November 2024

Securing Land Tenure Rights to Achieve Land Degradation Neutrality

Four years of learning from monitoring the implementation of the UNCCD land tenure decision in six countries

(TMG)

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Authors

TMG Land Governance Team

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Cover photo: Forest fire in the Ankarafantsika National Park, Madagascar
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Federal Ministry
for Economic Cooperation
and Development

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Rice farming in Madagascar. © LlandDev

Introduction and context: The global land crisis

Overview: The drivers of land demand

The global rush for land is increasingly driven by multiple, multi-layered pressures on land resources. Traditional demands such as like agriculture, infrastructure development and urban expansion continue to dominate land use decisions. However, newer influences, such as conservation initiatives, climate action, and biodiversity preservation, are creating additional demand for land.

Climate finance mechanisms, including carbon markets and the United Nations' REDD+ (Reducing Emissions from Deforestation and Forest Degradation) process, have emerged as influential factors in this competition. As more land is allocated for carbon storage and biodiversity conservation, constraints increase on the traditional uses of land, intensifying land competition worldwide. While these emerging drivers are not the primary forces behind land demand, they interact with and amplify existing challenges around land tenure, resource rights, and human rights concerns, especially for local and indigenous communities.

The role of land tenure in addressing global land pressures

As land demand intensifies, frameworks like the United Nations Convention to Combat Desertification (UNCCD) play a crucial role in shaping international strategies for sustainable land use and management. Established in 1994, the UNCCD is the only legally binding international agreement linking environment and development to sustainable land management, particularly in drylands where threats of desertification and land degradation are severe.

A foundational component of the UNCCD's efforts is land tenure – ensuring that individuals and communities have secure rights to access, manage, and benefit from land resources. The importance of land tenure cannot be overstated; without secure rights, communities are often unable to invest in sustainable land management practices or protect their resources from encroachment and exploitation. Recognising this, the UNCCD has incorporated land tenure considerations into its framework.

The following key decisions by the UNCCD highlight its commitment to land tenure, which underpins sustainable land use and rights protection, especially for vulnerable populations. Two significant decisions – Decision 26/COP.14 and the COP15 follow-up decision – provide a framework for enhancing land tenure security worldwide. These decisions advocate for responsible governance of tenure and align with the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) guiding parties in building equitable and sustainable land management systems.

Decision 26/COP.14 (2019):

▶ **Importance of land tenure:**
This decision underscores the critical role of land tenure in combating desertification, land degradation, and drought. By securing land rights, communities are better positioned to invest in sustainable land management practices that mitigate environmental challenges.

▶ **Guidance on national policy:**
Countries are encouraged to incorporate responsible land governance into their national policies. The Decision proposes the VGGT as a framework to promote legitimate tenure rights.

▶ **Focus on gender equality:**
Recognising gender inequality as a barrier to effective land management, the Decision highlights the need for gender-sensitive policies and advocates for the acknowledgment of legitimate tenure rights, including customary rights, and for secure access to justice and conflict resolution mechanisms.

Current momentum of the land tenure agenda

Although these tenure-related decisions aim to address essential components of land restoration, their implementation remains voluntary, which affects accountability. The voluntary nature of these commitments provides flexibility, allowing parties to adopt these policies according to their capacities and circumstances. However, this flexibility also limits enforceability, potentially leading to slow or incomplete implementation.

Despite these challenges, UNCCD decisions lend legitimacy to land rights advocacy, particularly by civil society organizations. As the UNCCD's focus increasingly shifts toward drought, which is viewed as a higher priority and a more immediate threat, there is a risk that land tenure could lose traction among UNCCD parties. However, tenure security remains foundational, as it directly supports communities in managing their land sustainably and in building resilience to environmental stresses, including drought.

Creating new momentum: land tenure and drought resilience

As the urgency of climate impacts grows, a renewed focus is needed on the role of land rights in meeting LDN targets and building drought resilience; secure land rights provide a basis for communities to manage land resources sustainably. Secure land tenure is also key to fortifying communities against climate risks, reinforcing their capacity to adapt and thrive in the face of environmental changes.

Participatory mapping in Ampijoroanala, Marosakoa. © Ravelonandro Liantsoa Tojoirina Mirija

Progress review: Insights from three years of monitoring

Parties to the UNCCD adopted the land tenure decision at COP14 in New Delhi, India in 2019. However, in the five years since the decision was adopted, efforts to systematically integrate land tenure into national LDN frameworks have been few. In recent years, TMG

Research initiated a process of monitoring implementation of the UNCCD Land Tenure Decision in six selected countries. The aim in doing so was to establish the reasons for the lack of national-level integration of land tenure into LDN frameworks.

Land Governance

Monitoring UNCCD Land Tenure Decisions:
A Four-Year Journey by TMG Research and Partners

1 — **2024**

Dakoro, Mayahi and Aguie in Maradi region

Securing legitimate land rights of pastoralists and agro-pastoralist communities in communal spaces and strategic reserves

2 — **2023**

Bori, commune N'Dali

Impact of customary land formalisation on investment in land restoration

3 — **2022**

Kabanou and Tinra

Analysing intercommunity conflicts over land and forest resources

4 — **2022**

Kabanou village

Mapping legitimate tenure around the Three Rivers gazetted forests. Case study of Kabanou village

Snapshot of case study activities

- 14 case studies
- 12 participatory mapping activities
- 5,500+ household survey observations
- 20+ community meetings
- Community and National Focal Point engagements

5 — **2024**

Cwero and Paicho local forest reserves in Gulu District

Analysing tenure rights issues for communities living adjacent to LDN areas

9 — **2022**

Ntchisi Forest Reserve

Mapping legitimate tenure rights and analysing tenure dynamics around a public forest

10 — **2023**

Mchinji Forest Reserve and Kasungu National Park

Assessing tenure issues within Bua catchment area

11 — **2022**

Ankarafantsika National Park, Andranofansika, Ankijae and Marosakoa

Mapping legitimate tenure around the Ankarafantsika National Park

13 — **2023**

Ankarafantsika

Impact of uncontrolled expansion of agricultural lands on local tenure systems

6 — **2021**

Kereita forest, Kiambu County

Mapping legitimate tenure rights, analysing tenure dynamics for in gazetted / public forest

7 — **2023**

Loita, Narok County

Mapping tenure rights and analysing tenure dynamics of communities adjacent to a community forest

8 — **2023**

Msidunyi, Taita Taveta County

Mapping legitimate tenure rights, analysing tenure dynamics of communities living adjacent to community forest parcels

12 — **2024**

Ankarafantsika

Exploring the gaps and synergies between regional planning documents and ground realities

14 — **2022**

Marosakoa commune

Uncovering the underlying factors of community land concerns

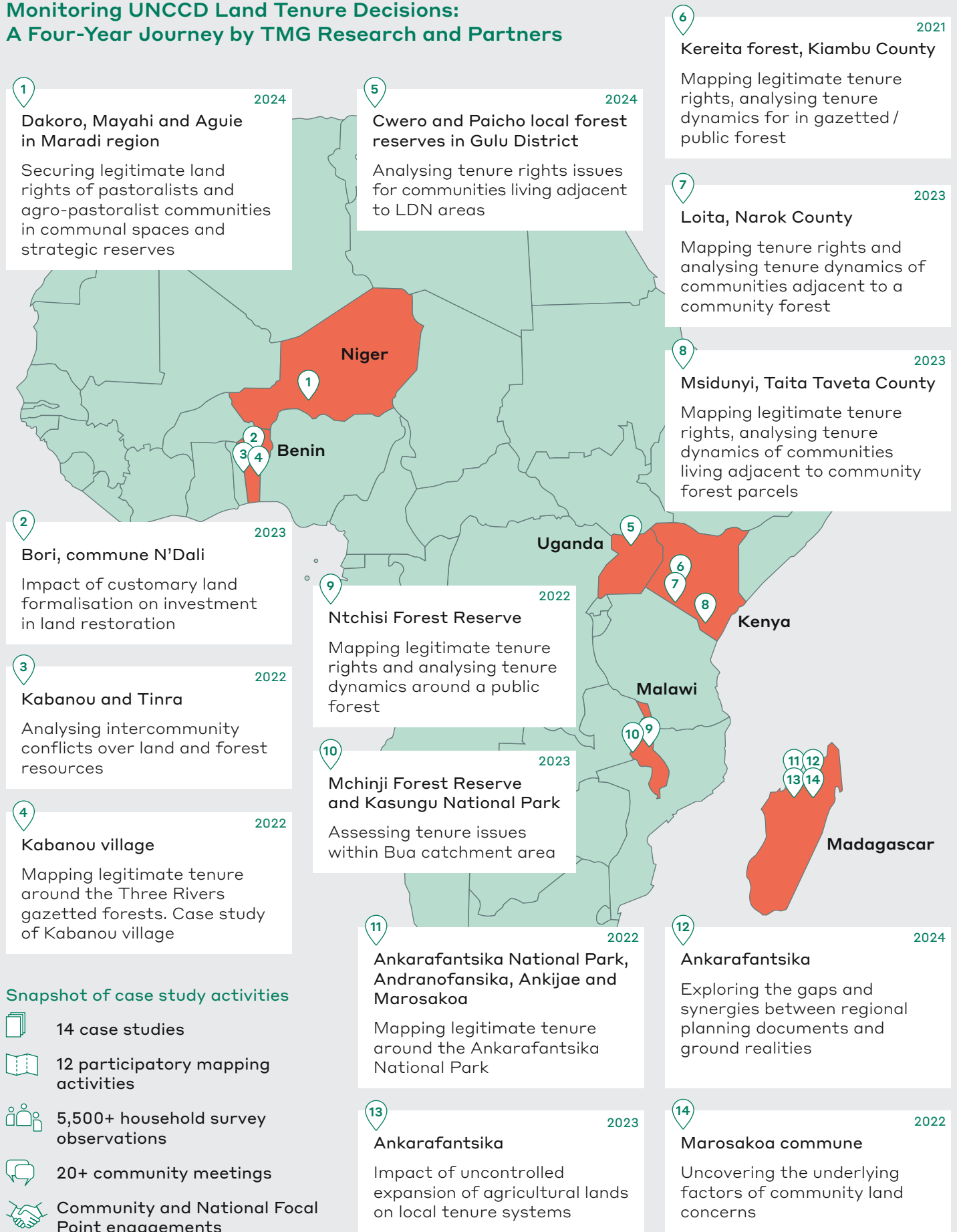Niger — Benin — Uganda — Kenya — Malawi — Madagascar

Figure 1: Monitoring UNCCD Land Tenure Decisions: A Four-Year Journey by TMG Research and Partners

1 Progress review: Systematic gaps in implementation and the challenge in translating commitments to action

In 2022, Decision 12/COP.15 reaffirmed the importance of land tenure and "urge[d] Parties to implement the recommendations contained in decision 26/COP.14 for improved land governance towards achieving land degradation neutrality". This decision emphasises the importance of creating legal and political environments that ensure equitable access to and control over land and resources for women and vulnerable populations. This includes implementing secure and non-discriminatory land tenure systems. It explicitly calls on governments to align national policies, plans, and programmes for Land Degradation Neutrality (LDN) with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests (VGGT). The VGGT underline the necessity of recognising and protecting both legal and legitimate tenure rights to achieve an integrated and sustainable approach to LDN, as detailed in the Technical Guide on the VGGT Pathways.

Our research findings in Benin, Kenya, Malawi, Madagascar and Uganda reveal that, despite commitments, little has been done to implement the VGGTs and to integrate and mainstream the recognition and protection of legitimate tenure rights in LDN policies and programmes. This report presents some of the challenges to implementing the UNCCD decisions, including gaps in policy and operationalisation and the lack of effective grievance mechanisms to ensure inclusive, participatory and non-discriminatory implementation of LDN programmes.

Gap 1:
Tenure security is diversely interpreted and poorly reflected in LDN target-setting programmes and national policies

Between 2017 and 2018, several parties to the UNCCD drafted and adopted Land Degradation Neutrality Target-Setting Programmes (LDN-TSPs) as part of their commitment to achieving Sustainable Development Goal (SDG) Target 15.3. In 2019, Decision 26/COP.14 on land tenure was adopted, urging parties to review and, where appropriate, implement national land governance legislation and procedures to promote sustainable land use and restoration.

Notwithstanding these commitments, our research in Benin, Kenya, Malawi, Madagascar, and Uganda reveals significant gaps in translating the concept of legitimate tenure rights into actionable national policies. While 'legitimate tenure rights' is a well-used term in international frameworks, such as the UNCCD and the VGGT, it remains largely absent in national policy documents or frameworks.

Across these countries LDN target-setting programmes contain little to no reference to legitimate tenure rights. National efforts have predominantly focused on formalizing land ownership, thereby neglecting the broader spectrum of legitimate tenure rights, such as customary and communal rights. This narrow focus sidelines critical land use rights that are integral to achieving LDN and addressing the needs of vulnerable communities.

This gap can be attributed to two key challenges:

▶ **Institutional frameworks:**
The lack of robust institutional frameworks to integrate land tenure considerations into national policies hampers efforts to align these with international commitments. Coordination between land governance and LDN programmes is often insufficient or non-existent.

▶ **Conceptual clarity:**
The absence of a clear, context-specific definition of 'legitimate tenure rights' in national contexts has led to diverse interpretations, undermining the recognition and protection of tenure rights, particularly for vulnerable and marginalized communities.

Gap 2:
Institutional frameworks and capacities to report on and mainstream UNCCD land tenure decisions in policies are still lacking

In the six countries studied for this report, NFPs face multiple challenges, including human and technical capacity constraints and the need for an institutional framework to integrate and mainstream legitimate tenure rights in decision-making.

At an individual level, NFPs frequently face severe human and technical capacity constraints. Many are burdened with multiple responsibilities beyond their UNCCD role, leaving them with limited time to focus on tenure issues. Moreover, technical gaps remain a significant challenge. In many cases, concepts like 'legitimate tenure rights' are still unfamiliar, with some NFPs only gaining exposure to these ideas through collaboration with TMG.

Institutionally, fragmented governance poses a major obstacle to the recognition and protection of legitimate tenure rights. Land tenure issues are often under the jurisdiction of separate ministries, such as agriculture or land, leaving environment-focused ministries ill-equipped to address them within sustainable land management or restoration initiatives. This lack of coordination is evident in the omission of tenure considerations from forest conservation frameworks and LDN-TSPs. For instance, despite Decision 27/COP.15 calling for the collection of data on legitimate tenure rights in LDN priority areas, **none of the countries studied had mechanisms to map land use rights or identify rights holders**.

Participatory management frameworks in the LDN target areas exist in all five countries studied, yet they lack actionable tools to address tenure security. Community-based organizations, designed to bridge the gap between conservationists and local communities, are underfunded and poorly trained. In Malawi, for instance, only 41 percent of respondents were familiar with forest laws and regulations, and 50 percent were unaware of the roles and responsibilities of forest management officers.

Gap 3:
Lack of informed data to document and claim legitimate tenure rights

Across the countries studied for this report, land tenure systems are characterized by a dual structure of customary and statutory regimes. Customary tenure systems are the primary mode of land access for communities. However, government efforts predominantly focus on statutory or legal regimes, relegating customary rights to the background despite their importance to local livelihoods. For communities, accurate data on land use rights are critical to developing inclusive and non-

discriminatory policies. Yet, across all six countries studied, such data are largely unavailable. Without documenting who uses land resources and what rights they hold, policy decisions are likely to exclude the very communities whose livelihoods depend on these resources. The challenge is further compounded in countries where national laws fail to recognise customary claims on commons, such as forest and grazing lands. These areas are often targeted by forest landscape restoration initiatives and international commitments, putting customary users at risk of exclusion or displacement.

Gap 4:
Lack of grievance mechanisms and systematic reporting on land rights violations

One of the effects of the systematic gaps in implementing UNCCD land tenure decisions is the lack of effective grievance mechanisms to address land rights violations. Despite commitments such as Decision 12/COP.15, which calls for equitable, inclusive, and participatory governance, the absence of practical frameworks and enforcement mechanisms trickles down to the local level, where communities are left without the means to resolve disputes or seek justice. This undermines the creation of secure and non-discriminatory tenure systems and perpetuates inequities in land governance.

TMG's research highlights significant challenges faced by communities in accessing justice and resolving land conflicts. Frustrations over access to land and other resources remain unaddressed, manifesting as latent grievances in some cases and open conflicts in others. These conflicts often stem from miscommunication, unclear or unilateral rules imposed by authorities, and power imbalances between communities and administrative bodies.

A critical issue identified in this study is the absence of effective, transparent, and accessible grievance mechanisms for resolving disputes over land and resources. For example:

► In **Benin**, communities have no alternative but to negotiate with authorities and pay imposed fees, even when the alleged offense is contested.

► In **Madagascar**, communities are hesitant to voice criticisms of administrative bodies, often concealing their frustrations due to fear of repercussions and the lack of grievance mechanisms.

These findings contradict the recommendations in the UNCCD land tenure decisions, which call on parties to provide practical, timely, and affordable access to justice, transparent dispute resolution mechanisms, and inclusive community-based conflict resolution systems. As emphasized in the FAO/UNCCD Technical Guide, such mechanisms are a foundational element for achieving the goals of LDN initiatives.

2 Progress review: Recognition and protection of tenure rights in LDN priority areas

Legitimate tenure rights exist within LDN priority areas and must be explicitly recognised and protected. The UNCCD, through Decisions 26/COP14 and 12/COP15, has emphasised the critical role of legitimate tenure rights in achieving LDN targets. These decisions urge governments to align their LDN policies, plans, and programmes with the **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests (VGGTs)**, which call for recognition of legitimate tenure rights. However, the lack of clarity in defining legitimate tenure rights at the national level often leads to varied interpretations, undermining the rights of vulnerable communities and hindering effective implementation of the VGGT in practice.

Based on our action-oriented research in Benin, Kenya, Madagascar, Malawi, and Uganda, and on the work by Cotula and Knight (2021) and Cotula et al. (2016), we **developed two key indicators to better examine the concept of legitimate tenure rights** in these countries. These include:

► The purpose and duration of land occupancy or resource use

► Communities' dependence on accessing land in LDN target areas

Purpose and duration of land occupancy or resource use

Communities living in and around forest areas, and thus around the LDN target areas, primarily depend on these lands and resources to meet their fundamental household and livelihood needs. Our research in Benin, Kenya, Madagascar, Malawi, and Uganda shows that crop farming (44 %), agropastoralism (24.5 %), and the sale of agricultural products (19 %) are the primary sources of income and sustenance for households (n = 3682). While the specific crops farmed and forest resources used vary across countries, their purpose remains consistent: to support household consumption and secure livelihoods. This underscores the critical importance of recognising and protecting these communities' legitimate tenure rights in efforts to sustain their right to food.

Our research findings highlight that land occupancy by forest-adjacent communities is not predominantly the result of recent migration (Figure 3). For this analysis, we define recent migration as occurring within the last ten years, a timeframe aligned with land laws in many countries, such as Benin and Madagascar, where acquisition by prescription is limited to ten years. This evidence reinforces that these communities have long-standing ties to the land.

Supporting this, our field data across five countries show that over 39 % of total respondents (n = 1,689) have lived in and around forest areas for more than 10 years, with about 44 percent residing there for more than 20 years. Among those who have lived in forest areas for over 20 years (n = 480), 65 percent were born and raised there. Despite these enduring connections, their use rights remain largely unrecognised and unprotected, revealing a critical gap that must be addressed.

Primary source of income of forest-adjacent communities in Benin, Kenya, Madagascar and Malawi

Others	1,51 %
Formal employment	1,69 %
Pastoralism	1,93 %
Small businessnes	4,02 %
Casual employment	4,05 %
Sale of agricultural products	21,37 %
Agropastoralism	27,20 %
Crop farming	38,23 %

Respondents
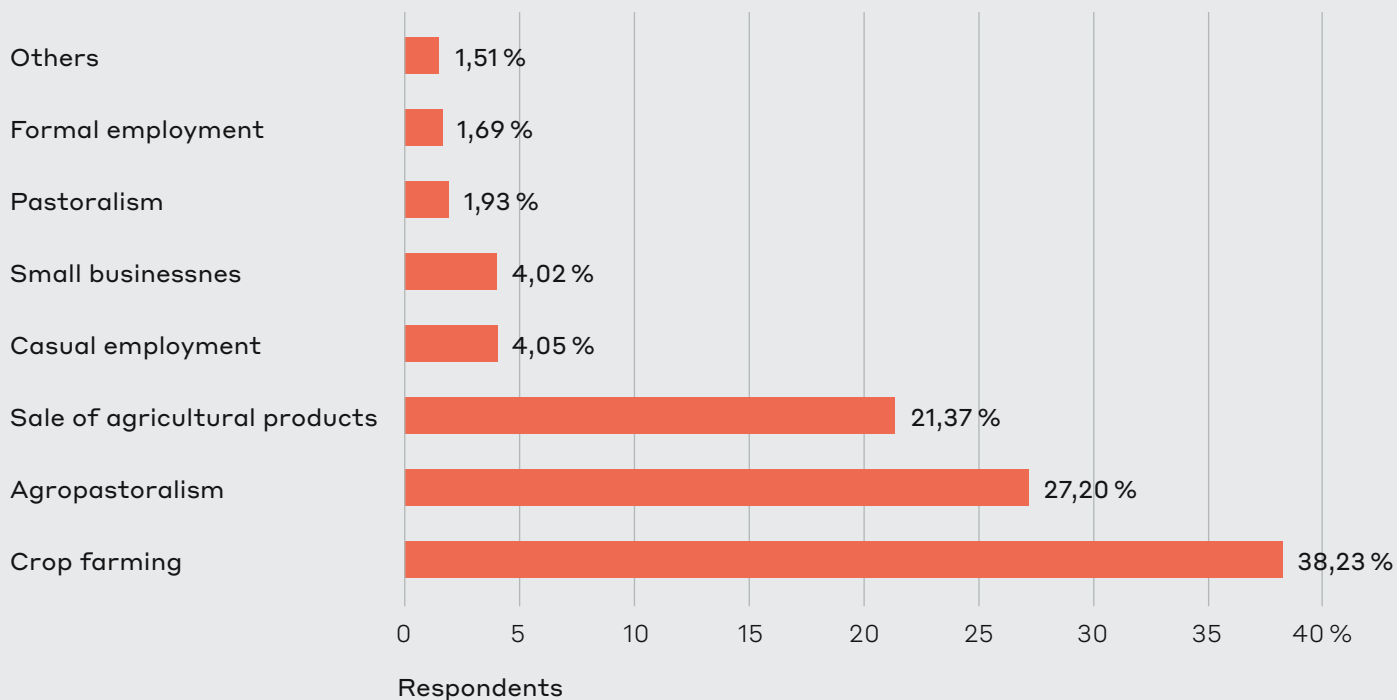
Figure 2: Primary source of income of forest-adjacent communities in Benin, Kenya, Madagascar, Malawi and Uganda (Source: TMG Research)

Land occupancy duration of forest adjacent communities in Benin, Kenya, Madagascar, Malawi

34,38 %
47,35 %
18,27 %

● Lived there for less than 10 years
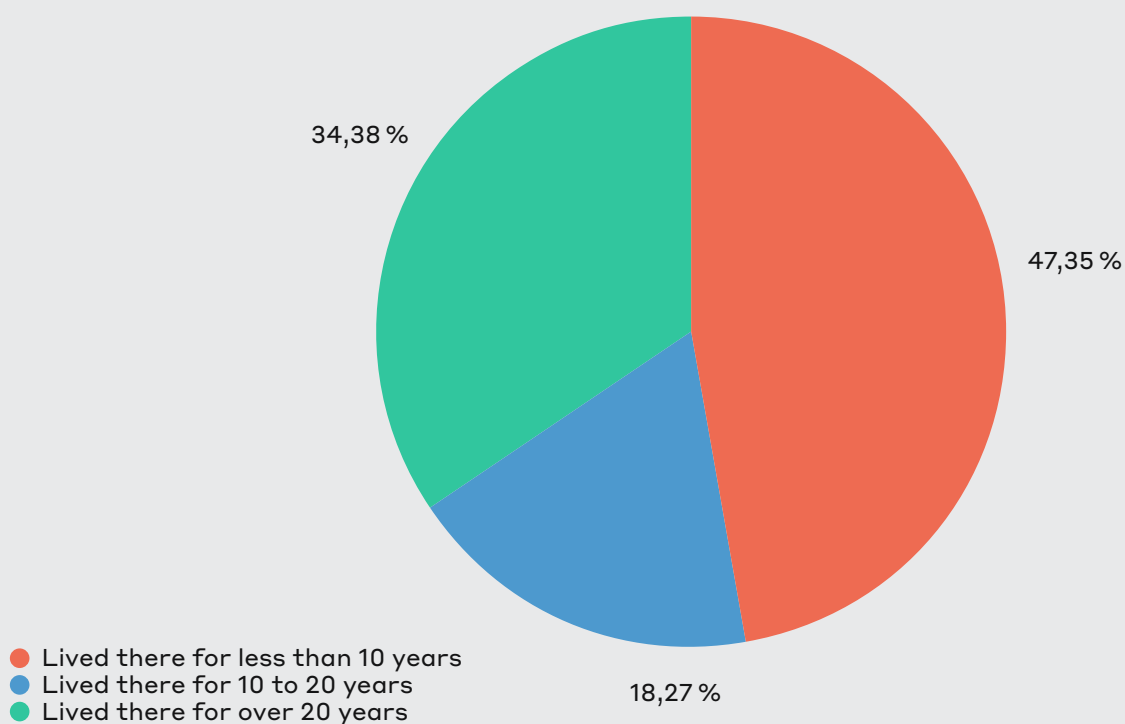● Lived there for 10 to 20 years
● Lived there for over 20 years

Figure 3: Duration of land occupancy of forest-adjacent communities in Benin, Kenya, Madagascar, Malawi and Uganda (Source: TMG Research)

Communities' dependence on accessing land in LDN target areas

To assess the degree of communities' dependence on accessing land in LDN target areas, and with that on forest land and resources, we examined whether households have alternative sources of income, such as plots of land located outside forest areas. This serves as another important indicator for legitimate tenure rights because communities with no access to alternative land or income are critically reliant on forest areas for their livelihoods.

The following examples underline the reliance on access to LDN areas. In Madagascar, 81 percent of respondents living in the controlled occupancy zones of Ankarafantsika National Park lack land plots outside the forest, indicating a critical reliance on forest access for their livelihoods. Similarly, in Benin over 90 percent of respondents in Kabanou, a village near the Three Rivers gazetted forest, depend entirely on forest-adjacent lands to meet their needs. In Uganda, 32 percent of households in the Cwero and Paichos communities rely on lands within designated forest areas.

In contrast, the communities studied in Kenya (Loita and Taita Taveta forests) and Malawi (Ntchisi forest reserve and Bua catchment area) rely less on farmland within forests, as they primarily inhabit communal lands and hold farm plots outside forest zones. However, these communities remain dependent on forests for essential resources such as fuelwood, water, and non-timber forest products, which are vital for household consumption and medical needs. This pattern is also observed in Madagascar's Ankarafantsika and Ankijabe communes, where many respondents own land plots outside the forest yet still rely on forest resources for critical household needs.

Farmers' perceptions align with this analysis, confirming a high level of dependence on forest land and resources to meet household needs (Figure 4). When asked about this dependence on forest land and resources, on average 76 percent of respondents reported relying on forest access to meet their livelihood needs. Of these, 34 percent stated that they could not meet their household needs without access to forest land and resources, while 41 percent indicated that they could only partially meet household needs without such access. In Benin, this reliance is particularly pronounced, with 87 percent of respondents unable to meet any household needs without forest access, underscoring the critical role of forests in sustaining local livelihoods.

In contrast, dependence is generally partial around community forests, where local communities often have farm plots on communal lands and derive some income from alternative sources. This nuanced understanding of forest dependence highlights the need for context-specific approaches to recognising and protecting legitimate tenure rights, particularly where reliance on forests is essential for survival.

Adjacent communities' level of dependency on forest land and resources to meet household needs
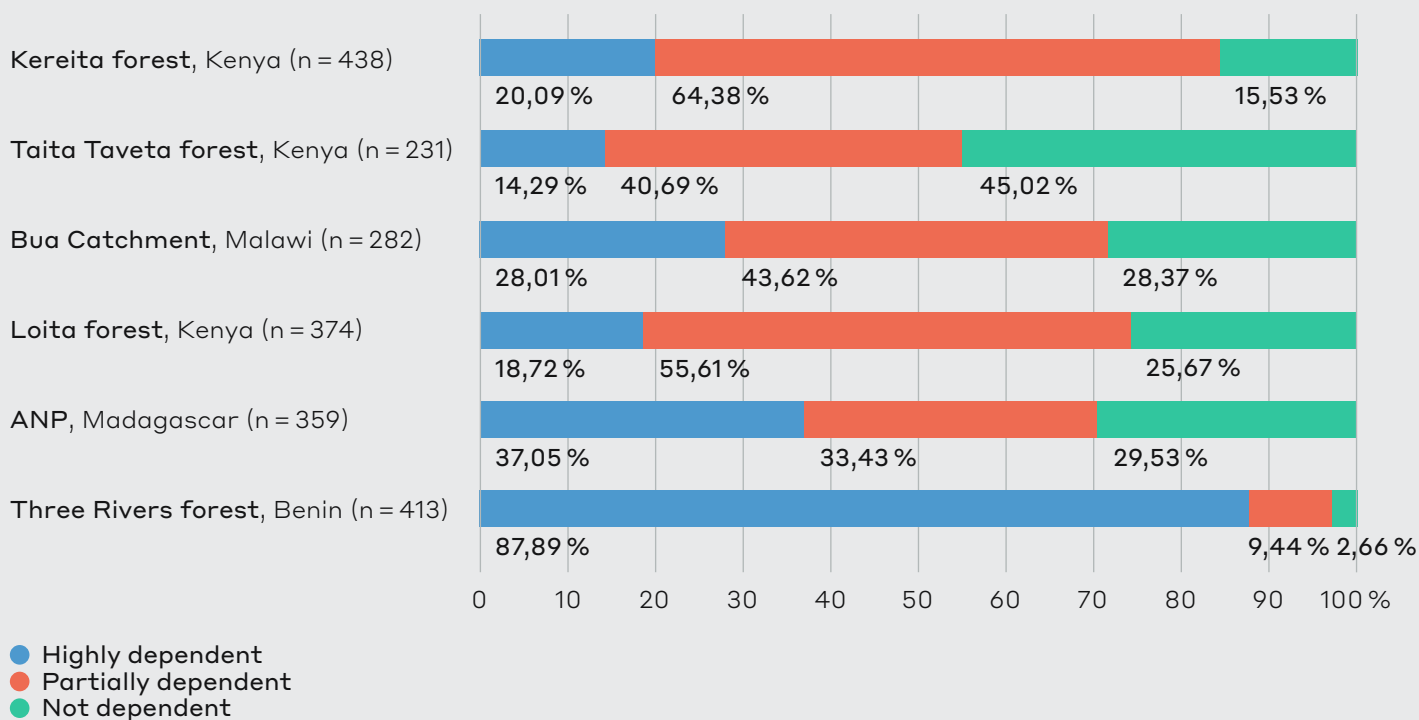

Figure 4: Forest-adjacent communities' level of dependence on forest land and resources to meet household needs

3 Progress review: the impact of unrecognized legitimate tenure rights on perceived tenure security and conflicts

In the five countries where we analysed tenure concerns in conservation policies, the lack of systematic implementation of land tenure decisions at the national level has had profound impacts on how communities living within or adjacent to LDN priority areas perceive their tenure security. Perceived insecurity fosters mistrust between communities and forest authorities, which often escalates into tensions or conflicts. A critical driver is the overlapping and often conflicting coexistence of customary and formal tenure systems. The absence of clear and actionable recognition of legitimate tenure rights – especially customary rights – leaves communities vulnerable to displacement or restricted access.

Perceived tenure insecurity arises when communities feel their access to land and resources is uncertain or at risk. This uncertainty is often exacerbated by inconsistencies in policy enforcement and gaps between legal provisions and their practical application. For example, while some countries include provisions for legitimate tenure rights in their policy and legal frameworks, the implementation of these rights is often inconsistent or poorly understood at the community level. Such disparities not only erode trust but also contribute to a perception that forest authorities prioritize conservation objectives over the well-being of local populations, fuelling resentment and, in some cases, conflict. These dynamics highlight the critical need to align LDN measures with the recognition of legitimate tenure rights.

Overlaps between customary and formal tenure systems

Most forest-adjacent communities perceive their rights to access or use forest areas are governed by customary laws. However, our analysis of access modes reveals the overlapping and often conflicting coexistence of customary and formal tenure systems. This undermines communities' sense of security, leaving them vulnerable to displacement and marginalization.

In practice, forest authorities in the case study areas often prioritize legally recognised tenure rights while overlooking customary tenure arrangements. This approach contradicts the UNCCD land tenure decisions, which explicitly include customary rights as legitimate tenure rights that parties should recognise in LDN priority areas. Ignoring these rights not only compromises the principles of responsible tenure governance but also risks alienating communities, fuelling mistrust, and jeopardizing the success of LDN efforts.

In Benin, 76 percent of households in the communities adjacent to the Three Rivers gazetted forest accessed land and forest resources through customary tenure regimes, without holding formal documents proving use rights (fig. 4). Of the 21 percent claiming government-issued land titles, further analysis revealed these were merely payment receipts for forest access, grazing, or timber, which do not offer long-term tenure security or protection against eviction.

Similarly, in Malawi, 90 percent of respondents accessed forest resources through customary mechanisms, with 78 percent lacking any documentation. In Madagascar, 39 percent relied on customary systems, with land purchase (28 %) and leasing (27 %) also playing a role. Across the three countries, the customary regime was dominated by succession and first occupancy modes. In Uganda, over 79 percent of total respondents (n = 175) accessed land through customary mechanisms. Land lease is used by an estimated 16 per cent.

While those who farm communal land based on customary tenure systems usually have a strong sense of tenure security (Baba et al., 2023), this is not the case for communities that live adjacent to community and public forests.

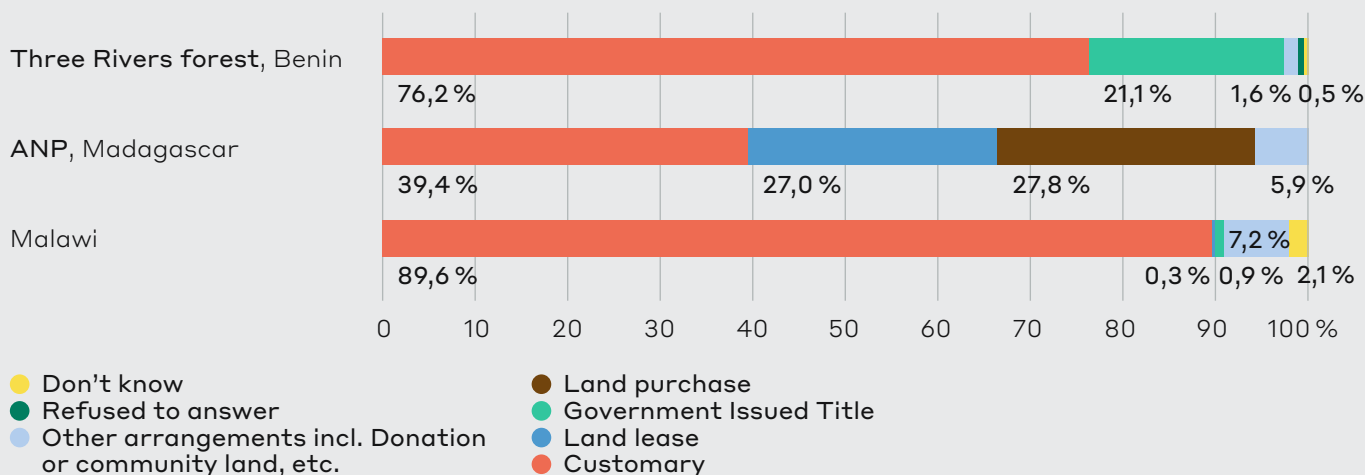### Land access modes and mechanisms of forest adjacent communities

Figure 5: Land access modes and mechanisms of forest adjacent communities

Impact of the lack of systemic recognition of tenure rights on perceptions of tenure security

Scenario 1:
Where government authorities that manage and administer forest areas have a strong presence, and prioritize legally recognised tenure rights over customary rights, communities perceive their tenure rights to be insecure. Conflicts are more likely to occur under such circumstances.

Forest-dependent communities in Benin, Madagascar, Kenya, and Malawi share concerns about the perceived insecurity of their lands, regardless of their location. Over 70 percent of respondents from these four countries are worried about losing access to land and other natural resources. Forty-three percent of those surveyed expressed deep concern about this issue.

Communities within forest borders are nearly twice as likely to be concerned about losing their land (34 %) as those living at or outside forest boundaries. This perceived tenure insecurity stems from the fear of eviction by forest authorities.

In Madagascar, respondents reported lower levels of perceived tenure insecurity compared to other countries, albeit with significant disparities based on location. For example, 80 percent of households outside the Controlled Occupancy Zones (COZ) of Ankarafantsika National Park (ANP) expressed confidence in their tenure rights, citing communal land access through renting or allocation as a factor providing stability. In contrast, 77 percent of households within the COZ of the ANP expressed concerns about losing their farmland. This reflects the precarious nature of tenure security in controlled zones, where customary rights are often poorly recognised. Similar patterns of insecurity were reported in other regions (Figure 9).

How worried are you to lose access to the land and resources you depend upon in the coming five years?

Kereita forest, Kenya (n = 432): 1 % | 20 % | 44 % | 35 %

Taita Taveta forest, Kenya (n = 237): 7 % | 9 % | 18 % | 66 %

Ntchisi Forest, Malawi (n = 1043): 56 % | 30 % | 14 %

Loita forest, Kenya (n = 373): 1 % | 12 % | 12 % | 61 %

ANP, Madagascar (n = 605): 3 % | 50 % | 35 % | 12 %

Three Rivers forest, Benin (n = 355): 4 % | 9 % | 16 % | 71 %

● Declined to answer ● Not worried at all ● Somewhat worried ● Very worried
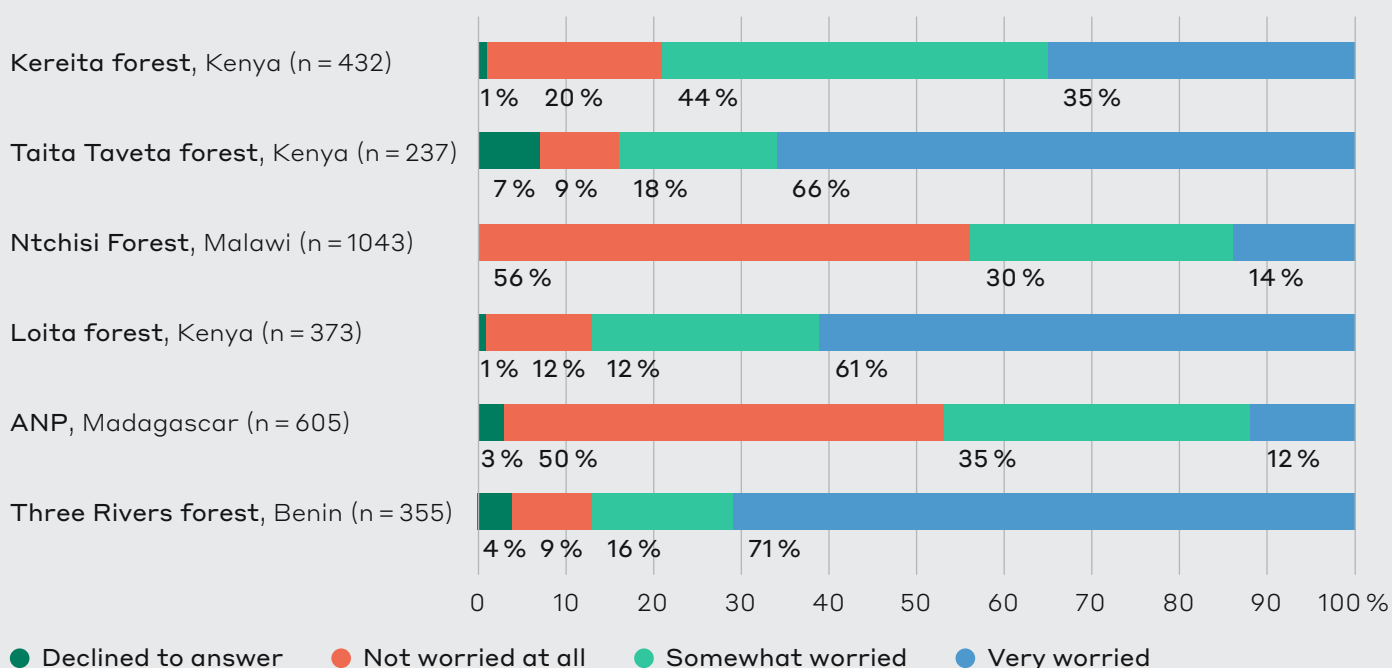
Figure 6: Perception of tenure (in) security expressed as the fear of losing access to land and resources in the coming 5 years. TMG field data, 2021–2023

Perception of tenure (in) security in and around the Three Rivers gazetted forest in Benin
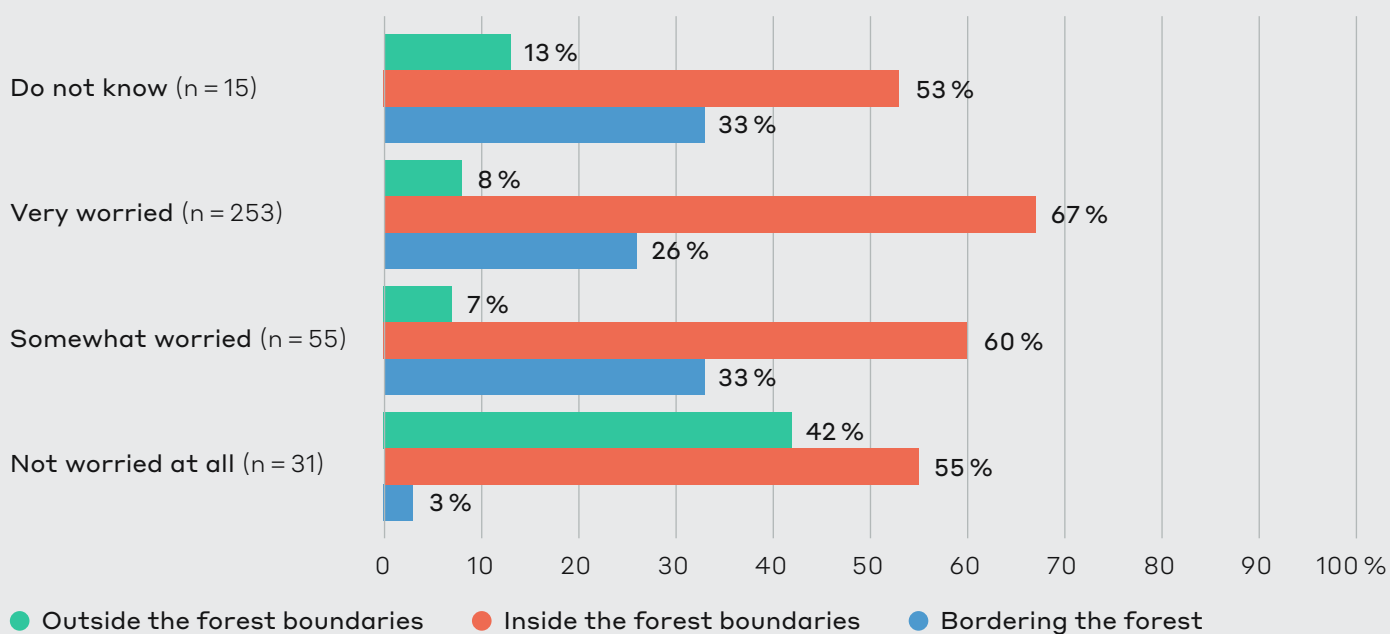

Figure 7: Perception of tenure (in) security in and around the Three Rivers gazetted forest in Benin
TMG field data, 2021 and 2022

This insecurity stems from the fear of eviction by forest authorities. In Benin, 95 percent of respondents near the Three Rivers gazetted forest cited eviction by forest authorities as their main concern, likely linked to not having any official document to claim land. Similarly, in Madagascar, about 77 percent of respondents living within COZs expressed fears of expulsion by forest authorities, despite decades of occupation and use. Around Ntchisi forest in Malawi, 62 percent of respondents shared similar concerns. Women, in particular, expressed concerns about insecure informal renting arrangements in Malawi, Madagascar, and Benin, further exacerbating tenure insecurity. Across all cases, fears of eviction by authorities outweighed concerns over disputes with neighbours or family members, underscoring the need for stronger recognition of legitimate tenure rights.

Due to varying perceptions of tenure security, mistrust between communities and forest authorities, and consequently conflicts, are also reported – but to a varying degree. Land conflicts are not always violent; they can manifest as chronic tensions, legal disputes, or community protests that reflect underlying grievances. Non-violent conflicts often emerge through legal challenges, regulatory barriers, or local opposition to land use changes, where communities may seek to preserve cultural and economic connections to the land without resorting to violence.

Of all six case studies undertaken for this report, Benin stands out as a hotspot of tenure-related conflicts. Every community member surveyed – both farmers and pastoralists – mentioned conflicts with forest officers. Focus group discussions and interactions with both community members and forest officers revealed that many disputes stem from non-compliance with formal rules for accessing forest land and resources. However, the overlap of customary and formal systems of tenure further exacerbates these tensions, creating confusion and fuelling mistrust. Conflicts typically arise with forest officers, who are the legally designated administrators of the forests. The informal nature of tenure arrangements means many disputes go undocumented, contrary to the provisions of the VGGT, which emphasise the importance of recording violations of tenure rights.

Main reasons for concerns over land tenure security in Madagascar, Malawi and Benin

Lack of resources to live decently from the land plot
- 6,98 %
- 0,58 %

Expulsion by the owner
- 8,14 %
- 5,23 %

Missing land ownership or use-right certificate
- 1,16 %
- 1,47 %
- 3,49 %

Disputes with neighbours and other belligerants
- 21,51 %
- 8,14 %

Intra family disagreements
- 9,88 %
- 31,98 %
- 5,18 %

Forced eviction by the forest authorities or the government
- 95,35 %
- 62,21 %
- 76,74 %

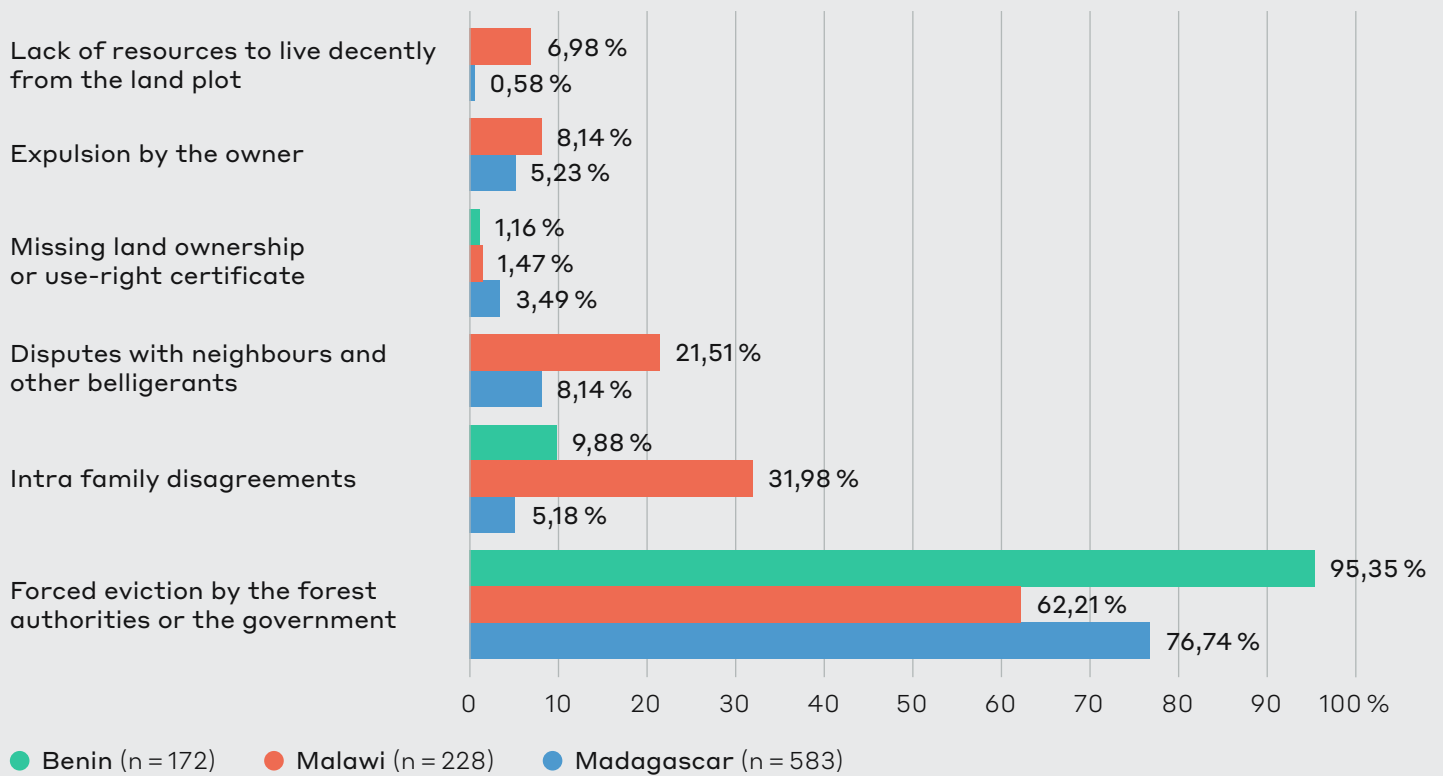● Benin (n = 172) ● Malawi (n = 228) ● Madagascar (n = 583)

Figure 8: Main reasons for concerns over land tenure security in Madagascar and Malawi
Source: TMG Research field data, 2021–2023

Types of conflicts over forest land and resources reported by Kabanou village communities

Conflict between pastoralists to foresters
- 100 %

Conflict between farmers to foresters
- 100 %

Conflict between farmers to pastoralists
- 51.2 %
- 48.8 %

Conflict between farmers
- 84.1 %
- 15.9 %

Conflict between farmers and pastoralists to timber loggers
- 91.4 %
- 8.6 %

● Respondents who did not experience conflicts (n = 90)
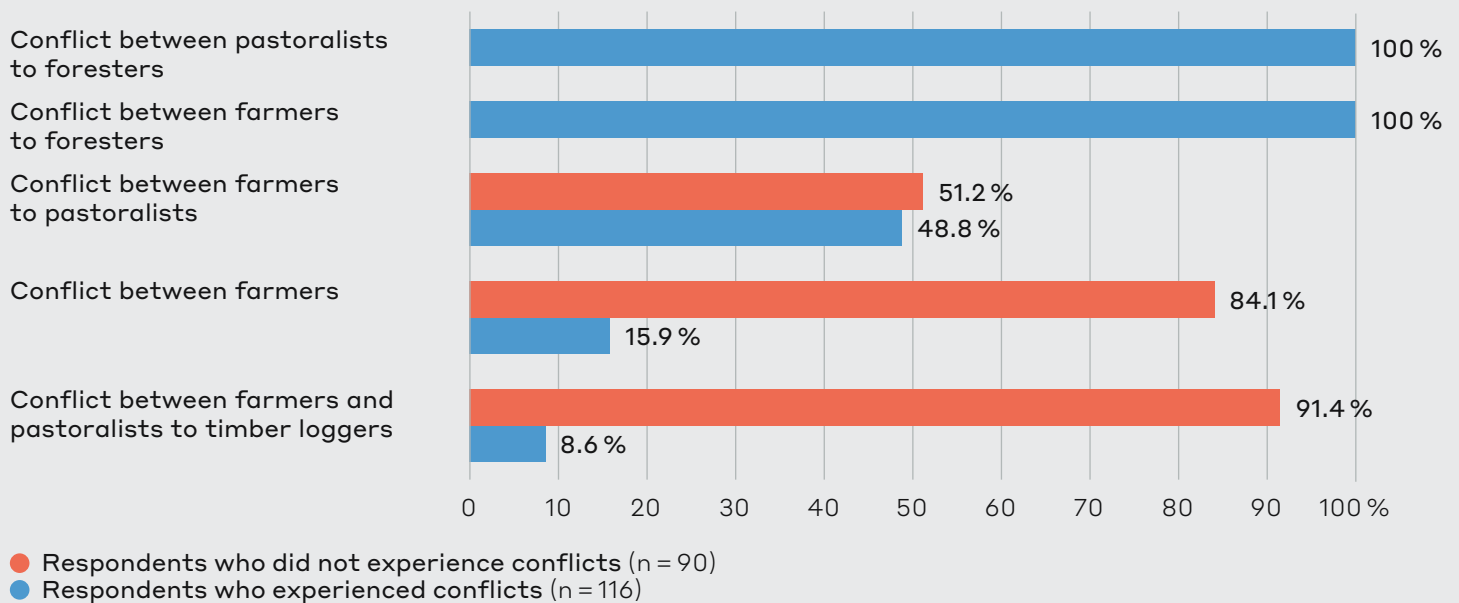● Respondents who experienced conflicts (n = 116)

Figure 9: Types of conflicts over forest land and resources reported by Kabanou village communities
(Source: TMG Global Soil Week household survey data, February 2021)

When examining the frequency of tenure-related conflicts in the other LDN priority areas, it is important to bear in mind that, in some instances, community members may not regard the frustrations they face in trying to access forest resources as 'conflicts' and may instead characterise these as 'challenges' in accessing forest resources or 'disagreements' with forest authorities. While respondents in the household survey may have reported few tenure-related conflicts, interactions with the same respondents and communities during focus group discussions often uncover conflicts that the communities label as 'frustrations', 'challenges' or 'disagreements'. For example, nearly 77 percent of respondents in the Madagascar case study expressed a strong perception of tenure insecurity, largely fearing eviction by forest authorities despite long-term land use. Similarly, in Kenya, only 14 percent of respondents reported conflicts with forest authorities, but focus group discussions revealed that top-down decision-making by forest officers fosters mistrust and inhibits the open reporting of conflicts. These hidden conflicts reflect power imbalances and limitations in participatory governance.

Such conflicts often go undocumented, preventing remediation and application of the VGGT principles as advocated by the UNCCD. Addressing these issues through participatory governance is crucial to advancing both LDN objectives and equitable land tenure security.

Scenario 2:
In areas with a weak presence of government authorities managing and administering forest areas, customary institutions play a central role in governing tenure rights. As a result, communities are less likely to experience tenure-related conflicts with forest authorities.

This was evident in community forest areas in Kenya, local forest reserves in Uganda, and in protected areas in Malawi. In these cases, limited human resource capacity – such as a lack of forest officers – limits enforcement of forestry laws and minimises interactions between communities and forest authorities. For example, in Malawi, 95 percent of respondents in one case study and 97 percent in another reported no conflicts with forest officers over forest resource access. Similarly, in Uganda, 88 percent of respondents reported no conflicts with forest authorities, with most disputes occurring among community members over grazing sites, boundaries, land use, or water access. Only 22 percent of respondents in Uganda expressed concern about losing access to forest lands and resources.

In Kenya, the limited involvement of forest authorities in managing community forests, combined with the communal governance of resources by customary institutions, also contributes to fewer conflicts. Across multiple case studies, 95–97 percent of respondents in community forest areas reported no conflicts with forest officers. These findings underscore that where customary institutions are the primary managers of tenure rights, conflicts with forest authorities are significantly reduced due to limited institutional oversight and community-driven resource management.

Participatory mapping in Kenya. © Kenya Land Alliance, 2023

Integrating land tenure in LDN programmes: TMG's approach

Over the past three years, we have developed a structured approach to integrating legitimate tenure rights into Land Degradation Neutrality (LDN) programmes. This approach is closely aligned with the principles set out in the UNCCD's Technical Guide on Integrating Land Tenure into Land Degradation Neutrality (LDN) and Land

Restoration (2022). The Guide offers practical recommendations and case-based insights to strengthen tenure security as a fundamental element of LDN measures. We have tailored and operationalized the pathways suggested in the Guide through our case studies. From this experience, we have identified the following three key areas of action:

1 Empowering communities with tools for participatory mapping and data use

Providing communities with the tools they need – such as participatory mapping and accessible data systems – is essential for fostering transparency, inclusion, and accountability when integrating land tenure in LDN measures. Our case studies have demonstrated that participatory mapping equips communities to document and validate their legitimate tenure rights, define boundaries, and actively engage in decision-making. These tools empower communities to take ownership of land governance processes while building trust among stakeholders. To ensure the effectiveness of these tools, it is vital to address power imbalances and technical challenges, making the outputs relevant and accessible to all.

2 Creating spaces for dialogue and learning

Where conflicts in LDN target areas persist, safe spaces for dialogue are essential. These dialogues allow stakeholders to share perspectives, fostering a balanced approach to land management and rights protection. Past initiatives like community dialogues at local level, or the Regional Exchange Workshop on Mainstreaming Legitimate Tenure Rights have illustrated how open conversations can bridge divides, promote mutual understanding, and support advocacy efforts for tenure rights at both the national and global levels.

3 Strengthening civil society and creating alliances as a catalyst for change

A strong civil society sector and robust alliances at all levels are needed to translate land tenure policies into meaningful action. CSOs play a pivotal role as champions of land rights, advocates for communities, and bridges between policy frameworks and local realities. Building the capacity of CSOs through training in land rights policy enhances their ability to advocate effectively, facilitate partnerships, and share knowledge across networks. In parallel, strong alliances – nationally, regionally, and globally – are essential for the successful implementation of UNCCD's land tenure decisions. Collaboration with CSOs, grassroots organisations, and international bodies amplifies advocacy efforts and ensures that policies are rooted in community needs. By uniting diverse stakeholders, we can drive collective action to secure tenure rights and promote sustainable land management.

Two spotlight issues: national and global alliances/partnerships

The importance of multilevel governance and interconnected structures for addressing tenure rights cannot be overstated. Multilevel governance frameworks and partnerships help to embed legitimate tenure rights in LDN target areas.

► **The need for multilevel governance and interlinked structures:** Successful LDN programmes require a governance framework that bridges local, national, and global levels. Multilevel governance creates an inclusive structure where tenure rights can be systematically integrated and monitored across various scales.

► **Partnerships as a pillar of strong governance:** Partnerships strengthen the integration of tenure rights in LDN programmes. Effective collaboration among community organisations, government bodies, and international stakeholders enables shared learning, resource pooling, and advocacy for tenure security.

The Benin CSO Alliance: strengthening multilevel governance and partnerships for LDN at the national level

The CSO Alliance in Benin exemplifies the vital role of multilevel governance and partnerships in advancing legitimate tenure rights within Land Degradation Neutrality (LDN) programmes. In Benin, LDN initiatives have focused on conservation and forest rehabilitation, often sidelining forest-dependent communities and their tenure rights. With support from TMG Research and the human rights organisation FIAN International, local CSOs have mobilized to use frameworks like the VGGT and UNCCD Decision 26/COP.14 to hold authorities accountable for respecting community land rights. However, limited civic space, the criminalization of human rights defenders, and a lack of formal engagement channels with UNCCD focal points have restrained CSO influence on LDN policies. To address these barriers, the Benin CSO Alliance identified two key strategies:

first, establishing a multi-stakeholder framework for dialogue to foster inclusion, transparency, and stronger governance of LDN efforts; second, empowering CSOs to participate directly in UNCCD processes to allow marginalized communities to advocate for their land rights effectively at national and international levels.

The Women's Land Rights Initiative (WLRI): a model of multilevel partnership for women's land rights

The Women's Land Rights Initiative (WLRI) shows the importance of multilevel governance and partnerships for advancing women's land tenure rights within the frameworks of the Rio Conventions. While the UNCCD has made women's land rights a priority for sustainable land stewardship, the Women's Land Rights Initiative seeks to extend this focus across the UNCBD and UNFCCC. Launched by TMG Research and the Robert Bosch Stiftung, WLRI partners with national focal points, CSOs, and grassroots organisations to creating a collaborative network that advocates for women's tenure rights at local, national, and global scales. Through coordinated workshops and aligned advocacy efforts, the WLRI strengthens the integration of women's land rights in environmental and land restoration agendas across the Rio Conventions. This multilevel approach highlights the power of partnership and shared governance structures, which are essential for embedding women's land tenure rights in LDN target areas and supporting the conventions' broader objectives. By connecting global commitments with community-led action, WLRI ensures that women's land rights are a core component of sustainable land management, providing a model for how inclusive, partnership-driven governance can address tenure rights effectively.

Forest fire, Madagascar. © LlandDev

Key recommendations

Our findings reveal significant challenges faced by governments in systematically implementing tenure decisions and recognising legitimate tenure rights within LDN priority areas. These challenges are particularly pronounced in contexts with limited resources, competing land uses, or weak governance structures. However, recognition alone is insufficient. Governments must establish robust and practical frameworks to secure these rights while ensuring that tenure systems are inclusive.

As our fieldwork in the six countries, led by strong CSOs at the national level, has demonstrated, addressing these issues requires collaborative efforts. CSOs play a critical role in bridging the gap between governments and communities by advocating for policy reforms, enhancing accountability, and facilitating meaningful local participation. Their involvement is essential to creating systems that not only recognise tenure rights but also protect them in practice.

Prioritize collaborative resource management as a pathway to achieve LDN

Key Message

Collaborative resource management, encompassing approaches such as community-based and joint resource management, is essential for sustainable land use and achieving Land Degradation Neutrality (LDN). While community-based management empowers local communities to lead efforts, joint management fosters partnerships between communities and external entities such as governments or NGOs. Both models align with the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) principles, ensuring equitable and inclusive land restoration and governance.

Recommendations:

Strengthen collaborative frameworks to embed community involvement

Support the development and expansion of participatory frameworks such as Joint Resource Management (JRM) and Participatory Forest Management Plans (PFMPs). These collaborative models create opportunities for communities to engage in decision-making, establish resource use rules, and co-manage restoration activities. For example, JRM brings together community groups and government agencies to jointly manage resources, while community-based resource management initiatives empower communities to independently steward resources such as pastures or wetlands. Aligning these frameworks with VGGT principles ensures they promote tenure security and equitable resource access.

Invest in inclusive land use planning to empower communities and prevent conflicts

Inclusive land use planning underpins collaborative resource management by integrating community voices and recognising land rights within decision-making processes. Participatory planning ensures that local needs, knowledge, and legitimate tenure rights are considered alongside broader LDN targets. For instance, land use planning for grazing areas and agricultural lands can balance livelihood demands with land restoration goals while safeguarding community land claims, preventing resource degradation and conflicts. Cross-sectoral collaboration in these efforts enhances coordination, respects tenure security, and maximizes the impact of LDN initiatives across diverse landscapes.

Strengthen access to justice and conflict resolution mechanisms

Key Message

The absence of systematic efforts to map legitimate tenure rights and establish grievance mechanisms has left critical gaps in the implementation of LDN measures. These shortcomings undermine trust, perpetuate conflicts, and leave communities without the tools to address tenure-related challenges. In areas where government capacity is limited, these gaps remain unaddressed. As a direct result of these systematic gaps, strengthening access to justice becomes critical. Without grievance mechanisms or conflict resolution systems in place, tenure insecurity and disputes remain unresolved, stalling progress towards LDN.

Recommendations:

Establish inclusive and accessible grievance mechanisms

Create easily accessible and independent grievance mechanisms to resolve land-related disputes transparently and equitably. These systems must address gaps in tenure recognition and protection while embedding gender-inclusive principles to ensure fairness for women and other marginalized groups.

Partner with civil society organisations for community-led justice

Collaborate with CSOs to develop cost-effective, community-driven dispute-resolution systems. Incorporate a dual-layered approach with grievance mechanisms to resolve immediate issues at the community level through 'home-grown solutions' and formal resolution processes for complex disputes, promoting trust and reducing conflict escalation.

Best practice Example:

The Haki Ardhi ("Right to Land") initiative in Kenya exemplifies a powerful, community-led approach to land rights reporting. Using a toll-free SMS hotline, Haki Ardhi allows individuals to report land rights violations directly to paralegals and community organisations. This system makes recourse to justice more accessible by addressing barriers such as transportation costs and conflict risks associated with in-person reporting. Through partnerships with umbrella organisations and local CSOs, Haki Ardhi also collects data on recurring violations. This supports advocacy, holds government and traditional authorities accountable, and empowers people to assert their rights in land disputes. The success of Haki Ardhi illustrates how independent reporting systems can enhance access to justice for marginalized communities.

Creating an enabling environment for National Focal Points

Key Message:

Empowering UNCCD NFPs requires an enabling environment that supports their ability to translate global commitments on land tenure and women's land rights into national and local actions. Establishing support groups to provide technical assistance and creating room for flexible decision-making and actions are key steps in strengthening collaboration with civil society, other Rio Conventions, and local stakeholders for effective and inclusive implementation.

Recommendations:

Establish dedicated support groups and foster collaborative networks for NFPs

As a first step to creating an enabling environment, establish dedicated support groups to provide technical and strategic assistance to NFPs on land tenure, land restoration, and gender-sensitive approaches to land management. These groups can ensure consistency and continuity by offering sustained input, addressing shared challenges, and fostering long-term impact with multiple NFPs. In parallel, facilitate collaboration among NFPs from UNCCD, UNFCCC, and CBD to align climate, land use, and land restoration initiatives. Support groups should serve as a bridge between NFPs and other stakeholders, ensuring that cross-sectoral efforts are coherent, well-coordinated, and inclusive.

Enhance grassroots engagement for inclusive implementation

Create formal networks or use the working groups to connect NFPs with grassroots organisations and CSOs to foster inclusive agenda-setting and participatory decision-making. Mandate regular consultations with communities to ensure grassroots perspectives directly inform national policies and restoration programs. Use multistakeholder dialogues as platforms for collaboration and accountability, making grassroots engagement a priority.

Best practice example: establishing support groups and enhancing grassroots engagement

In 2024, The UNCCD Secretariat and FAO initiated a joint initiative that has supported national-multistakeholder dialogues and conversations on land tenure. Of more than 30 countries that applied for this support, Five countries (Kazakhstan, Kenya, Mexico, Senegal, and Sri Lanka) were selected for the first phase of this initiative. This can be considered a first entry initiative at the national level for such support groups aimed at creating an enabling environment for NFPs.

In August 2024, a national dialogue on land tenure within land restoration initiatives was convened in Nairobi, Kenya. Organized by Kenya's Ministry of Environment, Climate Change and Forestry, with TMG Research as co-conveners, the dialogue brought together a wide range of partners, from government ministries, international organisations, community members and grassroots representatives, including the 15 Billion Trees secretariat (Kenya's flagship restoration programme). This consultation platform exemplifies the importance of fostering collaborative networks and grassroots engagement to address land tenure issues in sustainable land management and restoration efforts. The range of issues discussed at the meeting highlighted entry points (specific to the Kenyan context) that can enhance the national land restoration programme by recognising and securing tenure rights of local communities in line with the UNCCD land tenure decision. The outcomes of the meeting included next steps that can ensure that the integration of tenure issues in land restoration initiatives is a continuous process. This example underscores the potential of dedicated support groups and multistakeholder dialogues as effective tools for advancing land tenure and restoration goals in alignment with global and national commitments.

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