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New Study Reports Rise in Community Land Rights in Tropical Forests; Yet Most Laws in Asia, Africa Remain either Meaningless or Unenforced

Citing Global Land-Grab, Lack of Action by Authorities in Vulnerable Nations, Authors Warn of Risk to Positive 20-Year Global Trend—Even in Latin America

WASHINGTON, DC (30 MAY 2012)—New research released today by the Rights and Resources Initiative (RRI) shows that hundreds of millions of forest peoples in tropical nations have, in the last 20 years, quietly gained unprecedented legal rights to the land and resources owned under customary law. The research also finds, however, that more than one-third of the rules governing land rights in most of the forests of Africa, Asia and Latin America significantly limit a community's ability to exercise those rights.

The new report provides the most comprehensive global legal analysis to date of the status of forest tenure rights held by Indigenous Peoples and other local communities in more than two-dozen developing countries. The nations covered in the study account for approximately 75 percent of the forests of the developing world, home to some 2.2 billion people.

“All 27 of the countries we analyzed have one or more laws recognizing legal rights of communities, either nationally or regionally,” said Fernanda Almeida, one of the authors, and primary researcher of the study. “But the laws themselves are not enough. They must be 'good laws', and they have to be implemented.”

In their analysis, Almeida and her colleagues warn of an imminent risk of rollback of these rights, as illustrated by the efforts of wealthy ranchers in Brazil to weaken land rights held by traditional and Indigenous communities, and by an on-going global “land grab” by investors on every continent.

“Forest peoples are caught between the forces of a drive for environmental sustainability and the intense pressure of economic development”, said Jeffrey Hatcher, Director of Global Programs for RRI, and one of the authors of the new report. “Despite tremendous progress in establishing legal tenure regimes, a lack of political will and bureaucratic obstacles make it a struggle to implement any real action in most forest-rich developing nations. The exorbitant technical and financial costs of addressing these hurdles are often beyond the means of rural communities.”

Also, because governments control which lands are covered by the rights they grant, they are able to limit the scope and impact of the measures, and prevent them from living up to their promise, said James Bampton, program coordinator, RECOFTC-The Center for People and Forests. “Such rights aren’t something that should apply to some people and not others,” he said.

Rise in Percentage of Forests under Community Control

The RRI report identifies a significant global trend that began in the wake of the 1992 Earth Summit in Rio de Janeiro, as Indigenous and community leaders pressured governments for legal rights to their traditional forestlands. The area of forest under the control of forest peoples in developing countries has risen from 21 percent of the total forest area in those countries to 31 percent; globally, such rights now cover 15 percent of all forests, compared to 10 percent in 1992.

“If these laws ever make it off the books, billions of hectares and millions of people will have access to one of the most effective tools available for eradicating poverty and conserving limited resources,” said Andy White, coordinator of RRI. “Previous research by RRI and others has shown that when their rights are secure, Indigenous and community forest peoples are spectacularly successful at sustaining themselves, while at the same time protecting their forests at least as well as governments or industry.”

The RRI report cites, for example, the findings of a recent World Bank report, which estimates that the incidence of forest fire—often a precursor to deforestation in the tropics—was cut five-fold or more in protected forests controlled by Indigenous peoples, when compared with those managed by the state. Studies in Nepal show that community control leads to increases in both forest area and tree density.

But the RRI study shows that national and provincial authorities often fail to enforce laws meant to protect the tenure rights of forest peoples. Even in Latin America, where most progress has been made in transferring rights to forest peoples, high commodity prices are fueling efforts by the state and private interests to override those rights. “Without strong rights, landholders have no confidence they will benefit from measures aimed at sustainable use of the forests,” White said. “By their inaction, authorities stifle the capacity of local communities to succeed on their own terms and in a way that benefits everyone.”

The study identifies 59 systems for recognizing tenure rights to forestlands in 27 nations: 17 in Africa, 17 in Asia and 25 in Latin America.

- 51 of the 59 identified legal systems or regimes have been established since 1992. Latin America has led the way.
- Most land tenure regimes prevent local communities from exercising at least one of the seven rights considered fundamental to land ownership.
- In six of the 17 regimes identified in Africa, rights cannot be implemented because there are no regulations to define those rights, nor the processes for implementing them.

- Perhaps most critically, of all the regimes the RRI study identifies (21 of 59), more than one-third fail to recognize the right to exclude outsiders from entering the forest and exploiting its resources—a critical element of land ownership.

Even without such limitations, other obstacles can prevent Indigenous Peoples and communities from benefiting from the rights they are granted.

- In Indonesia, for example, laws and policies recognize the rights of Indigenous Peoples to their traditional lands. But the constitution says all land and resources belong to the state. Tens of millions of people living in more than 20,000 villages are essentially squatters on their own land.
- In Mozambique, local community members must submit six copies of a topographical map that identifies detailed geographical features of the land in a proposed concession. In 2009, ten years after the law was enacted, not one concession had been approved.

According to White, even the global leaders most deeply engaged in organizing the conference known as Rio+20 have so far ignored the importance of recognizing land rights in negotiating a plan for developing and implementing sustainable development goals.

“The world’s forests are increasingly valuable and relevant to our efforts to slow global climate change and encourage sustainable development,” he said. “If negotiators are serious about reducing poverty and conserving forests, they will call on forest nations to strengthen community land rights in their forests. Only when such rights are a reality on paper and in practice, will communities be able to do what they do better than anyone else—manage the forests and curb the unsustainable practices now threatening tropical forest nations worldwide.”

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The **Rights and Resources Initiative** is a global coalition of international, regional, and community organizations advancing forest tenure, policy and market reforms. RRI leverages the strategic collaboration and investment of its Partners and Collaborators around the world by working together on research, advocacy and convening strategic actors to catalyze change on the ground.

RRI is coordinated by the Rights and Resources Group, a non-profit organization based in Washington, D.C. For more information, please visit www.rightsandresources.org.