

BUILDING BACK BETTER

HOW SECURING LAND RIGHTS WILL BE CRITICAL IN A POST-COVID19 WORLD

Supporting the struggles of local land-users and communities to own, control and manage their land and natural resources is a long-term effort. It is complex, challenging and takes time. COVID19 has severely disrupted these efforts around the world.

Once we begin emerging from the crisis, concern for sustainable land governance (if presented as an end in itself) can easily be buried under the urgent and immediate priorities for recovery. Faced with such choices, decision-makers may well prefer to relegate land rights to secondary importance.

The experiences of ILC members around the world show that the current crisis has a *direct origin and impact* on land rights. Protecting land rights should be a part of the urgent task of mitigating the crisis, aiding the immediate recovery and preventing future pandemics.

Looking ahead, land rights are at the centre of opportunities to 'build back better'. Land rights are a foundational element to various pillars of sustainable development: more resilient local food systems; more equitable, labour and youth absorbing socio-economic models; more sustainable environmental management systems; and stronger local democracies.

Land rights and land rights organisations and agencies are playing a central role in building more resilient, sustainable and people-centred development models. This brief draws from the experiences and activities of the ILC network to provide a resource to all in the land sector as we work together to play this role.

IMMEDIATE TASKS

FOUR ACTIONS FOR LAND RIGHTS TO AID THE RECOVERY

In the midst of the crisis, many *land rights organisations are stepping into the breach* to respond to the emergencies of the lockdown, such as farmers' organisations in Indonesia and Nepal mobilising food from members to donate to hungry urban residents. National multi-stakeholder platforms for land governance such as LandNNESS in South Africa are engaging the government in recovery measures and providing a space for inclusive decision-making. ILC members are not only providing relief, but also proposing solutions to their governments, monitoring impacts, and holding decision-makers accountable.

Their positioning with local communities allows such organisations and platforms to respond directly to urgent needs. However, *members are already pointing out direct impacts of the crisis on land rights. These must be addressed* in the immediate path to recovery. These actions will protect local livelihoods, safeguard local food systems, mitigate social unrest and prevent conflict:

1 PROTECT LAND RIGHTS AND MEDIATE CONFLICTS AS PRESSURE GROWS ON LAND

There is an immediate need to protect land as land rights are under siege and land conflicts on the rise due to i) reverse migration from returning workers, especially of men from urban back to rural areas (affecting women disproportionately), increasing competition

for land; ii) rise in land grabbing and forced evictions, in particular due to increased policed societies (combined with lower media and international attention); and iii) weakened enforcement/accountability measures, due to lockdowns, to guarantee land rights.



NEPAL

Community Self Reliance Centre and *National Land Rights Forum*, two land rights organisations in Nepal, physically and legally protected households from being evicted in Surkhet District (Karnali Province, Nepal). In April, after the government implemented lockdown, they advocated with the Ministry of Home Affairs and the provincial District Administration Office to stop ongoing forced evictions of returning and informal settlers. In addition, together with other members of the ILC supported multistakeholder National Engagement Strategy (NES), they are supporting the recently established Land Related Problem Solving Commission in its mandate to distribute land and to secure land rights for landless communities.

2 ENSURE ACCESS TO LAND TO MAINTAIN THE SOCIO-ECONOMIC FABRICS, TO ALLOW REINTEGRATION OF RETURNING WORKERS AND TO RECOVER AFTER LOCKDOWN

Re-establishing access to land, productive resources, markets and support services are necessary to secure livelihoods while revitalising food systems, re-building economic activities and creating labour

opportunities, necessary for maintaining healthy socio-economic environments and the reintegration of returning workers and youth.



BRAZIL

In Brazil, *Espaço Feminista* is linking the urban and rural, buying food that women's groups produce but cannot sell in their traditional markets and providing them to very poor community in Ponte do Maduro, where many families are starving. Although Espaço Feminista has limited capacity to purchase food, they organised crowdfunding with the Landless Workers Movement and others to afford free distribution of food.



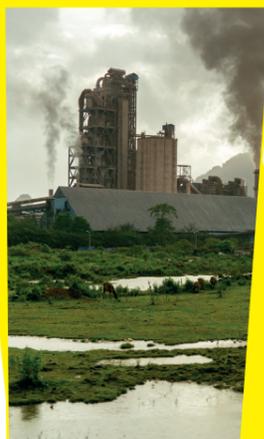
SOUTH AFRICA

In South Africa, *LandNNESS* and *AFRA*, together with small-scale farmer organisations and others, have lobbied the South African government to prioritise the role of small-scale farmers in their emergency measures, forcing them to reconsider eligibility criteria, time frames and types of support for covid19 emergency support funding. It resulted in government funding to reach small-scale farmers, including communal farmers without deeds and informal urban and peri-urban producers, whose contributions to local food production systems and supply chains are essential.

3 MONITOR AND PROVIDE LEGAL PROTECTIONS AGAINST LAND-RELATED VIOLATIONS

In a context of lockdown, vulnerable populations, in particular indigenous peoples and local communities as well as Land and Environmental Defenders, are particularly exposed to threats, attacks and cases of harassment. Among these groups threats affecting women are very specific and more

severe; hence requiring a specific attention. Monitoring these incidences is necessary in order to document the nature of these events and provide targeted legal support, particularly at a time when civic space is reduced and access to resources (legal and financial) is limited.



GLOBAL

The *Defending Land and Environmental Defenders Coalition (DD Coalition)* is engaged in a joint effort to document acts of violence and repression against land and environment defenders during the current pandemic. The Coalition supports its regional partners to identify such cases with the goal of monitoring the extent to which violence against defenders has continued and in many cases accelerated during the global lockdown.

4 PROTECT THE INTEGRITY OF IPLC TERRITORIES

The inability to protect their territories makes Indigenous Peoples and local communities particularly vulnerable. Contamination by the virus in local territories – particularly those of Indigenous Peoples – could significantly

weaken their ability to defend their land and natural resources. In addition, the capacity for emergency services to respond to local communities at risk, is reduced by the demands of battling the epidemic.



PERU

In the Peruvian Amazon forest, the *Wampis indigenous peoples* – supported by the *Forest Peoples Programme*, evoked their rights to sanitary protection, self-determination and self-governance by restricting entry and exit from their territories for the duration of the pandemic. As the government struggles to reach out to indigenous communities in the Amazon, the Wampis are working with the Peruvian military to secure their border with Ecuador, and to develop and implement intercultural health plans for communal territories.

BUILDING BACK BETTER

EIGHT CONTRIBUTIONS FROM THE LAND RIGHTS SECTOR TO MORE RESILIENT AND SUSTAINABLE ECONOMIES AND SOCIETIES

The current crisis has reaffirmed the need to engage in more sustainable development paths. Looking ahead, land rights could be at the centre of such paths, representing opportunities to 'building back better'. Land rights are core to building resilience to crises and are fundamental stepping stones towards more sustainable development and a more sustainable world overall.

To engage such a path, the 'land community' should embrace the opportunities for system change, out of the crisis towards a more sustainable future.

Priorities of governments, donors and partners as we emerge from the COVID19 crisis will be on:

LAND RIGHTS FOR LOCALISED, RESILIENT AND SUSTAINABLE SOCIO-ECONOMIC AND FOOD SYSTEMS

Land rights are not only necessary to protect farmers from losing their lands, they are also fundamental to maintenance of social fabrics, biodiversity, economic activities, and employment creation. Enabling food provision to the more vulnerable in rural and urban settings and strengthen the resilience of these communities, especially in times of crises, they will also strengthen local agro-food supply-chains. The current crisis has indeed reaffirmed the need to promote a systemic approach to the role of small-

scale and family farming in sustainable food production through more localised value-chains, in support of strengthened local socio-economic activities that are environmentally sustainable and pivotal for strong localised rural socio-economic societies linked to urban hubs. Considering the significant role played by women in small-scale and family farming, such an approach would also recognise and enhance women's engagement and contributions.



GLOBAL

At the global level, the *World Rural Forum (WRF)* is capitalising on platforms created through the *UN Decade of Family Farming (UNFFF)* to accelerate medium to long term advocacy for policy change in support of legislative frameworks in favour of family farming, as the basis of COVID-19 recovery as well as for more sustainable development. The UNFFF promotes family farmers as the agents of change to achieve Zero Hunger, a more balanced and resilient planet, and the Sustainable Development Goals.

2

LAND RIGHTS FOR INCLUSIVE AND EQUITABLE LAND GOVERNANCE AND ECONOMIC OPPORTUNITY

The drama of inequality is obvious, with the poorest being the most affected by crises. Redistribution and secure land rights for the poorest represent the bases for alternatives to patterns of concentration, exclusion and marginalisation. As such, securing land rights

will not only be the bases for more equal rural societies and economies, they are also strategic stepping stones towards more inclusive development processes as they rebalance power-relations within decision-making and policy processes.



WEST AFRICA

In West Africa, in combination with monitoring activities on the impacts of COVID19, the *Réseau des Organisations Paysannes et de Producteurs de l'Afrique de l'Ouest (ROPPA)*, as the most prominent food sovereignty movement, campaigns for secure land rights for family farms as a counter-narrative to land grabs, and to project an alternative outlook on agrarian futures in the sub-region.

3

STRENGTHENING DEMOCRATIC LAND GOVERNANCE

When land governance is effective, equitable access to land and security of tenure can contribute to improvements in social, economic and environmental conditions. Decision-making regarding land should be transparent, with processes open to all members of society.

Strengthening multistakeholder processes, placing all decisions on land upon respect for fundamental human rights and ensuring that all relevant stakeholders are enabled to effectively participate, particularly women and vulnerable groups, is necessary.



GLOBAL

ILC, with *WHH* and *FAO*, are promoting and supporting Multi Stakeholder Platforms (MSPs) to bring together representatives from different sectors and interest groups to tackle challenges and capitalise on their differences and strengths for policy action with regarding land governance. They create a space for exchange between government officials, academia, the private sector, civil society and—most importantly—community representatives. This offers a venue for inclusive and participatory public dialogue on land reform processes and their implementation. The endorsement and ownership of all stakeholders involved translates into people-centred land governance.



SCOTLAND

Through its advocacy work through multi-stakeholder dialogue, *Community Land Scotland (CLS)* convinced the Scottish Land Reform Review Group that there was a need for a land policy, adopting a human rights approach to land rights and responsibilities, ensuring that Scotland's urban and rural land contributes to inclusive and sustainable economic growth and to social justice. CLS has worked with Scottish and international human rights organisations to develop human rights arguments as the basis for defending people living on community land. Its efforts have led the government to pass the Land Rights and Responsibilities Statement (LRRS).

4

DECENTRALISED MANAGEMENT FOR HEALTHY LANDSCAPES AND ECOSYSTEMS

Secure land tenure has a direct impact on land governance, particularly on the participation of communities in the management of territories and local ecosystems. Healthy landscapes and ecosystems are best achieved through empowered communities, participating in decision-making and management at the territorial level, with the authority, means, and incentives to manage their lands and natural

resources while protecting biodiversity during times of crises and beyond. The driving force behind a territorial multi-stakeholder decision-making processes is equitable access and distribution of benefits, allowing for socio-economic and environmental sustainable and resilient patterns of land governance dictated by changing circumstances



MAURITANIA

IFAD worked with local communities in Mauritania to strengthen their access to flood recession land along the Senegal River Valley. The project prioritised effective land and water governance, and creation and regulation of water infrastructure, by creating representative, local institutions and processes for resource management; and providing forums for the settlement of disputes.

5

POSITION LAND RIGHTS TO MITIGATE MIGRATION WHILE ASSURING THE URBAN-RURAL NEXUS

The links between rural and urban have become more evident, making it necessary to recognize and support the multifunctional nature of land. This is particularly important for migrating societies and youth, transferring between urban and rural in search of

alternatives and livelihood and labour opportunities. This represents the need to rethink the alternatives for development in an intersectoral way, based on the dynamics of living territories, with diverse identities and needs.

6

INDIGENOUS PEOPLES' TERRITORIAL RIGHTS FOR RESILIENT SOCIAL SYSTEMS

Indigenous peoples and peasant communities are reviving traditional and cultural community resilience practices. Securing the commons and supporting these practices not only ensure the resilience of these populations through the COVID19 pandemic and future

crises, it is also recognise and strengthen the stewardship role they play with regards to climate change, global biodiversity management, bio-cultural conservation and justice and sustainable livelihoods.



BOLIVIA

In Bolivia, *Fundación Tierra* worked with local municipalities and communities to encourage intercultural dialogue, a process that has pushed local governments to combine their duties and functions with its obligations to consult with the community on issues affecting their ancestral territories. They developed a process for engaging government on the recognition of indigenous peoples' land tenure systems through the co-management with indigenous communities. *Fundación Tierra* successfully reconciled two approaches that often come into conflict, municipal administration and community vision.

7

WOMEN'S LAND RIGHTS FOR GENDER JUSTICE

Lands rights also provide safe spaces for women who become disproportionately vulnerable to domestic abuse and loss of land during crises, when especially men return from urban areas, or in cases of spousal death due to pandemic. Women often lack legal backing and economic resources to fight for their land, having to give up lands that they have been cultivating for years.

In addition, reinforcing gender land rights also represents an opportunity for enhancing women's role and agency in general and within their communities.



INDONESIA

In Halimun Salak, West Java, Indonesia, *Kasepuhan women* were landless, and were excluded from land-related decision-making and natural resource management. *RMI* worked with the Kasepuhan community to raise awareness about gender disparities and their effect on women, and structured them in and with women's organisations where they learn about their rights. Women are now participating in forest resource management and are cultivating lands they claimed.

8

DEMOCRATISATION OF LAND DATA, FOR FUTURE CRISIS-PREPAREDNESS AND INCLUSIVE EVIDENCE BASED DECISION MAKING

Unbiased land information capturing the multi-dimensions of land tenure and governance is critical for assessing the sufficiency of current land governance systems for the (short-term and immediate) protection, mitigation and overall preparedness for potential crises as well as to inform evidence-based, inclusive decision making processes with regards to land.

There is a need for the promotion and recognition of non-traditional and open-source land databases, alongside their acceptance and integration into official national and international land databases.



GLOBAL

LANDex is a people-centred tool for land monitoring that brings together official, traditional and alternative data sources with the goal of giving a more comprehensive, nuanced understanding of land governance. Built in consultation with ILC members, the tool uses more than 30 standardized indicators to generate comparable, people-centred data that can be used to monitor major development frameworks such as the VGGTs and SDGs. *LANDex* is contributing to the emergence of a land data ecosystem, giving space for the voices and communities often missing in the official numbers.

CONCLUSION

FROM RISKS TO OPPORTUNITIES FOR LAND RIGHTS



LAND RIGHTS ARE CENTRAL,

for the recovery from COVID19, but also as a stepping-stone for more resilient and sustainable, territorial and inclusive socio-economic development, necessary to prevent and respond to future crises and climate, labour, migration, and democracy challenges of our world.



THE NEED TO GENUINELY RETHINK OUR FUTURE

COVID19 presently, but global crises and challenges overall, do and will continue to affect and change our world. The risks this entails should result in opportunities to rethink sustainable and inclusive future development models.



KEEPING LAND RIGHTS AS A PRIORITY FOR SHORT AND LONG TERM POLICY AND ACTIONS

Considering the role land plays in building resilience but also as a stepping stone towards more equitable and sustainable development, the land community should advocate and support land to be kept as a fundamental priority on the long and short term policy agendas. In addition to national and global advocacy, the establishment of emergency and mitigation support measures should also benefit the land and agricultural communities.

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