

Lots of Words, Little Action

Will the private sector tip the scales for community land rights?



Rights and Resources Initiative
Annual Review 2013–2014



THE RIGHTS AND RESOURCES INITIATIVE

RRI is a global coalition of 13 Partners and over 140 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.

PARTNERS



SUPPORTERS



The views presented here are not necessarily shared by the agencies that have generously supported this work.

AT A GLANCE:

RIGHTS AND RESOURCES

2013-2014

1

We had hoped to report good news, to trumpet the rising tide of support for community forest land rights around the world in 2013. But while there were many encouraging pronouncements last year—from courts, governments, and some of the world's largest corporations—unfortunately, progress on the ground remains very limited.

And worse, new research reveals a slowdown in the recognition of community forest land rights in developing countries over the last six years. Despite some high-profile wins, less new legislation has been passed since 2008 than in the preceding six years—and recent laws are weaker than before. None of these laws recognize land ownership, and the amount of forest land secured for community ownership since 2008 is less than 20 percent of that in the previous six years.

This is tragic in its own right, but doubly disappointing because, during that same period, a series of international initiatives, including REDD+, committed to supporting rights. It is perhaps early days for these initiatives, but so far, there have been far more words than actions. 2013 also saw a series of legal judgments that upheld the rights of communities (often countering powerful competing interests) and political mobilizations within countries that brought the land crisis to the top of political agendas in many countries, signaling that political agitation on land rights has reached new heights. Multilaterals such as the G8 and World Bank also paid attention to the growing land crisis. This is all good news—but only words.

What can tip the scales toward more action on the ground? One possibility is the private sector. Through its global reach and economic importance, an enlightened private sector can, if it chooses, shift the balance decisively away from land grabbing and toward community and indigenous land rights. Corporations do not act out of benevolence; commercial logic can push them toward respecting local peoples' rights in a world of growing risk to corporate reputations and global supply chains.

Some of the world's largest purchasers of natural resources and farmers' products made important declarations about land rights in 2013. They said that only by being good corporate citizens can they secure their supply chains and prevent their reputations from being trashed. Some major public and private investors agreed.

But the overriding picture in 2013 remained one of continuing resource grabs by local elites and corporations, aided by governments eager to give away land to investors on almost any terms. This has to change, and it can. If domestic political pressure within developing countries aligns with new government commitments and enlightened forward-thinking companies, the prospects for clarifying and respecting land rights can be transformed in 2014.

As we look to the year ahead, we wonder: will these promises be turned into action? Will REDD+ really invest in the rights of Indigenous Peoples and local communities? Will conservation agencies and advocates commit more fully to respecting and protecting rights at the upcoming World Parks Congress? And, most importantly, will the private sector join the fight and tip the scales for community land rights?

DEDICATION

This report is dedicated to the families and community members of the land rights activists who lost their lives in 2013.

ACKNOWLEDGEMENTS

This report was prepared by Fred Pearce and the staff of the Rights and Resources Group with contributions from RRI Partners. The authors thank Alastair Sarre for his invaluable editorial assistance.

Rights and Resources Initiative

Washington, D.C.

Copyright © 2014 Rights and Resources Initiative

Reproduction permitted with attribution

ISBN 978-0-9833674-9-9

Cite as: Rights and Resources Initiative. 2014. Lots of Words, Little Action: Will the private sector tip the scales for community land rights? Washington, D.C.: Rights and Resources Initiative.

Design and layout by Lomangino Studio (www.lomangino.com).



Printed on Forest Stewardship Council™ certified paper.

AT A GLANCE: Rights and Resources 2013-2014	1
PART ONE: Reform is in the Air, But Will it Land?	5
PART TWO: State of Forest Tenure Rights in 2013: A Global Slowdown	11
Most forest land is still claimed by governments	11
Progress in recognizing rights is slowing	12
Depth and implementation of laws remains limited	13
Is this a stall, slowdown, or the end of progress?	14
PART THREE: 2013 in Focus: Progress on Many Fronts	15
Surge in legal victories: The law is increasingly on our side	15
Popular movements: Land crises are reshaping politics	18
More government commitments: But what action?	20
REDD+: Progress, but threats to land rights grow	22
Commerce: Big buyers commit, but will it spread to others?	23
PART FOUR: Five Questions for 2014	27
Will private-sector investors engage more widely and become part of the solution?	27
Will land rights feature strongly in the post-2015 Sustainable Development Goals?	27
Will conservation agencies and advocates commit to respecting land rights at the World Parks Congress?	27
Will Peru address domestic land rights in the year it hosts the international climate negotiations?	28
Will REDD+ and carbon rights regimes finally support local land rights, or instead end their progress?	28

BOXES

Box 1: Responses to the key questions of 2013	6
Box 2: Dangerous business: More activists lost	8
Box 3: Peru: Land rights in flux	17
Box 4: Liberia: Cleaning up proves hard to do	21
Box 5: Global capital, local concessions, huge risks	25

FIGURES

Figure 1: Changes in forest land tenure in LMICs, 2002–2013	11
Figure 2: Change in area of community tenure in LMIC, REDD+, and non-REDD+ countries	12
Figure 3: Number of community forest tenure laws created since 2002, by region and category	13

ACRONYMS

AMAN	Indigenous Peoples' Alliance of the Archipelago (Indonesia)
APP	Asia Pulp & Paper
CIFOR	Center for International Forestry Research
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FLEGT	Forest Law Enforcement, Governance and Trade
IUCN	International Union for Conservation of Nature
LMIC	Lower and middle income countries
NGO	Non-governmental organization
REDD	Reducing Emissions from Deforestation and Forest Degradation
RRI	Rights and Resources Initiative
SDG	Post-2015 Sustainable Development Goals
UK	United Kingdom
UN	United Nations
US	United States
VG	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests
VPA	Voluntary Partnership Agreements

Reform is in the Air, But Will it Land?

Land rights are rapidly becoming the new political battleground, central to discussions on climate change, food security, poverty alleviation, corporate sustainability, gender equality, and even democracy itself. As the world attempts to recover financial stability, and as an increasing number of countries in Africa and elsewhere seek to emulate the economic success of the Asian “tiger economies,” land and other natural resources are seen as the ticket out of poverty. The “resource curse”—an idea previously applied to valuable resources like timber, oil and minerals—now applies to land, too.¹

The private sector, the dominant force in investment and a major political actor in most countries, is a potential source of transformative change in community land rights—for better or worse. In 2013, some large corporations with low public profiles and secure private finances seemed immune to pressure for change. They included Asian oil-palm companies seeking new land in Africa, and the US food giant Cargill, which Oxfam accused in September of acquiring 30 times more land in Colombia than is legally allowed.²

But other corporations appeared to embrace a more progressive agenda. Another food giant, Unilever, promised to halve its environmental impact by 2020 while uplifting the lives of the half-million small farmers who supply it. Other major agribusiness purchasers made similar pledges during the year, notably Coca Cola, Wilmar, and Nestlé. Whether they will meet those pledges—and what the implications are for local land rights—remains unclear.

Much will depend on governments, many who claim legal control over most of the land and can too often ignore the will of their people and protect the status quo

“If a business wants to be around for a long time, the best guarantee is to serve society. These notions have been lost in recent years, but we want to bring them back — for the greater good.”

— Paul Polman, CEO, Unilever

RESPONSES TO THE KEY QUESTIONS OF 2013



The following questions were posed in the 2012-2013 edition of RRI's annual review of the state of rights and resources (Landowners or Laborers: What choice will developing countries make?).

Will the EU's Voluntary Partnership Agreements (VPAs) transform forest governance or fall at the first hurdle?

They cleared the first hurdle, but not by much. New research by Forest Trends shows that VPAs have helped advance procedural rights (such as citizen participation in policy processes) but not yet substantive rights (such as land tenure reforms). Most of the reforms in existing VPAs are still in the planning stage. Additionally, new research by CIFOR shows that no production from community forests in Cameroon can comply with the new legality system introduced as a result of the VPA.^a Without the political will to include tenure reform in VPAs or consumer pressure on EU governments, it is unclear how much the process will really help transform governance.

Can Myanmar open up to the world without the world grabbing its resources?

It is too soon to tell. The new civilian administration sought foreign investment in its land and natural resources, but these policies are widely resented in the country because they are perceived as favoring corporations and local elites. Reaching a national accord on land rights will be difficult. Despite signs of progress, many grievances have long histories: for example, when villagers in the Irrawaddy River delta clashed with police in February, leaving one officer dead and 46 people hospitalized, their anger had its roots in the confiscation of land by a businessman in 1996. If it is to build long-lasting peace, the government of Myanmar needs to recognize indigenous land tenure systems—especially those of minority ethnic groups—and take their land-related concerns seriously.

Will the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGs) change practice?

Perhaps, but they haven't yet. In 2013, the G8 launched partnerships with seven African countries to help them implement the VGs. UN agencies and the 100 plus national governments that agreed to the VGs in 2012 are emboldened to encourage tenure reform, but declarations alone won't change the status quo, and implementation of the guidelines was limited in 2013. Still, their existence is a strong sign of progress.

Will the World Bank fully support local land rights?

Not in 2013. The World Bank took some important steps forward last year by: acknowledging the risks associated with large scale land acquisition and the vital role secure access to land plays in achieving sustainable development; pledging support for the VGs; and committing to strengthening safeguards. The next obvious opportunity to

turn these words into action lies with the World Bank Carbon Fund, which is developing the leading scheme to purchase carbon emission reductions from developing countries—an approach that was reinvigorated by decisions at the climate talks in Warsaw in November. Unfortunately, there is no clarity on the implications of the carbon rights provisions in the Carbon Fund’s methodological framework for local peoples’ existing customary and statutory rights to lands and resources.

Will the negotiations on post-2015 UN development goals become an instrument for democratic control of natural resources?

Negotiations show considerable promise, but targets are yet to be set. The UN high-level panel drawing up the post-2015 Sustainable Development Goals (SDGs) agreed on the need for a strong land-rights target. The panel—co-chaired by British prime minister David Cameron, Liberian president Ellen Johnson Sirleaf, and Indonesian president Susilo Bambang Yudhoyono—said it placed particular emphasis on women’s land and property rights. A specific “target” for land rights has not yet been set, but organizers of a September 2013 conference—including RRI, Oxfam, the International Land Coalition, IUCN, HELVETAS Swiss Intercooperation, World Resources Institute, and the International Institute for Environment and Development—called for a doubling of the amount of land recognized as owned or managed by local communities by 2018.

Will the continued delay in the scaling up of REDD+ represent a threat or an opportunity for better forest governance?

The delay is over. The Warsaw agreement gave a burst of new energy to the REDD+ community. The debate has now shifted to which activities to prioritize and how to make more real progress. Finding ways to establish carbon rights in countries where ownership over land and forests is already frequently contested, and where carbon legislation is rare, will be difficult. It requires prioritizing the rights of Indigenous Peoples and local communities.

³ Julve, Cecelia et al. 2013. Forêts communautaires camerounaises et Plan d’action « Forest Law Enforcement, Governance and Trade » (FLEGT) : quel prix pour la légalité? Bois et Forêts des Tropiques. 317(3), p. 71-80. orbi.ulg.ac.be/browse?type=author&value=Cerruti%2C+Paolo+Omar.

with their armies, police, and corrupt practices. International corporations are now moving in. In Africa, many governments seem intent on giving large areas of land to oil-palm companies from Southeast Asia, and there are worrying signs of efforts to silence critics. In March in Gabon, for example, Marc Ona Essangui—who founded the NGO Brainforest and won the 2009 Goldman Prize for his environmental campaigning—was convicted of defamation. His crime was accusing government officials of having a corrupt relationship with Olam International, which is seeking land in the country.³

But, elsewhere, reform is in the air. With traditional systems of ownership and management of rural and forest lands under assault, an increasing number

DANGEROUS BUSINESS: MORE ACTIVISTS LOST



Last year we reported that, in December 2012, leading Lao social activist Sombath Somphone had been snatched from the street after being stopped by police. This came a month after he had attracted official anger by helping organize a citizens' forum at which villagers complained about losing their land to rubber planters.

He has not been seen since, but he has not been forgotten. In November 2013, the Lao government's European development partners, at a round table in Vientiane, expressed their "grave concern regarding [Sombath's] safety and wellbeing" and called on the government to "conduct a comprehensive and transparent investigation."^a

Meanwhile, the roll-call of people killed for their land-rights activism grows. Prominent victims in 2013 included:

- Adelinda Gómez Gaviria, founder of the Women's Process of the Colombian Massif, which advocates for *campesino* land rights. She was assassinated in September after campaigning against a mine being developed by AngloGold Ashanti. She had recently received death threats while organizing a peasants' forum on mining.^b
- César García, another Colombian anti-mining activist and president of a farmers' group called *Conciencia Campesina*. He was shot five weeks after Adelinda Gómez while leading a local struggle against the same company's La Colosa open-cast gold mine. César had reportedly been persuading local farmers not to sell their land. The company condemned both killings.^c

of communities fought back in 2013. This report highlights the legal victories, civil actions, and international initiatives that put pressure on governments in 2013 to enact and enforce land reforms. We identify potentially big changes under way in India, Indonesia, and elsewhere.

What may be emerging is a showdown over land among old national elites, international corporations, and local communities. This is a dangerous moment for community land rights, but it needn't be a zero-sum game. The recognition of community land rights—as part of widespread land reforms—could bring benefits for all sides. A company whose reputation and brands have been damaged by association with rights abuses is a less valuable company. A company that does not pursue the sustainable supply of its raw materials is perpetually at risk. Communities with land and resource rights ensured by governments make happy citizens and potential partners in enterprise. Angry communities are bad for all involved.

- Elisa Lascona Tulid, a peasant leader working on land reform in Quezon province in the Philippines. She was shot in October at point-blank range while walking with her husband and young son. A man subsequently charged with her murder was reportedly an associate of another man with whom she had had a long-running dispute over land.^d
- Thai environmental campaigner Prajob Nao-opas. He was shot four times at a roadside service station outside Bangkok in February. He had been followed for weeks after campaigning about industrial effluent being poured onto farmland.^e
- Social activist Nurlan Oteuliev, a member of the Tabighat [Nature] Social Fund in Kazakhstan. He was shot dead in February after opposing deforestation and land grabs for housing near the country's largest city, Almaty.^f

^a European Development Partners. 2013. Vientiane, 19 November. www.gov.uk/government/uploads/system/uploads/attachment_data/file/258988/2013_eu_rtm_statement.pdf.

^b Claps, Luis Manuel. 2013. Leader opposed to Colombian mining project murdered. North American Congress of Latin America. 12 November. www.nacla.org/blog/2013/11/12/leader-opposed-colombian-mining-project-murdered.

^c AngloGold Ashanti. 2013. Anglogold Ashanti Colombia deplora asesinato de líder Comunal De Cajamarca. www.anglogoldashanti.com.co/saladeprensa/DocsComunicadosPrensa/BOLETIN%20ANGLOGOLD%20ASHANTI%20COLOMBIA%20NOVIEMBRE%203.PDF.

^d FIDH. 2013. Philippines: Killing of Ms. Elisa Lascoña Tulid. 11 November. www.fidh.org/en/asia/Philippines/14241-philippines-killing-of-ms-elisa-lascona-tulid.

^e Hodal, Kate. 2013. Murder of environmentalist 'highlights Thailand's failure to protect activists'. Guardian Online. 27 February. www.theguardian.com/world/2013/feb/27/murder-environmentalist-thailand-failure?CMP=tw_t_gu.

^f BBC Mundo. 2013. Aparece muerto activista medioambiental en Kazajistán. 11 March. www.bbc.co.uk/mundo/ultimas_noticias/2013/03/130311_ultnot_kazajastan_activista_ar.shtml.

In 2013, we saw signs that this simple truth was sinking in. Mining and agribusiness companies and their investors began to acknowledge publicly the risks posed by land and resource conflicts to their supply chains, corporate reputations, and bottom lines. We believe this rethink could also change the mindsets of previously obdurate governments.

But mission statements and public pledges are not enough. Corporations and governments alike have a choice between continued conflict with host communities and a new era of cooperation. International organizations, too, need to get serious and start investing more in securing land rights. There is not much time to spare, and with other trends pointing to a slowdown in reforms, the conditions to transform global land rights for the better may never be so promising again.

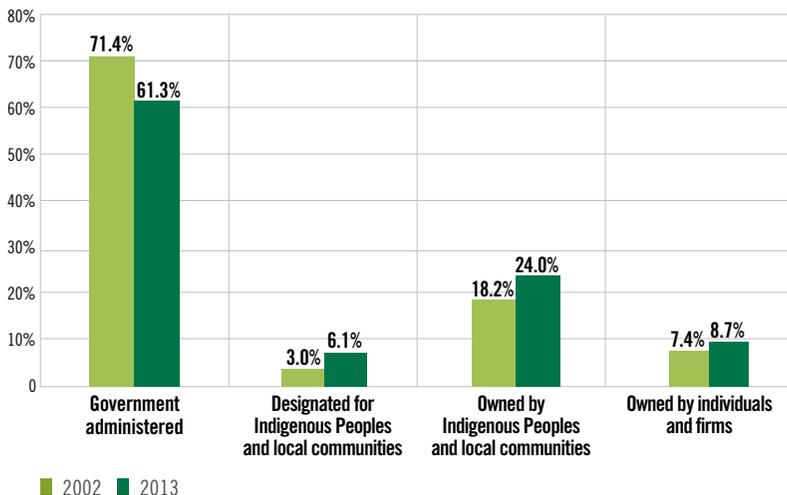


State of Forest Tenure Rights in 2013: A Global Slowdown

Most forest land is still claimed by governments

In 2013, over 513 million hectares of forests were held globally by Indigenous Peoples and local communities under some form of statutory community ownership or control. However, it is apparent that governments still overwhelmingly claim ownership of forest land. In lower and middle income countries (LMICs), governments claimed over 61 percent of the total forest land in 2013, down from 71 percent in 2002, while the forest land under legal community ownership or control (“designation”) rose from over 21 percent in 2002 to over 30 percent in 2013 (based on a sample covering about 85 percent of forests in low and middle income countries). The proportion of forests owned by individuals and firms increased by just over one percent in this time, although this estimate does not capture the large scale of allocations for industrial concessions, which often take the form of long-term leases rather than ownership transfers.

Figure 1 Changes in forest land tenure in LMICs, 2002–2013



There is considerable regional variation in forest land rights. In Latin America, communities now own or control more than 39 percent of forests. This contrasts strongly with the case in sub-Saharan Africa, where less than six percent of forests are under community control and none are recorded as under community ownership.⁴ In the heavily forested Congo Basin countries, governments control more than 99 percent of forests. In Asia, the bulk of forests owned by communities is found in only two countries, China and Papua New Guinea, while India represents nearly 82 percent of the regional share of forest lands under (less secure) community control.

Progress in recognizing rights is slowing

The area of land owned or designated for use by Indigenous Peoples and local communities in LMICs increased by a larger amount between 2002 and 2008 than between 2008 and 2013. The amount of forest land secured for community ownership since 2008 is less than 20 percent of that secured in the previous six years. Decisions by countries to implement REDD+ initiatives⁵—which often talk of tenure security as a key requirement for success—did not affect this pattern.

Figure 2 Change in area of community tenure in LMIC, REDD+, and non-REDD+ countries

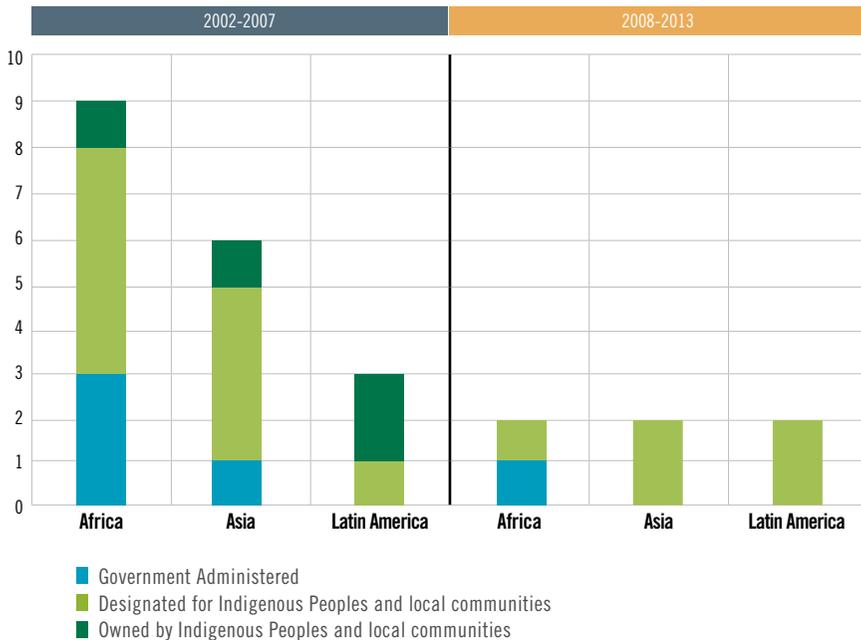
	Designated for Indigenous Peoples and local communities		Owned by Indigenous Peoples and local communities	
	2002–2008	2008–2013	2002–2008	2008–2013
LMICs	+26.8	+19.7	+66.7	+11.2
of which				
REDD+ Countries	+19.3	+16.7	+50.3	+9.3
Non-REDD+ Countries	+7.5	+3.0	+16.5	+1.9

RRI's analysis of legal frameworks produced similar findings. In the years 2002–2013, a total of 24 legal frameworks recognizing some form of community forest tenure were adopted in a sample of 27 countries (representing approximately 75 percent of the forest area in developing countries). Eighteen of these legal frameworks were created in 2002–2007 and only six in 2008–2013.

The security of the rights recognized is also weaker. Of the 18 new legal frameworks created in 2002–2007, four recognize community ownership rights

and ten designate forest lands for community use. Four frameworks created during this period failed to recognize any meaningful control of resources to communities and therefore remained as government administered. Of the six new legal frameworks created in 2008–2013, five designate forest lands for community control, one was weak enough for forest lands to still remain as government administered, and **none were strong enough to recognize ownership rights**.

Figure 3 Number of community forest tenure laws created since 2002, by region and category



Depth and implementation of laws remains limited

Many enacted laws recognize only weak rights and apply to only a limited areas. For example, only 32 percent of legal frameworks to secure community rights worldwide—the bulk of them in Latin America—recognize enough rights to be regarded as recognizing ownership of Indigenous Peoples and local communities. In sub-Saharan Africa, not only is the area allocated as community forest smaller than in other regions, the legal frameworks that have been implemented on the ground also tend to recognize a more limited set of rights.

Is this a stall, slowdown, or the end of progress?

These findings indicate that, while the global community is increasingly recognizing the centrality of tenure reform to a wide range of food security, social justice, climate, and environmental goals, at the same time the pace of reform is slowing. In particular, despite the attention given to tenure in REDD+ discussions, REDD+ initiatives are not yet translating into globally significant increases in the area under the ownership and control of Indigenous Peoples and local communities on the ground. Meanwhile, the global forest area covered by industrial concessions is sizeable and growing. The International Land Coalition identified over 203 million hectares of land acquisitions between 2000 and 2011.⁶ The drivers of demand for scarce resource commodities are long-term in nature, which means that pressure on community lands is unlikely to abate.

These trends highlight the urgency of moving from words to action in 2014.

2013 in Focus: Progress on Many Fronts

As the findings in Part 2 indicate, the pace of forest tenure reform is slowing, despite the centrality of tenure reform to a wide range of food security, social justice, climate, and environmental goals. Fortunately, there were many encouraging pronouncements by key players in the fight for secure local land rights in 2013, giving us hope that many of these promises will be turned into action in 2014.

Surge in legal victories: The law is increasingly on our side

Against the backdrop of these forest tenure trends, a series of landmark legal victories in national courts offers potential to reverse the global slowdown in recognition of community land rights. More than any time in recent history, judges supported local communities in securing their land and natural resources in 2013.

In May, Indonesia's Constitutional Court annulled the government's claimed ownership of customary forests. The victory for the Indigenous Peoples' Alliance of the Archipelago (AMAN) recognized indigenous rights to forest lands and made a clear distinction between state-owned and customary forests. AMAN had contested how the state had been parceling out customary forests to corporations for plantations and mines. The court ruled that "members of customary societies have the right to ... use the land to fulfill their personal and family needs."⁷

The forestry ministry in Jakarta accepted the ruling. But activists feared that local governments, which enjoy considerable autonomy in Indonesia, might undermine it by making their own declarations on what constitutes customary land. So AMAN declared its intention to map an estimated 40 million hectares of customary forests by 2020, and had mapped nearly seven million hectares as of 2013.⁸

India's Supreme Court took a similar view in 2013. In April, it supported the Dongria Kondh community's action against a giant bauxite mine promoted by UK-based Vedanta Resources in the Niyamgiri hills of Odisha (formerly Orissa). Judges held that, under the 2006 Forest Rights Act, no one could take land from communities in tribal areas without the approval of

those communities. Their land is “an imperishable endowment,” said the bench, and communities “have a right to maintain their distinctive spiritual relationship with their traditionally owned or otherwise occupied or used lands.”⁹

India’s Supreme Court decision has major implications for mining, industrial, and agricultural activities in the country, all the more so following the passage in August of the Right to Fair Compensation and Transparency in Land Acquisitions, Rehabilitation and Resettlement Act. This law resulted from sustained pressure from farmers’ groups that, as we reported last year, included mass protests in Delhi. While the law doesn’t recognize customary tenure rights over common lands, it brings greater transparency to acquisitions of agricultural land and gives communities new rights to challenge such acquisitions and obtain compensation if they go through.

Other courts worldwide also interpreted existing land laws in favor of communities in 2013:

- In March, the African Union’s Court of Human and People’s Rights ordered the Kenyan government to halt evictions of the Ogiek people from their ancestral Mau forest. The Mau forest was a center of violence after the 2007 election, during which government politicians allegedly distributed Ogiek land to supporters.¹⁰ After the ruling, the Ogiek, one of five formally recognized indigenous groups in Kenya, formally adopted their customary land practices as legally enforceable bylaws.¹¹ Meanwhile, however, the Kenyan government continued to try to move the indigenous inhabitants of the Embobut forests in western Kenya off their land.¹²
- In June, Ranyane Bushmen persuaded Botswana’s High Court to prevent authorities from evicting them from their land for allegedly blocking a new wildlife corridor. The Bushmen denied that they were blocking the corridor and claimed that their land was really wanted by local cattle ranchers.¹³ Following the ruling, the Bushmen complained that the government had retaliated against them by suspending essential supplies, such as diesel for their water pumps.¹⁴
- In July, an appeals court in Belize struck down a government petition and held that 38 Maya communities have rights to their communal lands. However, the final outcome of this legal battle remains uncertain because the court also ruled that the government has no responsibility to ensure those community rights.¹⁵
- In Brazil, federal judges halted work on a dam on the Teles Pires River in September and a gold mine on the Xingu River in November. In both cases, the judges cited failures in the processes to assess the impacts on the livelihoods of Indigenous Peoples, as required by Brazil’s federal Constitution.¹⁶

While judges have increasingly sided with communities over land law, they are often hampered in doing so by laws that do not recognize sufficient rights to secure real ownership. More and better laws are required. There is also much work to be done in reconciling community land rights with

Box 3

PERU: LAND RIGHTS IN FLUX



Land conflicts are reaching a crisis in Peru, with interpretation of the law central to disputes. Rights granted by government agencies for exploiting oil and gas reserves in the Amazon Basin contradict the rights of local inhabitants, particularly communities that have opted for isolation.

Since 2005, Peruvian law has recognized the rights of communities that choose isolation and has banned the exploitation of natural resources in ways that would damage such isolation. The government's culture ministry said in July that four million hectares should be set aside for those communities. The national indigenous organization AIDSEP said that four of the regions that should be set aside overlap with oil and gas concessions, but companies continue to insist that there are no uncontacted people in those regions.^a

In November, the state gave the go-ahead for the exploitation of oil reserves in one such region near the Ecuadorian border, known as Lot 67. But, in December, in what was seen as an important step, the government initiated studies aimed at formalizing the proposed indigenous reserves. There are still plans to expand the existing Camisea gas project in the southeast in Lot 88, which overlaps land occupied by two isolated groups. In August, after an intervention by the UN's Committee on the Elimination of Racial Discrimination, the culture ministry issued a temporary halt.^b

In May, Global Witness alleged that a new highway planned in the Peruvian Amazon will also pass through land occupied by Indigenous Peoples living in voluntary isolation. The ultimate outcome of all these disputes remains unclear. But the government will be under an international spotlight in 2014 because it will host the next round of UN climate negotiations in Lima in December.^c

^a Hill, David. 2013. Oil extraction to take place in proposed Amazon tribe reserve. Guardian Online. 26 November. www.theguardian.com/environment/andes-to-the-amazon/2013/nov/26/oil-extraction-amazon-tribe-reserve.

^b Forest Peoples Programme. 2013a. Peru's Culture Ministry blocks expansion of country's biggest gas project – but for how long? 5 December. www.forestpeoples.org/topics/extractive-industries/news/2013/12/press-release-peru-s-culture-ministry-blocks-expansion-cou.

^c Global Witness. 2013. Rocky road. www.globalwitness.org/sites/default/files/library/RockyRoad_GlobalWitness_lo.pdf.

conflicting laws that grant outsiders rights to their lands. In Bolivia, for example, a new mining law fails to require prospectors to consult in advance with indigenous communities.¹⁷

Given that the implementation of existing land laws is also a major issue in many countries, advocacy is key. An important development in 2013 was the increase in the exchange of case law by groups such as the Forest Peoples Programme, Namati—a network of legal advocates, and a new network of lawyers for community land rights established in 2013 at the Ateneo School of Government in the Philippines.

Popular movements: Land crises are reshaping politics

Land issues gained prominence on many national political agendas in 2013, featuring in election campaigns in Cambodia, India, Indonesia, Nepal, and elsewhere. As an accelerating land rush met growing civil opposition, mass mobilizations over land became an important part of national politics. And the year saw growing evidence that such mobilizations bring results, with a number of governments taking steps to end unpopular land grabs and defuse long-standing land disputes. Prominent among them were the governments of several rapidly emerging economies, suggesting to optimists the development of a new norm toward greater land equity.

In May, Indonesian president Susilo Bambang Yudhoyono extended by two years a moratorium on new land concessions that involve the clearance of primary forests.¹⁸ Within weeks, major logging and plantation companies were making promises to “end deforestation” and take cognizance of community land rights (see section “Commerce: Big buyers commit, but will it spread to others?”).

But doubts remain. President Yudhoyono is reaching the end of his second (and final) term and is regarded in some circles as a lame duck, with little power in the face of growing regional autonomy. It is far from clear if any gains will be sustained beyond his term.

There are also concerns about China. In January, the Beijing government responded to growing rural unrest by announcing plans for radical reforms, including a complete survey of land and a registration of farmers’ land rights.¹⁹ Later, officials signaled plans to abolish the role of local governments as middlemen in land transactions, which has often led to elite capture by low-level officials.²⁰

But it remained unclear how China would reconcile such promises with urban spread and infrastructure projects that currently consume half the world’s production of steel and cement.²¹ Within days of the government announcements, villagers in Guangdong were physically defending their land against thugs sent in to take the land for “development.”²²

In Africa, two cases revealed the potential for domestic political campaigning to join with international publicity to shame governments into

policy changes. In May, the Cameroonian government suspended the operations of the 73,000 hectare oil-palm project being developed by US-based Herakles.²³

And in September, the Tanzanian government halted decades of attempts to take over and privatize Maasai lands when it dropped plans to eject Maasai people from the Loliondo Game Controlled Area, a wildlife corridor east of Serengeti. The government had allocated much of the area to a Gulf-based hunting consortium in the 1990s, and in March 2013 announced plans for further evictions to promote wildlife tourism.²⁴ But in the face of growing opposition, the prime minister, Mizengo Pinda, visited Loliondo and announced he was abandoning the new tourism plan and instead upholding customary rights.²⁵

Other leaders, while clearly under pressure, responded more ambiguously. In Cambodia, people took to the streets to protest about the theft of an estimated two million hectares of land from communities since 2009, including a series of sugar plantations.²⁶ As anger grew in 2012, the country's strongman prime minister, Hun Sen, announced a partial freeze. It was enough to allow him to narrowly win the July 2013 general election, in which land politics loomed large. After the election, however, fears grew that Hun Sen would backtrack on his promise.²⁷

Land reform and its place in the country's future constitution were central to elections in Nepal in November, although there is still uncertainty about how the new constitution will address land rights.

Other places remained mired in land tyrannies. In the Malaysian state of Sarawak, notorious for its deforestation and land-rights abuses over several decades, the ruling Taib family remained in control of land transactions. In 2013, government officials there were filmed allegedly organizing undercover payments to members of the family in return for timber and plantation licenses.²⁸

But blatant corruption over land deals was increasingly challenged by civil society in 2013 and, on occasion, governments responded. In November, Vietnam's National Assembly approved reforms to a 2003 land law in response to growing outrage that corrupt provincial officials were using the law's provisions to grab millions of hectares. The reformed law prohibits officials from taking land simply for "economic development."²⁹ The Liberian government is also grappling with corruption over resource deals (see Box 4).

In some countries, there is growing concern that smallholder groups are being co-opted by rural elites to fight against community land and forest rights, and to oppose environmental policies. This has emerged as a major issue in Brazil, where, in 2013, farmers united in a successful campaign to

Blatant corruption over land deals was increasingly challenged by civil society in 2013 and, on occasion, governments responded.

Gender is a neglected dimension in land rights. A majority of farmers in the developing world are women, and there can be no solution to land rights if they don't get their fair share. But progress is rare.

water down the government's long-established forest code. And in Nicaragua, several indigenous Mayagna people died in April in a shoot-out when local farmers and thugs hired by ranchers invaded the Bosawas Biosphere Reserve, a cloud forest jointly managed by the Mayangna and the government.³⁰

Gender is a neglected dimension in land rights. A majority of farmers in the developing world are women, and there can be no solution to land rights if they don't get their fair share. But progress is rare. A new report from Landesa, an advocacy group working on women's land rights, found that, in

India, only one-tenth of women whose parents owned agricultural land inherited any portion of that land. The proportion has remained unchanged for a generation, despite the passage of laws on equal inheritance rights.³¹

In Kenya, women's land rights were enshrined in the country's 2010 Constitution. But in November 2013, parliamentarians amended the Matrimonial Property Bill to define matrimonial property simply as land already jointly owned. Landesa said that this amendment would mean that the situation will not improve for women.³²

More government commitments: But what action?

There was a surge in international commitments to community land rights in 2013. Insecure land rights are increasingly being seen as a threat to peace, stability, poverty eradication, and environmental progress. UN agencies and others have been emboldened to encourage tenure reform. However, prospects for translating new commitments into impacts remained unclear in 2013.

In July, the G8 launched partnerships with seven African countries to help them implement the Voluntary Guidelines on the Responsible Governance of Tenure, agreed upon by more than 100 nations in 2012. The partnerships would fight poverty, and also help investors since "weak land governance and property rights systems can... undercut responsible actors seeking access to land for productive investment."³³

At the UN, the high-level panel drawing up the post-2015 Sustainable Development Goals also agreed on the need for a strong land-rights target. Its proposal would "increase by x percent the share of women and men, communities, and businesses with secure rights to land, property, and other assets." The panel—co-chaired by British prime minister David Cameron, Liberian president Ellen Johnson Sirleaf, and Indonesian president



A pioneering push by Liberian president Ellen Johnson Sirleaf against graft has underlined the extent of corruption in her government over resource deals. It emerged in May that a draft audit by the Liberia Extractive Industries Transparency Initiative, a government watchdog, had found that most of the US\$8 billion worth of contracts for exploiting land and natural resources in the country in the previous four years had violated multiple laws. Violations included the granting of half a million hectares of land to Southeast Asian oil-palm companies Sime

Darby and Golden Veroleum without competitive tendering. Both companies were accused of land grabbing with the collusion of government officials.^a

In January, pressure from the EU and NGOs forced the government to shut down hundreds of logging concessions on community land that claimed, often fraudulently, to have community support. Liberia's "private-use permits" helped large logging companies avoid stringent environmental and community-consent laws.^b By year's end, with the shutdown still in place, prosecutions were expected.^c

There was, however, a further blow to the government's promises to bring community consent to forest management. It emerged that officials had been giving operators of mines and plantations the carbon rights to the land as well, even if communities continued to live there. Beneficiaries included Sime Darby and the country's largest miner, ArcelorMittal, which had been given carbon rights to the forests in Nimba province.^d ArcelorMittal has teamed up with environmental group Conservation International to identify "unprotected biodiverse forests" that can be preserved, attracting carbon credits. ArcelorMittal defended the move, saying that local farmers "pose a threat to the Nimba rainforest." It hoped to introduce conservation agriculture to enhance carbon stocks.^e

^a Valdmanis, Richard. 2013. Exclusive: resource deals audit overshadows Liberia anti-graft push. Reuters. 1 May. uk.reuters.com/article/2013/05/01/uk-liberia-resources-idUKBRE9400PZ20130501.

^b Sirleaf, Ellen Johnson. 2013. Executive Order No. 44: Protecting Liberian forests by a temporary moratorium on Private Use Permits. 4 January. www.emansion.gov.lr/doc/Executive%20Order%20_44%20-%20Moratorium%20on%20Private%20Use%20Permits.pdf.

^c Williams, Wade. 2013. Liberia: indictments soon in Liberia's Private Use Permits saga, Forest Agency chief reveals. AllAfrica Online. 24 October. allafrica.com/stories/201310250329.html.

^d Tienhaara, Kyla, and Smith, Wynet. 2011. Negotiating carbon concessions in developing countries. Paper presented at the International Conference on Global Land Grabbing. April. www.iss.nl/fileadmin/ASSETS/iss/Documents/Conference_papers/LDPI/51_Tienhaara_Smith.pdf.

^e ArcelorMittal. 2013. ArcelorMittal Liberia teams up with Conservation International for community workshops. corporate.arcelormittal.com/news-and-media/news/2013/may/01-05-2013.

Insecure land rights are increasingly being seen as a threat to peace, stability, poverty eradication, and environmental progress.

Yudhoyono—said it placed particular emphasis on women’s land and property rights.³⁴

World Bank president Jim Yong Kim declared at the Bank’s annual meeting on land and poverty in April that the Bank “shares concerns about the risks associated with large-scale land acquisitions. Securing access to land is critical for millions of poor people.” The Bank’s solution was “modern, efficient, and transparent policies on land rights.”³⁵ Critics wondered, however, whether efficient land law would always be the same as equitable land law.

In July, the Bank reported that economic growth in Africa is being held back by confusion over land ownership. It said “90 percent of Africa’s rural land is undocumented, making it vulnerable to land grabbing.” The Bank called for the full documentation of all communal lands and declared that improving land governance was vital for creating economic opportunities for Africans.³⁶ Land rights also became central to the debate about the equitable ownership and management of forests. Last year saw the entry into force of the EU’s new timber regulation.³⁷ From March, countries wanting ready access to European markets must enter into voluntary agreements guaranteeing the legality of timber sales and committing to conservation and community consent and engagement.³⁸

Countries that have signed up to the EU’s FLEGT Action Plan are Cameroon, the Central African Republic, the Republic of the Congo, Ghana, Indonesia, and Liberia. Honduras, Guyana, Malaysia, Vietnam and several African nations are currently negotiating agreements.

But in the early weeks of implementation, widespread breaches emerged. Journalists tracked the laundering of illegally logged timber from the Republic of the Congo to France.³⁹ And Global Witness revealed that, in both Ghana and Liberia, industrial logging companies bypassed the rules by using permits intended for small artisanal operators (see Box 4).⁴⁰

The rules were not working well for local people, either. Concerns were raised that the complex paperwork required to meet the EU timber regulation could exclude small-scale producers and community forestry from export markets.⁴¹ In addition, CIFOR reported that the new rules would eventually make it impossible for community forests to comply with the timber regulation and engage in legal production.⁴²

REDD+: Progress, but threats to land rights grow

Parties at the climate talks in Warsaw in November 2013 agreed on arrangements for REDD+. The new climate deal is expected to conclude

in 2015 and to come into force in 2020. REDD+ will allow communities, corporations, and others to protect forests and sell the carbon they contain as offsets to carbon emitters seeking to meet emissions targets.

That could be good news for communities able to benefit from secure carbon rights. In 2013, the Paiter-Surui people in Rondônia state in the Brazilian Amazon sold rights to carbon stocks in their forests to the Brazilian cosmetics giant Natura Cosméticos. This first-ever carbon offset deal involving an indigenous community was certified under the Verified Carbon Standard, a widely recognized voluntary offset system.

On paper, the Paiter-Surui deal includes strong safeguards for guaranteeing community land tenure, even when others use the carbon rights in community forests. But many are fearful about REDD+. In Panama in 2013, indigenous communities angrily rejected the idea of joining a pilot REDD+ scheme promoted by their government, fearing that the process would lead to their forests being taken from them.⁴³ In November, a report by GLOBE, an international club of parliamentarians, suggested that such fears might be justified. GLOBE warned that a growing number of pilot REDD+ schemes “are not underpinned by adequate national legislation, leaving forest communities in a legal void.” Carbon rights may have precedence over land rights.⁴⁴

Doubts about REDD+ intensified with the publication by the World Bank of its plans for the US\$390 million Carbon Fund in its Forest Carbon Partnership Facility. The fund is aimed at helping countries conserve forests and benefit from REDD+. But in a letter to the Bank in November, 40 leading NGOs said that provisions on a new property right to carbon could enable carbon to be transferred or sold, even in violation of customary or legal land and resource rights. It was, the NGOs said, “poised to undermine years of progress on land tenure rights.”⁴⁵

Commerce: Big buyers commit, but will it spread to others?

Global corporations remain among the most conspicuous grabbers of land and other resources. But their very size leaves them vulnerable to both public condemnation and contingent risks. Companies like Nestlé, Rio Tinto, SABMiller, and Unilever are beginning to understand that recognizing community land rights is a potential benefit rather than a hindrance to their businesses—a way to secure their supply chains and insure against reputational risk.

A company whose reputation and brands have been damaged by association with rights infringements is a less valuable company. A company that does not pursue the sustainable supply of its raw materials is perpetually at risk.

A number of companies faced sustained public pressure in 2013 from NGOs such as Greenpeace and Global Witness. As a result of this pressure, many companies promised more ethical standards and to subject their activities to auditing by NGOs.

The first big challenge for industry leaders who made pledges in 2013 is to deliver in 2014.

In November, Coca Cola, the world's biggest sugar purchaser, announced that it would stop buying from suppliers that didn't follow its guidelines for protecting local land rights. "Land grabbing is unacceptable," the company said.⁴⁶

The deal was instigated by Oxfam and its "Behind the Brands" campaign. Coca Cola said it would commission "third-party social,

environmental, and human rights assessments, beginning in Brazil, Colombia, Guatemala, India, the Philippines, Thailand, and South Africa." The world's second- and third-largest sugar purchasers, Pepsi and Associated British Foods, did not immediately follow Coca Cola's lead, but the pressure to do so is on.

In February, Asia Pulp & Paper (APP), one of the world's largest paper producers and a company that has been pilloried for stripping Sumatran forests in Indonesia to supply its mills, announced an immediate end to all natural forest clearing. It also pledged that "where new plantations are proposed, APP will respect the rights of Indigenous Peoples and local communities, including recognition of customary land rights," although it was less clear what the pledge meant for existing plantations. APP's promise was sufficiently convincing in that it brought a stay of campaigning from Greenpeace.⁴⁷ TFT, the NGO that brokered the deal, called the announcement a "turning point" for the pulp and paper industry.⁴⁸

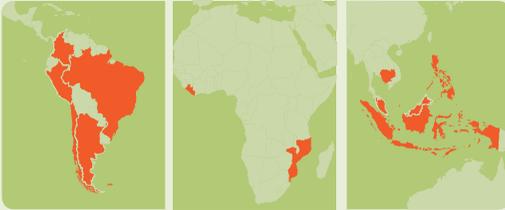
Wilmar, the world's largest palm-oil trader, committed itself in December to eliminating deforestation and peatland destruction from its supply chain, and it said it would "respect land tenure rights," including the "long-term customary and individual rights of indigenous and local communities." These pledges would, the company said, cover all its operations, "including those of its subsidiaries ... and all third-party suppliers."⁴⁹

This followed an announcement in November by a major Wilmar customer and the world's largest purchaser of palm oil, the Anglo-Dutch food giant Unilever, that it would avoid involvement in deforestation by tracing all its palm oil back to individual growers by 2014.⁵⁰ Some people worried, however, that Unilever's commitment to full traceability could, in effect, "freeze out" smallholder suppliers.⁵¹

The commitments from industry leaders in 2013 are unprecedented. But putting them into practice may prove difficult. The mining giant Rio Tinto said in 2012 that it would seek "free, prior and informed consent" from communities before mining. But analysts of the company's actions said in

2013 that the commitment was applied “where possible” and seemingly only if host governments approved.⁵²

Many communities were unimpressed by Rio Tinto’s pledge, saying at the company’s annual meeting in London in April that their consent was not being obtained. Mongolian herders said that Rio Tinto was still fencing-in their pastures and diverting their water for the giant Oyu Tolgoi copper and gold mine in the Gobi Desert.⁵³ A coalition of NGOs, including the Sierra Club and the Environmental Law Alliance Worldwide, supported the Mongolian herders, asking the World Bank not to back the project.⁵⁴ Meanwhile, in May, Human Rights Watch accused Rio Tinto of uprooting farming communities to make way for giant coal mines in Mozambique.⁵⁵

Box 5
GLOBAL CAPITAL, LOCAL CONCESSIONS, HUGE RISKS


An analysis produced in 2013 by the Munden Project shows that at least 31 percent of all land concessions allocated for commercial exploitation in developing economies overlap with community land. This represents a

massive but unacknowledged financial risk to corporations. According to the Munden Project’s founder, Lou Munden, “what we can learn about tenure risk through publicly available data is but the tip of the proverbial iceberg.”^a

The Munden study used GIS mapping to analyze 153 million hectares of concessions in 12 countries—Argentina, Brazil, Cambodia, Cameroon, Chile, Colombia, Liberia, Indonesia, Malaysia, Mozambique, Peru, and the Philippines. It identified 3,750 overlapped concessions covering 48.3 million hectares. In Argentina, it found that 84 percent of soybean concessions overlap with community-claimed areas. The stakes are huge for corporations. Land disputes in the Philippines’ giant Tampakan mining project have put almost US\$6 billion of investment at risk.^b

Yet the legal, reputational, and financial risks associated with these competing land claims rarely feature in project assessments or due-diligence audits. If they did, many large-scale land acquisitions for mining, agriculture, logging, and other foreign investment projects would not go ahead, and many disputes would be prevented. Equally, resolving risks would allow more considered, secure, and long-term development—development that would likely be of greater benefit to both investors and consenting hosts.

^a Lou Munden. Spoken comments at the International Conference on Scaling-up Strategies to Secure Community Land and Resources Rights. Interlaken, Switzerland, 19–20 September 2013.

^b The Munden Project. 2013. *Global Capital, Local Concessions*. Rights and Resources Initiative. www.rightsandresources.org/documents/files/doc_6301.pdf.

So the first big challenge for industry leaders who made pledges in 2013 is to deliver in 2014—not just on the environmental issues that grab headlines in the West, but also on the land-rights agenda, where inattention or collusion with governments feeds resentment of their activities in the developing world. The second challenge for industry leaders is to spread their example to the rest of the private sector. We wait to see whether competitors treat these pledges as a chance to assume a competitive advantage or as something they should emulate.

Standards on land rights and human rights in global agribusiness remain dismally low. Pressure from financiers for short-term profits is typically a more immediate factor in executive decision-making than the longer-term goals of sustainability. So reform of the financial sector is also essential.

Ethical concerns can sometimes have an impact. In 2013, the Norwegian government's pension fund—the world's largest sovereign wealth fund, with assets of US\$710 billion—acted on sustained criticism by pulling its money out of 23 Asian oil-palm companies, claiming they were guilty of deforestation and land grabbing.⁵⁶

There is growing recognition that riding roughshod over community land rights creates a financial risk that investors should want to avoid. In research with RRI, the Munden Project has revealed previously unsuspected corporate financial exposure to land insecurity issues (see Box 5).

Two things seem certain. First, global scrutiny of the cultures of major financial houses will continue to grow. In May, Global Witness revealed that Deutsche Bank and the World Bank's International Finance Corporation were financing Vietnamese rubber companies that are driving a wave of land and forest grabs in Cambodia and Lao People's Democratic Republic.⁵⁷ Second, this growing scrutiny can deliver results for communities. In December, it emerged that, after the exposé, Deutsche Bank divested itself of its connections with Vietnamese land grabber and rubber baron,

Hoang Anh Gia Lai.⁵⁸ Finance can be the Achilles' heel of even the most secretive and seemingly remote corporations.

If the corporate world sees sense in local land rights, a major victory would be achieved. If it does not, continued and escalating conflict looms.

The underlying truth in the 21st century is that global corporations and their investors shape the international political and economic landscape, strongly influencing governments and even international bodies. If the corporate world sees sense in local land rights, a major victory would be achieved. If it does not, continued and escalating conflict looms.

As we look ahead to 2014, new legal victories, popular movements, and international, national and private-sector commitments are running up against an on-the-ground reality of a slowdown in the recognition of community rights to forest lands in tropical forest countries. The following questions are central to ensuring that encouraging words on community land rights are turned into concrete action in 2014.

Will private-sector investors engage more widely and become part of the solution?

Evidence emerged in 2013 of the significant financial and reputational risks posed to investors and companies by the legal confusion over land rights in many countries. Once, such investors and companies may have seen this confusion as a chance to make a swift buck. But as communities mobilize around demands to keep control of their land, and as a trickle of abandoned projects threatens to become a flood, private-sector actors must recognize that the world contains little unoccupied or unclaimed land. Unless they want farms run like military camps, with armed guards on every fence, they have no choice but to seek the consent of customary owners before investing in land. Will 2014 be the year they open their eyes?

Will land rights feature strongly in the post-2015 Sustainable Development Goals?

In 2014, the UN General Assembly will reach agreement on the post-2015 Sustainable Development Goals. The high-level panel set up to draft the goals has acknowledged the growing consensus that land rights must be a central component. Critically, the SDGs must recognize that community land rights have equal status with individual rights, and they must recognize the rights of communities to manage and benefit from their lands and resources.

Will conservation agencies and advocates commit to respecting land rights at the World Parks Congress?

The evidence grows that conservation without consent is bound to fail, and that community land management is more effective than state-run

protection at securing conservation gains. In 2012, IUCN, a global network of government and non-government conservation agencies, adopted an overarching policy on conservation and human rights for sustainable development, committing to integrating rights considerations within conservation policies and programs.⁵⁹

But will the people who promote and manage protected areas accept this commitment? Will they take action on a rights-based approach to the governance of protected areas, including in areas established without consent in the past, when they meet at the World Parks Conference in Sydney in November 2014? With two billion hectares of land under conservation protection—much of it community land—the issue is huge, and the need to address conflicts and promote synergies between protected areas and community rights is clear.

Will Peru address domestic land rights in the year it hosts the international climate negotiations?

In December 2014, Peru will host UN negotiations aimed at delivering a new climate accord in 2015. The country has been an active intermediary in negotiations and has made its own voluntary pledges on emissions. But land rights threaten to undermine Peru's status as an honest broker. As highlighted in Box 3, Peru is in the midst of a series of corrosive and unresolved disputes over forest lands. Before hosting the global climate talks, Peru should act to prevent forest exploitation, including for hydrocarbons, when such exploitation conflicts with the rights of communities, including the rights of Indigenous Peoples living in voluntary isolation.

Will REDD+ and carbon rights regimes finally support local land rights, or instead end their progress?

REDD+ has not yet substantially driven progress in forest tenure—either in law or on the ground. The overall REDD+ framework has a strong safeguards component that includes community land tenure, but the challenge in 2014 will be to ensure the effective application of these safeguards before and during the implementation of REDD+ programs. Countries implementing REDD+ must show a commitment to community land rights, and such commitment must be long-term. The safeguards information system, a key vehicle for implementing safeguards at the international level, still needs to be operationalized. The implications of the World Bank Carbon Fund's emissions reduction program, which has the potential to create a new carbon right that will affect existing customary and statutory rights to land and resources, also needs to be addressed. These issues will be a focus in the lead-up to the UN climate conference in Peru in December.

- ¹ Dobbs, Richard et al. 2013. Reverse the Curse. McKinsey. www.mckinsey.com/Insights/Energy_Resources_Materials/Reverse_the_curse_Maximizing_the_potential_of_resource_driven_economies?cid=other-eml-alt-mgi-mck-oth-1312.
- ² Murphy, Peter. 2013. Cargill May Have Broken Law over Colombia Land Buying. Oxfam. Reuters. 27 September. www.reuters.com/article/2013/09/27/us-cargill-colombia-idUSBRE98Q04K20130927.
- ³ Dabany, Jean-Rovys. 2013. Gabon Convicts Activist for Defaming Ally of President. Reuters. 30 March. www.reuters.com/article/2013/03/30/us-gabon-olam-activist-idUSBRE92T04Q20130330.
- ⁴ Communities own forest lands in Liberia, South Sudan, and Mozambique, but data on the extent of this ownership are lacking.
- ⁵ The term REDD+ stands for reducing emissions from deforestation and forest degradation, and the role of conservation of forest carbon stocks, sustainable forest management and the enhancement of forest carbon stocks.
- ⁶ Anseeuw, Ward, Liz Alden Wily, Lorenzo Cotula, and Michael Taylor. 2012. Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project. Rome: International Land Coalition. www.landcoalition.org/sites/default/files/publication/1205/ILC%20GSR%20report_ENG.pdf.
- ⁷ Pasandaran, Camera. 2013. Constitutional Court Annuls Government Ownership of Customary Forests. Jakarta Globe. 17 May. www.thejakartaglobe.com/news/constitutional-court-annuls-government-ownership-of-customary-forests/.
- ⁸ Jakarta Globe. 2013. Indigenous Peoples Vow to Map Customary Forest. 27 August. www.thejakartaglobe.com/news/indigenous-peoples-vow-to-map-customary-forests/.
- ⁹ Hindu Business Line. 2013. Tribes have Right to Maintain Relationship with Land: SC. 19 April. www.thehindubusinessline.com/economy/tribes-have-right-to-maintain-relationship-with-land-sc/article4633633.ece.
- ¹⁰ Ground Report. 2013. African Union comes out in Support of Ogiek Land Rights. 19 March. www.groundreport.com/african-union-in-support-of-ogiek/.
- ¹¹ Forest Peoples Programme. 2013. Chepkitale Ogiek Community Document their Customary Bylaws for the First Time. 26 November. www.forestpeoples.org/topics/customary-sustainable-use/news/2013/11/chepkitale-ogiek-community-document-their-customary-by.
- ¹² Forest Peoples Programme. 2013. Urgent Appeal against the Forced Eviction of Sengwer/Cherangany Communities in Kenya. 23 December. www.forestpeoples.org/topics/rights-land-natural-resources/news/2013/12/urgent-appeal-against-forced-eviction-sengwerchera.
- ¹³ Lewis, Kim. 2013. Ranyane Bushmen of Botswana Continue to Struggle to Live in Peace on their Land. Voice of America Online. 30 August. www.voanews.com/content/botswana-bushmen-ranyane-land-court-struggle-/1740256.html.
- ¹⁴ Khonani Otebetse. 2013. Gov't Starts Plan to Starve Basarwa Out of Ranyane. Sunday Standard. 27 October. www.sundaystandard.info/article.php?NewsID=18295&GroupID=1.
- ¹⁵ International Rivers. 2013. Federal Judge Suspends Construction of Controversial Teles Pires Dam in Brazilian Amazon. 17 September. www.internationalrivers.org/resources/pr-federal-judge-suspends-construction-of-controversial-teles-pires-dam-8089; and, International Rivers. 2013a. PR: Belo Sun Mining Project Suspended in Brazilian Amazon. 21 November. www.internationalrivers.org/resources/pr-belo-sun-mining-project-suspended-in-brazilian-amazon-8154.

- ¹⁶ 7NewsBelize.com. Long-Pending, Major Maya Judgment Handed Down. 25 July. www.7newsbelize.com/sstory.php?nid=26135.
- ¹⁷ LatinoMineria. 2013. Bolivia: New Mining Law Leaves Out Prior Indigenous Consultation for Prospecting and Exploration. 29 July. www.latinomineria.com/en/2013/07/bolivia-nueva-ley-minera-no-incluye-consulta-previa-indigena-para-prospeccion-y-exploracion/.
- ¹⁸ Austin, Kemen et al. 2013. Indonesia Extends its Forest Moratorium: What Comes Next? World Resources Institute. 15 May. www.wri.org/blog/indonesia-extends-its-forest-moratorium-what-comes-next.
- ¹⁹ Su, Wang and Hongxiao, Chang. 2013. Beijing Sets Five-year Target for Laying out Land Use Rights. Caixin Online. 1 February. english.caixin.com/2013-02-01/100488774.html.
- ²⁰ China Digital Times. 2013. Is Land Reform Finally Coming to China? 21 November. chinadigitaltimes.net/2013/11/land-reform-finally-coming-china/.
- ²¹ Grammaticas, Damian. 2013. Tensions Flare over Government 'Land Grabs' in China. BBC China Blog. 9 November. www.bbc.co.uk/news/blogs-china-blog-24865658.
- ²² Thomson Reuters Foundation. 2013. Ethnic Minority Land Rights Next Hurdle for Myanmar Peace. 8 May. www.trust.org/item/20130508071750-b1jne.
- ²³ Herakles Farms. 2013. Herakles Farms Suspends Cameroon Operations in Compliance [sic] with the Recently Issued Stoppage Order from the Ministry of Forestry & Wildlife (Minfop). 18 May. heraklesfarms.com/docs/HeraklesFarmsMINFOOrderPressRelease18May2013.pdf.
- ²⁴ Patinkin, Jason. 2013. Maasai Fury as Plan to Lure Arabian Gulf Tourists Threatens their Ancestral Land. Guardian Online. 30 March. www.theguardian.com/world/2013/mar/30/maasai-game-hunting-tanzania?view=mobile.
- ²⁵ Nkwame, Marc. 2013. PM Ends Loliondo Long-Running Conflict. Daily New Online. 25 September. www.dailynews.co.tz/index.php/local-news/22696-pm-ends-loliondo-long-running-land-conflict.
- ²⁶ Bradsher, Keith. 2013. Sugar Industry Highlights Conflicts over Trade Pacts and Land. New York Times Online. 30 September. www.nytimes.com/2013/10/01/business/international/in-cambodias-cane-fields.html?_r=0.
- ²⁷ Wong, Chun Han. 2013. Activists Doubt Cambodia Pledge to Stop Land Concessions. Wall Street Journal Online. 30 September. blogs.wsj.com/searealtime/2013/09/30/activists-doubt-cambodia-pledge-to-stop-land-concessions/.
- ²⁸ Global Witness. 2013a. Corruption in Malaysia Laid Bare as Investigation Catches Sarawak's Ruling Elite on Camera. 19 March. www.globalwitness.org/library/corruption-malaysia-laid-bare-investigation-catches-sarawak%E2%80%99s-ruling-elite-camera.
- ²⁹ The Economist. 2013. Losing the Plot. 16 March. www.economist.com/news/asia/21573611-anger-rises-over-corrup-local-officials-losing-plot.
- ³⁰ Goering, Laura. 2013. Violence Hits Nicaraguan Rainforest as Land Invasions Mount. Thomson Reuters Foundation. 3 May. www.trust.org/item/20130503143717-fz36w/.
- ³¹ The Hindu Online. 2013. Just One in 10 Women Inherits Land. 28 November. www.thehindu.com/news/national/just-one-in-10-women-inherits-land/article5399292.ece.
- ³² Giovarelli, Renee and Hanstad, Tim. 2013. A Dark Day for Kenyan Women: Why Kenya must not Pass its Revised Marriage Property Bill. Landesa. 25 November. www.landesa.org/why-kenya-must-not-pass-revised-marriage-property-bill/.
- ³³ G8. 2013. Lough Erne Leaders Communiqué. 18 June. www.g8.utoronto.ca/summit/2013lougherne/lough-erne-communique.html.

- ³⁴ United Nations. 2013. A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development. www.ifla.org/files/assets/hq/news/documents/high-level-report.pdf.
- ³⁵ World Bank. 2013. Access to Land is Critical for the Poor. 8 April. www.worldbank.org/en/news/press-release/2013/04/08/world-bank-group-access-to-land-is-critical-for-the-poor.
- ³⁶ World Bank. 2013a. Africa's Land Reform Policies can Boost Agricultural Productivity, Create Food Security and Eradicate Poverty. 22 July. www.worldbank.org/en/region/afr/publication/securing-africas-land-for-shared-prosperity.
- ³⁷ European Commission. 2013. The Impact of EU Consumption on Deforestation. ec.europa.eu/environment/forests/impact_deforestation.htm.
- ³⁸ Pearce, Fred. Forest Stands. FERN. www.fern.org/foreststands.
- ³⁹ Rowe, Raphael. 2013. Has the EU Fallen for Congo Rainforest Logging Scam? BBC Online. 22 July. www.bbc.co.uk/news/world-africa-23358055.
- ⁴⁰ Global Witness. 2013b. Logging in the Shadows. www.globalwitness.org/sites/default/files/Shadow%20Permit%20Report%202013%20Final_Web.pdf.
- ⁴¹ Rights and Resources Initiative. 2013. Tenure Trends: April. www.rightsandresources.org/documents/files/doc_6060.pdf.
- ⁴² Julve, Cecelia et al. 2013. Forêts communautaires camerounaises et Plan d'action « Forest Law Enforcement, Governance and Trade » (FLEGT) : quel prix pour la légalité? Bois et Forêts des Tropiques. 317(3), p. 71-80. orbi.ulg.ac.be/browse?type=author&value=Cerruti%2C+Paolo+Omar.
- ⁴³ Tuckman, Jo. 2013. Panama's Indigenous People See Redd over UN Forest Conservation Scheme. Guardian Online. 4 May. www.theguardian.com/global-development/2013/may/24/panama-indigenous-people-un-forest-conservation.
- ⁴⁴ GLOBE International. 2013. The GLOBE Forest Legislation Study. www.globeinternational.org/index.php/legislation-studies/publications/forest-legislation-study.
- ⁴⁵ ARA et al. 2013. FCPF Carbon Fund Poised to Undermine Rights. www.forestpeoples.org/sites/fpp/files/news/2013/11/Carbon%20Fund%20Methodological%20Framework%20Sign%20on%20Letter%2025th%20nov%202013.pdf.
- ⁴⁶ Coca-Cola. 2013. The Coca-Cola Company Commitment Land Rights and Sugar. assets.coca-colacompany.com/6b/65/7f0d386040fcb4872fa136f05c5c/proposal-to-oxfam-on-land-tenure-and-sugar.pdf.
- ⁴⁷ Asia Pulp & Paper. 2013. APP's Forest Conservation Policy. clients.squareeye.net/uploads/tft/APP-Forest-Conservation-Policy.pdf.
- ⁴⁸ TFT. 2013. Paper Giant Pledges No Deforestation. 5 February. www.tft-forests.org/news/item/?n=16793.
- ⁴⁹ TFT. 2013a. TFT and Climate Advisers Welcome Wilmar's Transformative Policies to Protect Forests and People. 5 December. www.tft-forests.org/news/item/?n=18593.
- ⁵⁰ Unilever. 2013. 100% of Palm Oil Bought will be Traceable to Known Sources by End 2014. 12 November. www.unilever.com/mediacentre/pressreleases/2013/100pcopalmoilboughtwillbetraceabletoknownsourcesbyend2014.aspx.
- ⁵¹ Pearce, Fred. 2013. Unilever Plans to Double its Turnover While Halving its Environmental Impact. Daily Telegraph. 23 July. www.telegraph.co.uk/earth/environment/10188164/Unilever-plans-to-double-its-turnover-while-halving-its-environmental-impact.html.

- ⁵² Rio Tinto. 2012. Community Agreements Guidance 2012. www.riotinto.com/documents/Community_agreements_guidance_2012_2014.pdf.
- ⁵³ Neate, Rupert. 2013. Rio Tinto Accused of Environmental and Human Rights Breaches. Guardian Online. 18 April. www.theguardian.com/business/2013/apr/18/rio-tinto-environmental-human-rights-breaches.
- ⁵⁴ Mines and Communities. 2013. World Bank-IFC Urged to Refuse Funding for Rio Tinto's Mongolian Mine. 19 February. www.minesandcommunities.org/article.php?a=12151.
- ⁵⁵ Human Rights Watch. 2013. Mozambique: Mining Resettlements Disrupt Food, Water. 23 May. www.hrw.org/news/2013/05/23/mozambique-mining-resettlements-disrupt-food-water.
- ⁵⁶ The Star Online. 2013. Norwegian Govt. Pension Fund Global divests out of 23 palm oil firms. 11 March. www.thestar.com.my/Business/Business-News/2013/03/11/Norwegian-Govt-Pension-Fund-Global-divests-out-of-23-palm-oil-firms.aspx.
- ⁵⁷ Global Witness. 2013c. International Finance Corporation and Deutsche Bank Bankrolling Vietnamese Land Grabs in Cambodia and Laos. 13 May. www.globalwitness.org/node/8359.
- ⁵⁸ Global Witness. 2013d. Deutsche Bank Divests from Vietnamese Land Grabber HAGL Following Global Witness' Expose. 3 December. www.globalwitness.org/library/deutsche-bank-divests-vietnamese-land-grabber-hagl-following-global-witness%E2%80%99-expose.
- ⁵⁹ IUCN. 2012. IUCN Policy on Conservation and Human Rights for Sustainable Development. portals.iucn.org/docs/iucnpolicy/2012-resolutions/en/WCC-2012-Res-099-EN%20IUCN%20Policy%20on%20Conservation%20and%20Human%20Rights%20for%20Sustainable%20Development.pdf.



1238 Wisconsin Avenue NW
Suite 300
Washington, DC 20007
www.rightsandresources.org