

Dashboard Methodology: 5B

Commitment 5: Secure Territorial Rights for Indigenous People

5B	Implementation of tenure rights on indigenous lands
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Section 1: Description of Indicator, Implementation and Scoring

Method to be Used	Expert-Based Assessment	
Introduction	This indicator will measure the implementation of tenure security on indigenous lands according to three parameters: political will to enforce and improve current land rights frameworks, adequate funding for formalization, and adequate institutional support.	
Source of Methodology	LandMark (adapted)	
Data needed	The information necessary for this indicator can be found in the national budget, documents related to policies that support tenure security on indigenous land, and published analyses of how the government is implementing laws to secure indigenous tenure rights.	
Definitions	<p>While considerable thinking and debate has been dedicated to the question of how to define “indigenous peoples,” no such definition has been adopted by the United Nations (UN) system. The International Labor Organization (ILO) and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), provides one of the most relevant responses to this question. LandMark, which has formed the basis for the methodology here, references the ILO in its own definition and the distinction it makes between indigenous and community land, given below.</p> <p>For the Dashboard, we consider both definitions:</p> <p>The ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) applies to: Tribal peoples whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations. Peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions. The Convention also states that self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.</p> <p>LandMark Indigenous Peoples are the sector of the world’s communities who identify themselves as Indigenous Peoples. They adopt this definition on various grounds, such as having stronger relations to their land than other nationals, longer origins in the locality, or distinctive cultures and ways of life that run special risks of being denied or lost in modern conditions. Many communities consider themselves indigenous to the locality but do not define themselves as Indigenous Peoples. This is especially so in Africa and Asia. Moreover, there are many commonalities in land tenure and governance between Indigenous Peoples and other communities. The distinction between Indigenous Peoples and other communities is made on LandMark mainly because their rights may be subject to special national legislation and which must be reviewed distinctly from laws affecting the rights of other communities. In addition, Indigenous Peoples are the subject of specific internationally-recognized collective rights, including rights to land and natural resources (e.g., International Labour Organization Convention 169, United Nations Declaration on the Rights of Indigenous Peoples).</p>	
Overview of Implementation	<ul style="list-style-type: none"> • Questions should be answered by a chosen representative of the stakeholder group that is implementing the indicator. <ul style="list-style-type: none"> ◦ No specific requirements apply, though an intimate knowledge of indigenous land rights and how indigenous land rights are treated in national legislation and policies, as well as national institutions, will be helpful. • There are three questions to answer for this indicator – all included in Section 2, Block 1. <ul style="list-style-type: none"> ◦ For each question answered positively – with a number greater than 0 – please provide a brief explanation and references where applicable. • Once you have a total score for Block 1, with justification and references (as applicable), you can calculate the Final Score in Section 3. 	
How to Score	B1	For each question (3) assign the corresponding score (1-4) from the rubric provided. At the end, sum the scores for these three questions to derive B1.
	Total Score	Divide B1 by total possible score (9) to derive indicator score.

Section 2: Assessment

Block 1 Rubric: Use to Score Block 1 (LandMark)

Methodology: Land Mark (adapted)

To Score: Use Block 1 Rubric, below.

1	<u>Political will to enforce and to improve current land rights framework.</u> The government enforces positive law for securing indigenous lands where they exists, or is working towards the improvement of the legal status of indigenous land rights.	0-3
Ref:	Give brief justification of response here, add references where applicable.	
2	<u>Adequate funding for formalization.</u> Where the law provides for indigenous communities to be documented formally as collective owners of land, the government is earmarking funds for this purpose.	0-3
Ref:	Give brief justification of response here, add references where applicable	
3	<u>Adequate institutional support.</u> Government has made necessary institutional arrangements and appointed qualified personnel to carry out measures required to help indigenous communities secure their lands, such as helping them identify, and then survey and register their collective lands.	0-3
Ref:	Give brief justification of response here, add references where applicable	
Block 1 Score (0-9)		B1

Block 1 Rubric: Use to Score Block 1 (LandMark, adapted)

Description	Score
No, levels are minimum to non-existent.	0
Partial, levels of support are extremely limited, Even if visible, support is insignificant.	1
Partial, levels of support are significant. Full levels of support are not met, but significantly addressed.	2
Yes, levels of support are full and sufficient to address the issue at hand.	3
The indicator is not applicable. Not applicable is used in cases where the subject matter in question is non-existent.	N/A

Section 3: Results

Compute Total Score:

Block 1 Score (0-9):	B1
5B Final Score (0-100)	$\left[\frac{B1}{9}\right] \times 100$

5B Final Score	0-100
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