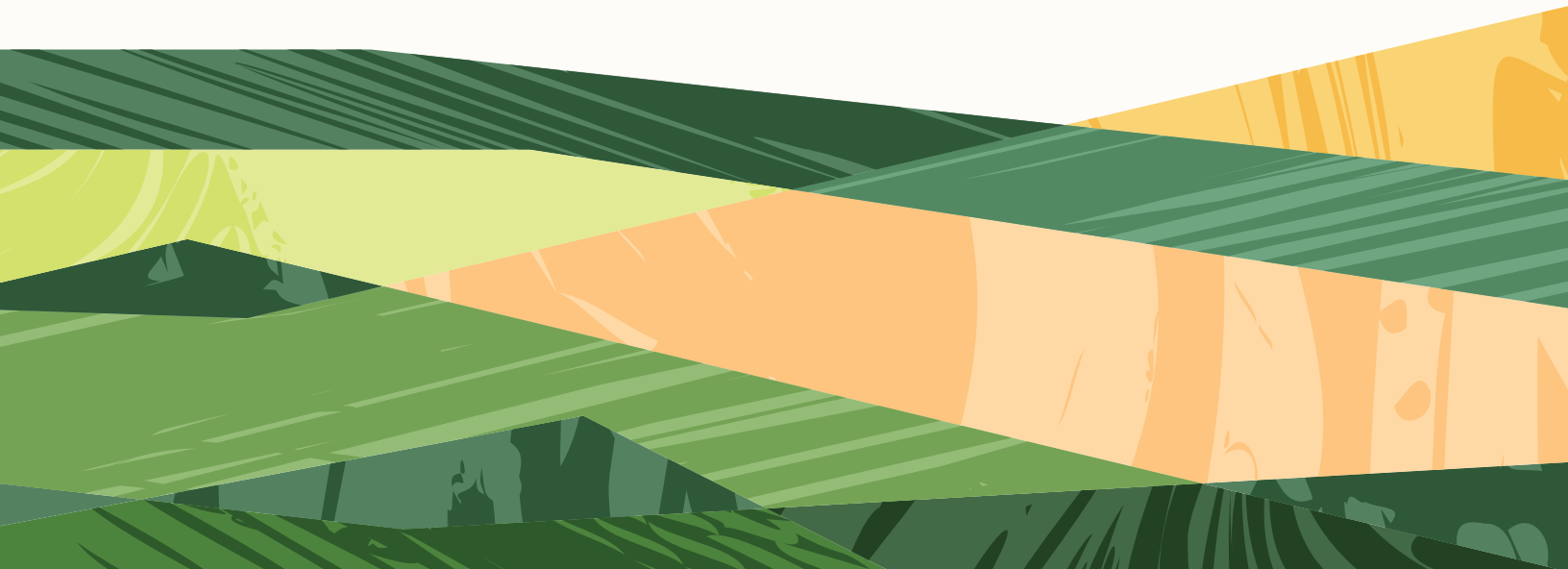




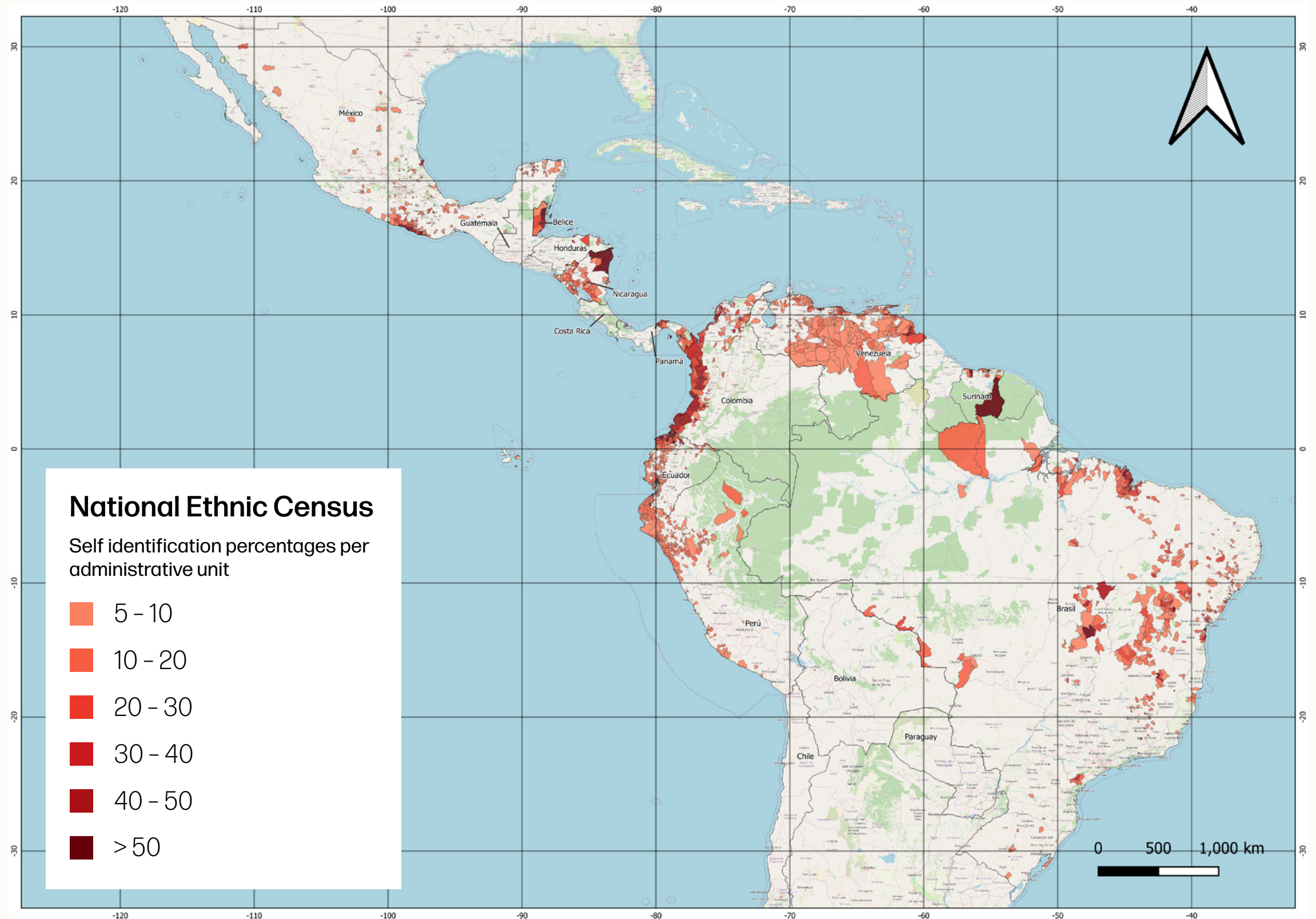
Afrodescendant territoriality in Latin America and the Caribbean and the recognition of their tenure rights

December 4, 2023



In Latin America and the Caribbean, the Afro-descendant population is made up of more than 150 million people, constituting 30% of the total population of the region. However, despite their presence throughout the region, there are various forms of discrimination based on ethno-racial origin that limit them from having equal access to services and the full enjoyment of their territorial rights.

The lack of systemic and comprehensive data and GIS information on ADPs' ancestral lands makes invisible their significant contributions to biodiversity protection and efforts to tackle climate change impacts. To close that gap, Rights and Resources Initiative the Process of Black Communities (PCN), the National Coordination of Articulation of Rural Black Quilombola Communities (CONAQ) and the Pontifical Universidad Javeriana's Observatory of Ethnic and Campesino Territories (OTEC) developed a geographic analysis of the territorial presence of ADPs' and the status of their tenure rights across 16 countries in Latin America and the Caribbean.*



* Countries included in the study: Belize, Brazil, Bolivia, Colombia, Chile, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname and Venezuela.

Ecosystems in Afro-descendant Peoples' territories

Throughout the 205 million hectares of land with the presence of Afro-descendant Peoples, there are ecosystems of great importance such as rainforests, dry forests, wetlands, and marine ecosystems. The overlap of the most representative and crucial ecosystems for biodiversity conservation is quantified as follows:

Rainforests (88,797,334.86 ha)

Dry forests (515,020.39 ha)

Wetlands (5,099,311.22 ha)

Shrublands (1,764,495.86 ha)

Mangroves and marine ecosystems (235,719.50 ha)

Cultivated areas (45,623,709,79 ha)



Hectares (In Millions)

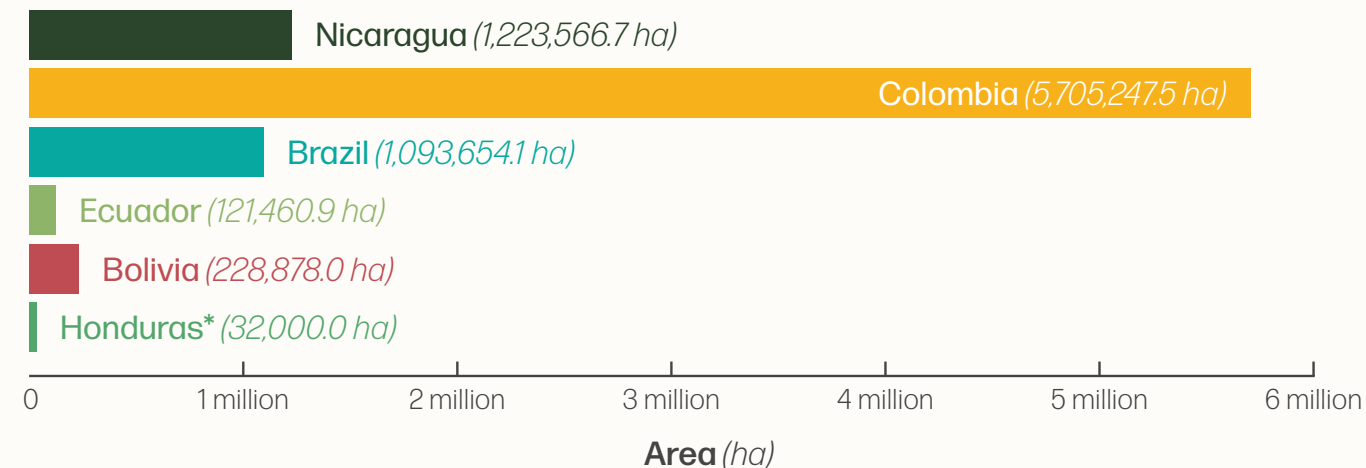
Afro-descendant Peoples' territories and biodiversity hotspots

77% have a land cover that is mostly natural and with little anthropogenic transformation. This shows that the communities have effectively protected these ecosystems.

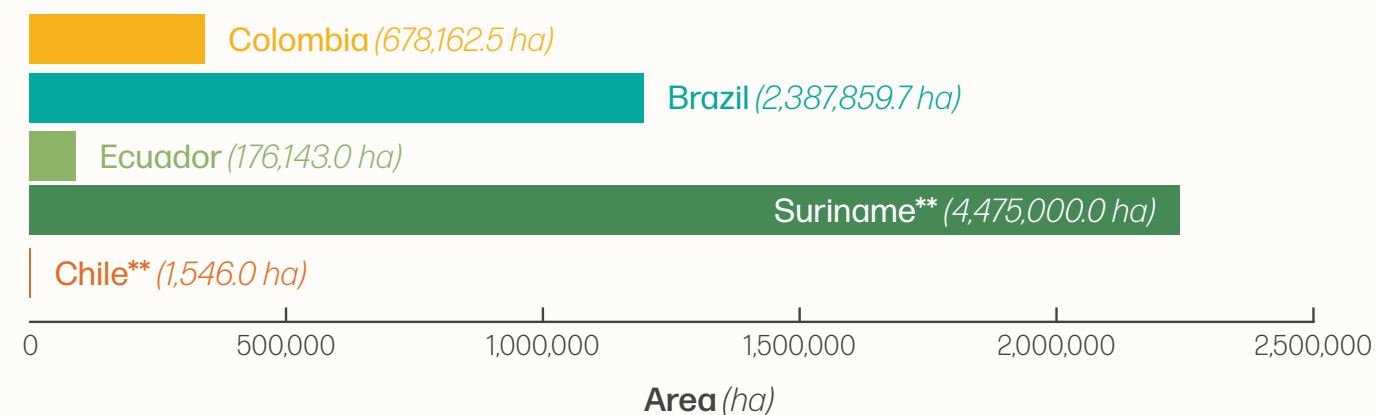


Lands of Afro-descendant Peoples with legal recognition, requested in titling and lands without demarcation.

Titled territories



Territories claimed with requests for recognition and boundaries



* The lands titled in Honduras to the Garífuna people are recorded in administrative documents, but there are no marked boundaries.

** Areas where the communities have the expectation, but there are no legal tools for titling.

Status of territorial rights, constitutional recognition, and tenure regimes for Afro-descendants

Country	Constitutional recognition	Constitutional designation	Specific collective tenure regime of Afro-descendant Peoples
Brazil	1988	Quilombola communities	Quilombola Community Lands
Colombia	1991	Black communities	Black community territories
Ecuador	1998 and 2008	Afro-Ecuadorian People	Rural lands and ancestral territories
Bolivia	2009	Afro-Bolivian People	No - extended right of Indigenous Peoples and peasants
Mexico	2019	Afro-Mexican People	No - extended right of IPs and CL-Ejidos and communities (5 states define tenure rights specifically: Guerrero, Oaxaca, Coahuila, Veracruz, Mexico City)
Nicaragua	1986 - 1995: non-categorical	Atlantic Coast Ethnic Communities	Communal property of Indigenous Peoples and ethnic communities on the Atlantic Coast
Honduras	No	No	Afro-Honduran communal property
Chile	No* Law 21.151 2019	No - Afro-Chilean Tribal People	No
Guatemala	No	No	No
Peru	No	No	No
Paraguay	No	No	No

Bundle of Rights Analysis of the strength of land tenure rights legally held by Afro-descendant Peoples*



Access and free transit through the community territory



Withdrawal of non-timber forest products (fruits, medicinal plants, fish, wild animals, others) from the territory for subsistence purposes



Duration of tenure rights over the territory over time on a permanent basis



Withdrawal of timber for use and commercialization



Exclusion of third parties in the use of the benefits of the resources of their territory



Due process and compensation - the right to contest government limitations on control and autonomy of territories and to receive compensation for expropriation due to limitations on tenure rights

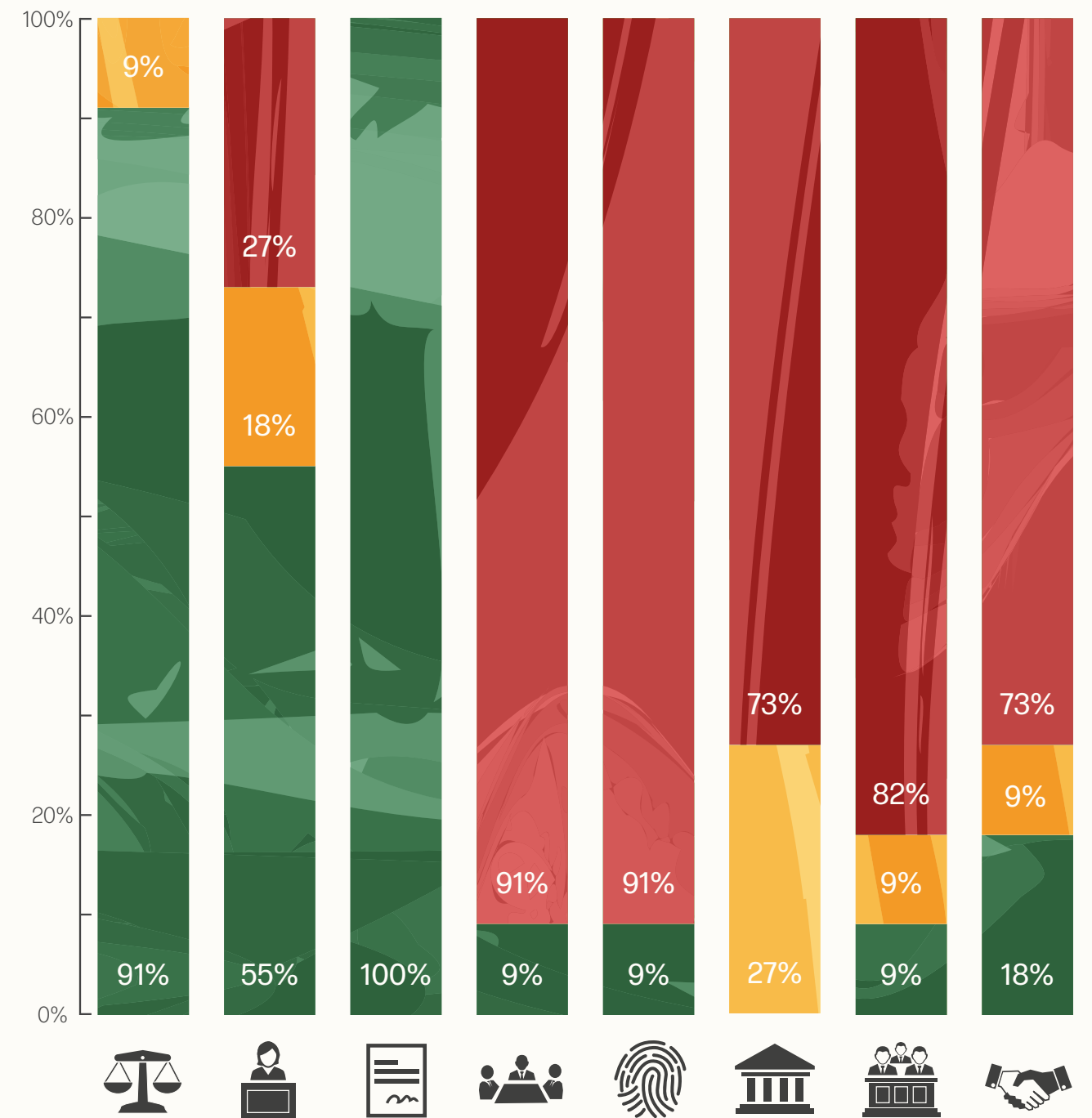
Six of the 11 countries have laws that guarantee all six rights (Bolivia, Brazil, Colombia, Ecuador, Mexico, Nicaragua).

In **Honduras**, the law guarantees four rights (**access, withdrawal of non-timber forest products, timber withdrawal, and duration**) but only partially recognizes two rights (**exclusion and due process and compensation**).

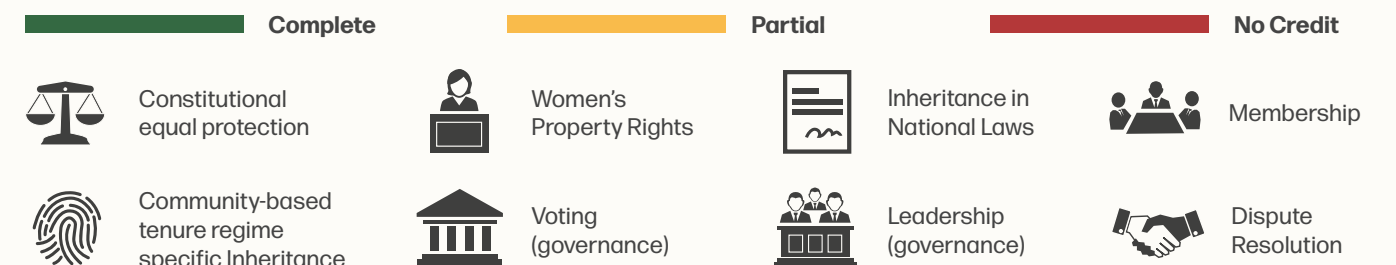
In four of the 11 countries, laws do not guarantee the six rights (Chile, Guatemala, Paraguay, Peru).

* The countries included in this analysis are: Brazil, Bolivia, Colombia, Chile, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay and Peru.

Gender Indicators (11 countries)*



Key



Observatorio

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Una apuesta por la defensa de los territorios



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