



PEOPLE-CENTRED LAND GOVERNANCE FOR PEACE, SECURITY AND STABILITY

Exploring Rule of Law Solutions



International Development
Law Organization

People-Centred Land Governance for Peace, Security and Stability:
Exploring Rule of Law Solutions

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As the only global intergovernmental organization exclusively devoted to promoting the rule of law as an enabler of peace and sustainable development, IDLO has worked across the world to support land governance reforms that embrace a people-centred and rights-based approach to justice.

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List of Acronyms

ASEAN	Association of Southeast Asian Nations
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CESCR	Committee on Economic, Social and Cultural Rights
Escazú Agreement	Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
Kampala Convention	African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa
UNCBD	United Nations Convention on Biological Diversity
UNCCD	United Nations Convention to Combat Desertification
UNCRC	United Nations Convention on the Rights of the Child
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNDROP	United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas
UNFCCC	United Nations Framework Convention on Climate Change
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
WFP	World Food Programme

Executive Summary

In many parts of the world, people have a deep connection with the land from which they derive not only sustenance, livelihoods, and resources, but also their identities and dignity. Ensuring that a greater number of people are able to access, control, and use land is not only essential to reducing inequalities – it is also a key driver of sustainable development and human rights for all.

Land is a vital resource that underpins livelihoods and economic opportunity. Secure land tenure is fundamental to inclusive and sustainable economic growth. Conversely, the denial of land access—resulting in dispossession and impoverishment—is a major driver of instability and conflict. Advancing inclusive, people-centred land governance is essential not only for promoting economic development but also for reducing instability and sustaining peace.

As the main productive factor in many developing countries and the source of livelihoods for billions of people worldwide, land is integral to the realization of broad-based economic growth. Secure land tenure is not just a governance issue; it is an economic imperative, a necessary precondition for rural employment and livelihoods, and for access to credit markets and public services. It incentivizes long-term agricultural investments, boosting agricultural yields and food security; encourages market participation and rural-urban mobility; and increases growth-inducing social stability, since stronger property rights are linked with greater resilience and stability. Without secure tenure, millions remain trapped in poverty, unable to leverage land as a means of financial security or economic opportunity.

The rule of law is a key enabler of people-centred land governance, which prioritizes the needs, rights, and interests of individuals and communities in decisions

about land use and management. Advancing legal empowerment, securing land rights, including for women and girls and the most vulnerable groups, enacting and reforming laws and policies to ensure equity, strengthening both formal and informal justice systems, and fostering participatory governance can promote sound environmental stewardship and help build a more sustainable, balanced, fair, and inclusive relationship between people and the land.

As the only global intergovernmental organization exclusively devoted to promoting the rule of law as an enabler of peace and sustainable development, the International Development Law Organization (IDLO) has worked across the world to support land governance reforms that embrace a people-centred and rights-based approach to justice.

This brief underscores how the rule of law can strengthen a people-centred approach to land governance that delivers growth and sustains peace. Building upon international best practices and insights from IDLO's own programmatic experience, the brief identifies seven key rule of law entry points for people-centred land governance for economic opportunity and long-term stability:

1. Legal empowerment
2. Women's land rights
3. Legal and policy reform
4. Strengthening justice institutions
5. Engaging with legal pluralism
6. Participatory governance
7. Digitization, data management and access to information

The brief also includes a set of conclusions:

- People-centred land governance involves a paradigm shift towards more inclusive, fair, and sustainable approaches to land use and management.
- By prioritizing the rights and needs of individuals and communities, rule of law approaches hold the potential to address historical injustices, promote environmental stewardship, and foster social cohesion.
- Legal empowerment can equip rightsholders with the tools and skills to advocate for their rights – while targeted interventions are vital to reducing inequalities within society.
- Well-designed laws and policies can protect the natural environment while upholding the rights of those who depend on it.
- Enhancing access to both formal justice systems and customary or informal justice mechanisms can improve their responsiveness, functionality, and effectiveness in addressing the growing range of land use disputes and challenges.
- Involving communities through inclusive and participatory governance is integral to ensuring that their voices are at the heart of decision-making processes.
- Embracing digitization and data management tools can promote efficiency and transparency while empowering justice seekers to participate in land and resource management.

PART 1.

Introduction

In many parts of the world, people have a deep connection with the land from which they derive not only sustenance, livelihoods, and resources, but also their identities and dignity. Ensuring that a greater number of people are able to access, control, and use land is not only essential to reducing inequalities – it is also a key driver of sustainable development and human rights for all.

Land is a vital resource that underpins livelihoods and economic opportunity. Secure land tenure is fundamental to inclusive and sustainable economic growth. Conversely, the denial of land access—resulting in dispossession and impoverishment—is a major driver of instability and conflict. Advancing inclusive, people-centred land governance is therefore essential not only for promoting economic development but also for reducing instability and sustaining peace.

The role that land plays as an enabler of other rights has been explicitly recognized by the Committee on Economic, Social and Cultural Rights, and acknowledged in a number of international and regional conventions, treaties, guidelines and frameworks. Yet weak legal and policy frameworks, inadequate land tenure systems, and ineffective enforcement mechanisms, among others, pose significant barriers to the realization of those rights.

Obstacles to land access, ineffective land tenure arrangements, poor administrative practices, and privatization of land that leads to land grabbing, among other factors, leave communities vulnerable to land disputes, forced evictions, and perpetual insecurity. Land governance challenges have also evolved in the face of contemporary challenges. The world's population is expected to reach close to 10 billion people by the mid-point of the century, placing a greater burden on the need for housing, food, energy, minerals, and other resources.

Land access is also threatened by natural disasters and environmental degradation: the increasing frequency

and severity of storms, floods, rising temperatures, biodiversity loss, soil erosion, droughts and famine mean that some lands are no longer fertile, some regions are no longer inhabitable, and the demand for increasingly scarce productive resources will rise. Affected populations will either choose or be compelled to leave their homes and move from rural areas to urban ones, from coastal regions inland, or across borders in order to find security or gainful employment.

Land governance dynamics are often shaped by established social norms or customary practices, which can negatively affect women and girls. For example, discriminatory inheritance laws and practices, violence against women and girls, and lack of representation hinder women's access to land, participation in land governance processes, and access to livelihoods and food security.¹ Limited access to legal recourse, bureaucratic hurdles, and barriers such as geographic distance to a courtroom, financial burdens, and the ability to take time off for legal matters further alienate and disenfranchise the groups that require justice the most. This is particularly true for those experiencing multiple forms of inequality and discrimination.

When prevailing conditions of land tenure insecurity are mixed with pre-existing social, ethnic, religious or political tensions, they can intensify grievances and disputes over land. If these tensions arise in a context with weak governance structures and inadequate dispute resolution mechanisms, non-violent disputes can quickly turn into violent ones, undermining local and regional peace and security. The existence of conflict can un-do in an instant decades' worth of hard-won goals on human rights and development, while resulting in further mismanagement and degradation of the natural environment and leading to the breakdown of food systems. This can leave people and communities trapped in a vicious cycle where the consequences of conflict further aggravate the conditions that gave rise to it in the first place.



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As the main productive factor in many developing countries and the source of livelihoods for billions of people worldwide, land is integral to the realization of broad-based economic growth. Secure land tenure is not just a governance issue; it is an economic imperative, a necessary precondition for rural employment and livelihoods, and for access to credit markets and public services. It incentivizes long-term agricultural investments (such as irrigation and soil improvement), boosting agricultural yields and food security; encourages market participation and rural-urban mobility; and increases growth-inducing social stability, since stronger property rights are linked with greater resilience and stability. Without secure tenure, millions remain trapped in poverty, unable to leverage land as a means of financial security or economic opportunity.

As the only global intergovernmental organization exclusively devoted to promoting the rule of law as an enabler of peace and sustainable development, IDLO has worked across the world to support land governance reforms that embrace a people-centred and rights-based approach to justice.

The rule of law is a key enabler of people-centred land governance, which prioritizes the needs, rights, and interests of individuals and communities in decisions about land use and management. Advancing legal empowerment, securing land rights, including for

women and girls and the most vulnerable groups, enacting and reforming laws and policies to ensure equity, strengthening both formal and informal justice systems, and fostering participatory governance can promote sound environmental stewardship and help build a more sustainable, balanced, fair, and inclusive relationship between people and the land.

This brief underscores how the rule of law can strengthen a people-centred approach to land governance that delivers growth and sustains peace. It begins with an overview of some of the existing and emerging challenges from a rule of law perspective, from exclusive land tenure arrangements and unsustainable land governance practices through to natural disasters and environmental degradation, and ultimately conflict and food insecurity. It explores the different legal and regulatory regimes that outline rights to land, and provides specific insights into how land governance challenges can undermine the rights and interests of women and girls, Indigenous people, pastoralists and smallholder farmers, migrants and internally displaced populations.

It identifies seven key rule of law entry points that build upon both international best practices and insights from IDLO's own programmatic experience, and concludes with recommendations that leverage people-centred land governance for economic opportunity and long-term stability.

PART 2.

Land Governance Challenges

Land holds a central place in society. Beyond providing income for billions of people worldwide, it is also a source of health, well-being, and often the foundation of cultural identity and belonging.

The term “land governance” covers the rules, practices and procedures of managing land and natural resources. It concerns what decisions are made, how they are made, and who they are made by. Due to the significance of land to each and every country and culture, the form that land governance takes in any given context is diverse and varied and includes a wide range of formal and informal structures, mechanisms, laws, policies and customs.

People-centred land governance relies on land tenure security, land administration, sustainable land use, equity and inclusivity, and transparency and accountability. Fostering effective and fair land governance practices can promote peaceful and inclusive societies that enable the conditions for sustainable development and ecosystems to flourish, while also having a transformative impact on the attainment of human rights. Yet in most circumstances, several barriers and challenges prevent inclusive, people-centred land governance models from coming to fruition.

If left unchecked and without adequate dispute resolution mechanisms, land governance challenges can also heighten threats or occurrences of conflict and violence. Such scenarios lead to a breakdown in the rule of law, and the effects are harshly experienced by society’s most vulnerable and marginalized constituents. Conflicts related to land and resources are context-specific, triggered by a variety of complex and overlapping factors including political, institutional, socio-economic, and resource-related dynamics. Competition over land is generally due to its economic value and role as provider of identity, social validity, and political territory - and this competition can be

further compounded by ethnic, religious, or political tensions, potentially leading to breakouts of violence.

2.1. Inequitable Land Tenure Arrangements

Many people and communities around the world face insecurity in their land tenure. Land tenure security refers to the level of confidence that one’s rights to own, access, or use land will be recognized and protected by relevant authorities or courts. The more uncertainty individuals face about whether their rights will be upheld in the face of competing or conflicting claims, the greater their experience of land tenure insecurity. This can lead to the risk or fear that people may be evicted or unable to fully enjoy their rights and freedoms. Legally enforceable tenure can take a variety of forms – both documented and undocumented; formal, informal, and customary; and for individuals and for groups.

Data from 2024 estimates that approximately 23 per cent of adults from 108 survey countries feel that their land and property rights are insecure – amounting to around 1.1 billion people. This represents an increase of around 239 million people from the 2020 figures, attributable to the rising cost of living, increasing prevalence of conflict, and the threat or occurrence of natural disasters, among other factors. The East Asia and Pacific region saw the biggest rise in insecurity levels over the reporting period.² The consequences of prolonged and persistent shortcomings in enforcing rights or safeguarding tenure security are felt most acutely by those living in poverty or who already experience inequality and insecurity. Land governance practices that exclude these groups leave them less able to benefit from the productive value of land and natural resources. They leave their fundamental rights unfulfilled – particularly economic, social and cultural rights – and lessen their ability to adapt and build

resilience to the increasing effects of climate stress, biodiversity loss and desertification.

Inequitable land tenure arrangements are a prevalent problem in several parts of the world which can give rise to land tenure insecurity and deprive people of their rights. Encroachments on land, unauthorized development projects, uncertain demarcation of customary land boundaries, government-mandated land acquisitions without adequate compensation, disputes between competing land users - and ineffective governance structures to address these disputes – can all contribute to a scenario where individuals and groups may be involuntarily removed from their land or place of residence. The way in which land tenure insecurity is felt is shaped by other socio-cultural factors. For example, women and girls experience tenure insecurity differently from men and boys, meaning that there is no one-size-fits-all solution to addressing the challenges that are faced.

Land tenure security can vary depending on whether the tenure arrangements are customary or statutory, and the question of which regime should be applied in a given situation can often be a key point of contention between parties with competing claims over the same piece of land. In rural areas, customary systems can be more commonplace and have the benefit of being more flexible and culturally resonant – but a lack of formal legal recognition can limit the extent of tenure security, particularly in the face of competing claims. Statutory systems provide formal legal recognition, but may not always align with local practices and needs. For women's land tenure security in particular, the interplay of legal pluralism and community or family norms adds a layer of complexity. Even if women have a statutory right to inherit land and property, local practices or family pressures may actively work against them claiming their inheritance. This can increase tension between women and their families or communities, resulting in loss of other resources and support.³

2.2. Exclusive and Unsustainable Land Use Practices

In addition to land tenure insecurity, the way that land is used poses further challenges to land governance. Increasingly unsustainable and exclusive practices can

degrade the natural environment with knock-on effects for peace and sustainable development. Heightened competition for land and natural resources can also act as a further stressor for tenure insecurity, and competing claims can often resolve in favour of parties with greater resources at their disposal – including multinational corporations who often prioritise the short-term benefits of land over its long-term health and viability.

Relevant patterns of land use change include those that arise from deforestation and desertification, agricultural development on communal lands, urban development, illegal land grabbing, or environmental conservation measures.⁴ For example, extensive cattle ranching by large multinational corporations is the leading cause of deforestation in the Amazon rainforest⁵ – which has resulted in the widespread eviction of Indigenous people and pastoralists from their lands while causing extensive and lasting damage to the natural landscape. The development of large infrastructure projects, including oil pipelines, has also resulted in the widespread displacement and resettlement of populations – often without due process or adequate compensation.⁶

As the world's population continues to grow and rural-urban migration flows increase, urban development encroaching upon previously unoccupied land can disrupt ecosystems and displace existing communities from their land. The onset of the so-called 'Fourth Industrial Revolution', characterized by advancements in technology and digitalization, has led to a spike in demand for the mining of rare earth minerals such as cobalt, graphite and lithium. In countries including the Democratic Republic of the Congo, the extraction of minerals has led to rises in pollution, deforestation, and soil erosion that threatens biodiversity.⁷

As the commodification of land increases its value, groups with land tenure insecurity may find their rights violated through illegal land occupation and land-grabbing. In many cases this is obtained or enforced through acts of violence. Insecurity and violence from illegal occupations and land-grabbing thrive in environments where governance structures are ineffective, where the rule of law is weak, and where corruption is rampant. When authorities are unable



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or unwilling to address this, trust in institutions can breakdown – making a just and lasting resolution harder to come by.

Customary rights holders, which can include many groups of Indigenous peoples and pastoral communities, are disproportionately vulnerable to the negative impacts of land use change activities due to their unique cultural and spiritual attachment to land. In many cases, lack of legal protection, competition over land, and unclear land tenure can result in conflicts or the targeting and killing of local environmental and human rights defenders, as well as mass dispossessions leading to more adverse effects.

2.3. Lack of Data Collection and Use, and Limited Access to Information

Limited resources and technical capacity at the national and local levels have resulted in a lack of uniform data that prevents comprehensive analysis about land use and governance. Developing, collecting, using, analysing, and sharing quantitative and qualitative data on land governance can enhance transparency, build trust and confidence, and increase tenure security for stakeholders. This can cover issues from ownership records, tenure arrangements, land use plans, and demarcation of boundaries, to environmental assessments and the effects of different land use practices on the health of land and natural resources.

When information is missing or incomplete, it can increase the likelihood of unsustainable land governance practices, lead to disputes between competing land users, and direct finance and investment away from where it is most needed. Even initiatives that aim to protect or conserve the natural environment can have maladaptive consequences if they are not data-driven.

For many people, tenure security could be enhanced through greater access to information about planned infrastructure developments or land use projects, or early-warning systems that can anticipate the likelihood of natural disasters, drought, famine or conflict. For women and girls in particular, a lack of sex-disaggregated data on the impact of land governance challenges can render them invisible to policymakers, who may be unable to design targeted interventions to reduce inequalities and further entrench their conditions of tenure insecurity.

Without access to accurate and timely information, land users may be unaware of their rights and unable to participate in decision-making processes in an informed manner. The resulting blind-spots can lead to spaces where corruption persists unchecked, or where lawful rightsholders are exploited with impunity.

2.4. Natural Disasters and Environmental Degradation

Increasingly over time, the world has had to contend with the rising frequency and severity of natural disasters, extreme weather events, and environmental degradation which pose urgent challenges to the protection of human rights, food security and nutrition, global public goods such as health, and progress towards a more peaceful world.

All indications from the best available science are that these trends will only continue to get worse over the course of the 21st century. Diminishing water sources, rising sea-levels, desertification, unpredictable and extreme weather patterns disrupt supply chains that are dependent upon arable land and intensify competition over the vital resources necessary for sustaining lives and livelihoods on every continent. One of the foremost challenges for land governance actors

is to adapt to these environmental stresses and build resilience to their impacts.

In some instances, measures taken in the name of environmental protection can do more harm than good: Whereas environmental conservation measures are necessary for the preservation of biodiversity, they can also clash with the rights and interests of populations reliant on land for their sustenance and survival. In regions like the Congo Basin, the creation of protected areas – known as “fortress conservation”⁸ – has resulted in the partial or complete relocation of local Indigenous and farming communities without adequate compensation or reparation. These measures disrupt traditional agricultural, hunting, and gathering practices, leading to food insecurity, loss of livelihoods, and a fraying of the social contract.

Inadequate efforts to prevent and address environmental degradation may severely limit land access, particularly for marginalized groups. Carbon credit and offset projects are a case in point: these mechanisms are designed to reduce greenhouse gas emissions by allowing countries or companies to purchase credits representing emissions reductions elsewhere. This often involves land-use changes, such as reforestation or renewable energy installations that may lead to displacement of communities living in those areas. Tree-planting schemes are often used in carbon offset programmes and can lead to land grabbing as private actors seek to capitalize on the economic incentives at stake.⁹

2.5. Land Conflict

The fear among landowners and users that they may be forced off their land creates tenure insecurity that, combined with underlying social, ethnic, religious or political tensions, can produce conflict. The absence of effective governance and accessible justice pathways can escalate nonviolent disputes into violent ones. Even the process of formalizing land tenure can be conflict-generative in and of itself, if the process undermines the land rights of customary tenure holders, or where lease and rental agreements can facilitate land-grabbing.

In competing claims to land, forceful displacement of rightful landowners often leads to resistance against illegal occupants, as well as between the illegal occupants and those enforcing the law. Illegal land allocations and occupation are often the spark for land-related conflicts.¹⁰

Conflict and land degradation - from environmental disasters, biodiversity loss, desertification, and other drivers - often exacerbate one another, creating a vicious cycle with profound social, economic, and environmental implications. As land quality declines due to degradation, its productivity diminishes, leading to reduced agricultural yields, lower levels of soil quality, and fewer nutrients. This can negatively impact food systems and the populations who rely on them.

These factors can trigger competition among communities for dwindling resources, such as water, fertile land, and forest resources, pitting competing land users against one another in contexts where tensions are likely to run high. Land itself is often collateral damage from conflict – further worn down by violence or neglect, and leaving people more vulnerable to displacement, food insecurity, and greater exploitation - making the occurrence of further violence more likely. In fragile contexts, land degradation and conflict are interlinked, “particularly in situations of mass displacement and migration, food insecurity and competition over land use by different groups”, as research conducted in Sudan, Jordan and Niger found.¹¹

The growing number of challenges to land governance can contribute to a disenfranchisement among young people and an irreparable severance of the social contract. As the distrust they have in institutions rises and the opportunities for their social and economic advancement become harder to grasp, young people and children may be more vulnerable to recruitment by armed forces and violent extremist groups. In the absence of effective governance and adequate dispute resolution mechanisms, the United Nations Interregional Crime and Justice Research Institute (UNICRI) reported that Boko Haram and the Islamic State’s West Africa Province capitalized on the situation in the Lake Chad Region, covering parts of Nigeria, Niger, Chad and Cameroon, in order to recruit

young people into drugs and arms trafficking and cattle rustling,¹² creating a cycle of instability that further increases the security risks in the region.

2.6. Food Security

Food insecurity is a cause, driver, and consequence of conflict, which can heighten over time when not resolved. Experts on the complex links between food insecurity and instability have noted that there is a vicious “feedback loop” between food insecurity and conflict across the globe. War drives hunger, and hunger drives war.¹³

As the availability of food decreases, the likelihood that conflicts will arise over food itself grows, as well as over the land on which food can be grown. Violence can occur because of the perceived threat to human security. Individuals or communities may resort to increasingly desperate acts in order to feed their families and themselves.¹⁴ This can range from the simple theft of food belonging to others, to engaging in land border disputes with a neighbour or nearby community – either verbally or forcefully.

According to the 2025 Global Report on Food Crises, conflict was the most significant driver of food insecurity in 20 countries or territories, affecting almost 140 million people.¹⁵ Conflict can drive food insecurity both directly and indirectly, ranging from acts of burning crops and depriving civilians of sustenance, to forcing displacement of communities and livestock and destroying infrastructure.¹⁶

Land degradation, increasing biodiversity loss and the occurrence of environmental shocks and stresses will further amplify adverse implications for the world’s ability to produce and distribute adequate food for all. This experience can be exemplified by the ongoing tension experienced by herders and farmers in Nigeria, where food insecurity because of growing populations and reduction in arable land due to crop failures and the drying up of rivers has resulted in herders migrating to land historically managed by farmers. Reduction in food production for both groups has ignited tension between herders and farmers, resulting in violence. Food insecurity and rising temperatures contributed to the causes of this conflict, but the persistence of these



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conditions continues to drive food insecurity, as the violence experienced and perpetrated by both farmers and herders decreases overall food production.¹⁷

2.7. Migration and Displacement

Weak tenure security and unclear land rights can amplify people and communities' vulnerability to displacement. When land governance systems break down and living conditions become untenable, people may have no other option but to leave their homes, exposing them to situations of insecurity, uncertainty, and a myriad of legal and justice challenges. Migration and displacement exist on a spectrum of population movement, and the reasons why people move are often multifaceted and complex. On the one hand, small-scale rural migration or rural-urban migration may occur due to deteriorating land quality and a lack of economic opportunities, leading individuals to decide that their quality of life may be enhanced by moving elsewhere. On a larger scale, every year people are forcibly displaced to make way for large-scale development or business projects, such as dams, mines, oil and gas installations, or ports.¹⁸

Even the push for a green transition that accelerates investments in renewable energy poses risks in fragile and conflict-affected regions when local populations are displaced to make way for them. And at the extreme end of the spectrum, sudden-onset natural disasters or the outbreak of conflict can force people to flee internally or across borders, carrying with them only the bare essentials. In every scenario, the burdens of displacement fall disproportionately on those who are already subject to different forms of discrimination and inequality – including women and girls, Indigenous people, and youth.

The impacts of diminishing water sources, rising sea-levels, desertification, unpredictable and extreme weather patterns on land governance and the ensuing migration and displacement is well documented. This, in turn, exacerbates environmental stressors and resource scarcity which have contributed to conflicts over land, water, and grazing areas and led to the displacement and migration of communities.¹⁹ This loss of livelihood contributes to intercommunal tensions, competition over resources, and conflict between herders and farmers.

Land use changes have also increased the occurrence of migration and displacement. As the United Nations Office of the High Commissioner (OHCHR) reports, shifts to large scale farming has resulted in forced evictions, displacements and local food insecurity, which in turn has contributed to an increase in rural to urban migration and placed further pressure on access to urban land and housing.²⁰ A significant portion of this displacement might occur in ways that violate the human rights of affected communities, exacerbating their already precarious circumstances. Land disputes frequently serve as primary drivers of violent conflicts, emphasizing the importance of restoring housing, land, and property rights for returning refugees and internally displaced persons as integral to peacebuilding efforts.

As displacement occurs, conflicts over land can arise with host communities. For example, Uganda hosts nearly 1.6 million refugees, who are provided with a plot of land that is often insufficient for sustaining livelihoods. This not only creates potential insecurity for refugees but also makes land conflict with host communities common due to the overlapping and informal nature of land tenure systems. Flash-points can arise over the limited shared resources between host communities and refugees, such as water points, forests and woodlands where both communities can get wood for fuel, or graze their animals. This creates a critical need for better land access solutions to enhance the self-reliance of refugees, and foster harmonious relations between refugees and host communities.²¹

In case of war, major displacements of civilian populations can give rise to new conflicts over the land in which the displaced have sought refuge and sustenance, or when displaced persons try to return to their homes and find them occupied by others. This was the case in Northern Uganda, where people who were displaced during Lord's Resistance Army insurgency returned to the region after two decades only to discover that previously known boundary marks had been removed, other occupants had taken over their land, and elders with memories of local symbols, customs and traditions had died. Without addressing the grievances from past conflicts, regions are likely to remain in a state of perpetual insecurity that threatens long-term prospects for peace and stability.²²

PART 3.

International Frameworks in the Context of Land Governance

While a universal right to land is not explicitly enshrined in international human rights law, the fundamental provisions of a 'right to land' have regularly been interpreted on the basis of international legal frameworks. In its General Comment No. 26 on land and economic, social and cultural rights, the Committee on Economic, Social and Cultural Rights acknowledged the centrality of land as the basis for the realization of a range of rights under the ICESCR, and delineated the scope of 'Covenant rights related to land' and 'land-related rights of the Covenant' for the first time. This directly and indirectly includes the rights to adequate food, adequate housing, water, the highest attainment of physical and mental health, to take part in cultural life, and self-determination.²³

International legal instruments pertaining to other disciplines have also reinforced the importance of access to land in order to realize their objectives – including conventions, treaties, guidelines and frameworks on property, housing, and an adequate standard of living; food, water, and health; non-discrimination, the rights of women and girls, and the protection of Indigenous rights; and also rights pertaining to environmental protection and conservation. As displayed by the graph in figure 1, the resulting relevance and interplay of different legal regimes at different levels has woven a rich tapestry of jurisprudence upon which justice seekers have had recourse to uphold their rights to land and natural resources, and which ensures that people can be at the heart of the land governance agenda.

Figure 1: Key International Legal Frameworks



PART 4.

Key Stakeholders and Rightsholders

International human rights law guides law and policymakers to take into consideration the different needs and circumstances of different groups. Land governance challenges have a disproportionate impact on populations that have historically faced marginalization and continue to experience exclusion within land governance structures, widening inequalities and leaving people and communities further behind. Taking into consideration their legal rights and interests is integral to implementing a people-centred approach to land governance and ensuring that nobody is left behind. Specific international legal frameworks have highlighted the importance of land rights and secure land tenure for the full realization of the rights of women and girls, Indigenous people, and pastoralists and smallholder farmers, among others.

4.1. Women and Girls

Women's rights to land constitute a powerful tool for their legal and economic empowerment. Although women might have access to land for the purposes of tilling it and utilising it for production, they often lack guarantees of control and ownership. Control over land and other productive assets enables them to generate an income, provide for themselves and their families, and ultimately break down many of the systemic barriers within society. Secure land rights for women can give them greater bargaining power at household and community levels and are often correlated with better outcomes for them and their families across a wide spectrum of development indicators, including better metrics on child nutrition and lower levels of violence against women and girls. Studies show that if women had the same access to land and productive resources as men, overall hunger could be reduced by 12-17 per cent.²⁴

Core human rights instruments have long stated the need for women and girls to enjoy rights to land and property on an equal basis to men and boys – a right that all States have an obligation to take action to fulfil. Both the ICESCR and the ICCPR, under Articles 3 and 26 respectively, outline that men and women have equal rights and are entitled to equal protection. Article 11 of the ICESCR further recognizes the right everyone to an adequate standard of living – including housing. More specifically, Article 14 of CEDAW acknowledges the right of rural women to equal treatment in land and agrarian reform and land resettlement schemes, as well as the right to enjoy adequate living conditions, particularly in relation to housing, while Article 16 binds States Parties to take all appropriate measures to eliminate discrimination in all matters relating to marriage and family relations, including with regard to property. In 2016, the CEDAW Committee's General Recommendation No. 34 called on States parties to take all measures to achieve the substantive equality of rural women in relation to land and natural resources, including through legislative reforms and by promoting the participation of women in agricultural cooperatives and through the management of fisheries, aquaculture, forests and sustainable forest resources.²⁵ Two years later, General Recommendation No. 37 provided guidance to States on implementing their obligations under the Convention with specific provisions to promote and protect women's equal rights to land and natural resources.²⁶ The need to achieve equality with respect to land and property rights can also be found in, among others, the Beijing Declaration and Platform of Action, the VGGT, and UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Goal 5 of the 2030 Agenda also includes targets and indicators on equal rights to economic resources, property ownership and financial services for women.



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Despite this, progress remains incremental, and women continue to be significantly disadvantaged relative to men with regards to the ownership, management, transfer, and economic rights associated with agricultural land. Of 68 countries with available data on women's land ownership and control, nearly half lack sufficient legal protections.²⁷ In many regions, land ownership is primarily male-dominated, with women either having insecure tenure rights or being excluded altogether. Inheritance laws and customs often prioritize male heirs, leaving women without inheritance rights to land – particularly in contexts where customary tenure systems prevail or where land rights are not formally registered. Power dynamics within households and communities often marginalize women's voices in land governance processes, and can leave women more susceptible to acts of violence from their partners or within their local area.

In times of crisis, from natural disasters to conflict, the gaps and weaknesses in land governance systems greatly heighten the conditions of insecurity for women and girls. Discrimination in access to natural resources and a lack of access to capital means that women have less influence over how resources are utilized in response to tropical storms, which can often be the difference between life and death. Women shoulder the vast majority of the unpaid care burden, and the effects of rising temperatures, erratic rainfall patterns and natural disasters on agricultural yields and the availability of natural resources contribute to rural women travelling further distances to secure water, fuel and food for their families and communities. As highlighted by IDLO's research, violence against women and girls – which increases during periods of conflict or in response to environmental disasters – can be used to control women's access to natural resources, including through coercive force to manage negotiations over land rights, or authorities demanding sexual favours in return for land use rights.²⁸

4.2. Indigenous People

Indigenous people occupy a pivotal and irreplaceable position in biodiversity conservation and the health of the world's ecosystems. Despite numbering just 6 per cent of the world's population – comprising a

geographically and culturally diverse 476 million people – they help protect an estimated 80 per cent of the world's remaining biodiversity, sustaining the lives of up to 2.5 billion people in the process, as well as an untold number of species and ecosystems.²⁹ Indigenous women in particular have been recognized 'as having particular knowledge of ecological linkages and fragile ecosystem management'.³⁰ Beyond its socioeconomic value, most Indigenous cultures derive a strong sense of spiritual and cultural identity from land and natural resources that distinguish their relationship with their environment from that of many other groups.

Above all else, Indigenous People are key land governance stakeholders whose agency and autonomy should be recognized in land governance initiatives. At the global level, the 2007 United Nations Declaration on the Rights of Indigenous People (UNDRIP),³¹ although non-binding, states that Indigenous people 'have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use'³² (Art. 26). It also notably elucidates the principle of free, prior and informed consent (FPIC) – a significant process and standard seeking to ensure that any activities undertaken on Indigenous lands and territories must be carried out with the active inclusion and approval of the communities who rely on them. Additionally, as far back as 1989, the International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples provided for recognition that the rights of ownership and possession of Indigenous people over their traditional lands. The ILO Convention has been ratified by 24 Member States, the majority of which are in Latin America. Globally, about 15 per cent of Indigenous Peoples – approximately 65 million Indigenous People – live in countries that have ratified the Indigenous and Tribal Peoples Convention.³³ Regional human rights courts have also played an important role in the progressive interpretation of Indigenous rights to land, including in cases before the Inter-American Court on Human Rights concerning Nicaragua and Paraguay and the African Court on Human and Peoples' Rights regarding Kenya.³⁴

However, for the most part, Indigenous rights are absent from the corpus of domestic law, and, even when present, enforcement remains weak – with

Indigenous people facing several legal, practical and procedural barriers to claiming their rights, and participating in the governance of land they occupy or otherwise use.³⁵

These challenges are compounded as Indigenous lands are among the most resource rich on the planet, making them targets for commercial development and exploitation. The 2021 United Nations' State of the World's Indigenous Peoples report described Indigenous territories as 'the final frontier in the frantic quest for control over comparatively unexploited lands and natural resources by States, extractive and agribusiness corporations, and international conservation organizations.'³⁶ Combined with weak legal protection and limited access to justice, these challenges make Indigenous populations especially vulnerable to violence and discrimination.

4.3. Pastoralists and Smallholder Farmers

The economic and environmental contributions of pastoralists and smallholder farmers are substantial, but often overlooked by policymakers. As many as 200 million people may be engaged in pastoralism and agro-pastoralism worldwide, covering more than 50 per cent of the world's 80 million square kilometres of rangelands.³⁷ Pastoralism involves extensive livestock production in the rangelands and is considered "one of the most sustainable food systems on the planet."³⁸ Smallholder farmers manage areas varying from less than one hectare to 10 hectares and have family-focused motives for production and consumption.³⁹ The two groups have distinct forms of agricultural practice, differing in how land is used, how livestock is managed and how crops are cultivated, but face similar challenges in land governance and food security.

Pastoralism is both a livestock management system and also as a way of life, providing ecosystem services across the globe. However, for many decades, governments regarded pastoralism as backward, economically inefficient, and environmentally destructive, leading to policies that have served to sedentarize, marginalize, and undermine pastoralist systems,⁴⁰ and opening up spaces for States, investors,

and local elites to extend control over land natural resources previously managed under customary institutions.

At the international level, legal recognition of binding rights for smallholder farmers and pastoralists remains limited. Of the three Rio Conventions, only the UNCCD acknowledges the need for effective participation at all levels of farmers and pastoralists. The International Treaty on Plant Genetic Resources for Food and Agriculture, which currently has 150 contracting States Parties, contains an article dedicated to farmer's rights – including the protection of traditional knowledge relevant to plant genetic resources, access to benefits sharing, and the right to participate in decision-making at the national level. Although non-binding, the VGGT highlights the role of small-scale producers and pastoralists in several sections, including in the implementation of the guidelines themselves. Similarly, UNDROP acknowledges the challenges faced by "people working in rural areas, including small-scale fishers and fish workers, pastoralists, foresters and other local communities to make their voices heard, to defend their human rights, and to secure the sustainable use of the natural resources on which they depend".⁴¹

In many cases, customary land tenure systems, which pastoralists rely on, are not officially recognized by national laws. This lack of formal legal recognition leaves pastoralists susceptible to land grabs and eviction.

Weak governance, inadequate land tenure systems, corruption, and lack of inclusive decision-making processes exacerbate the vulnerabilities of both pastoralists and smallholder farmers. Limited access to legal remedy, discriminatory policies, and insufficient support for community-based resource management further marginalize these communities and undermine their resilience to land and environment-related challenges.⁴² Land conflicts, extreme weather events and natural disasters, and governance challenges often result in loss of livelihoods, reduced agricultural productivity, and increased food insecurity among pastoralists and smallholder farmers. Displacement, loss of land tenure rights, and inadequate access to support services further exacerbate poverty and vulnerability.



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Pressure and competition for pastoral lands and natural resources have increased greatly over the last two decades as governments and private investors have turned their focus to what previously had been considered marginal rural lands. Recent discoveries of oil and rare minerals in these areas, as well as the potential for large areas of land to be used for renewable energy projects,⁴³ have helped drive these changes. With rising temperatures, droughts and famine reducing the viability of previously fertile land, investors are turning to marginal lands where pastoralism is predominant. Many land governance systems prioritize privatization and enclosure of land, which can limit pastoralists' access to traditional grazing lands. Land is often allocated for agriculture, industry, or conservation purposes, leaving pastoralists with fewer areas to graze their livestock.

Like pastoralists, smallholder farmers are especially vulnerable to the effects of natural disasters, extreme weather events, and environmental degradation with limited financial resources to invest in drought-resistant crops or new agricultural technologies .⁴⁴ Because many smallholder farmers operate on fragmented and small parcels of land, this can limit the scale of their operations, and, with added land tenure insecurity, discourages investment in long-term land improvements and sustainable farming practices. Both pastoralists and smallholder farmers are particularly vulnerable to environmental trends that affect the availability and quality of grazing lands, water sources, and agricultural productivity, leading to food insecurity, loss of livelihoods, and increased poverty.

Governance challenges also expose pastoralists and smallholder farmers to greater risks of conflict, due to competition over land, encroachment by large-scale agriculture or infrastructure projects, and unclear land tenure systems. These conflicts disrupt traditional land-use patterns, displace communities, and lead to loss of access to grazing areas and agricultural lands.⁴⁵ Conflict between pastoralists and smallholder farmers can be a major driver of violent instability in many parts of the world, such as, for example, in the Sahel and the East and Horn of Africa. The risk of violent conflict could be mitigated through regulated land ownership: collective tenure systems can be better at managing the divergent demands on land use by different constituencies, including pastoralists and smallholder farmers.

4.4. Refugees and Migrants

When land systems are weak, rights are unrecognized, and tenure is insecure, people may often be pushed to migrate in search of safety and opportunity. In complex situations, from the outbreak of conflict to the onset of natural disasters, people may be forced to leave their land as a matter of life and death. Although population movement is not a new phenomenon, the connection between land governance and migration remains underexplored in law, policy and governance frameworks. At the centre of this intersection, refugees and migrants in all their diversity can be rendered invisible to policymakers, excluded from governance systems, and vulnerable to exploitation with limited access to justice.

Regardless of the driver or rationale, the loss of land can leave people, families and communities with unique justice challenges. Displacement can result in the loss of documentation, a lack of legal recognition, severed ties to ancestral lands, and a loss of social networks and communities. Refugees and migrants are often hardest hit by food insecurity, may be economically and politically excluded, and struggle to access public services such as healthcare and education. Women and girls in particular are hardest hit, and may face a greater risk of violence without adequate safe spaces and services for survivors.

Strengthening the rule of law is a critical enabler for responding to migration and displacement in a rights-based manner that upholds human dignity while preserving security and reducing the risk of land conflicts. Strengthening legal aid and documentation services to help refugees and migrants navigate complex legal and administrative systems and access justice can ensure their quality of life. Formal courts can play a positive role in interpreting legal frameworks, including the 1951 Refugee Convention and its 1967 Protocol, in a manner that protects those who are the most vulnerable – particularly communities who have been displaced due to natural disasters and conflict. When policy roadmaps are developed for their integration, return or resettlement, the agency of refugees and migrants should be recognized and their perspectives should be included in any programmes or initiatives. Community-based justice mechanisms also have a strong role to play in providing legitimate and efficient solutions when tensions arise over land between incoming and existing populations.

Case Study: Uganda

Insofar as land and property rights are concerned, Uganda has been widely recognized for its positive, people-centred approach to refugee integration.⁴⁶ The 2010 Refugees Regulations – operationalizing the 2006 Refugees Act – provide access to land for the purposes of settlement, cultivation or pasturing as part of a wider government policy promoting self-reliance of refugees, which also includes access to employment and income generating activities, access to public services, and freedom of movement and association. For many, tenure security is linked to their economic independence and enables them to contribute to the wider economy. In addition to providing greater security to refugees themselves, such policies also reduce the burden on the government and the international community: a 2024 analysis by the World Bank estimated that providing rights to refugees in Uganda – including access to land and the right to work – reduced the need for humanitarian aid by USD \$225 million a year.⁴⁷

PART 5.

Key Rule of Law Elements for Strengthening People-Centred Land Governance

The rule of law is an essential principle for people-centred land governance. It ensures that legal and policy frameworks are fair, transparent, and coherent, with predictable enforcement. It emphasizes a whole-of-government and whole-of-society approach where all individuals and institutions are accountable to laws that are publicly promulgated, equally enforced, independently adjudicated, and aligned with international human rights standards, promoting fairness, legal certainty, and transparency.

In the context of land governance, the following rule of law entry points, best practices and case studies detail how the rule of law can empower individuals and communities to take part in decision-making, ensure that institutions are responsive to their needs, and safeguard access to justice to promote just and peaceful societies.



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5.1. Legal and Policy Reform

The drafting, review, and revision of land use legislation and policies through open dialogue and public participation helps establish an inclusive and fair foundation for land governance, while promoting peace and development. This process also provides a legal basis for rightsholders to access justice and defend their rights. Moreover, the ability of individuals and communities to secure their legal rights to adequate food and nutrition largely depends on guaranteed access to land, water, and natural resources.

Good Practices and Policy Guidance on Legal and Policy Reform

Law and policy reform in support of a people-centred approach to land governance can be realized through:

- Conducting periodic reviews to assess the coherence between national laws and international legal commitments and human rights principles, including obligations on environmental protection;
- Adopting laws and policies that are context-specific, including through stakeholder consultations;
- Ensuring that legislation around conservation does not criminalize Indigenous practices or result in the displacement of the local communities whose livelihoods depend on access to natural resources;
- Taking steps to address inequalities that exist between men and women in relation to land tenure security;
- Providing action plans for implementation, including enhanced budgeting, planning processes, and monitoring and evaluation facilities.

At the national and local level, legislators must ensure that laws and policies on land tenure are consistent with international legal commitments and human rights principles, as well as obligations on environmental conservation, biodiversity loss, desertification and the protection of forests, wetlands, and rangelands. Where local legal frameworks and policies for recognizing secure tenure and land rights exist, it is incumbent

upon land governance actors to take steps towards ensuring that these laws and policies are implemented in practice. Pathways for strengthening land tenure vary heavily depending on factors, including the local legal context (statutory and customary) as well as different power dynamics within and between communities.

A key factor in realizing a people-centred approach to land governance entails reviewing and repealing national legislation that criminalizes Indigenous livelihoods, such as rotational agriculture or sustainable hunting, gathering and food collection. “Fortress conservation” practices that prioritize the strict protection of ecosystems through exclusionary practices – often leading to the displacement and disenfranchisement of Indigenous peoples and local communities – should shift towards a model of rights-based conservation that integrates the rights and knowledge of Indigenous people, local communities and rural populations into conservation strategies.⁴⁸ Indigenous and community-managed conservation areas often perform better in biodiversity preservation metrics compared to exclusionary, government-managed protected areas.

Despite progress in recent years, women and girls are still affected by a significant number of laws which either directly or indirectly reinforce discrimination or discriminatory practices. Legislation may fail to take into consideration the different livelihood roles and land use needs of men and women, or the way in which land governance challenges are experienced. In some cases, legal provisions directly discriminate against women and girls – particularly in relation to ownership and inheritance laws, while others may inadvertently reinforce and uphold pre-existing discriminatory, patriarchal social norms or systems. Women may face additional barriers in accessing capital or starting a business, while some laws may recognize men as the *de facto* heads of households.

When land becomes uninhabitable – either temporarily or permanently – as a result of slow-onset or sudden natural disasters, disaster-risk analysis, planning and implementation should take into consideration the specific accessibility needs of different groups of their population. People with disabilities, older people, and young children in particular may be unable to safely

evacuate if protective facilities and infrastructure do not account for their specific circumstances.

Laws and policies can often provide clear, unambiguous roadmaps towards progressive reform, but lack of implementation remains a challenge even when the underlying regulatory frameworks and institutions are in place. In some instances, the political will to fully adhere to international commitments and principles is absent. In others, a lack of effective oversight, monitoring and collection and use of data means that governments are not fully compliant with their obligations. In these situations, accessible and responsive governance institutions and an empowered, informed civil society are integral allies for turning words into action.

IDLO's Work on Legal and Policy Reform in the Philippines

As part of a self-funded project in the Philippines, IDLO worked in partnership with the Department of Environment and Natural Resources (DENR), the Climate Change Commission (CCC) and the Philippine Commission of Women (PCW) to identify and revise environmental laws that discriminated against women and girls – including a dedicated section on women's land rights IDLO conducted a legal assessment of environmental laws in the Philippines. The assessment of 53 laws aimed to identify blind or discriminatory provisions against women and girls, and highlight any ambiguities, contradictions or lack of legal coherence in environmental laws and frameworks. The analysis emphasizes the need for multi-sectoral collaboration and targeted law reform to address these gaps, thereby facilitating the development of robust, comprehensive and responsive legal frameworks on the environment, increasing women's participation and leadership in environmental governance, and advancing equality for women and girls across the Philippines.

The full findings of this assessment were published in October 2024, observing that while the Philippines has a robust legal framework underpinning these areas, there remain some gaps in implementation and legal coherence. Many laws still do not clearly address the needs of women and girls, or promote stakeholder participation in decision-making. There are also issues with coordination between institutions, limited access to relevant data, and areas where policymakers would benefit from specialized training. The assessment

recommends improving the consistency of laws and policies by aligning them with existing national and international frameworks, including through enhanced budgeting and planning processes to better prioritise the needs of women and girls, strengthening data systems to support evidence-based decision-making, and supporting institutions and personnel with adopting more inclusive approaches. The report also calls for more accessible legal remedies and greater involvement of affected communities in shaping policies and programmes, especially in remote or underserved areas.⁴⁹

In addition, IDLO has worked to develop an e-learning module to increase awareness among professors and deans from law schools in the Philippines and representatives from the Legal Education Board on the specific nexus of the environment and the rights of women and girls. This aims to ensure that university courses on environmental law are designed with the meaningful integration of the specific impacts on women and girls in the curriculum from its inception.

5.2. Strengthening Justice Institutions

Strengthening justice institutions – both formal and informal – to enhance their responsiveness, functionality, effectiveness and integrity is key to bolstering the rule of law, promoting land rights, safeguarding tenure security, and facilitating access to justice. With regards to the formal justice sector, enhancing judicial capacity on matters concerning land can ensure that the differentiated rights and justice needs of land-users and rightsholders are heard, considered, and implemented within legal processes.

By their very nature, the majority of land governance legal challenges occur in rural areas far from the larger population centres where most court buildings can be found. In many instances, the physical distance to a court can act as a practical barrier to accessing justice. Expanding the geographic reach of physical courts can foster greater availability of formal justice services: some ways to achieve this include the construction of additional courts, or the operationalization of “mobile courts” that are better able to travel to traditionally under-served regions and ensure that justice is brought to the people. In many instances, the effectiveness and efficiency of the administration of justice can be bolstered through the establishment of specialized

courts – such as the Environment and Land Court in Kenya, which has jurisdiction over disputes relating to land administration and management.

Good Practices and Policy Guidance on Strengthening Justice Institutions

The role of justice institutions is imperative in ensuring that the interests of people remain front and centre in decisions surrounding land governance, and that rights are upheld. In this context, justice institutions can be strengthened through:

- Expanding the geographic reach of the formal justice sector through the construction of new courts, to facilitate access to justice for rural communities who are likely to be more afflicted by land disputes;
- Operationalizing “mobile courts”, which can travel to under-served areas;
- Providing training to justice sector actors on land and environmental issues to support more informed decision making and address knowledge gaps;
- Establishing specialized land and environment courts with specific subject-matter expertise on land administration issues;
- Creating thematic national, regional or international judicial networks to support collaboration, peer learning and knowledge exchange;

The increasing uptake in land and environmental litigation can also pose challenges to the justice sector. Disputes can cross overlapping and contradictory legal regimes, have transboundary impacts, or concern scientifically complex topics like greenhouse gas emissions and biological diversity, that can all hinder consistency and legal certainty. Judicial training on land and environmental matters can address knowledge gaps and ensure that justice is administered fairly and comprehensively. Supporting the establishment of regional or international judicial bodies – such as the African Judicial Education Network on Environmental Law (AJENEL) or the Global Judicial Institute on the Environment (GJIE) – can foster peer learning and the exchange of best practices between judges who face common challenges.

IDLO's Work on Strengthening Formal Justice Institutions in the ASEAN Region

South-East Asia is one of the most vulnerable areas in the world to natural disasters, and countries including Indonesia, the Philippines and Thailand have all seen a rise in environmental litigation in recent years. In order to ensure that laws are fairly enforced, and environmental policies are effectively implemented, IDLO collaborated with the Supreme Court of Indonesia – as co-chair of the Council of ASEAN Chief Justices' (CJAC) Working Group on Judicial Education and Training – to enhance the capacity of ASEAN judiciaries in environmental adjudication through the *Introductory Course on Environmental Law* project.

Supported by the Italian Ministry of Foreign Affairs, IDLO and CJAC developed a self-paced e-learning training course in 2025 containing six modules, including modules on the interplay between law and science; the principle of scientific inquiry; the process of adjudication; and finding the facts. The form and content of the course were shaped by a training needs assessment (TNA) conducted in August 2024, which received 91 responses from judges in Cambodia, Indonesia, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Viet Nam. From the TNA, it emerged that most respondents (54 per cent) believed they had a moderate knowledge of environmental law, indicating a need to enhance knowledge among those with lower levels of understanding and to provide additional resources or training to support further development. Moreover, respondents demonstrated a significant need to enhance their understanding of scientific evidence in environmental cases – with 75 per cent considering understanding scientific knowledge as a top priority, 53.8 per cent seeing the need for improved interpretation of scientific evidence and expert testimony, and 46.3 per cent emphasizing the importance of understanding scientific principles in legal reasoning.

5.3. Engaging with Legal Pluralism

Evidence shows that most people do not resort to courts to solve their justice problems, but instead rely on diverse justice pathways falling under the broad category of customary and informal justice - or “CIJ”. The term includes a non-exhaustive range of justice and dispute resolution practices that are well-suited to addressing people’s everyday justice needs and which



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take a variety of different forms: from traditional and community-based justice systems, to faith-based and informal dispute resolution practices, to mediation and arbitration activities, and many more.⁵⁰ Relative to the formal justice sector, CIJ systems tend to be more people-centred, with a firm grounding in their local contexts, a greater flexibility in terms of their norms and procedures, and negotiated solutions that are based on consent. For justice seekers, cases in CIJ systems are more likely to be conducted in local languages, more geographically or financially accessible, and may carry greater weight culturally or within communities.

Good Practices and Policy Guidance on Engaging with Legal Pluralism

Engagements with legal pluralism can be enhanced through:

- Enhancing informal dispute resolution mechanisms and conflict management systems on land and other natural resources;
- Strengthening coordination and coherence between informal and formal legal systems to address land-governance issues;
- Providing training, advice, and resources to CIJ actors enabling them to deliver effective, inclusive, responsive, and accountable services, and working with local experts and leaders to increase the legitimacy of interventions;

- Building the capacity of CIJ actors around women's rights and access to justice, including in the areas of family law, inheritance and land rights, and violence against women and girls;
- Supporting the training and networking of community paralegals and legal aid service providers to help justice seekers understand and accompany them in navigating justice pathways;
- Supporting articulation and documentation of customary, Indigenous, and other community-based justice pathways, and intersections with formal justice provision;
- Increasing the representation of women, young people, and other under-represented groups in justice administration;

CIJ systems are diverse, and there is a wide variance in their format and procedures. In some circumstances, certain practices can entrench existing inequalities, can lack due processes and safeguards, and can fail to serve the rights and interests of all justice seekers. These can disproportionately affect women and girls, as well as minority groups within each region. These reasons may be seen as red flags by governments and development agencies, who might have reservations about working with actors that they view as controversial. While some conservative CIJ systems may be reluctant to change, others have shown a greater openness to address these concerns. Ultimately, working with CIJ actors in the wider justice ecosystem in a localized, contextualized way can be one of the most effective and efficient ways to address people's unmet justice needs and promote access to justice for all.

Entry points to improve the service delivery of CIJ systems can include working with local experts and leaders to provide trainings to CIJ actors on due process principles and international legal standards, or on mediation and adjudication techniques. Supporting the introduction of certain practices (including recording-keeping protocols, procedural standards, or codes of conduct) can strengthen legal certainty, enhance the effectiveness of appeals processes, and provide useful insights and evidence for best practices. As CIJ systems can mirror the power dynamics in a given society, concentrated efforts to increase the

representation of women, young people, or other under-represented groups in CIJ processes – as both users and decision-makers – can lead to more just outcomes: in Northern Namibia, the decision by CIJ leaders in Uukwambi to include more women as judges led to an increase in trust among women justice seekers - with 72 per cent believing that their issues were more likely to be heard and addressed in customary courts with women adjudicators.⁵¹

IDLO's Work on Customary and Informal Justice in Rwanda and Somalia

IDLO has worked in Rwanda and Somalia to strengthen traditional and alternative dispute resolution (ADR) mechanisms for resolving land disputes, to address barriers to inclusive, accessible, transparent and predictable land access and ensure access to justice for all.

In Rwanda with the support of the Netherlands Enterprise Agency (RVO), IDLO has implemented its *LAND-at-scale: Land Conflict Resolution Project* in collaboration with key land governance stakeholders to enhance the capacity of the customary *Abunzi* committees and of statutory dispute resolution mechanisms, such as the National Land Authority, to make just decisions on land-related disputes. To implement its project, IDLO has developed practice training materials and standard operating procedures on conflict resolution, family law, and justice for women and girls, and has worked to raise awareness among justice seekers and relevant institutions about the important role of ADR for securing land rights. In total, IDLO's programming in Rwanda has helped 10,434 people protect their land rights through ADR services.

In Somalia, IDLO worked with the European Union through the *Reforming and Modernising the ADR System to Enhance the Rule of Law and Access to Justice* project, which helped to develop the National ADR Policy and other laws related to land, support the establishment of ADR centres in Benadir Region and Puntland State, and build capacity of ADR staff to provide space for the peaceful resolution of conflicts, in particular farmer-herder conflicts exacerbated by the adverse effects of natural disasters, extreme weather events, and environmental degradation. The ADR centres maintain Somalia's pluralistic justice system, which combines Somali statutory law, Somali customary law (*Xeer*) and Islamia Law (*shari'a*). Adjudication panels in

ADR centres are composed of clan elders and *shari'a* sheiks, and female adjudicators, emphasizing IDLO's commitment to increasing the role of women as justice providers and aligning with international human rights standards in ADR processes. Through these centres, IDLO aims to provide free redress for land-related disputes and other justice problems to all justice seekers and strengthen safeguards for the rights of women, children, and marginalized groups. In their first year of operation, the centres received 1,323 cases – of which 47 per cent involved women.

Furthermore, through the *Alternative Dispute Resolution Somalia* project with the Government of the Netherlands, IDLO-supported nine additional ADR Centres in Galmudug State, Hirshabelle State, Jubaland State, Puntland State, and Southwest State, in order to further strengthen the linkages between formal and informal justice mechanisms, improve compliance with the Constitution of Somalia, Somali laws, and international human rights standards, and enhance knowledge of ADR processes and practices across Somalia. An impact assessment conducted by IDLO at the end of 2023 showed that the ADR centres were regarded positively by justice users, with 97.3 per cent affirming that their cases were handled in a timely manner, 93 per cent reporting that the process was impartial, and 97.4 per cent of respondents believing that their opinions were effectively considered during the dispute resolution process. Land disputes represent a large share of cases brought to ADR centres. IDLO-supported mobile ADR services are especially relevant to the resolution of disputes between pastoralists and farmers in Somalia, as they allow for adjudicators to be deployed in teams to affected areas to proactively resolve disputes as these emerge. Such services were deployed in Abudwak, Baidoa, Beledweyne, and Dolow, as these areas were particularly affected by acute water shortages or the disruption of traditional pastoralist migration corridors which required peaceful mechanisms of dispute resolution to prevent violence from escalating.

5.4. Participatory Governance

Governance models must involve communities in the decision-making processes that impact their lives. For land governance systems to be people-centred, processes must enable the full and informed participation of the public in legal and policy decisions. Rights of access to information, participation in

decision-making, and access to justice each provide opportunities for people to have a say and influence decisions that affect their livelihoods. They can facilitate access and benefit-sharing to enable local communities to reap the spoils from the productive value of their biodiversity.

Initiatives that strengthen the rule of law can promote more inclusive and participatory governance systems. The rule of law can support the participation and coordinated action of various actors at different levels – including producers, consumers, land managers, and policymakers. Laws, policies and guidelines can mandate courses of action that include inclusive, participatory, preventive and human rights-based approaches to land and natural resource governance. As an example of this, rights of participation and consultation are often used in the context of environmental and social impact assessments. The right to participation has taken on a central role in international law through the principle of free, prior and informed consent (FPIC), which can ensure that Indigenous people are inherently involved – and have the final say – over infrastructure projects on their lands and territories. In this regard, inclusive and participatory processes are also an essential enabler of legal empowerment.

Good Practices and Policy Guidance on Participatory Governance

The provision of greater opportunities for public participation in land governance can be advanced through:

- Enhancing access to information in relation to land and environment use, including public and private infrastructure projects;
- Ensuring rights of participation and consultation are enshrined in environmental and social impact assessments;
- Providing spaces for inclusive policymaking, including through public consultations, focus group discussions, and regional and national policy dialogues;
- Adapting models of participation to account for

the differentiated needs of different land users, including Indigenous groups and pastoralists;

- Safeguarding civic space to ensure that individuals and civil society groups can express their views, organize, and engage in decision-making processes;
- Building and delivering targeted capacity development programmes, including leadership training and coaching, to ensure that CSOs, environmental human rights defenders, and other groups are able to effectively advocate for their rights in public decision-making processes.

Targeted, contextualized interventions can also help to bridge some of the challenges that different groups have in realizing their rights. For example, due to their mobility, pastoralists are often seen as temporary inhabitants and therefore excluded from certain policy-making processes. Programmatic pathways can be designed to include the differentiated needs of pastoralists, with a focus on the development of supportive land tenure policies, legislation, and regional policies for pastoralists that facilitate cross-border movements and livestock trade. This is crucial given the centrality of livestock trade for the lives and livelihoods of pastoralists, and the importance of strategic mobility for the efficient use and protection of rangelands – which can support sustainable conservation, and which is increasingly gaining traction at the international level.

IDLO's Work on Participatory Governance in Uganda and Liberia

Under the *Community Justice Programme* (CJP) in Uganda with the support of the Swedish International Development Cooperation Agency (Sida), IDLO made significant contributions to enhancing land tenure through a series of initiatives aimed to boost participatory governance. This support was delivered through a combination of legal aid, community empowerment, and institutional strengthening, and included an emphasis on CIJ systems. Legal clinics and sensitization campaigns educated communities on land rights and legal remedies. These efforts demystified the formal justice system and encouraged communities to

participate in and lead advocacy efforts and litigation. In Jinja, IDLO provided support to the Uganda Law Society Legal Aid Clinic (ULS LAC) to expand the participation of justice seekers in land administration processes through the provision of legal representation in land-related cases. In Lamwo and Gulu, IDLO increased the participation of community volunteers and traditional leaders in land administration matters through community-based land dispute resolution trainings. Beneficiaries in both districts were able to successfully recover land that had been wrongfully occupied as a result of these endeavours.

In addition to participatory governance, IDLO's work on CJP also incorporated additional rule of law interventions to strengthen land tenure. This included building the capacity of customary justice actors, such as the Bataka Courts and community legal volunteers, to mediate land disputes. These actors provided timely, culturally appropriate, and cost-effective justice solutions, particularly in rural areas. At the national level, IDLO also contributed to the development and adoption of the ADR policy, which institutionalizes non-formal mechanisms for resolving land and property disputes.

As part of a regional self-funded project on *Improving Governance of Land and Natural Resources*, IDLO undertook a number of integrated programmatic, policy and research activities to strengthen the linkages between secure land rights and sustainable development. As part of the project, IDLO undertook a comparative study of three community rights-titling programmes in Uganda and Liberia. The analysis found that when women were involved in drafting by-laws for governing community land, women's land rights were improved, as was the perception of the importance of their participation in governance by women and men. IDLO monitoring found that these results were only witnessed in projects where the rule-drafting was a participatory process, rather than imposed from the top down.

5.5. Legal Empowerment

Legal empowerment helps people enhance their understanding of the law, their awareness of their rights, and their ability to utilize the law effectively. As such, it is one of the primary components of fair and impartial land governance systems. Legal empowerment enables individuals to secure land tenure, advocate for land governance reforms and



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land use changes that better protect their rights and interests, and access the resources needed for the sustainable management of their lands and territories.

Legal empowerment can also equip people with the necessary tools to settle legal disputes with competing land users, or level the playing field for small-scale landowners to contest claims against multinational corporations and their abundant legal and financial resources. When disputes descend into conflict and violence, legal empowerment is also essential for ensuring a just and peaceful resolution and the ability of rights-holders to claim redress for harm caused.

Good Practices and Policy Guidance on Legal Empowerment

Interventions aimed at strengthening legal empowerment can take different forms. In the context of land governance, it can include:

- Enhancing legal education and awareness about land rights;

- Cultivating community mobilization on topics around environmental governance, biodiversity conservation, and the transformation of food systems;
- Providing legal support through community paralegals and legal aid providers;
- Protecting civic space to enable people and communities to assemble and peacefully advocate for reform;
- Supporting environmental human rights defenders and other grassroots justice defenders;
- Facilitating spaces for dialogue and ongoing discussions in decision-making; and
- Fostering an inclusive approach to conflict resolution to ensure that all affected parties have the opportunity to express their views.

Tailored interventions can help different groups to overcome the intersectional vulnerabilities that might otherwise inhibit their ability to claim their

rights, enhance their tenure security and successfully advocate for their legal interests. For example, legal empowerment approaches for Indigenous populations – including strategic support to local civil society organizations and paralegals working on land tenure issues – can provide them with additional tools to defend their rights and territories. Legal protections for environmental and human rights defenders on the frontlines can allow them to champion stronger measures to protect and preserve ecosystems, forests and biodiversity while remaining free from violence and harassment. Establishing legal aid services for displaced persons is also essential to provide clear guidelines and necessary support for them in their bid to resolve land and resource disputes fairly, effectively and efficiently in a manner that can reduce the likelihood of conflict and achieve more effective, inclusive resolutions. Localized, contextualized legal empowerment interventions that are responsive to the needs of women and girls are necessary for recognizing that a one-size-fits-all approach would be neither effective nor sustainable for effecting real change.

IDLO's Work on Legal Empowerment in Tunisia

Through the *Access to Land and Credit in Tunisia* project, funded by the Ministry of Foreign Trade and Development Cooperation of the Netherlands and its Embassy in Tunisia, IDLO has been working to create sustainable, innovative, and high value-added job opportunities in the Tunisian agrifood sector. The project is implemented by IDLO in close partnership with the Tunisian Ministry of Agriculture, Water Resources and Fisheries (*Ministère de l'agriculture, des ressources hydrauliques et de la pêche - MoA*), the Agricultural Land Agency (*Agence foncière agricole - AFA*), and the Directorate General for Investment Financing and Professional Organizations (*Direction générale du financement des investissements et des organismes professionnels - DGFIOP*) – as well as Kadaster International and the Tunisian Union of Agriculture and Fisheries (*Union tunisienne de l'agriculture et de la pêche - UTAP*).

The project contains two pillars – the first seeks to improve access to land, production factors, and proof of ownership for landholders and food producers, while the second aims to improve the business

climate and credit opportunities for landholders and food producers, with a focus on enhancing the economic and legal empowerment of women and youth landholders and food producers. As a first step, IDLO initiated an assessment to examine the impact of preexisting and emerging land disputes on land consolidation, in order to identify key obstacles faced by landholders and to understand how different land tenure systems influence disputes. The assessment recommended a multi-level strategy to improve land consolidation and reduce disputes in Tunisia, which includes the need for stronger collaboration between the AFA and professional organizations such as UTAP to mediate conflicts and raise awareness among landowners. The assessment also recommends establishing a platform for discussion and exchange with partners, providing greater support for farmers in accessing necessary means of support, and seeking the support of civil society associations working for local development and the protection of natural resources.

Going forward, IDLO will collaborate with the AFA and UTAP to raise awareness among landholders and food producers about the benefits of land consolidation, with a particular focus on engaging women and youth and empowering them to navigate legal challenges and advocate for their rights. Furthermore, IDLO will establish and train a pool of mediators from AFA and UTAP to facilitate dispute resolution and address existing or emerging disputes that may hinder the land consolidation process, providing legal advice and support to communities whose rights and interests may be affected. IDLO will also introduce mechanisms to improve and expedite land consolidation and registration processes and reduce backlog – a joint effort undertaken in partnership with the Office of Topography and Cadastre (*L'Office de la Topographie et du Cadastre*), *Tribunaux Immobiliers*, and AFA.

5.6. Women's Land Rights

Societies cannot thrive when half of their population is excluded from justice. A people-centred approach to land governance must explicitly recognize the vital contribution that women and girls make every day as rights-holders and agents of change, while actively seeking to address the discriminatory legal and societal barriers that impede the full realization of their rights. Legal and policy measures should aim to eliminate direct and indirect discrimination against women across different sectoral areas, including land



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use planning and agriculture. While such measures can mitigate the effects of tenure insecurity for women and girls, they can also be powerful drivers of legal and economic empowerment by promoting women's economic growth, food security, development and poverty reduction. In addition, granting priority rights of access to selected land and resources for pastoralists or Indigenous communities, or incorporating women's customary rights to use land, can also play a role in conflict prevention.

Good Practices and Policy Guidance on Women's Land Rights

To strengthen women's land rights and improve their tenure security, a multi-faceted approach targeting the legal system and local communities is needed. Some suggested strategies can include:

- Implementing responsive laws and policies to safeguard women's land rights and ensure fair

access to resources, which will directly enhance their ability to produce and secure food;

- Strengthening legal literacy and awareness among women, including localized initiatives to educate women about their rights and provide support in navigating legal systems;
- Supporting sex-disaggregated data collection on women's ownership and access to land;
- Fostering approaches that recognize the different layers of discrimination faced by women with regard to land insecurity, including Indigenous women; and
- Advancing multistakeholder collaboration, spanning governments, civil society, the private sector, and customary and informal justice (CIJ) systems.

Women's effective participation in the creation, development and implementation of laws and policies relating to food security, social protection, employment, agriculture, land and natural resources should be a guiding principle for all interventions.

Tenure security has multiple dimensions and men and women may experience it differently. Understanding women's land tenure security involves not only ensuring that women know about their rights, but also the extent to which these rights are secure. This requires a contextual understanding of the different ways in which women have unique challenges, needs and statuses in their pursuit for land access and tenure security. Identifying these specific vulnerability factors which give rise to tenure security for women requires consideration of their experiences. This means that it is important to go beyond legally codified rights to understand the lived realities and empirical complexities of rights.

IDLO's Work on Women's Land Rights in Kenya

Under the *Justice, Human Rights and Equality Engagement* project in Kenya, with the support of the Government of Denmark, IDLO works in partnership with the Kenya Council of Elders (KENCOE) to strengthen customary and informal justice systems to enhance access to justice, including land justice, for all justice seekers. IDLO recognizes that promoting access to justice cannot ignore the importance of enhancing women's participation in dispute resolution processes and ensuring the latter's compliance with equality and commitments on justice for women and girls. The project promotes regular dialogues between justice actors and women's rights organizations and monitors discriminatory barriers within the justice system.

Accordingly, IDLO conducted a needs assessment of KENCOE in 2021 to determine the capacity of its members to deliver fair and responsive justice around land rights and other issues. Building on the assessment report, IDLO and KENCOE worked jointly to strengthen compliance with laws and standards promoting equality between women and men by training 219 KENCOE members on international and Kenyan equality provisions. These interventions resulted in progress on several key indicators, including 73 per cent of elders reporting increased knowledge of women's rights standards.

5.7. Digitization, Data Management, and Access to Information

Generating, analysing and sharing data on land through continuous monitoring and research is a fundamental cornerstone for effective land governance interventions. Information on land use can help legislators and policymakers learn from where past measures have fallen short and identify the areas where future action can be most impactful. For justice seekers, accurate and timely information is essential for their legal empowerment, equipping them with the knowledge and awareness of the extent to which their rights and legal interests may be affected by certain acts or omissions. Bridging the data and information gap is integral to building impartial, resilient and people-centred land governance systems.

Good Practices and Policy Guidance on Enhanced Use of Data

Suggested strategies to enhance the quality and quantity of data that is generated, collected, used, analysed, and shared, can include:

- Investing in comprehensive land data systems and knowledge management processes, and establishing mechanisms to track how land data is captured and used in decision-making processes;
- Ensuring that data is disaggregated to the greatest extent possible in order to understand the experiences of diverse groups, including different groups of women and girls;
- Promoting open data policies – in line with best international practices on data privacy and security – by adopting legal and institutional frameworks that mandate public access to land and environment-related information;
- Leveraging digital technologies, including mobile platforms and SMS-based systems, geographic information systems, and cloud-based systems, to improve data accuracy, reduce costs, increase efficiency, and expand access – particularly to remote or underserved areas;
- Strengthening local capacity for data collection and management, including by using local authorities, civil society organizations, and communities in order to map areas, gather data, and monitor the implementation of land governance initiatives.

Investing in better data management processes and digitization can have untold benefits across land governance interventions. When data on matters such as ownership records, tenure arrangements and land use plans are accurate and accessible, it becomes easier to track decisions, log transactions, and monitor land use. It may lead to more efficient resolution of disputes, and provide greater clarity and legal certainty that can reduce the number of cases that ultimately end up in court, thereby reducing the burden on the justice sector.

Open-source information and greater transparency increases accountability and reduces the risk of corruption, manipulation of records, and land-grabbing. Both institutional oversight bodies and civil society are better able to monitor implementation and ensure compliance with relevant laws, policies and regulations. Reliable and comprehensive data can help policymakers to identify patterns, understand risks, and evaluate the impact of their policies, while integrated data systems can allow different departments with land and environmental mandates – from agriculture to housing and infrastructure – to collaborate more effectively, develop more coherent policies, and avoid duplication.

preparation and implementation of Burkina Faso's NDC, including the Ministry of Agriculture, Animal and Fisheries Resources, the Ministry of Solidarity, Humanitarian Action, National Reconciliation, Gender and Family, and the Ministry of Environment, Water and Sanitation. The sessions included presentations, plenary discussions, group work, and assessments aiming to enhance their ability to collect, analyse and use sex-disaggregated data. Almost 80 per cent of the participants reported having a greater understanding of the importance of disaggregated data, as well as increased knowledge on how to design and implement more comprehensive, evidence-informed NDCs.

IDLO's Work on Data-Informed Environmental Interventions in Burkina Faso

In Burkina Faso, IDLO's partners in the *Secrétariat Permanent / Conseil National pour le Développement Durable* (Permanent Secretariat of the National Council for Sustainable Development) had identified the need for further training and workshops on how to collect, analyse and use sex-disaggregated data as part of the development of their Nationally Determined Contributions (NDC) under the Paris Agreement. Renewed every five years, NDCs provide a policy roadmap by which countries commit to sustainably managing their environment and reducing their emissions in-line with their international commitments. Ensuring that measures to do so take into account the needs and concerns of the population is critical to their prospects for inclusive green growth.

Through a self-funded project, IDLO provided a series of trainings to the statistical focal point from nine ministries who would be involved in the

PART 6.

Policy Recommendations

People-centred land governance involves a paradigm shift towards more inclusive, more sustainable and fairer approaches to land use and management. Embracing a people-centred approach to land governance can unlock economic opportunity, mitigate land conflict, and address environmental challenges, ensuring a more just, fairer, and sustainable future for all.

Mobilizing Multisectoral and Multilateral Cooperation

Multisectoral and multilateral cooperation, through the concerted efforts of governments, civil society, and international partners, is key to tackling some of the transboundary contemporary issues in land governance and enacting legal reforms, strengthening institutions, and empowering marginalized communities.

Investing in People-Centred Laws and Policies

Clear laws and policies that prioritize the rights and needs of individuals and communities hold the potential to address historical injustices, promote environmental stewardship, foster social cohesion and economic growth.

Enhancing Access to Justice

Access to both formal justice systems and CIJ systems, and strengthened coordination between them, can improve their responsiveness, functionality, and effectiveness in response to an increasing litany of land use disputes and challenges.

Engaging in Legal Pluralism

A legally pluralistic approach can facilitate the delivery of just outcomes in an effective, efficient manner for communities who may face challenges resolving land disputes through the formal justice system.

Strengthening the Responsiveness of the Justice Sector

As land governance challenges become increasingly more complex – intersecting with natural disasters and security challenges – the justice sector must adapt and strengthen its capacity in order to fairly balance competing claims and interests and uphold the rule of law.

Legally Empowering the Most Affected People

Legal empowerment can equip rightsholders with the tools and skills to advocate for their rights – while specific interventions to strengthen women's land rights, and access to land for marginalized and excluded constituencies such as Indigenous peoples, pastoralists, and smallholder farmers, are vital to reducing inequalities within society.

Fostering Participatory Governance

Inclusive and participatory governance systems are integral to ensuring that the voices of people and communities are at the heart of decision-making processes.

Increasing the Use of Digitization and Data Management

Digitization and data management tools, as well as access to information, can foster efficiency and transparency while promoting rights-awareness and empowering justice seekers to participate in land and resource management.

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