

## INDIGENOUS PEOPLES: A DECADE OF PROGRESS AND POSSIBILITY

Local communities and Indigenous Peoples customarily own more than 50 percent of the world's land, yet research by the Rights and Resources Initiative (RRI) in 2015 showed that they have legal ownership rights to just 10 percent. This huge gap means that vast areas of the world remain open to contest. Disputes over land ownership are a major driver of conflict: the unclear status of customary rights played a role in all but three of the 30-plus armed conflicts in Africa between 1990 and 2009. Over the past decade, Local Communities, Indigenous Peoples, and their allies have been fighting to close the gap between customary rights and their recognition and enforcement in statutory law. And after a decade or more of struggle, progress was achieved across the world by the close of 2015.

### *PROGRESS IN COUNTRIES AROUND THE WORLD*

A critical mass of countries is in the early stages of actually implementing the recognition of community land rights at a national scale. If successful, this will lead to the recognition of over 100 million additional hectares of forest and directly benefit over 200 million people.

- In 2005, the government of **Indonesia** did not recognize the existence of Indigenous Peoples, much less their historic rights to lands and forests. Concerted advocacy by Indigenous Peoples, civil society, and social movements in the last decade has created strong support for customary forest rights recognition. In 2013, the Constitutional Court ruled that the state had wrongly appropriated customary forests and should return them. Civil society has been working closely with the new government of President Jokowi, and at the end of 2015, a number of customary forests were on the verge of being legally recognized. This sets the stage for implementation of the government target to recognize customary and community rights over 12.7 million hectares of land by 2019.
- Until the Forest Rights Act passed in 2006 in **India**, which overturned the “historic injustice” of denying the tribal rights of Indigenous Peoples, millions lived as squatters on their own lands. In 2015, after it came to light that fewer than half of the land claims filed by communities under the Act had been addressed, the new government of Prime Minister Narendra Modi ordered nine slow-coach states to speed up implementation. Now an estimated 40 million hectares in India are due for recognition as community forests under the law, directly benefitting more than 150 million marginalized forest dwellers.
  - In 2015, efforts by local and national civil society organizations, with the support of RRI, led to the recognition of over 26,000 hectares of community forest rights for 43 tribal villages in the Simlipal Tiger Reserve in Odisha. In the Narmada district of Gujarat and Gadchiroli of Maharashtra, poor tribal communities whose rights were recognized under the Forest Rights Act increased their income by harvesting bamboo in their forests, illustrating community forest rights’ potential to alleviate poverty and contribute to sustainable development.

- In **Nepal**, a new constitution adopted in September 2015 provides a certain level of recognition of the rights of local communities in natural resource management. In Part 51(g), for example, the state “shall pursue a policy of conserving the natural resources of the country... [that] shall ensure the fair distribution of the benefits generated by it by giving local people the priority and preferential rights.” Though this is far less than what Nepal's Indigenous Peoples and Local Communities demanded, it still provides space for creating legislation that can strongly recognize community and indigenous rights over land and forests.
- In 2005, almost 60 percent of **China's** forests were still formally held by state collectives despite growing evidence of the failures of this approach. Tenure insecurity was a major driver of illegal logging, land grabbing, poverty, and conflict. Beginning in 2006, the government has undertaken tenure reforms that allow collectives to reallocate forests to households, smaller natural villages, and outsiders. These reforms have directly benefited hundreds of millions of people and increased household incomes and reforestation. More is yet to be done to protect these rights and spread reforms to the still state-owned forests, where ethnic communities have extensive unrecognized forest rights.
- For over 20 years, the Interethnic Association for the Development of the Peruvian Rainforests (AIDSESEP) has been working for the recognition and protection of Indigenous Peoples in voluntary isolation and initial contact in **Peru**. With support from RRI Collaborators, AIDSESEP provided compelling evidence refuting the claims of oil prospectors who denied the presence of these groups. In 2013, AIDSESEP worked with the Ministry of Culture to demarcate new reserves for them, increasing the protected area from 2.8 million to 4.3 million hectares. In 2014, the Supreme Court recognized five such reserves. At the end of 2015 the situation looks promising for the titling of community lands. Indigenous Peoples’ activism regarding REDD+ and climate change has reactivated donor interest and increased government commitment. While national elections in 2016 are likely to produce a government that does not prioritize indigenous concerns, an international consensus regarding the role of territorial security for Indigenous Peoples could pressure the government to stay the course.
- In 2008, **Liberian** NGOs and RRI hosted a conference on alternative tenure enterprise models and made proposals for reshaping the country’s forest sector. Thereafter, Liberian NGOs successfully advocated for the passage of the landmark 2009 Community Rights Law, which included provisions for the recognition of collective rights over forests. In 2013, the adoption of the Land Rights Policy provided formal recognition for customary land rights. In 2015, a draft Land Rights Act that would enact this policy received widespread support from many stakeholders, including members of Liberia’s Land Commission and President Ellen Johnson Sirleaf. If the Land Rights Act passes, Liberia will be poised to lead West Africa in the recognition of customary land rights.

- After more than a decade of civil society engagement, in 2014 the government of the **Democratic Republic of the Congo** (DRC) signed a decree recognizing the right of individual communities to secure concessions for up to 50,000 hectares of forest in perpetuity. This was a major achievement for customary rights in the country. In 2015, the draft management rules and regulations (arrêté) for the effective implementation of local community forestry concessions were discussed at a multi-stakeholder national workshop and submitted for legal adoption.
- Two hundred years ago, nearly 300 Poqomchi' Maya families in the department of Alta Verapaz in **Guatemala** were forced to become tenants of a German coffee-grower who appropriated 800 hectares of their forest. The land was declared abandoned in 2000, and in 2011 the Guatemalan government gave it to a logging company and served eviction notices to the Poqomchi' Maya. The families fought for their land, and the Guatemalan Land Fund—a government body tasked with helping landless farmers—finally recognized their title in July 2015.

### *PROGRESS FOR INDIGENOUS WOMEN*

A decade ago, the vital role that women play in providing food for their families and sustainably managing their lands often went unrecognized. In many places around the world, this is still the case. In recent years, however, women's rights have finally been gaining greater recognition in some countries, generally as the result of concerted action by women's groups.

- In 2015, after over a decade of pending regulation to implement Law 731 on gender equality, RRI Collaborators in **Colombia**, the Federation of Peasant Women of Cundinamarca and the National Round Table of Rural Women, were able to improve public policy for rural women. Thanks to their efforts, the latest Colombian National Development Plan established the Office for Rural Women to implement women's rights to access and own land. Women's organizations—along with other peasant, indigenous, and Afro-Colombian organizations—are now working with the presidential advisor on gender equity to ensure action is taken on the ground.
- In **Cameroon**, women are engaged with both the government and the traditional chiefs to increase recognition for their rights in both statutory and customary law. This innovative approach has helped mainstream gender rights in the land reform process; the traditional chiefs have included it in their position documents on land reform; and the Minister for Women's Empowerment and the Family established a working group to support advocacy efforts of RRI Collaborator REFACOF (African Women's Network for Community Management of Forests). In 2015, REFACOF also began working with Queen Mothers (traditional chiefs' wives) to promote the rights of local women.