MAKING INDIGENOUS AND COMMUNITY LAND RIGHTS A GLOBAL CONSERVATION PRIORITY

Workshop 2.8
November 14, 2014
World Parks Congress
Sydney, Australia
“INDIGENOUS & COMMUNITY LANDS”

- Lands & territories traditionally owned & used by Indigenous People and local communities
- Governed under customary systems and/or statutory law – customary tenure often lacks formal legal recognition
- Often include both collective and household land holdings
Indigenous & Community Lands are extensive and rich in biodiversity

- Customary, communal lands make up an astounding **8.5 billion hectares of land** out of a global land estate of 13 billion hectares (Alden Wily)
  - roughly two thirds of the world’s land area
  - In Africa: 69.25% of land area held under customary tenure
- Estimated that indigenous territories hold **80 percent** of the planet’s biodiversity (Sobrevilla)
**What Future for Reform?**

- **2002-2013 Global forest tenure transition has continued**

<table>
<thead>
<tr>
<th>Ownership Type</th>
<th>2002</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administered by Government</td>
<td>77.9%</td>
<td>73.0%</td>
</tr>
<tr>
<td>Designated for IPs &amp; Communities</td>
<td>15.5%</td>
<td>12.6%</td>
</tr>
<tr>
<td>Owned by IPs &amp; Communities</td>
<td>10.9%</td>
<td>11.5%</td>
</tr>
<tr>
<td>Owned by Firms &amp; Individuals</td>
<td>0%</td>
<td>2.9%</td>
</tr>
</tbody>
</table>

- At least 513 Mha of forest land

**Legal recognition increasing—e.g., forests (RRI)**
# EXAMPLES OF INDIGENOUS & COMMUNAL LAND RIGHTS RECOGNITION

- **50% of Mexico’s area that falls under *ejidos* tenure**
- **13.3% of Brazil as Indigenous territories**
- **80% of land areas in Ghana defined as Customary Lands**
- **70% of Botswana defined as Tribal Lands**
- **69% of Tanzania categorized as Village Lands**
- **3.4% of the Philippines under ancestral lands entitlement**
- **20% of Australia under Native title (2011)**
- **80% of Papua New Guinea under community based tenure**
LEGAL RECOGNITION VERY UNEVEN ACROSS REGIONS

- **Latin America**
  - Administered by Government: 33%
  - Owned by IPs & Communities: 43%
  - Designated for IPs & Communities: 18%
  - Owned by Firms & Individuals: 6%

- **Africa**
  - Administered by Government: 93.7%
  - Owned by IPs & Communities: 5.9%
  - Designated for IPs & Communities: 0.0%
  - Owned by Firms & Individuals: 0.3%

- **Asia**
  - Administered by Government: 60.9%
  - Owned by IPs & Communities: 6.0%
  - Designated for IPs & Communities: 2.5%
  - Owned by Firms & Individuals: 30.6%
Land tenure insecurity and failure to recognize indigenous & community rights is a global crisis

- Estimated to affect 2 billion people
- Large-scale land acquisitions
- Extractive industry concessions
  - Mining overlaps indigenous/community land and protected areas in Cameroon, Philippines, Indonesia
  - Covering almost all statutorily recognized Indigenous territories in Peru

- State protected areas overlapping customary lands
PROTECTED AREAS – LAND RIGHTS CONFLICTS

- Durban WPC outcomes – “new paradigm”
  - Full respect for rights
  - Appropriate management authority
  - Restitution
- National laws still fall far short of respecting customary rights to lands and resources
  - Only 8 of 21 countries have passed relevant new laws since Durban
  - 10 of 21 enable restitution, but implementation is weak
- Serious, persistent conflicts – evictions, restrictions on use of vital resource
Secure land & resource rights are a foundation for rights-based conservation

- Broader land rights recognition provides a foundation for restitution of rights in protected areas
- Broader land rights recognition provides a foundation for voluntary collaboration in protected areas management
- Need to move beyond weak “participation” and “co-management” frameworks that have often remained highly centralized – recognition of land and resource rights is a basis for this
Evidence base for links between indigenous and community land rights and positive conservation outcomes

- Legal **forest** rights for communities and government protection of their rights tend to lower deforestation and carbon dioxide emissions (WRI-RRI study)

- Dramatic increases in **wildlife** populations where communities have rights to manage and benefit (Namibia CBNRM)

- Extensive **coastal/marine** areas under community tenure across 15 Pacific Islands, leading to documented increases in marine species (LMMA Network)
Deforestation rates inside indigenous & community forests with legal recognition and strong government protection are significantly lower than in forests outside these areas.
Towards a Reform Agenda

- Need more active financial, political, program support from conservation actors for indigenous & community land rights (legal recognition, implementation)
- Need strong accountability mechanisms for government and conservation organizations to prevent violations of human rights
- Need stronger collaboration among conservation, human rights, governance reform agendas – including to address industry impacts
- CANNOT achieve global conservation goals without this shift
Thank you!