

# CLOSING THE GAP

Strategies and scale needed to  
secure rights and save forests



Rights and Resources Initiative  
Annual Review 2015–2016



# THE RIGHTS AND RESOURCES INITIATIVE

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, D.C. For more information, please visit [www.rightsandresources.org](http://www.rightsandresources.org).

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# RIGHTS AND RESOURCES

## 2015-2016

What a difference a decade makes. In 2005, RRI proposed a goal of doubling the area of forest land in developing countries that is legally owned by or designated for Indigenous Peoples and local communities by 2015. That figure stood at 21 percent in 2002 and reached 31 percent by the end of the year, still short of the target but a dramatic advance for local peoples nonetheless. This represents the legal restoration of traditional forest ownership to roughly 150 million hectares, an area 4.5 times the size of Germany. Today, Indigenous Peoples and local communities hold property rights to almost 500 million hectares of forest land in developing countries.

Ten years ago, it was a struggle to make indigenous and community rights part of global discussions on forest conservation and climate change. By the close of 2015 it was clear that the case had been made. There is still much further to go, with millions of Indigenous Peoples and local communities lacking legal rights to the vast majority of their customary lands, putting at risk their livelihoods and the sustainability of hundreds of millions of hectares of forest. But secure local land rights are now widely accepted as a prerequisite for addressing the deforestation and climate crises—as demonstrated by the 2015 Paris Agreement on climate change and the 2014 New York Declaration on Forests—as well as reducing both conflict and poverty.

2015 was significant for two other major achievements, both of which are the product of decades of struggle by local peoples and their allies. First, there is a critical mass of countries 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. India, Indonesia, Peru, Colombia, and Liberia stand out.

And second, by the close of 2015, Indigenous Peoples, local communities, and their allies established an unprecedented platform of institutions, initiatives, and tools for stopping deforestation and scaling-up the recognition of community forest rights. The International Land and Forest Tenure Facility is providing direct financing to community organizations to implement tenure reforms and recognize rights on the ground. LandMark became the first global platform displaying maps of the lands held collectively by Indigenous Peoples and local communities, making their rights and claims easily visible to outsiders. The Interlaken Group—an ad hoc group of leaders from NGOs and corporations—developed guidelines for corporations to fully respect the rights of customary landholders, and is in the process of creating similar tools to guide investors. The Global Call to Action on Indigenous and Community Land Rights, an alliance of Indigenous Peoples' and community organizations and NGOs, is mobilizing greater efforts to secure land rights across the world.

These achievements position the world for major progress toward closing the catastrophic gap between the area of land owned by communities in practice and the area to which governments recognize those rights.

RRI has, therefore, set a new target: to close the existing gap in recognition so that at least 50 percent of the developing world's forests are formally under community control by 2030, consistent with the Sustainable Development Goals. Realizing this target will require substantial ambition, strategy, and implementation at scale by international organizations, private actors, NGOs, and Indigenous Peoples and communities alike.

The past decade has seen considerable progress. But 2016 is the first test of our collective will to seize these new opportunities and secure rights and save forests—for local people and our planet.

## DEDICATION

This report is dedicated to the families and community members of the land rights activists who lost their lives in 2015.

## ACKNOWLEDGEMENTS

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### **Rights and Resources Initiative**

Washington, D.C.

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## ACRONYMS

<b>AIDSEP</b>	Interethnic Association for the Development of the Peruvian Rainforests, Peru
<b>AMAN</b>	Indigenous Peoples' Alliance of the Archipelago, Indonesia
<b>APP</b>	Asia Pulp and Paper
<b>APRIL</b>	Asia Pacific Resources International
<b>DRC</b>	Democratic Republic of the Congo
<b>FENAMAD</b>	The Native Federation of the Madre de Dios River, Peru
<b>FPIC</b>	free, prior, and informed consent
<b>LMICs</b>	low and middle income countries
<b>NGO</b>	non-governmental organization
<b>REDD</b>	reducing emissions from deforestation and forest degradation
<b>RRI</b>	Rights and Resources Initiative
<b>SDGs</b>	Sustainable Development Goals
<b>SPDA</b>	Peruvian Society for Environmental Law, Peru
<b>TPP</b>	Trans-Pacific Partnership
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme





# A Decade of Progress, Peril, and Possibility

For the nearly 300 Poqomchi' Maya families in the department of Alta Verapaz in Guatemala, 2015 was the year they finally got their land back. Two hundred years ago, the families 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.<sup>1</sup>

Like the Poqomchi' Maya, the customary rights of communities and Indigenous Peoples to forests, rangelands, and wetlands are often not written down or shown on government maps, but they are a fundamental reality. They cover more than 50 percent of the world's land surface, yet new research by RRI in 2015 showed that just 10 percent of the world's land is legally recognized as community-owned.<sup>2</sup>

This means that governments formally recognize communities' ownership rights to less than 20 percent of the land they have historically owned.

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 has played a role in all but three of the 30-plus armed conflicts in Africa between 1990 and 2009.<sup>3</sup> Even though the constitutions of many countries recognize customary law, and recognize customary rights in statutory law, implementation is often weak or nonexistent.

The victory of the Poqomchi' Maya is an important one in a hotspot of conflicts over forests and lands—it symbolizes the struggles of Indigenous Peoples everywhere and gave others hope of success. Indeed, over the past decade, communities, Indigenous Peoples, and their allies have been fighting to close the gap between customary rights and their recognition and enforcement in statutory law.

Disputes over land ownership are a major driver of conflict: the unclear status of customary rights has played a role in all but three of the 30-plus armed conflicts in Africa between 1990 and 2009.

They are not alone. After a decade or more of struggle, progress was achieved across the world by the close of 2015:

- 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.<sup>4</sup> 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. 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.<sup>5</sup> 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 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 (AIDESEP) has been working for the recognition and



protection of Indigenous Peoples in voluntary isolation and initial contact in **Peru**. With support from RRI Collaborators, AIDESEP provided compelling evidence refuting the claims of oil prospectors who denied the presence of these groups. In 2013, AIDESEP 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.<sup>6</sup> 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.<sup>7</sup>
- 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.
- 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 **Colombia, Cameroon**, and elsewhere, generally as the result of concerted action by women's groups.<sup>8</sup> In 2015, after over a decade of pending regulation to implement Law 731 on gender equality, RRI Collaborators

## Box 1: Responses to the Key Questions of 2015



### *Will the World Bank water down safeguards and promote carbon “grabbing,” or will it become a critical ally in the struggle of Indigenous Peoples and local communities?*

In 2015, the Bank improved aspects of its widely criticized social and environmental safeguards for development projects, particularly the proposed opt-out clause relating to Indigenous Peoples,<sup>9</sup> but proposals circulated in mid-2015 rolled back the Bank's standards on biodiversity and social protection.<sup>10</sup> In March, Bank President Jim Yong Kim admitted there were “major problems” with their resettlement practices and announced a reform plan to fix them.<sup>11</sup> An internal audit had found that, in more than half of the 59 “development” projects reviewed, the Bank did not know what happened to people physically displaced through “involuntary resettlement.”<sup>12</sup> There were no changes to the Forest Carbon Partnership Facility's Methodological Framework and the Bank took no substantive steps to become a critical ally of Indigenous Peoples.

### *Will the drafters of the SDGs change tack and include substantive targets and indicators on collective rights to land?*

They have not (though indicators are still being finalized). The SDGs are weak on collective and customary land rights, which appear only as a subsidiary issue. Target 1.4, under the goal of eliminating poverty, lists “access to basic services, ownership and control over land” among its indicators of poverty, but there is no specific mention of collective or customary land rights, or the land-related needs of Indigenous Peoples and local communities.

### *Will corporations and donors implement the commitments they made in the 2014 New York Declaration on Forests and fully embrace forest peoples' rights?*

There are hopeful signs in the pledges on forest and land rights made by some major corporations, but even these leaders are still in the early steps of cleaning up their supply chains and changing business models to respect rights. An initial study found that the New York Declaration has not had a discernible impact on deforestation, although it is still early days.<sup>13</sup> The Carbon Disclosure Project showed that businesses are struggling to realize their deforestation commitments in practice.<sup>14</sup> It will take much more effort and consumer demand to transform the industry's conventional approach to land and local peoples.

***Can the UN climate conference in Paris deliver a deal, and will it recognize the critical role of community land rights in halting climate change?***

The Paris climate conference was a diplomatic triumph, with the final agreement delivering a goal of keeping global warming “well below two degrees.” The Paris Agreement stressed the importance of reducing emissions from deforestation and forest degradation (REDD), and the role of conservation and sustainable forest management in maintaining and enlarging natural carbon sinks. It included human rights and the rights of Indigenous Peoples as well as a system for reporting on how REDD social safeguards are addressed and respected.<sup>15</sup> The Paris Agreement failed, however, to include Indigenous Peoples’ rights in the operational text, acknowledge Indigenous Peoples’ conservation efforts as the best defense against deforestation, or recognize the urgent need to address widespread injustices in forest tenure rights.

***Will Africa get serious about forest and land rights?***

A few African countries appear to be. In Liberia, the proposed Land Rights Act drafted in consultation with civil society and supported by President Ellen Johnson Sirleaf would recognize that customary forest tenure confers ownership, without requiring the complex process of formal statutory titling.<sup>16</sup> This could become a blueprint for change in West Africa, where the beginnings of a long-delayed sea change are discernible and could accelerate in the next 12 months. Liberia’s approach has already been adopted in several countries in East and Southern Africa. Another positive sign is the likelihood that Kenya’s Community Land Bill will pass into law in 2016.

***In what direction will Indonesia and Brazil head on forest governance?***

The new Indonesian government is potentially on the cusp of a radical reform for tens of millions of Indigenous Peoples. But it is sending mixed messages, often failing to intervene to protect forests and forest peoples where corporate interests are involved. International calls for action are likely to grow after El Niño hastened massive forest fires in late 2015, causing Indonesia’s greenhouse gas emissions to temporarily exceed those of the United States (Box 3).<sup>17</sup>

Brazil was an early leader on forest rights but is going backwards. The Brazilian national Congress has sought to reverse indigenous land rights in the Amazon, and the government continues to take land for large hydroelectric dams without obtaining the free, prior, and informed consent (FPIC) of the indigenous communities whose lands will be flooded.

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

## Box 2: The Ongoing Peril of Protecting One's Land

Global Witness' 2015 report "How Many More?" reported that 40 percent of the 116 activists killed in 2014 were indigenous leaders.<sup>18</sup> The targeting and intimidation of land-rights activists showed no sign of stopping in 2015.



In February, contracted security guards murdered Indra Pelani, a farmer and land-rights activist, in Jambi in Indonesian Sumatra outside a pulpwood plantation owned by a subsidiary of Asia Pulp and Paper (APP). Pelani was on his way to a rice harvest festival, but his community has had a long-running dispute with the company over ownership of 2,000 hectares of customary farmland.<sup>19</sup>



Illegal armed groups are thought to be behind the shooting in April of Fernando Salazar Calvo, a leader of artisanal miners in a Colombian indigenous reserve, the Resguardo Indígena Cañamomo Lomoprieta, where the rights of indigenous communities have been under attack. The assassination of Salazar followed a series of death threats against indigenous leaders.<sup>20</sup>



Thai rights activist Chai Bunthonglek was shot six times outside his home in Surat Thani Province early one evening in February, the unidentified gunman speeding away on a motorbike. He was the fourth land rights activist murdered in the area in the past five years. The local community has been trying to reclaim land taken by palm oil companies whose leases with the government have run out. The killer has yet to be captured.<sup>21</sup>



In Nicaragua, nine Miskito people were killed and 20 injured in land conflicts on the country's Caribbean coast. The Miskito people had taken up arms against organized invasions by landless farmers from the west, themselves victims of land injustices.<sup>22</sup>

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.<sup>23</sup>

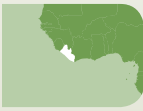
- A decade ago, the crisis of insecure land rights of the world's **Indigenous Peoples** was not on the radar screen. In 2007, the United Nations (UN) adopted the UN Declaration on the Rights of Indigenous Peoples. Today, the plight and urgency of Indigenous Peoples and their role in saving forests has moved from the margins to the mainstream, with stars like Leonardo DiCaprio and Alec Baldwin actively calling for the recognition of their rights.



In Peru, five anti-mining protesters were shot dead by police in September after they broke into the Las Bambas copper mine being developed in the Apurimac region by a subsidiary of the Chinese state-owned Minmetals Corporation. The protesters objected to the mine's impacts on their lands.<sup>24</sup> The killings followed the deaths of four people during protests at the Mexican-owned Tia Maria copper mine in southern Arequipa in May.<sup>25</sup>



The small forest-dwelling community of Bayeria, located in the Mai Ndombe region of DRC, suffered a punitive expedition by local police early in 2015. Local people had been protesting against the *Compagnie des Bois*, a logging company, for failing to honor a 2011 agreement to develop infrastructure in the community. Six people were arrested and others were forced to flee into the forest to avoid police brutality. The arrestees were released and negotiations with the logging company resumed after *Handcrafted Films* aired a documentary on the Bayeria community, but fear of reprisal remains and community manipulations continue.<sup>26</sup>



In Butaw in southeast Liberia, violent confrontations ensued between customary landowners and Golden Veroleum Liberia, a subsidiary of the Singapore palm-oil giant Golden Agri-Resources, which has been operating without the consent of communities living in the concession area. At one stage, the company was forced to evacuate the plantation due to riots. Thirty five villagers were arrested, and at least 15 remained incarcerated for several months. Twenty four year old Fred Thompson died in custody and was buried without an autopsy.<sup>27</sup>

Donor countries are now taking steps to defend land rights and environmental champions. In late 2015, the European Union launched the Support Fund for Environmental Defenders in Central Africa, which will provide legal support for activists subjected to harassment or arrest.<sup>28</sup>

This progress comes with a heavy cost. As Indigenous Peoples and communities around the world increasingly stand up for their rights, many are met with violence. A 2015 report by Global Witness found that 116 land rights and environmental activists were killed for their activities in the previous year. Between 2004 and 2014, the world lost at least 888 people fighting for recognition of their lands and livelihoods;<sup>29</sup> countless more have been threatened, abused, and intimidated (Box 2).

These examples demonstrate the potential progress and peril of efforts to secure land rights recognition and justice in the years ahead. It is possible to close the gap between customary rights and statutory law. The Poqomchi' Maya families, and all of those mentioned above, show the promise the future brings.

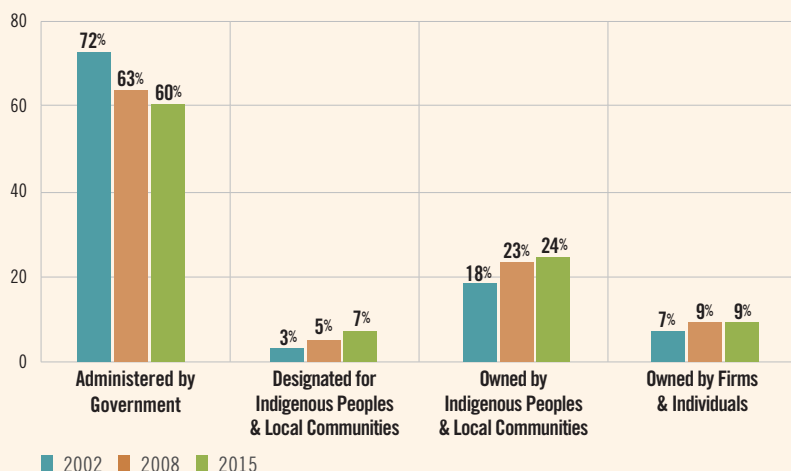


## State of Forest Tenure Rights in 2015

Forest Trends and then RRI have been publishing data on forest tenure since 2002, steadily increasing the number of countries covered. In 2005, RRI set a target in conjunction with the Millennium Development Goals to double the forest area owned by or designated for Indigenous Peoples and local communities in 33 low and middle income countries (LMICs) from 21 percent of their total forest area in 2002 to 42 percent by 2015. These 33 countries represent over three-quarters of forest area in LMICs globally.<sup>30</sup> This target was not attained, but governments have made significant progress toward it.

Governments in the 33 LMICs have recognized indigenous and community ownership to a total of 388 million hectares of forest land, and have “designated” an additional 109 million hectares for communities (with a more limited set of rights than under full ownership—see below).<sup>31</sup> Combined, this recognition accounts for almost 500 million hectares of forest land, which is more than 30 percent of the total forest area in the 33 countries.<sup>32</sup>

**Figure 1: Global Change in Recognition, 2002-2015**



Source: Rights and Resources Initiative. 2016.



While this progress is important, recognition has slowed since 2008 and its often incomplete nature leaves Indigenous Peoples and local communities highly vulnerable to land-grabbing by governments and corporations in the name of industry and conservation, as well as to the violence that often results when they stand up for their rights.

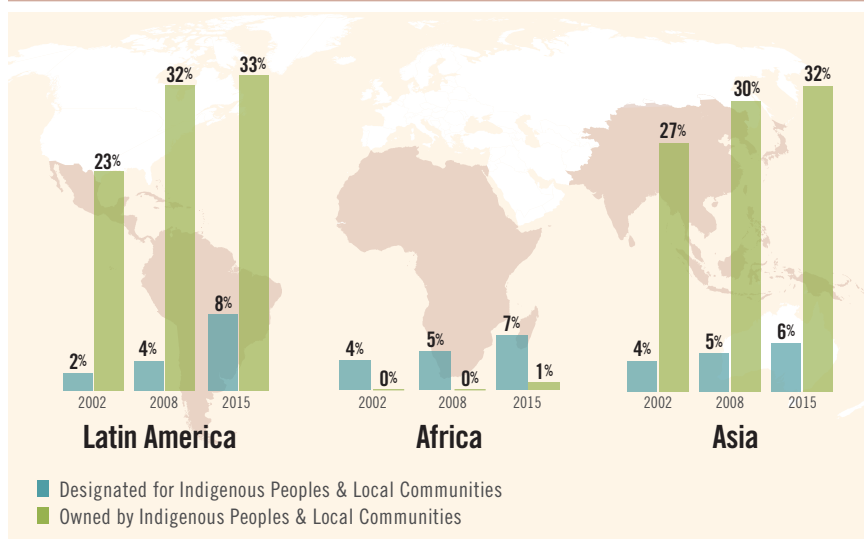
In 2015, Indigenous Peoples and local communities hold formally recognized ownership rights to almost a quarter of total forest land in the 33 LMICs. An additional 7 percent of the total area is designated for use by Indigenous Peoples and local communities; private individuals or firms own approximately 9 percent; and governments still claim ownership to approximately 60 percent (Figure 1).

This increase in the land area to which Indigenous Peoples and local communities have legal rights embodies two trends: governments are hesitating to recognize community ownership, but are more willing to designate lands for Indigenous Peoples and local communities. The area of land designated for communities increased from about 50 million hectares in 2002 to 109 million hectares in 2015. The area of land under full ownership increased from roughly 300 million to 390 million hectares over the same period; in total, almost 150 million hectares were added to the total amount of land recognized as owned or controlled by Indigenous Peoples and local communities. While more total area was recognized as owned by Indigenous Peoples and local communities between 2002–2015, it represents an increase of less than 30 percent in ownership over 2002 levels. By contrast, the land area that governments designated for Indigenous Peoples and local communities increased by almost 120 percent over the same period.<sup>33</sup>

While progress in the "designation" of community lands represents progress, it is only a half-measure. It leaves Indigenous Peoples and local communities without core rights, such as the right to due process and the right to compensation in the event that lands are expropriated. Some communities with designated lands may retain property rights for only a certain period. Others lack the authority to manage their lands or to exclude outsiders. Such limitations undermine incentives to invest in conservation and reforestation, and can also make it harder for communities to establish and maintain enterprises based on natural resources.<sup>34</sup> Lands designated for communities therefore tend to be less secure and more easily abused than lands under community ownership.

Different regions vary in their commitment to indigenous territories and community-based forest tenure. The highest level of commitment is in Latin America, where governments studied in 2015 recognize indigenous and community rights to approximately 40 percent of their total forest land, an increase of more than 50 percent compared with 2002 (Figure 2).<sup>35</sup>

**Figure 2: Regional Comparisons of Change in Land Owned by or Designated for Indigenous Peoples and Local Communities, 2002-2015**



Source: Rights and Resources Initiative. 2016.

Of the three main regions, Africa came closest to doubling the area of forest land under indigenous and community ownership and control between 2002 and 2015, with an increase of 73 percent—but this was from a very low base. Indigenous Peoples and local communities own or have limited control of approximately 7 percent of the total forest land in sub-Saharan Africa, but have full ownership rights to only 1 percent.<sup>36</sup> Despite almost doubling the land designated for or owned by communities, Africa lags far behind both Latin America and Asia in total recognition.

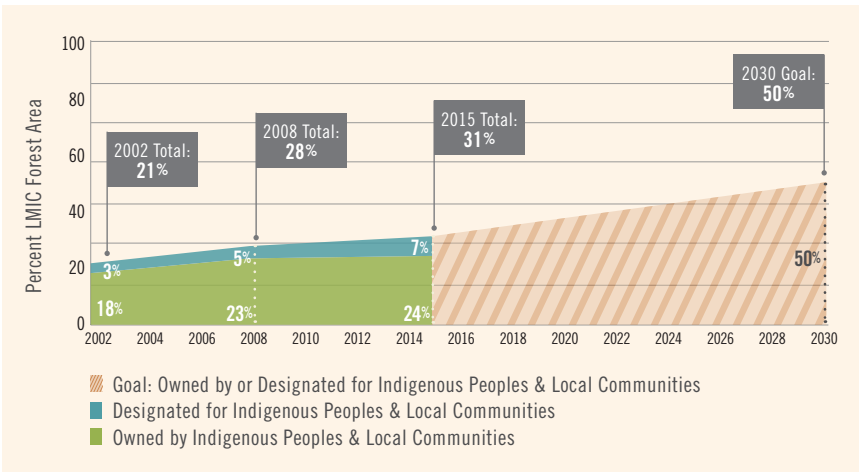
The situation in Asia fares better, as Indigenous Peoples and local communities have rights (either ownership or designation) to 38 percent of the total area of forest land. However, the increase in that area between 2002 and 2015 was the lowest of the three regions, at just 24 percent.<sup>37</sup>

## The Future of Forests: New Targets for 2030

A decade after RRI called on the world to double the area of forest land in community hands, we are setting two new targets for 2030 as global indicators of progress within the framework of the Sustainable Development Goals:

1. At least 50 percent of the total forest area in LMICs is owned or designated for use by Indigenous Peoples and local communities.

**Figure 3: RRI Targets and Trends in Tenure Recognition in 33 LMICs, 2002-2015**



Source: Rights and Resources Initiative. 2016.

2. Indigenous Peoples and local communities in LMICs have recognized rights to conserve, manage, use, and trade forest products and services in 100 percent of the land under their ownership or designated for their use.

To achieve the goal of securing formal indigenous and community land rights to at least 50 percent of total forest areas in LMICs by 2030, RRI is challenging governments to accelerate formal recognition, which, as previously mentioned, lagged between 2008 and 2015 when compared to recognition between 2002 and 2008 (Figure 3).

One cannot overstate the importance of these goals for achieving economic, social, and environmental sustainability worldwide, as well as social justice. As explored in Part 3, by the close of 2015 many of the arguments, initiatives, and tools to spur progress are now in place.



## 2015 in Focus: Argument Accepted, Opportunities at Scale, and Pathways to Success

2015 will long be remembered as the year of mass migrations into Europe, horrifying terrorist attacks, and extreme weather events. But 2015 may also be remembered as the year in which the stage was set for unprecedented progress in the recognition of local peoples' land and forest rights. A critical mass of key players—including governments, donors, private companies, and investors—now recognize that secure local land rights are a prerequisite for addressing poverty, conflict, deforestation, and the climate crisis. Many of the world's major forested countries are beginning to make serious progress on implementing tenure reform. And Indigenous Peoples, local communities, and their allies have established an unprecedented platform of institutions and tools for stopping deforestation and scaling up the recognition of community rights.

### Argument Accepted: Forests on the Brink

In the run-up to the United Nations climate conference in Paris in 2015, evidence accumulated that communities are crucial for the maintenance of forest carbon sinks. A study by the World Resources Institute in Brazil and Guatemala found that “secure rights to community forests are expected to prevent the release of over 5.4 billion tons of CO<sub>2</sub> over 20 years.”<sup>38</sup> Satellite imagery analysis released at the conference by the Woods Hole Research Center showed that indigenous lands hold more than one-fifth of the carbon in tropical forests.<sup>39</sup> Other recent major studies have provided compelling evidence that when deforestation pressures are high, Indigenous Peoples' territories reduce deforestation more than other types of protected areas; that local participation in forest governance is crucial for producing sustainable

“ When we invest in strengthening the rights [of Indigenous Peoples and communities], we now know we are not only doing the right thing, we are also making a smart investment in a more climate-stable world. ”

Juan-Carlos Altamirano,  
World Resources Institute

forest outcomes; and that community rather than private benefits are vital to motivating local people to protect forests.<sup>40</sup>

Ultimately, more than 190 governments adopted a potentially historic agreement on climate change in Paris, aiming to keep global warming “well below” two degrees Celsius above pre-industrial levels, with an ambition to keep it below 1.5 degrees.<sup>41</sup>

The agreement strongly advocates the use of forests as carbon sinks to capture carbon dioxide and recognizes “the rights of Indigenous Peoples [and] local communities” and their “traditional knowledge” in forest management. It thus opens the door to maximizing the role of local peoples in fighting climate change.

There was widespread support among participants at the conference for the view that secure land rights for forest communities are crucial for the protection of forests as carbon sinks. As Britain’s Prince Charles asserted: “We must do all we can to support the communities that live within forests.” It is not yet clear, however, whether this will be reflected in the disbursement of the planned US\$100 billion to be made available to developing countries each year for mitigating and adapting to climate change post-2020.

Nevertheless, some donor governments are already taking up the challenge. At the Paris climate conference, the governments of Norway, Germany, and the United Kingdom collectively pledged US\$5 billion between 2015 and 2020 in “pay for performance” financing for forest protection. The three governments also pledged to partner with the private sector to make supply chains deforestation-free.<sup>42</sup>

Forests act as ecological buffers against floods, droughts, storms, and other extreme weather, thus qualifying them for both climate change mitigation and adaptation funding. On mitigation, Helen Clark, the administrator of the UN Development Programme (UNDP), said at the Equator Prize in Paris: “When Indigenous Peoples and local communities don’t have secure land rights, or their rights are weak, their forests become more vulnerable to deforestation. That in turn worsens the climate change challenge, and impacts badly on livelihoods and human wellbeing. But when communities’ rights are legally recognized and protected, then deforestation rates are lower and our forests can play their vital roles.”

While the argument was accepted in the hallways, Indigenous Peoples’ rights did not make it in to the operational text of the agreement. The new commitments risk the possibility that conventional protected areas—rather than respect for local peoples’ rights—will be the primary strategy used to achieve forest protection. New research by TMP Systems and RRI shows the trade-offs of these two approaches in both financial and human terms and finds that support to communities is a far better deal.<sup>43</sup>

In the run-up to the Paris climate conference, more than 180 nations submitted their Intended Nationally Determined Contributions, which are national pledges for curbing greenhouse gas emissions. Forests featured prominently in some of these, but an RRI analysis identified only 12 countries that included community-based tenure or natural resource management as strategies for reducing their emissions.<sup>44</sup>

### Box 3: Land Rights and Indonesia's Peatland Fires



In 2015, massive fires raged in forests and peatlands in northern Indonesia, causing severe air pollution, death, half a million respiratory infections, school closures, disruption of local and national air travel, and the production of more daily CO<sub>2</sub> emissions than the entire US economy.<sup>46</sup> Ample evidence and satellite imagery indicated that in West and Central Kalimantan and in South Sumatra where the fires were most severe, there was significant overlap with areas where private companies have carried out oil palm expansion over the last few years. Practices by palm oil and paper and pulp companies such as using fire to clear land and digging canals to drain and dry out peatlands were major drivers of the fires.

In response to the massive environmental degradation and health risks, Indonesian civil society called for greater accountability from private concession companies, the financial institutions and banks supporting them, and the government officials granting concessions on peatlands despite preventive regulations. Civil society has also advocated for a government review of permits granted to companies, punishment for companies who are negligent, and a moratorium on granting additional concessions in peatland areas.<sup>47</sup>

The government in Indonesia has pledged to address the issue of forest and peatlands fires, and President Jokowi issued a ban on the clearance of peatlands on existing concessions. But presidential instructions are not legally binding and it is unclear whether they would be followed. Jokowi also promised to revoke the permits of companies found guilty of involvement in peat and forest fires.<sup>48</sup>

There have also been calls for the recognition of local communities and Indigenous Peoples' land and forest tenure rights. Millions of people live and depend directly on Indonesian peatlands for their survival. In these areas, local communities have developed suitable agriculture, farming, and fishery activities. Ensuring tenure rights for local communities would allow for the sustainable management of precious peatlands and forests. Alternatives to industrial plantation models would not only effectively prevent future uncontrolled fires, but also contribute to securing food sovereignty, bolstering local economies, and mitigating climate change.

Unfortunately, despite civil society mobilization and government will, legal obstructions persist to holding companies accountable for the fires. Local communities and Indigenous Peoples continue to be criminalized for their traditional resource management practices. A recent court ruling on the liability of an APP supplier in South Sumatra found that the company was not liable for intentional fires on its concession, in complete disregard of the 1990 Indonesian Forest Law no. 41 which establishes the permit holder's responsibility for any fire happening in his operation area. The judge stated that there was "no environmental damage, since the burned area could be planted again and the land proved to be fertile."<sup>49</sup>

This major gap must be filled. To date, the most successful country by far in mitigating its greenhouse gas emissions is Brazil, where recognition of community forest rights is strongly associated with reduced deforestation. Brazil contains almost half of the world's remaining tropical rainforest and sequesters 63 billion tons of carbon, much of it in legally recognized community forests.<sup>45</sup>

## Major Countries Move: Opportunities for Recognition at Scale

Although the case is strong for recognizing customary land and forest tenure as a precondition for sustainable development and forest protection, reorienting political economies to acknowledge this is difficult. Some countries have nevertheless made significant progress.

In **Indonesia**, there has been a groundswell of support for recognizing the rights of communities following an historic 2013 ruling of the Constitutional Court declaring that the state had wrongly claimed the country's forests half a century ago. The National Commission on Human Rights has held months of public hearings into past land crimes against Indigenous Peoples.<sup>50</sup> The reformist administration of President Jokowi has committed to working with the legislature to pass a long-awaited bill on indigenous rights that would create verification systems for demarcating indigenous territories.<sup>51</sup> The Indonesian Ministry of Environment and Forestry announced that it would redistribute 12.7 million hectares of state forests and commercial concessions in the form of village and community forests in the next four years.<sup>52</sup> And in his address at the Paris climate talks, President Jokowi specifically mentioned "climate change mitigation by involving Indigenous Peoples."<sup>53</sup>

This is a good start in addressing the claims by Indigenous Peoples' groups nationwide, which amount to at least 40 million hectares.<sup>54</sup> But President Jokowi's government has shown vulnerability to pressure from business interests opposed to land tenure reform. In the past half-century, 30 percent of Indonesia's land was handed to private companies in concessions that often overlap with customary lands; those companies have much to lose if reforms succeed. The Ministry of Environment and Forestry has delayed setting up a task force to manage the indigenous rights process,<sup>55</sup> and more than 600 detailed maps of community lands prepared by AMAN covering over 6.8 million hectares are yet to be recognized.<sup>56</sup>

There is also momentum for land reform in **India**. In 2015, the new government of Prime Minister Narendra Modi ordered nine slow-coach states to speed up implementation of community forest provisions in the 2006 Forest Rights Act.<sup>57</sup> This came after officials revealed that fewer than half of the title claims filed by communities since the Act came into force a decade ago have been addressed.<sup>58</sup> The potential impacts are huge: RRI research published in



2015 suggested that the Act could unlock the claims of 150 million rural Indians to half of the country's forests.<sup>59</sup> But will it? The Modi Government has been trying hard to amend the Land Acquisition Law to make it easier for the private sector to acquire land without community consent. The effort has failed to date in the face of consistent opposition by local movements, civil society, and the opposition parties.<sup>60</sup> Modi's government has also promoted "green grabs," evicting tribal peoples from tiger reserves in Kanha and Similipal in the name of conservation.<sup>61</sup>

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."<sup>62</sup> 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.

There was also good news in Africa in 2015. In **Liberia**, President Ellen Johnson Sirleaf is backing the draft Land Rights Act, drawn up with the help of representatives of forest communities, which would recognize customary forest tenure without requiring a complex titling process.<sup>63</sup> A five-year deal with the Norway government, which has offered US\$150 million in exchange for forest protection and upholding community rights, may encourage Parliament to adopt the Act.<sup>64</sup> If passed and fully implemented, the Land Rights Act could transform tenure in a country where more than 70 percent of the land is claimed by local communities, but much has already been parceled up as concessions for foreign mining, logging, and plantation companies.<sup>65</sup> Resolving these overlapping claims—a major source of conflict, particularly in Africa—is urgent.

## New Suite of Tools and Institutions: A Platform for Scaling Up

Recognizing that land and forest rights advocacy has moved from the political margins to the mainstream, national and international agencies are developing new tools to help turn aspiration into reality. The International Land and Forest Tenure Facility ("The Tenure Facility")<sup>66</sup> focuses on scaling up implementation of land and resource rights for Indigenous Peoples and local communities. The Tenure Facility will become fully operational in late 2016, but pilot projects are already demonstrating the range of impacts that can be expected in:

- **Liberia**, where the Truth and Reconciliation Commission set up after the country's brutal civil war found that land disputes are a significant threat to

peace, with much of the country's land subject to both customary claims and concessions handed out to foreign investors. Under the draft Land Rights Act, the Liberian President plans to fast-track the recognition of customary land rights in self-identified territories. The Tenure Facility is supporting NGOs working with the country's Land Commission to develop a self-identification protocol that will be integrated into the government's field guide for implementing tenure reform.<sup>67</sup>

- **Peru**, where official recognition of indigenous land rights has been very slow in recent years. The Tenure Facility is collaborating with FENAMAD, an indigenous federation, and the Peruvian Society for Environmental Law (SPDA). So far, legal assistance to secure land titles for five indigenous communities has led to recommendations for streamlining national titling regulations and procedures.<sup>68</sup>
- **Cameroon**, where community and indigenous land rights are often recognized informally, but mapping of those communities' borders and enforcement of land rights are generally poor. The Tenure Facility is defining standards for community mapping that government agencies can adapt to resolve land claims. This collaboration is especially important to the implementation of a new land rights law.<sup>69</sup>
- **Mali**, where the government is intent on both decentralizing the governance of natural resources and securing economic development through agricultural expansion. Land grabs, coupled with overlapping customary and statutory land rights and a faltering decentralization process, have exacerbated tenure insecurity. The Tenure Facility is supporting the Coordination Nationale des Organisations Paysannes (CNOP) and HELVETAS Mali to establish nine local land commissions to resolve land conflicts.<sup>70</sup>
- **Indonesia**, where the government is now prioritizing land tenure reform and indigenous rights. The Tenure Facility is supporting AMAN to work with local governments in eight diverse districts to secure local land rights, as well as push for a national law recognizing the rights of Indigenous Peoples.<sup>71</sup>
- **Panama**, where there are good laws on land rights but poor implementation. The Tenure Facility is supporting COONAPIP

“ LandMark is a groundbreaking and important tool for us in the process of gaining legal recognition of our constitutional rights. ”

Abdon Nababan, Secretary  
General of AMAN, Indonesia

to secure titles and create an indigenous legal clinic to advance land titling and resolve conflict. This initiative enables COONAPIP to follow up on recent agreements with the national government to operationalize favorable rulings by the Inter-American Court of Human Rights and the Panama Supreme Court.<sup>72</sup>

It has been far too easy for authorities and investors to ignore customary land and forest rights that do not appear on national maps or feature in statutory laws—they often regard such land as vacant, idle, and available. A second collaborative venture launched in 2015, LandMark, is the first online platform displaying maps of indigenous and community lands worldwide. The result of collaboration between World Resources Institute, AMAN, Forest Peoples Programme, RRI, and nine other international NGOs and national civil society organizations from Asia, Africa, the Middle East, and the Americas, LandMark will for the first time enable Indigenous Peoples and local communities to put their land claims on a unified, dynamic global map accessible to all. The LandMark website, which went live in November, will ensure that ignorance of customary land and forest rights is no longer a defense for land grabbers.<sup>73</sup>

“By visualizing [customary lands] LandMark pushes their existence into the calculations of those making decisions about climate change, economic development, poverty alleviation, and natural resource conservation,” said Peter Veit of the World Resources Institute.<sup>74</sup>

The Interlaken Group<sup>75</sup> brings together leaders of NGOs and influential companies and investors to expand and leverage private sector respect for community land rights. In 2015, they published a guide<sup>76</sup> for companies to implement the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, a 2012 UN initiative to improve tenure governance.<sup>77</sup> The group continues to collaborate, and its members are

#### Box 4: Investors Face Risks from Land Conflicts

Investors are increasingly recognizing that land conflicts pose unwanted risks to their investments. TMP Systems<sup>78</sup> concluded in a 2015 study on the mining sector that the risks to investors arising from disputes with local populations are widespread, materially significant, and growing.<sup>79</sup> For example, a study of 100 conflicts involving concessionaires and local communities in “emerging or frontier markets” found that concession operators frequently incurred financial losses when negotiation with relevant local stakeholders had not been executed properly, or if they failed to comply with existing agreements.<sup>80</sup> In 2015, TMP Systems launched a database and began developing due diligence systems to help investors in mining, agriculture, forestry, and hydropower projects identify and manage tenure-related risk. These tools bring together 25 publicly available databases and extensive case analysis to support improved investor due diligence on environmental and social issues.<sup>81</sup>

committed to developing, disseminating, and adopting new “pre-competitive” mechanisms to accelerate learning between communities, companies, and NGOs on land and forest risks and mitigation measures (Box 4).

Finally, the multi-stakeholder Global Call to Action on Indigenous and Community Land Rights, which will make its formal debut in 2016, aims to provide Indigenous Peoples and local communities with greater visibility, advocacy tools, and support in their struggles to secure rights to their lands and natural resources. An alliance of Indigenous Peoples, community organizations, and NGOs, the Global Call to Action seeks to double the area of land under indigenous and community control by 2020. Via an online platform, participants can publicly support the Global Call to Action, stay informed, and draw attention to land rights worldwide.<sup>82</sup>

## **Corporates: Starting to Move and Seeing the Challenge**

In the run-up to the Paris climate conference it became clear that corporations can, should, and in some cases are willing to protect forests and ensure secure land rights for forest communities. In 2015, researchers with Forest Trends’ Supply Change initiative found that, of 41 corporate signatories to the 2014 New York Declaration on Forests, 94 percent with palm oil in their supply chains had committed to reducing deforestation; 79 percent of the companies involved in timber and pulp markets had done the same.<sup>83</sup>

McDonald’s was the first global fast-food chain to promise to eliminate deforestation from its supply chain.<sup>84</sup> The pulp-and-paper giant Asia Pacific Resources International (APRIL) joined its rival Asia Pulp and Paper (APP) in pledging to end deforestation from its activities. All five palm-oil majors in Indonesia—the world’s largest source of this oil—committed to net zero deforestation.

APRIL and APP both have track records of causing large-scale deforestation, especially on the Indonesian island of Sumatra, and both will find it difficult to reconcile their environmental promises with their strategic plans. In January, Forest Trends and the Indonesian NGO Eyes on the Forest reported that APRIL and APP were both planning new pulp mills in Indonesia that were inconsistent with their promises to source timber legally and with net zero deforestation.<sup>85</sup>

But the bigger challenge is likely to be in meeting the pledges that many corporations have made to recognize and respect the land rights of local peoples. Can McDonald’s, for example, keep its pledge to use only deforestation-free beef and its promises to “respect the right of all affected communities to give or withhold their free, prior, and informed consent for plantation developments on land they own legally, communally or by custom” and to “resolve land rights disputes through a balanced and transparent

dispute resolution process”? Can APRIL meet its commitment to “respect the rights of Indigenous Peoples and communities to give or withhold their free, prior, and informed consent to operate on lands where they hold legal, communal or customary rights”?<sup>86</sup>

Despite their good intentions, evidence suggests that respecting the rights of forest communities may be harder for corporations than reducing deforestation. An independent audit by the NGO Rainforest Alliance of the implementation of APP’s 2013 conservation commitments, commissioned by APP and published in 2015, reported “moderate progress” in halting natural forest clearance but far slower progress in resolving land disputes.<sup>87</sup> According to the audit, APP had “mapped social conflicts and established processes to begin resolving these conflicts,” but of several hundred conflicts, “only one

### Box 5: Trade Treaties Undermine Commitments to Respect Rights



While some global corporations have promised to clean up their supply chains, the international trade rules and legal jurisdictions under which they have flourished continue to provide impunity for those that have not. Indigenous Ecuadorian villagers have learned this in their 20-year-long battle to win compensation for environmental damage caused to their forests by Texaco.

An Ecuadorian court ruled in the mid-1990s that Texaco should clean up its contamination, at a cost likely to add up to US\$10 billion, but the company ignored the ruling. In 2015, Canada’s Supreme Court ruled that the Ecuadorian villagers could pursue their case against Texaco’s successor, Chevron, in Canadian courts.<sup>88</sup> Although the case could set an important precedent, the fact that the villagers have been pursuing justice for 20 years with no final ruling in sight shows how difficult it is to hold global corporations to account.

New trade agreements that further undermine corporate accountability could make it even more difficult to rein in the excesses of powerful corporations. The latest example is the United States-led Trans-Pacific Partnership (TPP), which was agreed in late 2015 between 12 Pacific Rim nations (though not yet ratified), with others, such as Indonesia, planning to join. The rules of this “partnership” undermine national environmental protections and the rights of Indigenous Peoples and other groups.<sup>89</sup>

The UN Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, reported in August 2015 that investment treaties including Free Trade Agreements such as the TPP often prevent indigenous communities from enforcing self-determined environmental regulations. Without specific mention of indigenous rights in such treaties, she wrote in her report to the UN General Assembly, the land rights of Indigenous Peoples “could be rendered obsolete.”<sup>90</sup>

When the Peruvian government resolved a large-scale conflict between the Bear Creek mining company and surrounding Andean communities by revoking the Santa Ana mining concession by Supreme Decree in 2011, the Canadian company claimed that the bilateral free-trade agreement between Canada and Peru gave them the right to compensation for lost future earnings. They subsequently began legal proceedings against Peru in the World Bank’s International Centre for Settlement of Investment Disputes.<sup>91</sup> A decision is still pending on this case.

pilot social conflict resolution project has been completed.” Contracted security guards at an APP concession in Sumatra murdered a community activist in 2015, showing how far the company still has to go to meet its commitment to respect human rights.

Recent trade treaties threaten to provide corporations with cover for undermining environmental protection and violating human rights (Box 5). Clearly, commitments by corporations to do the right thing are important; just as clearly, oversight is essential to ensure they honor those commitments.

The reality of these challenges makes each concrete, earnest step by the private sector to recognize and respect community land rights in their operations all the more laudable. The Interlaken Group members have championed community land rights by sharing their new guide with industry peers and adopting it in their own operations. Nestlé led the charge by field testing the guide with its major palm oil suppliers in Indonesia, along with representatives of leading NGOs and land-owner organizations, and reported back to other company leaders on lessons learned. Rabobank fed the guide into the Dutch Multi-Stakeholder Dialogue on Land Governance. In its company blog, Coca-Cola promoted the new guide and announced the release of two new third-party country sugar studies—which included an assessment of land rights in its supply chains in El Salvador and Honduras—highlighting the company’s commitment to operationalizing respect for land rights.<sup>92</sup>

Ultimately, it is unlikely that companies can meet their deforestation pledges without also meeting their pledges on land rights. And while at the global level actions to recognize community land tenure continue to fall short of commitments, proactive steps in this direction by even a handful of influential companies and investors should not be discounted.

## Opposing Forces: The Rising Risk of Rollback

Efforts made by high-profile countries in 2015 to make progress on customary land and forest tenure are encouraging. In many countries, however, different agencies of governments pull in different directions. Land and forestry ministries may recognize that land rights are vital for furthering development and resolving disputes that cause social and economic harm, while finance and economic ministries often move in the opposite direction in short-sighted attempts to boost economic output and earn foreign investment. This trend of increasing division within governments is particularly evident in Latin America.

**Brazil** recognized 28 percent of its forests as owned by Indigenous Peoples or local communities in 2013, and their stewardship prevented wide scale deforestation in their territories. But Brazil remains one of the largest emitters of greenhouse gases from deforestation in the world, and a collapse in economic growth prompted President Dilma Rousseff to open new lands for development

and infrastructure, threatening the rights of Indigenous Peoples and the forests they protect.<sup>93</sup>

In particular, the federal government has taken a hard line on communities fighting against hydroelectric dams that will flood their lands. Construction of the massive Belo Monte dam on the River Xingu in Juruna territory is under way, despite protests by indigenous groups.

A new row is also emerging over construction of the 8,000-megawatt São Luiz do Tapajós dam, which will flood more than 70,000 hectares, including customary lands claimed by the Munduruku people. Construction of the dam continues, despite a court ruling that the government had to consult with the communities before issuing an environmental license for the dam. In June, Ademir Kaba Munduruku, leader of the Munduruku people, went to the UN Human Rights Council in Geneva to denounce the government for breaking its own constitutional rules on free, prior, and informed consent.<sup>94</sup>

The Confederation of Indigenous Nationalities of **Ecuador** has taken a stand against a draft land law that threatens to appropriate indigenous lands for public projects. Their protests, which captured headlines, began in Zamora Chinchipe, the site of the controversial Mirador mining project operated by the Chinese-owned Ecuacorrientes S.A. The protests spread, with the blockading of roads across the country, including the Pan-American Highway.<sup>95</sup> In response to excessive force by the government and the arrest of dozens of indigenous demonstrators, protestors held 25 police officers hostage in the country's southern mountains.<sup>96</sup>

In **Peru**, Indigenous Peoples have opposed government plans to speed up land acquisitions by mining companies and palm oil and cacao firms.<sup>97</sup> The passage of Law 30230 in 2014 cut back environmental safeguards. In 2015, the government approved Law 30327, which indigenous organizations say will allow private investors to seize land not formally titled to communities, regardless of customary rights.<sup>98</sup> According to AIDESEP, more than 1,000 communities in the Peruvian Amazon have pending claims for the full legal recognition of customary lands covering approximately 20 million hectares.<sup>99</sup>

Direct action is increasingly pushing land rights to the center of national political debates in Latin America. In **Argentina**, representatives of the Qom people from the northern province of Formosa, supported by the country's

“ When Indigenous Peoples and local communities don't have secure land rights, or their rights are weak, their forests become more vulnerable to deforestation. That in turn worsens the climate change challenge, and impacts badly on livelihoods and human wellbeing. ”

Helen Clark, United Nations Development Programme



million-strong indigenous population, set up a camp in the heart of Buenos Aires to demand the return of their land.<sup>100</sup> In the run-off for the Argentine presidency in November, the eventual winner, Mauricio Macri, visited the camp and met Qom leader Félix Díaz. “I am committed, if elected president, to welcome [indigenous leaders]...to start a dialogue. There is much to do, and by dialogue and respecting the history that we have, we can find common ways to grow,” Macri said after the meeting.<sup>101</sup>

Too often, however, governments and private-sector actors react violently to demands by communities for their rights. In **Chile**, the Mapuche people—the country’s largest indigenous minority—continue to demand self-determination. There have been violent clashes in Araucania, where the Mapuche make up one-third of the population,<sup>102</sup> and violence against land-rights campaigners continues worldwide.

Countries in Africa exhibit a complex mix of positive and negative trends in land and forest rights. In 2014, the land reform process appeared to be moving full steam ahead in the **DRC**; a new decree recognized the customary ownership rights of local communities over their forest concessions.<sup>103</sup> The new government installed at the end of 2014 tried to rollback this progress in 2015 by declaring that communities cannot legally manage their concessions and trying to change the Land Commission (CONAREF) from a multi-stakeholder platform into a government-controlled body. While civil society’s denouncement of these actions prevented legal rollback, the land reform process stalled and local communities’ concessions are not yet implemented.<sup>104</sup> A new government took over at the end of 2015, but it remains unclear what their forest and land policies will look like.

DRC holds Africa’s largest tract of tropical forest and is a critical country in the battle against climate change. The World Bank has selected the Mai Ndombe Province for a major REDD pilot project, but the province is already a hotspot for land conflict due to insecure tenure rights. Civil society and community groups fear that if the project launches before rights are secure, it will only exacerbate the conflict.<sup>105</sup>



## Ambition, Strategy, and Scale: Four Things that Need to Happen in 2016

While the conventional opposing pressures and challenges remain, recognizing customary forest and land rights is now widely viewed as a prerequisite for achieving sustainable development, fighting poverty and hunger, reducing conflict, and both mitigating and adapting to climate change.

With the case made, the struggle is increasingly focused on ensuring that governments implement existing laws, corporations transform their supply chains, donors muster the funds to deliver on their declarations, and civil society organizations effectively coordinate to rapidly scale up progress.

The world is now positioned to dramatically increase the recognition of land rights and close the gap between the area of land owned by communities in practice and what is formally recognized by governments. Policy instruments are being developed to help this process, but increased ambition and funding are needed to secure forest and land tenure at an unprecedented scale. This could well be the first year in a decade of transformation in global land ownership, but time is running out.

To truly close the gap, four things need to happen in 2016:

### ***1. Governments need to exert political will to adopt and implement laws recognizing land rights.***

In 2015 we saw governments respond to the challenge of customary land and forest rights, with two of the world's most populous democratic nations, Indonesia and India, standing out. Both countries began implementing constitutional and legal rulings on land rights, potentially leading to the legal ownership of over 80 million hectares of land by some 200 million people. Liberia, too, is working on radical reforms that could grant automatic legal rights over customary land. This could include a new Land Rights Act that provides clear legal rights, including carbon rights, to forest communities, making Liberia a trailblazer in West Africa.

In 2016, we will see whether other governments follow their lead and implement laws to recognize rights. These bellwether governments—all currently at a tipping point—are the best chance to close the existing gap in recognition.

## ***2. Donors and development organizations need to scale up support, and act on the urgency of these opportunities.***

Even in this era of global finance, governments have a crucial role to play in creating sustainable practices that recognize tenure rights. Norway has taken the lead by committing US\$100 million over the next five years to Indigenous Peoples' land rights. More is required. The Green Climate Fund is a new multilateral funding mechanism that will channel up to US\$100 billion per year of climate finance to developing countries after 2020. Will it provide direct support to recognize tenure rights in forest conservation investment, or will it support initiatives that run roughshod over them? The World Bank needs to seize the opportunity to support tenure reform, Indigenous Peoples, and community forest enterprises. If available finances are aimed at securing the rights of the true owners of the lands and forests, it will be possible to move forward on a number of global development goals.

## ***3. Corporations and investors need to go beyond cleaning up their supply chains and alter their business models to cooperate with communities and protect forest and land rights.***

Many corporations pay lip service to free, prior, and informed consent. But even for corporations intent on becoming better global citizens, controlling what happens in their long supply chains is proving difficult. Corporations have brands and reputations to maintain in the consumer marketplace, which provides a leverage point for increasingly visible and well-connected forest communities and NGOs to hold them to their commitments. Leaders in the field, such as Nestlé and Coca-Cola are making significant progress. Will their changes pressure the laggards and begin a true domino effect?

## ***4. NGOs need to improve their commitments, coordination, and support to Indigenous Peoples and local communities.***

Following adoption of the SDGs, the Paris Agreement on climate change, and the New York Declaration on Forests, NGOs and indigenous and community organizations have an unprecedented chance to advocate

for tenure rights. They too need to scale up to maintain momentum and strengthen global alliances to achieve their ends. The Global Call to Action on Indigenous and Community Land Rights is a promising start. Will NGOs and conservation organizations fully embrace the recognition of land rights, adjust their programs, and stand beside Indigenous Peoples and local communities in prioritizing the recognition of their historic rights?



- <sup>1</sup> Abbott, Jeff. 2015. Indigenous community wins land rights victory in Guatemala after 200 years of struggle. Upside Down World. Available at <http://upside-downworld.org/main/guatemala-archives-33/5416-indigenous-community-wins-land-rights-victory-in-guatemala-after-200-years-of-struggle>.
- <sup>2</sup> Rights and Resources Initiative. 2015. Who Owns the World's Land? A global baseline of formally recognized indigenous and community land rights. Washington, DC: RRI. Available at [www.rightsandresources.org/en/publication/whoownsthe-land/](http://www.rightsandresources.org/en/publication/whoownsthe-land/).
- <sup>3</sup> Alden Wily, Liz. 2009. Tackling Land Tenure in the Emergency to Development Transition in Post-Conflict States: From Restitution to Reform, in *Uncharted Territory: Land, Conflict and Humanitarian Action*, edited by Pantuliano, S. 29. Rugby, UK: Practical Action Publishing. Available at <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/5560.pdf>.
- <sup>4</sup> Rights and Resources Initiative. 2014. What Future for Reform? Progress and slowdown in forest tenure reform since 2002. Washington, DC: RRI. Available at [http://www.rightsandresources.org/wp-content/uploads/doc\\_6587.pdf](http://www.rightsandresources.org/wp-content/uploads/doc_6587.pdf).
- <sup>5</sup> Rights and Resources Initiative. 2015. Potential for Recognition of Community Forest Resource Rights Under India's Forest Rights Act: A Preliminary Assessment. Washington, DC: RRI. Available at <http://www.rightsandresources.org/en/publication/potential-for-recognition-of-community-forest-resource-rights-under-indias-forest-rights-act/>.
- <sup>6</sup> Rights and Resources Initiative. 2014. The Supreme Court of Peru Recognizes the Rights of Indigenous Peoples in five territorial reserves. April. Available at [www.rightsandresources.org/en/news/the-supreme-court-of-peru-recognizing-the-rights-of-indigenous-peoples-in-five-territorial-reserves/](http://www.rightsandresources.org/en/news/the-supreme-court-of-peru-recognizing-the-rights-of-indigenous-peoples-in-five-territorial-reserves/); Asociación Interétnica de Desarrollo de Selva Peruana AIDESEP. 2015. Incidencia para mejorar el marco legal de protección de los pueblos indígenas en situación de aislamiento voluntario y contacto inicial y sus territorios en la Amazonia Peruana. Powerpoint Presentation.
- <sup>7</sup> Government of Liberia. 2013. Land Rights Policy. Government of Liberia, Monrovia, Liberia. Available at: [http://www.landlib.org/doc\\_download/Land%20Rights%20Policy%20Final%20Final%20Final%20\(2\).pdf?a4705305cd27e04fb1f66830e7e0ef9d=ODc%3D](http://www.landlib.org/doc_download/Land%20Rights%20Policy%20Final%20Final%20Final%20(2).pdf?a4705305cd27e04fb1f66830e7e0ef9d=ODc%3D).
- <sup>8</sup> Sida. 2015. Women and Land Rights. Gender Tool Box [Brief]. Stockholm: Sida. Available at [http://sidaenvironmenthelpdesk.se/wordpress3/wp-content/uploads/2015/04/BRIEF\\_Women\\_and\\_Land\\_Rights.pdf](http://sidaenvironmenthelpdesk.se/wordpress3/wp-content/uploads/2015/04/BRIEF_Women_and_Land_Rights.pdf).
- <sup>9</sup> World Bank. 2015. Environmental and Social Framework: Setting environmental and social standards for investment project financing. Second draft for consultation, July 1, 2015. Washington, DC: World Bank. Available at [www.bankinformationcenter.org/wp-content/uploads/2015/07/Second-Draft-World-Bank-Environmental-and-Social-Framework.pdf](http://www.bankinformationcenter.org/wp-content/uploads/2015/07/Second-Draft-World-Bank-Environmental-and-Social-Framework.pdf).
- <sup>10</sup> Bank Information Center. 2015. Dangerous rollback in environmental and social protections at the World Bank. Press release. Washington, DC: BIC. Available at [www.bankinformationcenter.org/press-release-dangerous-rollback-in-environmental-and-social-protections-at-the-world-bank/](http://www.bankinformationcenter.org/press-release-dangerous-rollback-in-environmental-and-social-protections-at-the-world-bank/).
- <sup>11</sup> Chavkin, Sasha. 2015. World Bank finally boosting oversight of projects that displace millions. The Huffington Post. Available at [www.huffingtonpost.com/entry/world-bank-finally-boosting-oversight-of-projects-that-displace-millions\\_567976d2e4b06fa6887eb473](http://www.huffingtonpost.com/entry/world-bank-finally-boosting-oversight-of-projects-that-displace-millions_567976d2e4b06fa6887eb473).



- <sup>12</sup> World Bank. 2015. World Bank acknowledges shortcomings in resettlement projects, announces action plan to fix problems. Press release. Washington, DC: World Bank. Available at [www.worldbank.org/en/news/press-release/2015/03/04/world-bank-shortcomings-resettlement-projects-plan-fix-problems](http://www.worldbank.org/en/news/press-release/2015/03/04/world-bank-shortcomings-resettlement-projects-plan-fix-problems).
- <sup>13</sup> Climate Focus. 2015. Progress on the New York Declaration on Forests: An assessment framework and initial report. Prepared by Climate Focus in collaboration with Environmental Defense Fund, Forest Trends, The Global Alliance for Clean Cookstoves, and The Global Canopy Program. Amsterdam: Climate Focus. Available at [www.climatefocus.com/sites/default/files/NYDF\\_Progress\\_Report.pdf](http://www.climatefocus.com/sites/default/files/NYDF_Progress_Report.pdf).
- <sup>14</sup> Carbon Disclosure Project. 2014. Deforestation-free Supply Chains: From commitments to action. London: CDP. Available at [www.cdp.net/CDPResults/CDP-global-forests-report-2014.pdf](http://www.cdp.net/CDPResults/CDP-global-forests-report-2014.pdf).
- <sup>15</sup> United Nations Framework Convention on Climate Change. 2015. Adoption of the Paris Agreement. FCCC/CP/2015/L.9/Rev.1. New York: United Nations. Available at <http://unfccc.int/resource/docs/2015/cop21/eng/l09r01.pdf>.
- <sup>16</sup> White, Andy. 2015. Liberia: Land rights to cement Sirleaf's legacy. The Africa Report. Available at: [www.theafricareport.com/West-Africa/liberia-land-rights-to-cement-sirleafs-legacy.html](http://www.theafricareport.com/West-Africa/liberia-land-rights-to-cement-sirleafs-legacy.html); Republic of Liberia. 2014. Land Rights Act (draft). Available at [www.sdiliberia.org/sites/default/files/publications/Land%20Rights%20Act\\_full%20draft.pdf](http://www.sdiliberia.org/sites/default/files/publications/Land%20Rights%20Act_full%20draft.pdf).
- <sup>17</sup> Butler, Rhett. 2015. Carbon emissions from Indonesia's peat fires exceed emissions from entire U.S. economy. Mongabay. October 15. Available at <http://news.mongabay.com/2015/10/carbon-emissions-from-indonesias-peat-fires-exceed-emissions-from-entire-u-s-economy/>.
- <sup>18</sup> Global Witness. 2015. How Many More? 2014's deadly environment: The killing and intimidation of environmental and land activists, with a spotlight on Honduras. London: Global Witness. Available at [www.globalwitness.org/en/campaigns/environmental-activists/how-many-more/](http://www.globalwitness.org/en/campaigns/environmental-activists/how-many-more/).
- <sup>19</sup> Rights and Resources Initiative. 2015. RRI condemns the murder of Indra Pelani, land rights activist beaten to death by guards contracted to Asia Pulp and Paper (APP). Available at [www.rightsandresources.org/en/news/rri-condemns-the-murder-of-indra-pelani-land-rights-activist-beaten-to-death-by-guards-contracted-to-asia-pulp-and-paper-app/](http://www.rightsandresources.org/en/news/rri-condemns-the-murder-of-indra-pelani-land-rights-activist-beaten-to-death-by-guards-contracted-to-asia-pulp-and-paper-app/).
- <sup>20</sup> Forest Peoples Programme. 2015. Press release: Indigenous controlled mining under fire in Colombia following death of human rights defender. Available at [www.forestpeoples.org/topics/legal-human-rights/news/2015/04/press-release-indigenous-controlled-mining-under-fire-colombi](http://www.forestpeoples.org/topics/legal-human-rights/news/2015/04/press-release-indigenous-controlled-mining-under-fire-colombi).
- <sup>21</sup> Human Rights Watch. 2015. Thailand: Land rights activist gunned down. Press release. [www.hrw.org/news/2015/02/14/thailand-land-rights-activist-gunned-down](http://www.hrw.org/news/2015/02/14/thailand-land-rights-activist-gunned-down).
- <sup>22</sup> Associated Press. 2015. Deadly Nicaragua land conflict displaces hundreds. Voice of America. [www.voanews.com/content/deadly-nicaragua-land-conflict-displaces-hundreds/2985480.html](http://www.voanews.com/content/deadly-nicaragua-land-conflict-displaces-hundreds/2985480.html).
- <sup>23</sup> Centre pour l'Environnement et le Développement. 2013. Une proposition des chefs traditionnels pour la réforme du foncier rural au Cameroun.
- <sup>24</sup> BBC News. 2015. Peru anti-mining protest sees deadly clashes. Available at [www.bbc.co.uk/news/world-latin-america-34389803](http://www.bbc.co.uk/news/world-latin-america-34389803).
- <sup>25</sup> BBC News. 2015. Peru: Troops deployed after deaths in Tia Maria mine protests. Available at [www.bbc.co.uk/news/world-latin-america-32677410](http://www.bbc.co.uk/news/world-latin-america-32677410).



- <sup>26</sup> The Handcrafted Films documentary is available at <http://ifnotusthenwho.me/story/sanctuary/>.
- <sup>27</sup> Front Page Africa. 2015. Sinoe county: Concession area hit by rioting, several fleeing. Available at [www.frontpageafricaonline.com/index.php/news/5315-sinoe-county-concession-area-hit-by-rioting-several-fleeing](http://www.frontpageafricaonline.com/index.php/news/5315-sinoe-county-concession-area-hit-by-rioting-several-fleeing); Al Jazeera. 2015. Riot on the Plantation: In Liberia, palm oil has set off a dangerous scramble for land. <http://projects.aljazeera.com/2015/10/liberia-palm-oil>.
- <sup>28</sup> Biy Nfor, Victorine. 2015. Cameroon: Facility to protect environmental defenders in place. Cameroon Tribune. Available at <http://allafrica.com/stories/201512031786.html>.
- <sup>29</sup> Global Witness. 2015. How Many More? 2014's deadly environment: The killing and intimidation of environmental and land activists, with a spotlight on Honduras. Available at [www.globalwitness.org/en/campaigns/environmental-activists/how-many-more](http://www.globalwitness.org/en/campaigns/environmental-activists/how-many-more); Global Witness. 2014. Deadly Environment: The Dramatic Rise in Killings of Environmental and Land Defenders. London: Global Witness. Available at <https://www.globalwitness.org/en/campaigns/environmental-activists/deadly-environment>.
- <sup>30</sup> Rights and Resources Initiative. 2008. Final Committee Memorandum of Understanding. Updated in 2010 and 2013. Washington, DC: RRI. Available at <http://www.rightsandresources.org/wp-content/uploads/Final-Committee-MOU-with-annexes-and-new-IBA-January-2013.pdf>.
- <sup>31</sup> Under RRI's analytical framework, for land to be "designated for" Indigenous Peoples and local communities, they must, at a minimum, have the rights to use the land, to withdraw resources from the land, and either to manage the land, or to exclude outsiders from the land. They may have additional rights; however, they do not have all of the rights associated with "ownership". For land to be "owned by" Indigenous Peoples or local communities, they must have the rights to exclude outsiders from their properties, to due process and compensation in the event that the state expropriates their property rights, and to retain their rights for an unlimited duration. Rights and Resources Initiative. 2014. What Future for Reform? Progress and slowdown in forest tenure reform since 2002. Washington, DC: RRI. Available at [http://www.rightsandresources.org/wp-content/uploads/doc\\_6587.pdf](http://www.rightsandresources.org/wp-content/uploads/doc_6587.pdf). For more information on the individual property rights listed above, please see [www.rightsandresources.org/en/resources/tenure-data/unpacking-the-bundle/](http://www.rightsandresources.org/en/resources/tenure-data/unpacking-the-bundle/).
- <sup>32</sup> These numbers are preliminary estimates and subject to change. They have not yet been subject to RRI's peer review and data reconciliation processes.
- <sup>33</sup> These numbers are preliminary estimates and subject to change. They have not yet been subject to RRI's peer review and data reconciliation processes.
- <sup>34</sup> Rights and Resources Initiative. 2015. Who Owns the World's Land? A global baseline of formally recognized indigenous and community land rights. Washington, DC: RRI. [www.rightsandresources.org/en/publication/whoownstheland/](http://www.rightsandresources.org/en/publication/whoownstheland/).
- <sup>35</sup> These numbers are preliminary estimates and subject to change. They have not yet been subject to RRI's peer review and data reconciliation processes.
- <sup>36</sup> These numbers are preliminary estimates and subject to change. They have not yet been subject to RRI's peer review and data reconciliation processes.
- <sup>37</sup> These numbers are preliminary estimates and subject to change. They have not yet been subject to RRI's peer review and data reconciliation processes.

- <sup>38</sup> World Resources Institute. 2015. Release: New analysis reveals substantial economic benefits of securing community rights to rainforests in Brazil and Guatemala. Press release. Available at [www.wri.org/news/2015/11/release-new-analysis-reveals-substantial-economic-benefits-securing-community-rights](http://www.wri.org/news/2015/11/release-new-analysis-reveals-substantial-economic-benefits-securing-community-rights); Gray, Erin, Peter G. Veit, Juan-Carlos Altamirano, Helen Ding, Piotr Rozwarka, Ivan Zuniga, Matthew Witkin, Fernanda Gabriela Borger, Paula Pereda, Andrea Lucchesi, and Keyi Ussami. 2015. The Economic Costs and Benefits of Securing Community Forest Tenure: Evidence from Brazil and Guatemala. Working Paper. Washington, DC: World Resources Institute. Available at [www.wri.org/sites/default/files/15\\_WP\\_CLUA\\_Forest\\_Tenure.pdf](http://www.wri.org/sites/default/files/15_WP_CLUA_Forest_Tenure.pdf).
- <sup>39</sup> Popkin, Gabriel. 2015. Indigenous people could be key to storing carbon in tropical forests, new report concludes. Science Insider. Available at <http://news.sciencemag.org/environment/2015/12/indigenous-people-could-be-key-storing-carbon-tropical-forests-new-report>.
- <sup>40</sup> Rights and Resources Initiative. Forthcoming 2016. The science is in: Community governance supports forest livelihoods and sustainability. Washington, DC: RRI.
- <sup>41</sup> United Nations Framework Convention on Climate Change. 2015. Adoption of the Paris Agreement. FCCC/CP/2015/L.9/Rev.1. Available at <http://unfccc.int/resource/docs/2015/cop21/eng/109r01.pdf>.
- <sup>42</sup> Joint Statement by Germany, Norway and the United Kingdom of Great Britain and Northern Ireland. 2015. Unlocking the Potential of Forests and Land Use. Paris, COP21, 30 November. Available at <http://standwithforests.org/wp-content/uploads/2015/02/2015-GNU-Joint-Statement-on-REDD-for-COP-21-FINAL.pdf>.
- <sup>43</sup> TMP Systems and Rights and Resources Initiative. Forthcoming 2016. Protecting Liberia's Forest: Conservation for People and Planet; TMP Systems and Rights and Resources Initiative. Forthcoming 2016. Protecting the DRC's Forest: Conservation for People and Planet. Available at [www.rightsandresources.org](http://www.rightsandresources.org).
- <sup>44</sup> UNFCCC. 2016. INDCs as communicated by Parties. Accessed on January 4, 2016. Available at <http://www4.unfccc.int/submissions/indc/Submission%20Pages/submissions.aspx>; UNDP. 2015. Press Release: Indigenous People take steps to have a voice in COP21. Accessed on January 4, 2016. Available at <http://www.undp.org/content/undp/en/home/presscenter/pressreleases/2015/11/11/indigenous-people-take-steps-to-have-a-voice-in-cop21.html>. These 12 countries are: Bangladesh, Belize, Bolivia, Burkina Faso, Cambodia, Djibouti, Indonesia, Cote d'Ivoire, Lao PDR, Somalia, Venezuela, and Zambia.
- <sup>45</sup> Stevens, Caleb and Jenny Springer et al. 2014. Securing Rights, Combating Climate Change. Washington, DC: World Resources Institute and Rights and Resources Initiative. Available at [www.wri.org/sites/default/files/securingrights-full-report-english.pdf](http://www.wri.org/sites/default/files/securingrights-full-report-english.pdf).
- <sup>46</sup> Conant, Jeff. 2016. Indonesia's palm oil fires: Interview with Friends of the Earth Indonesia. Medium. Available at [https://medium.com/@foe\\_us/indonesia-s-palm-oil-fires-interview-with-friends-of-the-earth-indonesia-eed27e2518cf#.qqg1y1310](https://medium.com/@foe_us/indonesia-s-palm-oil-fires-interview-with-friends-of-the-earth-indonesia-eed27e2518cf#.qqg1y1310).
- <sup>47</sup> Support Network of Indigenous Peoples as Forest Managers in Indonesia. 2015. The Samdhana Institute. Joint Statement of Concern on Forest Fires. The Sandhana Institute. Available at <http://www.samdhana.org/index.php/thematic/?read=joint-statement-of-concern-on-forest-fires->.
- <sup>48</sup> Mongabay Haze Beat. 2015. Under-fire Jokowi prepares biggest shift yet in Indonesia haze. Mongabay. Available at <http://news.mongabay.com/2015/10/jokowi-readies-haze-response-faces-tough-questions-on-us-visit/>.

- <sup>49</sup> Wijaya, Callistasia Anggun. 2016. Court decision to reject lawsuit against BMH criticized. The Jakarta Post. Available at <http://m.thejakartapost.com/news/2016/01/06/court-decision-reject-lawsuit-against-bmh-criticized.html>.
- <sup>50</sup> Bell, Loren. 2015. Indonesia's indigenous people still suffer human rights violations, says report. Mongabay Series: Endangered Environmentalists. Available at <http://news.mongabay.com/2015/03/indonesias-indigenous-people-still-suffer-human-rights-violations-says-report/>.
- <sup>51</sup> Saturi, Sapariah. 2015. Indonesian President pledges to accelerate long delayed indigenous rights law. Mongabay. Available at <http://news.mongabay.com/2015/06/indonesian-president-pledges-to-accelerate-long-delayed-indigenous-rights-law/>.
- <sup>52</sup> Purwanto, Edi. 2015. Strategy to side with indigenous people. The Jakarta Post. Available at [www.thejakartapost.com/news/2015/07/27/strategy-side-with-indigenous-people.html](http://www.thejakartapost.com/news/2015/07/27/strategy-side-with-indigenous-people.html).
- <sup>53</sup> The Jakarta Post. 2015. Indigenous people welcome Jokowi's climate speech. Available at [www.thejakartapost.com/news/2015/12/02/indigenous-people-welcome-jokowis-climate-speech.html](http://www.thejakartapost.com/news/2015/12/02/indigenous-people-welcome-jokowis-climate-speech.html).
- <sup>54</sup> Lee, Jia Jun and Peter Veit. 2015. 3 ways to strengthen customary land rights in Indonesia. Washington, DC: World Resources Institute. Available at [www.wri.org/blog/2015/09/3-ways-strengthen-customary-land-rights-indonesia](http://www.wri.org/blog/2015/09/3-ways-strengthen-customary-land-rights-indonesia).
- <sup>55</sup> Rogers, Cory. 2015. Promised task force on indigenous rights in Indonesia hits snag. Mongabay Series: Indonesian Forests. Available at <http://news.mongabay.com/2015/08/promised-task-force-on-indigenous-rights-in-indonesia-hits-snag/>.
- <sup>56</sup> Lee, Jia Jun and Peter Viet. 2015. 3 ways to strengthen customary land rights in Indonesia. Washington, DC: World Resources Institute. Available at [www.wri.org/blog/2015/09/3-ways-strengthen-customary-land-rights-indonesia](http://www.wri.org/blog/2015/09/3-ways-strengthen-customary-land-rights-indonesia).
- <sup>57</sup> Aggarwal, Mayank. 2015. Govt asks nine states to implement Forest Rights Act. Live Mint. Available at [www.livemint.com/Politics/Rh9S8NYRnVfhoBfWDAm5yO/Govt-asks-nine-states-to-implement-Forest-Rights-Act-immedia.html](http://www.livemint.com/Politics/Rh9S8NYRnVfhoBfWDAm5yO/Govt-asks-nine-states-to-implement-Forest-Rights-Act-immedia.html).
- <sup>58</sup> The Economic Times. 2015. Nine states asked to 'immediately' implement Forest Rights Act. Available at [http://articles.economictimes.indiatimes.com/2015-06-21/news/63671905\\_1\\_forest-rights-act-forest-land-land-rights](http://articles.economictimes.indiatimes.com/2015-06-21/news/63671905_1_forest-rights-act-forest-land-land-rights).
- <sup>59</sup> Rights and Resources Initiative, Vasundhara, and Natural Resources Management Consultants. 2015. Potential for Recognition of Community Forest Resource Rights under India's Forest Rights Act: A preliminary assessment. Washington, DC: RRI. Available at [www.rightsandresources.org/publication/potential-for-recognition-of-community-forest-resource-rights-under-indias-forest-rights-act/](http://www.rightsandresources.org/publication/potential-for-recognition-of-community-forest-resource-rights-under-indias-forest-rights-act/).
- <sup>60</sup> Venu, MK. 2015. Modi's Land Bill U-turn is because of political expediency. The Wire. <http://thewire.in/2015/08/31/modis-land-bill-u-turn-is-because-of-political-expediency-9615/>; The Economic Times. 2015. Sonia Gandhi accuses Narendra Modi government of diluting tribal land rights. Available at [http://articles.economictimes.indiatimes.com/2015-08-09/news/65379820\\_1\\_congress-president-sonia-gandhi-tribal-land-rights-narendra-modi-government](http://articles.economictimes.indiatimes.com/2015-08-09/news/65379820_1_congress-president-sonia-gandhi-tribal-land-rights-narendra-modi-government).
- <sup>61</sup> Survival International. 2015. Tribal leader targeted for resisting eviction from tiger reserve. Available at [www.survivalinternational.org/news/10704](http://www.survivalinternational.org/news/10704).
- <sup>62</sup> Constitution Drafting Committee. 2015. Constitution Bill of Nepal 2015. Revised draft (unofficial translation). Kathmandu: Constituent Assembly Secretariat. Available at [www.inseconline.org/linkedfile/Bill%20of%20Constitution%202015%20Sept.pdf](http://www.inseconline.org/linkedfile/Bill%20of%20Constitution%202015%20Sept.pdf).

- <sup>63</sup> Republic of Liberia. 2014. Land Rights Act (draft). Available at [www.sdiliberia.org/sites/default/files/publications/Land%20Rights%20Act\\_full%20draft.pdf](http://www.sdiliberia.org/sites/default/files/publications/Land%20Rights%20Act_full%20draft.pdf).
- <sup>64</sup> Office of the Prime Minister, Norway. 2014. Liberia and Norway launch climate and forest partnership. Press release. Available at [www.regjeringen.no/en/aktuelt/Liberia-and-Norway-launch-climate-and-forest-partnership/id2001145/](http://www.regjeringen.no/en/aktuelt/Liberia-and-Norway-launch-climate-and-forest-partnership/id2001145/).
- <sup>65</sup> Rights and Resources Initiative. 2015. Who Owns the Land in Africa? Formal recognition of community-based land rights in sub-Saharan Africa. Available at [www.rightsandresources.org/publication/view/who-owns-the-land-in-africa/](http://www.rightsandresources.org/publication/view/who-owns-the-land-in-africa/).
- <sup>66</sup> For more information, see [www.thetenurefacility.org](http://www.thetenurefacility.org).
- <sup>67</sup> The Tenure Facility. 2016. The Liberia Project. Available at <http://thetenurefacility.org/projects/liberia/>.
- <sup>68</sup> The Tenure Facility. 2016. The Peru Project. Available at <http://thetenurefacility.org/projects/peru/>.
- <sup>69</sup> The Tenure Facility. 2016. The Cameroon Project. Available at <http://thetenurefacility.org/projects/cameroon/>.
- <sup>70</sup> The Tenure Facility. 2016. The Mali Project. Available at <http://thetenurefacility.org/projects/mali/>.
- <sup>71</sup> The Tenure Facility. 2016. The Indonesia Project. Available at <http://thetenurefacility.org/projects/indonesia/>.
- <sup>72</sup> The Tenure Facility. 2016. The Panama Project. Available at <http://thetenurefacility.org/projects/panama/>.
- <sup>73</sup> World Resources Institute. 2015. Launch of LandMark: The global platform of indigenous and community lands. Available at [www.wri.org/events/2015/11/launch-land-mark-global-platform-indigenous-and-community](http://www.wri.org/events/2015/11/launch-land-mark-global-platform-indigenous-and-community).
- <sup>74</sup> World Resources Institute. 2015. Launch of LandMark: The global platform of indigenous and community lands. Available at [www.wri.org/events/2015/11/launch-land-mark-global-platformindigenous-and-community](http://www.wri.org/events/2015/11/launch-land-mark-global-platformindigenous-and-community).
- <sup>75</sup> For more information, see [www.interlakengroup.org](http://www.interlakengroup.org).
- <sup>76</sup> The Interlaken Group and the Rights and Resources Initiative. 2015. Respecting Land and Forest Rights: A guide for companies. Washington, DC: The Interlaken Group and RRI. Available at [www.interlakengroup.org](http://www.interlakengroup.org).
- <sup>77</sup> Food and Agriculture Organization of the United Nations. 2012. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. Rome: FAO. Available at [www.fao.org/docrep/016/i2801e/i2801e.pdf](http://www.fao.org/docrep/016/i2801e/i2801e.pdf).
- <sup>78</sup> TMP Systems was formally known as The Munden Project.
- <sup>79</sup> Rowling, Megan. 2015. Lack of local land rights harms fight against poverty, climate change researchers. Reuters. Available at <http://uk.reuters.com/article/uk-land-rights-development-idUKKCNORU10M20150930>; Alforte, Andrea, Joseph Angan, Jack Dentith, Karl Domondon, Lou Munden, Sophia Murday and Leonardo Pradela. 2014. Communities as Counterparties: Preliminary review of concessions and conflict in emerging and frontier market concessions. Lewes, UK: TMP Systems. Available at [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>80</sup> Alforte, Andrea, Joseph Angan, Jack Dentith, Karl Domondon, Lou Munden, Sophia Murday and Leonardo Pradela. 2014. Communities as Counterparties: Preliminary review of concessions and conflict in emerging and frontier market concessions. Lewes, UK: TMP Systems. Available at [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>81</sup> TMP Systems. 2015. IAN Risk Management Platform. See details at [www.tmpsystems.net/ian/](http://www.tmpsystems.net/ian/).
- <sup>82</sup> For more information, see [www.landrightsnow.org](http://www.landrightsnow.org).
- <sup>83</sup> Forest Trends. 2015. Firm Commitments: Tracking Company Endorsers of the New York Declaration on Forests. Available at <http://forest-trends.org/releases/p/firm-commitments>.
- <sup>84</sup> McDonald's. 2015. Commitment on deforestation. Available at [www.aboutmcdonalds.com/content/mcd/sustainability/sourcing/priority-products/commitment-on-deforestation.html](http://www.aboutmcdonalds.com/content/mcd/sustainability/sourcing/priority-products/commitment-on-deforestation.html).
- <sup>85</sup> Forest Trends. 2015. Indonesia's Legal Timber Supply Gap and Implications for Expansion of Milling Capacity: A review of the Road Map for the Revitalization of the Forest Industry, Phase 1. Forest Trends and Koalisi Anti Mafia Hutan [Anti Forest Mafia Coalition]. Washington, DC: Forest Trends. Available at [www.forest-trends.org/documents/files/doc\\_4843.pdf](http://www.forest-trends.org/documents/files/doc_4843.pdf).
- <sup>86</sup> APRIL. 2015. APRIL Group's Sustainable Forest Management Policy 2.0. [http://www.aprilasia.com/images/pdf\\_files/april-sfmp2-3-june-2015.pdf](http://www.aprilasia.com/images/pdf_files/april-sfmp2-3-june-2015.pdf).
- <sup>87</sup> Rainforest Alliance. 2015. Rainforest Alliance evaluations for Asia Pulp and Paper. New York: Rainforest Alliance. Available at [www.rainforest-alliance.org/forestry/sourcing/independent-evaluations/asia-pulp-paper](http://www.rainforest-alliance.org/forestry/sourcing/independent-evaluations/asia-pulp-paper).
- <sup>88</sup> Hong, Nicole and Kim Mackrael. 2015. Canada's top court rules in favor of Ecuador villagers in Chevron case. The Wall Street Journal. Available at [www.wsj.com/articles/canadas-top-court-rules-in-favor-of-ecuador-villagers-in-chevron-case-1441384265](http://www.wsj.com/articles/canadas-top-court-rules-in-favor-of-ecuador-villagers-in-chevron-case-1441384265).
- <sup>89</sup> Sierra Club. 2015. Trans-Pacific Partnership. Available at [www.sierraclub.org/trade/trans-pacific-partnership](http://www.sierraclub.org/trade/trans-pacific-partnership); Cultural Survival. 2015. Fast track for the Trans-Pacific Partnership: What it means for Indigenous Peoples. Available at [www.culturalsurvival.org/publications/cultural-survival-quarterly/fast-track-trans-pacific-partnership-what-it-means](http://www.culturalsurvival.org/publications/cultural-survival-quarterly/fast-track-trans-pacific-partnership-what-it-means).
- <sup>90</sup> United Nations General Assembly. 2015. Report of the Special Rapporteur of the Human Rights Council on the Rights of Indigenous Peoples on the Impact of International Investment and Free Trade on the Human Rights of Indigenous Peoples. A/70/301. Prepared by Victoria Tauli-Corpuz. New York: United Nations. <http://unsr.vtaulicorpuz.org/site/index.php/en/documents/annual-reports/93-report-ga-2015>.
- <sup>91</sup> Bear Creek Mining Corporation v. Republic of Peru, ICSID Case No. ARB/14/2. See details at: [www.italaw.com/cases/2848](http://www.italaw.com/cases/2848); Canada-Peru Free Trade Agreement. Available at <http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/peru-perou/index.aspx?lang=eng>; <http://investmentpolicyhub.unctad.org/IIA/mostRecent/treaty/3245>.
- <sup>92</sup> Coca-Cola Company. 2015. Building a Framework for Action: Progress on Coca-Cola's Country Studies. Available at <http://www.coca-colacompany.com/unbottled/human-and-workplace-rights/building-a-framework-for-action-progress-on-coca-colas-country-studies/>.
- <sup>93</sup> Stevens, Caleb and Jenny Springer et al. 2014. Securing Rights, Combating Climate Change. Washington, DC: World Resources Institute and Rights and Resources Initiative. Available at: <http://www.rightsandresources.org/publication/securing-rights-combating-climate-change-how-strengthening-community-forest-rights-mitigates-climate-change/>.
- <sup>94</sup> International Rivers. 2015. Amazonian tribe brings an epic battle for indigenous rights to the United Nations. Available at [www.internationalrivers.org/resources/9067](http://www.internationalrivers.org/resources/9067).

- <sup>95</sup> Kearns, Rick. 2015. Indigenous activities shut down parts of Ecuador over land and water rights. Indian Country Today Media Network. Available at <http://indiancountrytodaymedianetwork.com/2015/08/31/indigenous-activists-shut-down-parts-ecuador-over-land-and-water-rights-161569>.
- <sup>96</sup> Press TV. 2015. Indigenous protesters release 27 soldiers in Ecuador. Video available at <http://217.218.67.231/Detail/2015/08/21/425686/Ecuador-Tungurahua-soldier-hostages>.
- <sup>97</sup> Hill, David. 2015. Can Peru stop 'ethical chocolate' from destroying the Amazon? The Guardian. Available at [www.theguardian.com/environment/andes-to-the-amazon/2015/apr/17/can-peru-stop-ethical-chocolate-destroying-amazon](http://www.theguardian.com/environment/andes-to-the-amazon/2015/apr/17/can-peru-stop-ethical-chocolate-destroying-amazon).
- <sup>98</sup> Rights and Resources Initiative. 2015. People's Committee of the Peruvian Congress approves Bill 3941. Available at [www.rightsandresources.org/news/peoples-committee-of-the-peruvian-congress-approves-bill-3941/](http://www.rightsandresources.org/news/peoples-committee-of-the-peruvian-congress-approves-bill-3941/).
- <sup>99</sup> Asociación Interétnica De Desarrollo De La Selva Peruana. Haciendo visible lo invisible: Perspectivas indígenas sobre la deforestación en la Amazonía peruana. Available at <http://invisibleperu.com/deforestation-case-study/>.
- <sup>100</sup> Goñi, Uki. 2015. Argentina indigenous chieftain leads fight to reclaim ancestral land. The Guardian. Available at [www.theguardian.com/world/2015/jul/05/argentina-fight-reclaim-ancestral-land-indigenous-leader](http://www.theguardian.com/world/2015/jul/05/argentina-fight-reclaim-ancestral-land-indigenous-leader).
- <sup>101</sup> Terra. 2015. Candidato opositor argentino se reúne con líder de comunidad indígena qom. Available at <http://noticias.terra.com.ar/argentina/candidato-opositor-argentino-se-reune-con-lider-de-comunidad-indigena-qom,7845c1629963ce5e13908a5251d05ff8pel3570p.html>.
- <sup>102</sup> TeleSUR. 2015. Chile: Mapuche people to declare 'self determination.' Available at [www.telesurtv.net/english/news/Chile-Mapuche-People-to-Declare-Self-Determination-20150910-0042.html](http://www.telesurtv.net/english/news/Chile-Mapuche-People-to-Declare-Self-Determination-20150910-0042.html); Mapuche International Link. 2015. Clashes between Mapuche and truck drivers at blockade against arsons. Available at [www.mapuche-nation.org/english/html/news/n-537.html](http://www.mapuche-nation.org/english/html/news/n-537.html); Latin American Herald Tribune. 2015. Violence follows Mapuche protest in Chilean capital. Available at [www.laht.com/article.asp?ArticleId=2398060&CategoryId=14094](http://www.laht.com/article.asp?ArticleId=2398060&CategoryId=14094).
- <sup>103</sup> Rights and Resources Initiative. 2014. Democratic Republic of the Congo ratifies decree recognizing community forest concessions. Washington, DC: RRI. Available at [www.rightsandresources.org/news/democratic-republic-of-congo-ratifies-decree-recognizing-community-forest-concessions/](http://www.rightsandresources.org/news/democratic-republic-of-congo-ratifies-decree-recognizing-community-forest-concessions/).
- <sup>104</sup> Cadre de Concertation de la Société Civile pour la Réforme Foncière en République Démocratique du Congo. 2015. Letter to various recipients; Cabinet Director Sele Yalaghuli. July 27, 2015. Letter to various recipients.
- <sup>105</sup> Counsell, Simon. 2015. Re: DR Congo Arrêté 050 on logging permits, and its implications for REDD and other forest governance reforms. Letter to various recipients. Available at [http://loggingoff.info/sites/loggingoff.info/files/NGO%20letter%20on%20DRC%20Arrete%20050\\_5.10.15\\_final.pdf](http://loggingoff.info/sites/loggingoff.info/files/NGO%20letter%20on%20DRC%20Arrete%20050_5.10.15_final.pdf).





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