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Paragraph #69 Session #7 (2008)

Full Text

The Permanent Forum encourages FAO and other relevant agencies to favour and promote in member countries the acknowledgement and improvement of land tenure legal frameworks to recognize indigenous peoples' land rights. The Forum recommends that FAO and other relevant United Nations agencies support activities for participatory delimitation and titling where the legal framework recognizes indigenous land rights. FAO should pay special attention to indigenous peoples' customary laws regarding land.

Comments

DESA reports: 33. The discussions during the two-year cycle of the sixteenth and seventeenth sessions of the Commission on Sustainable Development (which will end on 15 May 2009) have already been shaped by the strength of indigenous peoples' views and inputs. The summary of the Chairman of the sixteenth session includes explicit references to indigenous peoples in 20 separate paragraphs¹⁵ that address issues important to current and past recommendations of the Permanent Forum, including: the need for access to land and secure land tenure, especially for women; the importance of local and traditional knowledge in agriculture, integrated water resources management, drought and desertification adaptation and mitigation; the need to support capacity-building for local communities and indigenous peoples according to the Bali Strategic Plan; and promotion of small-scale traditional agriculture and sustainable livestock

production. The Chairman also stated that implementation of the United Nations Declaration on the Rights of Indigenous Peoples would further efforts to achieve sustainable development goals.

FAO reports: In response to another recommendation by the Forum, FAO is fostering an open discussion to develop a participatory methodology to deal with participatory land delimitation targeting the specific needs of indigenous peoples. The methodology is partially based on field experiences over the last few years, which have yielded some initial positive results, particularly in a San community in Angola, where an official land title has been issued in the name of that community. Other methodologies are also being tested and should support the adaptation of the

FAO Reports (2010): FAO is committed to promoting the recognition of indigenous peoples' land rights and the improvement of supporting legal frameworks. This is being done by strengthening work related to participatory delimitation, titling and resources management addressing indigenous peoples' specific needs and taking into consideration the importance of customary laws on land. Integrating indigenous peoples' cosmovisions within national administrative and legal structures represents a significant challenge.

FAO has tested and implemented a participatory land delimitation approach in a number of countries, such as Mozambique, Angola, Chile and Guinea Bissau, identifying key elements such as trust building, dialogue, negotiation, and agreement with inhabitants through a validation process in the context of spatial recognition. These activities go hand in hand with policy and legislative dialogues with concerned governments in order to better adapt and implement the existing framework.

Supported by the UNPFII and recognizing that land is a contentious subject which must be treated with great sensitivity, FAO is continuing to elaborate improved methodologies through a participatory approach to field implementation and normative elaboration. The approach that FAO intends to follow is an inclusive one, based on dialogue and collaborative actions among governments and IP constituencies.

Area of Work

Economic and Social Development