



Update for OWG 12, June 2014

Community land rights in the “Zero Draft” of the Post-2015 Agenda

The transformative potential of the Post-2015 development agenda/SDGs will depend on the extent to which they are able to address the structural factors that entrench continued poverty, human rights violations, gender inequality, exclusion, conflict, food insecurity and environmental degradation, among other issues.

Secure and equitable rights to land and natural resources have been flagged by many organizations as fundamental to the post-2015 agenda¹, and are reflected under several proposed goals in the OWG11 “zero draft.” These include proposed goals on ending poverty, achieving food security, attaining gender equality, conserving and sustainably using marine resources, and conserving terrestrial ecosystems.

A particular omission in the “zero draft” is the failure to recognize that *governance of tenure frequently occurs at the community level and is often organised according to local systems of customary law*. These community-based and customary tenure systems should be strengthened rather than fragmented, for the 370 million Indigenous Peoples for whom international instruments recognize distinct rights² as well as for millions of other local communities around the world. Moreover, our attention should focus on tenure security for multiple rights-holders, including under communal tenure regimes, rather than simply on individual assets³.

The language suggested below supports the cross-cutting focus of land rights, while also integrating community-based tenure considerations that will be essential to realization of the post-2015 agenda.

01

Proposed Goal 1: End poverty in all its forms everywhere

Target 1.5: by 2030 ensure development opportunities for all ~~men and women~~, including [equitable and] secure rights [of men, women, indigenous peoples and local communities] to ~~own~~ land, property and other productive resources, and access to financial services, with particular focus on the poor, the most marginalized and people in vulnerable situations.

1 See also proposal for indicators on land at <http://bit.ly/1n3zhfj>

2 For example, UNDRIP, ILO 169

3 See GLII paper on land in the post-2015 agenda <http://bit.ly/1o9D3Jq> and the Voluntary Guidelines of Responsible Governance of Tenure

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This technical brief has been prepared by the Secretariat of the International Land Coalition (ILC), Rights and Resources Initiative (RRI) and Oxfam International. It is based on inputs provided by RRI partners and 29 responses to an ILC membership-wide survey carried out in February 2014.

02

Proposed Goal 2: End hunger, achieve food security for all, and promote sustainable agriculture

Target 2.4: by 2030 achieve [secure land and resource rights and] access to adequate inputs, knowledge and productive resources, financial services and markets, especially for small and family farmers, pastoralists, [hunter gatherers] and fishers, with a particular focus on women [and on those in community-based tenure systems].

05

Proposed Goal 5: Attain gender equality, empower women and girls everywhere

Target 5.7: ensure women's [secure land and resource rights and] equal access to, control and ownership of assets and natural and other productive resources, as well as non-discriminatory access to essential services and infrastructure, including financial services and ICT.

08

Proposed Goal 8: Promote strong, inclusive and sustainable economic growth and decent work for all

Target 8.8: create enabling conditions for increased growth, and productivity [and sustainability] of micro-, small- and medium-scale and community enterprises, including through policies that promote [solidarity], entrepreneurship, creativity and innovation, and through improved access to markets, [land and natural resources], and financial services.

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Proposed Goal 14: Attain conservation and sustainable use of marine resources, oceans and seas

Target 14.5: support sustainable small-scale [and community] fisheries and aquaculture, including by providing equitable access of small-scale and artisanal fishers to fisheries and markets.

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Proposed Goal 15: Protect and restore terrestrial ecosystems and halt all biodiversity loss

Target 15.10: ensure free prior informed consent of indigenous peoples and local communities in decision making and [over] natural resources management [and rights to lands and resources, and ensure that their traditional knowledge and practices with regard to environmental and biodiversity protection are recognized, respected and duly incorporated into sustainable development plans], and promote the use of their traditional knowledge.

These targets, with our proposed additions, are capable of capturing a wide array of concerns related to land rights in rural and urban settings, including the need to ensure greater gender equality, considering both individual and collective rights, and ensuring that a transformative agenda reaches those most reliant on land-based resources. They also capture the broad consensus reached through the UNDRIP, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, and the Framework and Guidelines for Land Policy in Africa.

Measuring progress

In order to achieve progress towards these targets, clear and measurable indicators must be identified that can be regularly, broadly and consistently reported on in a cost-effective manner by all countries. The work of our organizations on tracking global progress in recognition of indigenous and community land and forest rights demonstrates that such measurement is feasible, particularly in relation to:

- » Area of land legally recognized under the tenure of indigenous peoples or local communities, and
- » The extent to which the national legal framework recognizes and protects land tenure rights and uses derived through a plurality of tenure regimes, in line with international standards.

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