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Dispossessed: New Study Shows Indigenous Peoples and Local Communities—1.5 Billion Worldwide—Lack Legal Rights to Almost Three Quarters of Their Land

Presented at international conference in Bern, findings suggest weak tenure threatens food security, economic development, political stability and environment; failure to recognize rights may play role in fate of “Failed States”

BERN, SWITZERLAND (30 September, 2015)— A new global study, released on the eve of a major land rights summit, reveals that indigenous peoples and local communities lack legal rights to almost three quarters of their traditional lands, despite claiming or having customary use of up to 65 percent of the world’s land area.

Pointing to their findings as evidence of the significant disenfranchisement of one of the most basic of human rights, the authors report that failure to recognize land tenure for 1.5 billion people worldwide is hampering efforts to combat hunger and poverty, igniting social conflict, and undermining efforts to reduce deforestation and the impacts of climate change.

The unprecedented analysis, conducted by the Rights and Resources Initiative (RRI), establishes an international baseline of data on the legal recognition of Indigenous Peoples’ and communities’ land rights for over 80% of the world’s land. It identifies the land area in 64 countries that is formally recognized—under national statutes—as owned or controlled by Indigenous Peoples and local communities, and builds on previous work by RRI that tracked the ownership and control of forest land around the world.

"This report spells out the catastrophic failure of governments to respect the basic land rights of more than one billion people," said Andy White, Coordinator of RRI. "While government leaders are negotiating international agreements to end poverty and stop climate change, they are failing to match these commitments at home. Too many governments are still handing out local peoples’ lands for economic developments that exploit natural resources, accelerate climate change, and destroy livelihoods."

Countries in this new report were selected to include a broad range of terrestrial ecosystems, including drylands, grasslands, forests, and most other rural areas. By creating this baseline report, RRI and its partners hope to provide the means of measuring progress and monitoring and reporting on efforts to reverse existing legislation granting rights to local peoples.

Special attention was given to 12 countries in the analysis that are included in the World Bank’s list of fragile countries. In 10 of these countries, almost 100 percent of the territory is owned by the government or the private sector and not by the people who live there.

"Progress in recognizing community-based land rights is strikingly weak in the fragile states included in this global baseline study," note the authors in their text. "...In these fragile states,

only two percent of the land area is controlled by Indigenous Peoples and local communities and only a fraction of one percent is owned by them.”

Co-organized by RRI, the International Land Coalition (ILC), Oxfam, and Helvetas Swiss Intercooperation, the conference in Bern brings together those with clear stakes in the recognition of land rights—leaders of Indigenous Peoples and local communities, private sector executives, financial analysts, government officials, and advocates from non-governmental organizations. Topping the event agenda is ensuring that the many commitments made on land rights and deforestation—through vehicles like the New York Declaration on Forests or through independent statements—are actually implemented..

New Data Provides the Starting Point for Renewed Efforts

Primary findings from the new RRI analysis include a significant potential for progress in the coming years. Eighty-eight percent of the countries in the survey have at least one law on the books that Indigenous Peoples and local communities could potentially use to get legal recognition of their land rights, even though many of these laws have not been yet implemented. Five countries dominate the global results—Australia, Brazil, Canada, China and Mexico—containing 67 percent of the global land area that is owned or controlled by indigenous and local communities.

Past studies comparing the impact of strong land rights on the health of rural lands and natural resources have found that Indigenous Peoples and local communities conserve the nature of their territories best, keeping the carbon in the trees and ground and thus slowing climate change. Indigenous Peoples and local communities today have legal or official rights to at least 513 million hectares of forests, about one eighth of the world’s total. Collectively, these forests contain approximately 37.7 billion tonnes of carbon—29 times more than the annual emissions of the world’s passenger vehicles.

Progress Could Be Imminent in Key Countries

The RRI analysis highlights a number of countries that can change the status quo by implementing legal decisions or laws that are currently on the books. In 2013, for example, Indonesia Constitutional Court ruling no. 35 invalidated government control of customary forests. When this ruling is implemented, it could increase the amount controlled by Indigenous Peoples and local communities from 0.25 percent of the national territory to approximately 23 percent.

"Without rights to the lands that we live on, Indigenous Peoples in Indonesia get pushed aside without free prior and informed consent, for industrial projects like palm oil plantations and strip mines," said Rukka Sombolinggi of the Indigenous Peoples Alliance of the Archipelago (AMAN), Indonesia, one of four organizations that led a plenary panel on indigenous rights at the Bern conference. "Indigenous Peoples can contribute much more to the world. If we had the rights to our territories, our land and resources, it would change everything. We would protect our homes, our culture, knowledge, our environment and the world. But too many economic interests are still resisting the Indigenous Peoples Law, at times with the support of the government."

In India, the Forest Rights Act passed in 2006 obligates the state to recognize the rights of approximately 150 million forest dwellers on at least 40 million hectares of forested land, according to a report released in August, 2015, by RRI, Vasundhara, and NRMC India. The report found that the districts with the largest potential for land rights recognition overlap with the country's tribal population and poorest areas. These are also the districts with the maximum number of land-based social conflicts in the country. While implementation of the act has been stalled for almost a decade, the current government has recently made efforts to begin addressing the issue.

“When it comes to recognizing who owns the land targeted for development, governments and the private sector need to engage in a race to the top, not the bottom,” concluded RRI’s White. “This race has begun in earnest, and while international meetings at the United Nations and elsewhere can provide helpful goals and rallying points, the only real way to achieve sustainable development and avoid disastrous conflict and climate change is to recognize the land rights of local people.”

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Rights and Resources Initiative (RRI) RRI is a global coalition of 13 Partners and over 150 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, DC. For more information, see www.rightsandresources.org.