup>47</sup> Contributions by AFRA South Africa; UCOBAC, Uganda; IPAR, Senegal.

In Mongolia, a broad-scale movement has emerged in support of the recognition of pastoral agriculture and sustainable use of rangelands and family farming, as opposed to less sustainable practices such as industrial agriculture.<sup>48</sup> DRC, Madagascar and Guatemala – countries affected by killings of LEDS – have seen significant mobilisations to monitor such incidents in order to document their nature and provide targeted legal and financial support.<sup>49</sup>

At the global level, mobilisation is about priority setting and keeping land high on the political agenda. In order to do this, the broader land community has initiated global initiatives, promoting concrete actions at all levels. As such, with the aim of scaling up mobilisation and action at the national level and in the framework of the 10-year anniversary of the VGGTs, there has been a push for the renewal of country commitments globally. In addition, a Global Land Agenda and Global Framework for Action have been formulated to mobilise new, concrete and visible political commitments; create global forums on tenure security for dialogue and strategic direction; establish global accountability mechanisms to track progress; and catalyse and increase funding for tenure security (Framework for Action, 2022).<sup>50</sup> This global movement on land is pushing for all stakeholders to act now and to act together in a reinforced, broader and better-coordinated approach, which is needed to bring about change for and from within the land sector.

Secondly, more and more, it is being recognised that land and land rights are intrinsically linked to other global challenges (Anseeuw and Baldinelli, 2020). Tackling land- and land rights-related issues therefore is increasingly being seen as having the potential to deliver significant positive outcomes for humanity and the planet. It is also becoming clear that for land rights to have a broader impact, it is not enough to tackle them in isolation.

<sup>48</sup> Contribution by JASIL/CAPA, Mongolia.

<sup>49</sup> Contributions by ERND, DRC; FIANTSO, Madagascar; CCDA, Guatemala.

<sup>50</sup> See: "Framework for Action: Land Tenure Security for People, Planet and Prosperity" (2021). [https://d3o3cb4w253x5q.cloudfront.net/media/documents/F4A\\_Zero\\_13\\_july\\_2021\\_-\\_FINAL.pdf](https://d3o3cb4w253x5q.cloudfront.net/media/documents/F4A_Zero_13_july_2021_-_FINAL.pdf)

#### **BOX 4: THE VARIOUS LAND AND SUSTAINABLE DEVELOPMENT NEXUSES – EXAMPLES FROM THE CONTRIBUTIONS**

As highlighted by the contributions from ILC members and partners, over the past four years the interrelated embeddedness of land has been very evident in relation to equity, social inclusion and youth; climate change; and sustainable food systems.

Land for equity and social inclusion, notably for youth: Land rights and access are inextricably related to social inclusion and intergenerational justice. While the general trend in many African countries is strong rural-to-urban migration, particularly by young people, contributions show not only an increased interest in land<sup>51</sup> but also an interest in solving land issues to provide solutions for social inclusion and empowerment. For instance, a contribution from Lesotho reported that young people are acquiring more agricultural land and choosing farming as a way of life, as an alternative to migration.<sup>52</sup>

Land rights for climate change – towards mitigation, adaptation and restoration: Greater attention is also being paid to the nexus between land rights and climate change, underscoring the fact that the planet cannot be saved without land rights and that this must involve local communities and indigenous peoples. For example, in 2021 Scotland's Climate Assembly (a citizens' assembly looking at how to tackle the climate crisis) recommended a "rapid and decisive movement on land tenure reform", allowing the introduction of new funding to invest in community-based climate action projects.<sup>53</sup> In South Africa, civil society groupings working on climate change adaptation have come together with those working on land and agrarian reform to produce a range of very specific and pragmatic policy and legislative proposals with a view to lobbying government.<sup>54</sup>

Land rights and sustainable, inclusive food and production systems: There has been growing momentum for a more holistic understanding of and approach to food systems at various levels, including land,<sup>55</sup> in order to promote more sustainable farm practices such as agroecology. In Brazil, broad-scale movement building, although long ongoing, has intensified, promoting the positive effects of agroecology, such as restoring ecosystems and supporting local food systems, to ensure more equity and justice, especially for the most vulnerable.<sup>56</sup>

51 Contributions by ERND, DRC; UCOBAC, Uganda.

52 Contribution by Land Administration Authority, Lesotho.

53 Contribution by CLS, Scotland.

54 Contribution by AFRA, South Africa.

55 Contribution by IIED.

56 Contribution by Centro de Desenvolvimento Agroecológico Sabiá, Brazil.

This growing awareness that land plays an important and central role in responding to numerous global challenges is leading to more collaborative and integrated approaches and alliances between the land community and other interested groups. This has pushed land and land rights issues to the fore, even in the climate, food and other spheres. An illustrative example of this was the COP26 conference on climate change in Glasgow, where there was greater recognition in public discourses and follow-up initiatives (funding and support) of the strong links between collective land rights and climate change, and of the importance of supporting IPLCs' rights to territories in strategies to tackle climate change. This was also highlighted in a recent IPCC report (IPCC, 2022). Similarly, land was a prominent issue at the UN Food Systems Summit (UNFSS) in 2021, with Action Track 4 consultations and Independent Dialogues calling for land to be made central in building more sustainable food systems (ILC, FAO and GLTN, 2021; Veit, 2022). Another example is new international instruments, such as UNDROP besides others<sup>57</sup>, which promote the right to land not only as a human right but also as a core consideration for peasants and other people working in rural areas in support of their right to life, physical and mental integrity, liberty and security of person.

As already stated, for land rights to have a broader impact, it is not enough to tackle them in isolation. The actions and initiatives described here represent efforts towards a reinforced, broader and better-coordinated approach from within the land community but also in collaboration with other communities, which is needed to change the land sector, hand in hand with global action on climate change, socio-environmental sustainability and equal, inclusive and open societies. The Global Land Forum in Jordan represents an opportunity for ILC members to discuss and strengthen their agreement around a common response.

57 Other examples are land at the UN Commission on the Status of Women (CSW) and equality between generations; the UN Commission to Combat Desertification (UNCCD); and the Convention on Biological Diversity (CBD).

# 4 CONCLUSION: PROGRESS AND PROSPECTS AS WELL AS MAJOR SETBACKS FOR LAND RIGHTS BETWEEN 2018 AND 2022

Progress has been made with regards to land rights between 2018 and 2022. Although the degree of change varies, in several instances steps have been taken towards the recognition of land rights as human rights, strengthening the rights of women and IPLCs, increased accountability in the land sector with stronger use of data and technology, and due diligence and grievance mechanisms at local, national and international levels.

However, the 2018–2022 period has also been marked by setbacks for land rights, strongly accentuated by global crises such as climate change, widening inequalities and the COVID-19 pandemic. These crises are accelerating pressures on land and driving unsustainable use of land and natural resources, along with land conflict and an intensification in the criminalisation of land, indigenous and environmental defenders, exposing even further land fractures and rural disenchantment, particularly for youth. But, due to the serious issues and urgencies they make visible, these crises have also initiated much-needed mobilisations and more coordinated actions with regard to land and land rights. It is becoming ever clearer that there is a need to tackle the issue of land rights. Reinforced, broader and better-coordinated approaches are burgeoning, along with global action on climate change, socio-environmental sustainability and equal, inclusive and open societies. However, more is needed, urgently, for land rights and for a more resilient, sustainable and inclusive planet.

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