

## **Securing Community Land Rights: Priorities and Opportunities to Advance Climate and Sustainable Development Goals**

### **Top Line Messages**

- **Legally recognized and secure land and resource rights are fundamental to the advancement of global peace, prosperity, and sustainability, and to solving the related crises of inequality and climate change.** Almost 2.5 billion people—a third of the world’s population—depend on community-held lands for their livelihoods and subsistence. Recognizing and protecting their land and resource rights decreases inequality, improves food security, mitigates poverty, and contributes to sustainable and equitable development. As the historical stewards of the world’s lands and forests, Indigenous Peoples, local communities, and rural women also play a critical role in preserving vital resources and mitigating and adapting to climate change.
- **Unfortunately, while Indigenous Peoples and local communities customarily claim and manage over 50% of the world’s lands, they legally own just 10%.** Insecure land rights drive conflict, poverty, and environmental destruction, rendering communities vulnerable to discrimination and violence and subjecting their lands to unregulated exploitation. Communities struggle to pursue their livelihoods and protect the ecosystems that all of humanity depends on.
- **Securing community land rights is possible—more now than ever before.** The importance of tenure security for the pursuit of global climate and development goals is broadly recognized by state and non-state actors, and high-level actors are making new commitments to work together to secure land rights. Existing laws in many countries could, if implemented, lead to the recognition of millions of hectares of forestland. And new laws and regulations (at least 39 between 2014-2016) are also paving the way for rights recognition. New tools, institutions, and methods are rapidly being developed to support community land titling. And Indigenous Peoples, local communities, and rural women are leading the way in securing their own rights.

### **Why Community Land and Resource Rights?**

- **Secure community land rights are vital to poverty reduction and sustainable economic development, conflict mitigation, food security, climate change mitigation, and women’s rights.**
- **Poverty Reduction and Sustainable Economic Development:** Almost a third of the world’s population depends on community-held lands for their livelihoods and sustenance,<sup>1</sup> with the poorest households most dependent.<sup>2</sup> Land use by rural communities is more sustainable, benefits more people, and generates better environmental outcomes than large-scale plantations and extractive projects.<sup>3</sup> Yet developing states continue to prioritize such projects, resulting in devastating consequences for communities and forests alike.<sup>4</sup>
- **Conflict Mitigation:** Insecure land rights drive significant conflict. Examples of such conflict include violence and evictions of community members living in or near protected areas in India;<sup>5</sup> communities losing ground to multinational corporations in Brazil;<sup>6</sup> and even state-wide conflict

in Ethiopia.<sup>7</sup> Ignoring land rights can also cost investors billions in delays and legal fees, and can increase operating costs as much as 29 times. The idea that there are vast quantities of land available for investment in the developing world is a myth: research demonstrates that 93–99% of concessions in emerging markets are inhabited.<sup>8</sup>

- Africa, often seen as an active region for investment, has higher population density around disputed sites than anywhere else in the world.
  - In Southeast Asia, another popular region, disputes are often more intractable and more violent than elsewhere. 88% of cases in the region are unresolved (compared with 61% of all cases globally), and 65% led to financially significant delays as a result of tenure disputes.
- **Food Security:** The absence of secure land rights threatens communities' abilities to meet their needs, contribute to the elimination of poverty, and invest in their lands. Over 80% of the food consumed in the developing world is produced locally, and forests and trees play a critical role in the food security and nutrition of up to 1.7 billion forest-dependent people<sup>9</sup>, as well as ecosystem services vital to human wellbeing.<sup>10</sup>
  - **Climate Change Mitigation and Adaptation:** Indigenous Peoples and local communities play a vital role in the storage and management of tropical forest carbon. Community-managed forestlands hold at least 24% (54,546 million metric tons)—and likely far more—of the total aboveground carbon in the world's tropical forests, equivalent to almost four times the global greenhouse gas emissions of 2014.<sup>11</sup> Legally recognized and protected community forestlands store more carbon and experience lower deforestation rates than other forests, including protected areas.<sup>12</sup> Recognizing community ownership in the Peruvian Amazon resulted in immediate and tangible benefits for communities and climate alike.<sup>13</sup>
  - **Indigenous and Rural Women's Rights:** The benefits of secure community land rights require adequate protection for the rights of rural women, yet a recent analysis of 30 developing countries found that none adequately recognize rural women's tenure rights. As a result of increasing male outmigration, rural women are increasingly responsible for managing and defending community lands and forests around the world, but often lack a voice in making decisions about their land. Advancing the equal rights and voices of women is not only a global imperative for gender justice and women's socioeconomic advancement, but is also vital for protecting community forestland and promoting inclusive development.

## Securing Community Land Rights is Possible: Country Level Opportunities

- **Implementation of existing and proposed laws and regulations could secure at least 200 million hectares of community lands and forests in the near to mid-term future, preventing the rollback of hard-fought rights while contributing to the wellbeing of 400 to 500 million people.** Between 2014 and 2016, at least 39 laws and regulations relating to Indigenous Peoples' and local communities' forest tenure were passed or amended across 30 countries.<sup>14</sup>
  - In spite of these significant achievements, the establishment of new legal frameworks supporting community forest rights has slowed over the last five years. Over the 15-year period from 2002-2016, 29 community-based forest tenure regimes (CBTRs) were recognized by 30 developing countries. Only six of these recognized full ownership rights.

- **Land Reform Opportunities in Africa:** Indigenous Peoples and local communities hold customary rights to vast swathes of Africa’s land—one study estimates 80% of sub-Saharan Africa<sup>15</sup>—yet communities enjoy legal ownership rights to just 3%.<sup>16</sup> In **Kenya**, the 2016 ruling of the African Court on Human and Peoples’ Rights recognized the customary land and forest rights of Ogiek Peoples and a new law on community land rights opened the door for widespread land rights recognition. In **DRC**, implementing a 2016 Ministerial Decree could provide legal recognition to more than 70 million hectares of community forestland. And in **Liberia**, passing a progressive Land Rights Act could benefit millions of the country’s rural poor.
- **Land Reform Opportunities in Asia:** Asia is home to 70% of the world’s Indigenous Peoples. Excluding China, Indigenous Peoples and local communities formally own less than 1% of Asia’s land.<sup>17</sup> In **Indonesia**, implementation of the 2013 Constitutional Court ruling could restore indigenous community land rights across over 40 million hectares for the benefit of 50-70 million people, alleviating deforestation pressures in the world’s third largest tropical forest. Similarly, **India**’s 2006 Forest Rights Act could secure at least 40 million hectares of community forestland and support the livelihoods of some 170 million people.<sup>18</sup> Further opportunities for advancement include **Nepal, Myanmar, Philippines, Laos, and Cambodia**.
- **Land Reform Opportunities in Latin America:** Latin America have more land recognized for Indigenous Peoples and local communities than Asia or Africa, but increasing threat of rollbacks in **Brazil, Bolivia, Colombia, Mexico, and Peru** have made the protection of existing community lands all the more crucial.<sup>19</sup> While advocacy efforts are underway in **Mexico, Honduras, Argentina** to strengthen government recognition of Afro-descendent rights, enforcement of established statutory rights in **Colombia, Brazil, and Ecuador** is altogether inadequate.<sup>20</sup>
- **Securing Community Land Rights is Cost-Effective:** Community-held forests can generate ecosystem benefits worth between \$54.1 and \$118.7 billion in Bolivia, \$523.2 billion and \$1.2 trillion in Brazil, and \$123.4 and \$277 billion in Colombia, while avoiding the annual release of 42.8–59.7Mt CO2 emissions at a cost of less than 1% of the total benefits.<sup>21</sup>

## Securing Community Land Rights is Possible: International Architecture

- **The international community has adopted a number of landmark legal and voluntary commitments that provide a strong foundation for recognizing community land rights**, including the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the 1989 ILO Indigenous and Tribal Peoples Convention (No. 169); the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP); the 2012 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT); and international endorsement of the Sustainable Development Goals (SDGs) in 2015.<sup>22</sup>
- **The protection of community land rights is endorsed by a growing set of international organizations and instruments**, including United Nation agencies, the New York Declaration on Forests, the European Union FLEGT initiative, the Roundtable on Sustainable Palm Oil, the Tropical Forest Alliance 2020, and the International Union for the Conservation of Nature (IUCN).
- **Emerging Platform of Instruments:** There is a growing and increasingly robust suite of instruments to support government and community efforts to clarify collective land and resource rights. These include the [Interlaken Group](#), an informal “pre-competitive” network of leading investors,

corporations, and NGOs dedicated to expanding private sector action to secure community land rights; and the Global Call to Action on Indigenous and Community Land Rights (and [Land Rights Now campaign](#)) which mobilized 600+ organizations to work toward secure community land rights.

- **The [International Land and Forest Tenure Facility](#) is the world's first and only international funding mechanism dedicated to directly financing indigenous and community efforts to secure their land rights.** In its first two years, the Tenure Facility's six pilot projects helped to advance collective tenure security over more than 1,787,720 hectares of land and forest in Cameroon, Indonesia, Liberia, Mali, Panama, and Peru, proving that with funding and technical support, indigenous and community organizations can achieve significant results in a short period of time.
  - In Indonesia, the Indigenous Peoples Alliance of the Archipelago (AMAN) advanced titling over 1.5 million hectares of land belonging to 450 indigenous communities, strengthening protections over vital forestland.
  - In Mali, the pilot supported the 2015 Peace Accord by pioneering scalable approaches to resolving the land conflicts that fueled insurgencies in the country.
  - In Peru, where land conflicts have raged for decades, a unique partnership between an NGO, an indigenous federation, and a regional government resolved longstanding obstacles to titling Indigenous Peoples' territories. The project also strengthened protection for Indigenous Peoples living in voluntary isolation.

## **Closing the Gap: Priorities for Action**

- **A connected global architecture and much greater collaboration, coordination, and effort is needed to support the realization of community rights.**
- **Governments, NGOs, and development organizations should place tenure rights at the center of their development agendas and ensure there are no rollbacks.**
- **Government, the international community, investors, and companies should support Indigenous Peoples' and communities' efforts to develop and defend their own conservation and enterprise models.**
- **The international community, in collaboration with indigenous and community leaders, should accelerate the recognition of rights on the ground by consolidating and connecting the existing platform of tenure instruments and strengthening indigenous and community organizations' ability to advance their messages and hold rights violators accountable.**
- **Corporations and investors need to go beyond cleaning up their supply chains to altering their business models to cooperate with communities and protect forest and land rights.**
- **Governments and the international development community should prioritize women's rights to community land rights and forests, promote recognition of their role in forest management, and champion their political leadership across the developing world.**
- **As part of the sustainable development agenda and pursuit of the Paris Agreement on climate change, development institutions and multilateral initiatives should work with governments to prioritize rural tenure security as an underlying condition for green growth and climate-resilient development.**

- **To seize emerging opportunities and close the gap on collective land rights, the key constituencies supporting this agenda should--in addition to accelerating the implementation of their own commitments--consider ways to enhance coordination, dramatically scale up efforts, and monitor global progress.**

<sup>1</sup> Mayers, J, Buckley, L and Macqueen, DJ. 2016. Small, but many, is big: Challenges in assessing the collective scale of locally controlled forest-linked production and investment. IIED, London. Available at: <http://pubs.iied.org/pdfs/16615IIED.pdf>.

<sup>2</sup> Angelsen, A., et al. 2014. "Environmental Income and Rural Livelihoods: A Global-Comparative Analysis." *World Development* 64 (1): S12-S28. Available at: <http://www.sciencedirect.com/science/article/pii/S0305750X14000722>.

<sup>3</sup> See for example: Karsenty, A. 2016. The Contemporary Forest Concessions in West and Central Africa: Chronicle of a foretold Decline? Forestry Policy and Institutions Working Paper 34, Food and Agriculture Organization of the United Nations, Rome. Available at: <http://www.fao.org/forestry/45021-04023cd52f4619cd28fe747b7e42c167f.pdf>; Rainforest Alliance. 2015. Sustaining the Harvest: Assessment of the conservation status of big-leaf mahogany, Spanish cedar, and three lesser-known timber species populations in the forestry concessions of the Maya Biosphere Reserve, Peten, Guatemala. Rainforest Alliance, Washington, DC. Available at: <http://www.rainforest-alliance.org/case-studies/sustaining-the-harvest>; and WRI. 2014. The Economic Costs and Benefits of Securing Community Forest Tenure: Evidence from Brazil and Guatemala. WRI, Washington, DC. Available at: [https://www.wri.org/sites/default/files/15\\_WP\\_CLUA\\_Forest\\_Tenure.pdf](https://www.wri.org/sites/default/files/15_WP_CLUA_Forest_Tenure.pdf).

<sup>4</sup> Austin, K.G. et al. 2017. Trends in size of tropical deforestation events signal increasing dominance of industrial-scale drivers. *Environmental Research Letters* 12(5); Meyfroidt, P. et al. 2013. Globalization of land use: distant drivers of land change and geographic displacement of land use. *Current Opinion in Environmental Sustainability* 5(5): 438-444; Ordway, E.A., G.P. Asner & E.F. Lambin. 2017. Deforestation risk due to commodity crop expansion in sub-Saharan Africa. *Environmental Research Letters* 12(4).

<sup>5</sup> Rowlatt, Justin. 2017. "[Kaziranga: The park that shoots people to protect rhinos.](http://www.bbc.com/news/world-south-asia-38909512)" BBC. Accessed September 6, 2017. <http://www.bbc.com/news/world-south-asia-38909512>.

<sup>6</sup> Schapiro, Mark. 2009. "[GM's Money Trees.](http://www.motherjones.com/2009/11/12/gms-money-trees/)" Mother Jones. Accessed November/December 2009.

<sup>7</sup> Human Rights Watch. 2016. "Such a Brutal Crackdown": Killings and Arrests in Response to Ethiopia's Oromo Protests. Human Rights Watch. Accessed September 7, 2017. [https://www.hrw.org/sites/default/files/report\\_pdf/ethiopia0616web.pdf](https://www.hrw.org/sites/default/files/report_pdf/ethiopia0616web.pdf).

<sup>8</sup> TMP Systems. 2015. Communities as Counterparties: Preliminary Review of Concessions and Conflict in Emerging Market Concessions. TMP Systems and RRI, Washington, DC. Available at: [http://www.rightsandresources.org/wp-content/uploads/Communities-as-Counterparties-FINAL\\_Oct-21.pdf](http://www.rightsandresources.org/wp-content/uploads/Communities-as-Counterparties-FINAL_Oct-21.pdf).

<sup>9</sup> Some 2.4 billion people are estimated to rely on firewood for their cooking and heating needs. See for example: Mayers, J, Buckley, L and Macqueen, DJ. 2016. Small, but many, is big: Challenges in assessing the collective scale of locally controlled forest-linked production and investment. IIED, London. Available at: <http://pubs.iied.org/pdfs/16615IIED.pdf>.

<sup>10</sup> High Level Panel of Experts on Food Security and Nutrition. 2017. [Sustainable Forestry for Food Security and Nutrition](http://www.fao.org/fileadmin/user_upload/hlpe/hlpe_documents/HLPE_S_and_R/HLPE_2017_Sustainable-Forestry-for-FSN_S_R-EN.pdf). HLPE Report 11, FAO, Rome. Available at: [http://www.fao.org/fileadmin/user\\_upload/hlpe/hlpe\\_documents/HLPE\\_S\\_and\\_R/HLPE\\_2017\\_Sustainable-Forestry-for-FSN\\_S\\_R-EN.pdf](http://www.fao.org/fileadmin/user_upload/hlpe/hlpe_documents/HLPE_S_and_R/HLPE_2017_Sustainable-Forestry-for-FSN_S_R-EN.pdf); Vira, B. et al. 2015. Forests, trees and landscapes for food security and nutrition. Open Book Publishers, Cambridge, UK. Available at: <http://www.iufro.org/science/gfep/forests-and-food-security-panel/report>.

<sup>11</sup> Rights and Resources Initiative, Woods Hole Research Center & World Resources Institute. 2016. [Towards a Global Baseline of Carbon Storage in Collective Lands](http://www.rightsandresources.org/wp-content/uploads/2016/10/Toward-a-Global-Baseline-of-Carbon-Storage-in-Collective-Lands-November-2016-RRI-WHRC-WRI-report.pdf). RRI: Washington, DC. Available at: [rightsandresources.org/wp-content/uploads/2016/10/Toward-a-Global-Baseline-of-Carbon-Storage-in-Collective-Lands-November-2016-RRI-WHRC-WRI-report.pdf](http://www.rightsandresources.org/wp-content/uploads/2016/10/Toward-a-Global-Baseline-of-Carbon-Storage-in-Collective-Lands-November-2016-RRI-WHRC-WRI-report.pdf).

<sup>12</sup> Blackman, A. 2015. Strict versus Mixed-use Protected Areas: Guatemala's Maya Biosphere Reserve. *Ecological Economics* 112: 14–24; Nepstad, D. et al. 2006. Inhibition of Amazon Deforestation and Fire by Parks and Indigenous Lands. *Conservation Biology* 20(1): 65–73; Nolte, C. et al. 2013. Governance Regime and Location Influence Avoided Deforestation: Success of Protected Areas in the Brazilian Amazon. *PNAS* 110(13): 4956–4961; Stevens, C. et al. 2014. [Securing Rights, Combating Climate Change: How strengthening community forest rights mitigates climate change](http://rightsandresources.org/wp-content/uploads/Securing-Rights-Combating-Climate-Change.pdf). WRI, Washington, DC. Available at: <http://rightsandresources.org/wp-content/uploads/Securing-Rights-Combating-Climate-Change.pdf>.

<sup>13</sup> Blackman, A. et al. 2017. Titling indigenous communities protects forests in the Peruvian Amazon. *PNAS* 114 (16): 4123-4128. The study noted an 81% decrease in the rate of deforestation and forest disturbance within a year of titling, and a 56% drop the year after.

<sup>14</sup> New Constitutions were enacted in Nepal, the Republic of Congo, Thailand, and Zambia. The Constitutions of Colombia, India, Mexico, Papua New Guinea and Senegal were amended. RRI. 2017. Power and Potential: A Comparative Analysis of National Laws and Regulations Concerning Women's Rights to Community Forests. Rights and Resources Initiative, Washington, D.C.

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<sup>15</sup> Wily, Liz Alden. 2015. [Estimating National Percentages of Indigenous and Community Lands: Methods and Findings for Africa](#). Data file from LandMark: The Global Platform of Indigenous and Community Lands. Available at: [www.landmarkmap.org](http://www.landmarkmap.org).

<sup>16</sup> RRI. 2015. Who Owns the World's Land? A global baseline of formally recognized indigenous and community land rights. RRI, Washington, DC. Available at: <http://rightsandresources.org/en/publication/whoownstheland/#.WbxT-bJ97IU>.

<sup>17</sup> RRI. 2015. Who Owns the World's Land? A global baseline of formally recognized indigenous and community land rights. RRI, Washington, DC. Available at: <http://rightsandresources.org/en/publication/whoownstheland/#.WbxT-bJ97IU>.

<sup>18</sup> Citizens' Report and Community Forest Rights-Learning and Advocacy Process. 2016. [Promise and Performance: 10 Years of the Forest Rights Act in India](#). CFR-LA, New Delhi.

<sup>19</sup> RRI. 2017. "Record-breaking mobilization calls for Brazil to end its attack on Indigenous Peoples' and Afro-descendant land rights." RRI. Accessed September 7, 2017. <http://rightsandresources.org/en/blog/record-breaking-mobilization-calls-for-brazil-to-end-its-attack/#.WbgDPj6GPIU>.

<sup>20</sup> RRI. 2016. El Derecho de Tenencia Colectiva en los Acuerdos de Paz y los Compromisos Hacia la Política Climática en Colombia. RRI, Washington, DC. Available at: <http://rightsandresources.org/es/publication/tenencia-colectiva-acuerdos-paz-compromisos-climatica-colombia/#.WbxUSCzrzIV>.

<sup>21</sup> Ding, Helen et al. 2016. Climate Benefits, Tenure Costs: The Economic Case for Securing Indigenous Land Rights in the Amazon. World Resources Institute, Washington, DC. Available at: <http://www.wri.org/publication/climate-benefits-tenure-costs>.

<sup>22</sup> Other key international conventions and agreements that advance the rights of women, Indigenous Peoples and local communities include the Aichi Biodiversity Targets (# 14 & 18 specifically) and Nagoya Protocol on Access to genetic resources and the fair and equitable sharing of benefits; the UN Guiding Principles on Business and Human Rights.