

Urgency and Opportunity:

ADDRESSING GLOBAL HEALTH, CLIMATE, AND BIODIVERSITY

CRISES BY SCALING-UP THE RECOGNITION AND PROTECTION OF

INDIGENOUS AND COMMUNITY LAND RIGHTS AND LIVELIHOODS

The legal recognition and protection of the land and territorial rights of Indigenous Peoples (IPs), local communities (LCs), and Afro-descendants (ADs) offers one of the most reliable, efficient, and equitable solutions to the pursuit of global climate and biodiversity commitments and the realization of a safer and more resilient world for all.

Backed by a robust body of research showing the transformative socio-ecological impacts of community-based tenure security, new analyses now confirm the global extent of community lands and the tangible opportunities within countries to dramatically accelerate the legal recognition and protection of the customary land and resource rights of communities.

Through locally adapted governance institutions, cultures, and traditional knowledge systems, Indigenous Peoples, Afro-descendants, and local communities have, for centuries, stewarded the world's lands and forests. Yet, their ability to pursue their self-determined development and conservation priorities is threatened more than ever by the accelerating drive for land and natural resources to restart economic growth, and parallel efforts to set aside more high biodiversity areas and carbon-rich ecosystems. But as evidence shows, securing community-based tenure rights can in fact accelerate global progress towards local, national, and global development goals, whilst ensuring that intact and integrated landscapes, watersheds and coastal biomes are sustainably and equitably managed, used, and protected. More importantly, growing numbers of countries, companies, and investors are realizing that securing the rights of the most vulnerable yields benefits for all.

Opportunities for such transformative change have never been clearer nor more urgent. Strengthened collaboration between Indigenous and civil society organizations and their allies, governments, the private sector, and the broader international community could unlock urgently needed transformational change. As governments take actions to reboot their economies in the wake of the Covid-19 pandemic, many are rolling back social and environmental protections while simultaneously subsidizing industries and infrastructure that risk undermining the rights and livelihoods of local peoples and the lands and forests they steward—making actions to secure community rights urgent and critical. Securing the rights of local peoples and women in particular, and prioritizing their agency in the pursuit of sustainable development, represents one of the most assured means of eradicating poverty, strengthening equity, and achieving climate-resilient prosperity.

Understanding the Potential - Global Extent of Collective Lands & Territories

Using evidence and expert input on the customary rights of communities to lands and territories across 42 countries comprising one-half of the world's land, analysis conducted by the Rights and Resources Initiative (RRI) demonstrates the significance of the total area held by communities, and the limited legal recognition of such rights. Specifically, independently validated data show that Indigenous Peoples, local communities, and Afro-descendants exercise customary rights to at least 49 percent (3,115 million hectares or mha) of the aggregate area assessed in the study¹, thus supporting prior estimates that they collectively hold rights to over half of global land area² (see **Recognition status by region in figure below**). Of these territories, at least 46 percent (1,488 mha) have yet to be legally recognized, and half of these (789 mha) are in Low- and Middle-Income Countries (LMICs).

- In Africa, Indigenous Peoples and local communities hold customary rights to at least 70 percent of the total land area found in the 14 countries analyzed, and more than two thirds of this area (504 mha) has yet to be legally recognized. Of the three continents with a high concentration of LMICs, Africa holds the greatest proportion of unrecognized Indigenous and local community lands, and thus the greatest opportunity for the large-scale advancement of

¹ Percent of regional land covered by the study: Asia, 38 percent; Africa, 47.7 percent; Latin America, 93.1 percent; and North America, Europe and Oceania 47.9 percent.

² Rights and Resources Initiative (2015) Who owns the world's lands. RRI: Washington, DC.

RRI Partners



collective rights globally.

- In Asia, only 6 percent (9 mha) of the total land area held by Indigenous Peoples and local communities (152 mha)—outside of China—is legally recognized. Within China, communities have legal rights to 939 mha and assert rights to another 3.7 mha.
- Across Latin America, Indigenous Peoples, local communities, and Afro-descendants customarily manage at least 31 percent of land area (571 mha) found in the 12 countries studied. While 76 percent of these areas are legally recognized as owned or designated for communities, at least 137 mha remain unrecognized and the rapidly changing political-economic context within the region could result in the further rollback of previously recognized land and territorial rights.

A Framework to Assess Opportunities for Tenure Reforms

Since 2002, at least 14 countries have passed legislation or have new judicial rulings formally recognizing Indigenous Peoples', local communities', and Afro-descendants' collective rights to forests, yielding a total of roughly 48 LMICs that have legal frameworks to respect these rights.³ And by implementing these frameworks in just 7 countries, the world could more than double the total forest area recognized as owned or designated for communities over the last 15 years by shifting 176 mha of forest lands from public to Indigenous or community ownership, benefitting some 400 million people in the process. Unfortunately, the scope of emerging opportunities and the potential for impact is seldom understood or fully leveraged by those who can catalyze such changes. New analysis now clarifies what can be done to advance community-based tenure rights in various countries, providing valuable information to governments, donors and development partners on ways to collaborate with rightsholder organizations and increase the impact of rights-based interventions for people and landscapes. Designed as an operational tool to assess country readiness for investments to secure the land and territorial rights of Indigenous Peoples, local communities, and Afro-descendants, the Opportunity Framework relies on a due diligence protocol to assesses opportunities for engagement on the basis of three interrelated variables: (i) the scope of existing legal frameworks; (ii) the degree of political will and support for tenure reforms; and (iii) the extent to which actors and institutions have the capacities, resources and relational trust needed to support reforms and the implementation of existing regulations.

To facilitate rights-based approaches in the land and forest sectors, the Opportunity Framework was applied to 29 countries, of which 23 are partners in the World Bank's Forest Carbon Partnership Facility (FCPF). Results point to a range of immediate and actionable investments:

- At least 10 countries are ready for large national-scale tenure reform investments
- 14 countries are ready for medium-scale projects to be led by local rights-holder organizations or CSO partners; and
- 5 countries are ready for smaller, strategic investments to build the enabling conditions for implementing tenure reforms.

A Solution - Confronting the Climate, Biodiversity, and Global Health Emergencies

Despite unprecedented awareness, favorable laws, and capable civil society organizations at national and sub-national levels, threats to community-held lands and territories are increasing globally, in tandem with the unfolding Covid-19 pandemic. The persecution of land rights defenders shows no signs of abating, and governments such as Indonesia and Brazil are enacting laws and policies that ease restrictions on extractive industries and agribusiness operating on lands claimed by Indigenous Peoples, local communities, and Afro-descendants.⁴ Over a hundred cases of collective tenure rights violations by extractive industries have been mapped and documented for 2017 to 2019 across Latin America, directly impacting some 1,164 communities.⁵ In Africa, forest-dweller communities continue to face forced evictions from the lands and forests they have resided in and conserved for centuries.⁶

Yet, as this brief demonstrates, significant change is happening, but much more could be achieved if resources, policies and actions were better coordinated and leveraged to advance the rights of local peoples. Securing collective tenure rights

³ Rights and Resources Initiative (2018). *At a Crossroads: Consequential trends in the recognition of community-based forest tenure from 2002-2017*. RRI: Washington, DC.

⁴ In Indonesia, passage of the Draft Omnibus Law, expected in 2020, would deregulate mining, remove requirements for environmental and social impact assessment, and diminish penalties for environmental violations. Presidential Regulation No 66 2020 was signed and enacted on 19th of May, 2020, and eases requirements to access financing for land acquisition for nationally strategic projects, setting the stage for increased land grabbing.

⁵ Assessing territorial disputes in: Brazil, Peru, Colombia, Honduras, Guatemala, and Mexico. Rights and Resources Initiative (2020) *Story Maps: The impact of territorial disputes between communities and extractive industries* (Forthcoming). RRI: Washington, D.C.

⁶ Voice of America. (2020) *Kenya's Indigenous Complain of Forceful Eviction From Forests*. Available at: <https://www.voanews.com/africa/kenyas-indigenous-complain-forceful-eviction-forests>

to customarily held forestlands in only 22 participant countries of the World Bank's Forest Carbon Partnership Facility, for example, would help secure at least 153 billion tonnes of carbon.⁷ Over 80 percent of terrestrial biodiversity is found on community-owned and claimed lands and forests,⁸ and as shown in a forthcoming study by RRI, geo-spatial analysis of 9 forested countries covering 5.1 million km² shows that rates of deforestation in Indigenous Peoples', local communities', and Afro-descendants' territories are comparable to those found in protected areas, and thus lower than national averages while still supporting the livelihood needs of millions of people. Further expansion of strict conservation efforts to cover 30 percent of the global land area, as called for in the post-2020 global biodiversity framework could affect up to 1.5 billion people, potentially triggering upwards of 4 trillion USD in rehabilitation costs from forced displacements community-held lands and forests tend to be better protected and sustainably used—storing more carbon⁹, holding yet more biodiversity,¹⁰ and generating more benefits for more people—than lands managed or protected by other entities.¹¹ For their part, corporate, investor, and service provider leaders, confronted with the responsibility of ensuring the health and safety of communities and farmers in and around their operations during the pandemic, have found that clear and secure land rights directly contribute to improved local food security, more resilient supply chains, and reduced impacts on local livelihoods and incomes.¹²

Closing the gap in the legal recognition and protection of the customary land and forest rights of communities thus represents one of the most promising pathways to secure the well-being of local peoples, mitigate climate change, protect vital ecosystems, and accelerate progress towards inclusive and sustainable development. To achieve transformative change at scale, the RRI Coalition calls on governments, the international community, conservation organizations, and the private sector to actively collaborate with Indigenous and community organizations to:

1. Dramatically increase ambition and funding to secure the land and resource rights of Indigenous Peoples, local communities, Afro-descendants, and especially women within these groups, noting that such rights constitute a fundamental human right for all local peoples:
 - Directly fund Indigenous Peoples', local communities', and Afro-descendants' organizations and their allies at national levels, increase support to dedicated funding institutions, such as RRI's Strategic Response Mechanism and the Tenure Facility, at the international level, and actively collaborate with RRI in the design of the Pathway Alliance – a new initiative to mobilize greater global ambition and coordination to achieve the global climate, biodiversity, and development goals.
 - Prioritize investments to ensure that by 2030, at least 50 percent of lower-and middle-income forest areas are owned or designated for use by Indigenous Peoples, Afro-descendants, and local communities.
 - Increase baseline support for the realization of enabling environments for the legal recognition of community tenure rights, including efforts to develop and implement regulatory reforms; strengthen community awareness and capacities to engage; and build awareness, capacity and support for right-based reforms across relevant line ministries and departments at local and national levels.
 - Significantly scale-up investments in rightsholders organizations as a secure pathway to map and document community lands, implement tenure rights and strengthen resource governance—recognizing that more than political will, rightsholders are the driving force of implementation in most jurisdictions.
2. Prioritize the legal recognition of Indigenous and community land rights in the context of international climate, conservation and sustainable development commitments and priorities, including the rights of communities and women within these to govern their territories and pursue their self-determined priorities:
 - Ensure Indigenous Peoples, Afro-descendants, local communities, and women within those groups—have lawfully recognized rights to self-determination, including rights to manage, conserve, use, and trade forest

⁷ Rights and Resources Initiative. (2020) *The Opportunity Framework: Identifying Opportunities to Invest in Securing Collective Tenure Rights in the Forest Areas of Low and Middle Income Countries - Technical Report*. RRI: Washington, D.C.

⁸ Sobrevila, C. (2008) *The Role of Indigenous Peoples in Biodiversity Conservation: The Natural but Often Forgotten Partners*. The World Bank, Washington DC. ; O'Bryan, C.J., et al., (2020) *The importance of indigenous peoples' lands for the conservation of terrestrial mammals*. *Conserv Biol*, available at: doi: 10.1111/cobi.13620; Garnett, S.T., et al., *A spatial overview of the global importance of Indigenous lands for conservation*. *Nature Sustainability*, 2018. 1(7): p. 369-374

⁹ Walker, W., Gorelik, S., Baccini, A., Aragon-Osejo, J., Josse, C., Meyer, C., Macedo, M., Augusto, C., Rios, S., Katan, T., de Souza, A., Cuellar, S., Llanos, A., Zager, I., Mirabal, G., Solvik, K., Farina, M., Moutinho, P. and Schwartzman, S. (2020). *The role of forest conversion, degradation, and disturbance in the carbon dynamics of Amazon indigenous territories and protected areas*. *Proceedings of the National Academy of Sciences*, p.201913321.

¹⁰ O'Bryan, C.J., et al., *The importance of indigenous peoples' lands for the conservation of terrestrial mammals*. *Conserv Biol*, 2020. n/a(n/a);

Schuster, R., et al., *Vertebrate biodiversity on indigenous-managed lands in Australia, Brazil, and Canada equals that in protected areas*. *Environmental Science & Policy*, 2019. 101: p. 1-6.

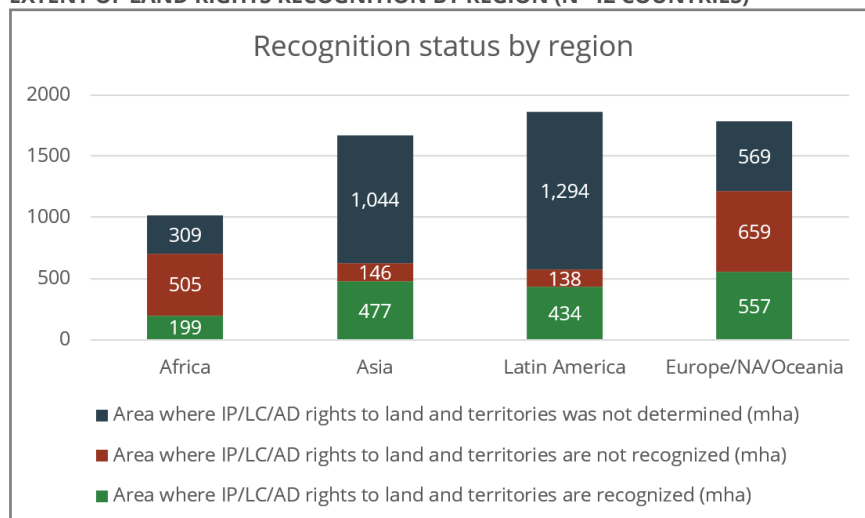
¹¹ Rights and Resources Initiative. (2020) *Analysis of the Impact of Expanded Protected Areas on Indigenous Peoples and Local Communities*. RRI: Washington, D.C. (Forthcoming) – Example suggestion from Ed Barrow: there are about quarter million sacred groves across the globe – most under IPLC management. Yet hardly any are recognized officially – they may well be respected and recognized at the local level. These groves are mostly forested. For most cases the IPLC institutions are in place to manage – though their authority is weakening and many groves are degraded or/and have disappeared.

¹² Interlaken Group. (2020) *Webinar series on implications of COVID-19 on global supply chains and community land rights*. Available at: <https://www.interlaken.org/resource-types/minutes>

products and services in 100 percent of the area under their ownership or designated use by 2030.

- Advance tenure and rights-based targets in the context of climate, biodiversity, and sustainable development commitments, including relevant national policies, public expenditures, and private investments, ensuring that resource flows do not create additional risks to communities or their lands and territories, and fully respect their right to free, prior, and informed consent.
 - Strengthen rights-based due diligence requirements in international financing agreements and provide tenure compliant grant windows to encourage reforms and their implementation.
3. Adopt and operationalize rights-based international standards and UN sanctioned guidance on the voluntary governance of tenure across all land-related investments and initiatives:
 - Donors, multilateral institutions, the private sector, and non-governmental organizations active in the climate, conservation, and development spaces adopt and commit to realizing the Rights-Based Principles to Sustainable Landscape Conservation and Management (i.e., the Gold Standard), co-developed by the United Nations' Indigenous Peoples' Major Group, the Rights and Resources Initiative, and the Global Landscapes Forum;
 4. Recognize and support Indigenous, Afro-descendant, and community women's rights to own, manage, and control land, forests, and resources which are the basis for their livelihoods, community well-being, and food security:
 - Secure the collective land and resource rights of women, ensuring their equal rights to use and access community lands and actively participate in the governance of collectively held territories.

EXTENT OF LAND RIGHTS RECOGNITION BY REGION (N=42 COUNTRIES)



The Rights and Resources Initiative

The Rights and Resources Initiative is a global Coalition of more than 150 organizations dedicated to advancing the forestland and resource rights of Indigenous Peoples, local communities, Afro-descendants, and women within these communities. Members capitalize on each other's strengths, expertise, and geographic reach to achieve solutions more effectively and efficiently. RRI leverages the power of its global Coalition to amplify the voices of local peoples and proactively engage governments, multilateral institutions, and private sector actors to adopt institutional and market reforms that support the realization of rights. By advancing a strategic understanding of the global threats and opportunities resulting from insecure land and resource rights, RRI develops and promotes rights-based approaches to business and development and catalyzes effective solutions to scale rural tenure reform and enhance sustainable resource governance.

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

Sponsors



The views presented here are not necessarily shared by the agencies that have generously supported this work, or all of the Partners or Affiliated Networks of the Coalition.

This work is licensed under a Creative Commons Attribution License CC BY 4.0.

2715 M Street NW
Suite 300
Washington, DC 20007

www.rightsandresources.org
@RightsResources

