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## **New Report: Rate of Recognition of Indigenous and Community Land and Resource Rights Declines Sharply as Governments Continue to Claim Ownership Over a Majority of World's Forest Land**

*More than three out of every five hectares of forest land remain claimed by governments despite REDD+ and other international initiatives*

[New research](#) by the Rights and Resources Initiative reveals a sharp decline in the pace of recognition of land and resource rights of Indigenous Peoples and local communities worldwide.

This report, the third in a series of analyses that has tracked the transition in statutory forest tenure since 2002, finds that not only has the recognition of local land rights slowed considerably since 2008, but the few land tenure laws that have been passed in the last six years are weaker and recognize fewer rights than those passed before 2008.

“The key finding of this report—that there has been a slowdown in the trend toward recognition of Indigenous Peoples’ and local communities’ land rights—is particularly disheartening because many of the world’s recent development success stories, such as South Korea and China began with land reforms,” said Jenny Springer, Global Programs Director of the Rights and Resources Initiative and coauthor of the report. “Community ownership is a major reason for the increasingly successful protection of forests in many developing countries, and yet, almost 70 percent of the developing world’s forests are still claimed by governments, despite widespread customary ownership.”

In examining 33 countries (representing 85 percent of the developing world’s forests), the new RRI analysis found that the amount of forest land secured for community ownership since 2008 is less than 20 percent of the area secured in the previous six years.

The report also analyzed the legal systems of 27 tropical forest nations representing 75 percent of the developing world’s most forested countries, and found a drop in new legislations that protect the rights of forest peoples to control and own the lands and resources they inhabit and depend on for their livelihoods. Between 2002 and 2007, policymakers in these 27 countries adopted 18 new legal frameworks that recognized some form of community forest tenure. In contrast, only six were adopted between 2008 and 2013.

Alarming, there was also a sharp drop in the strength of the new legislation. Of the 18 new legal steps taken between 2002 and 2007, four recognize community ownership rights, and another four provide for such a weak set of rights that the lands are still considered to be in the category of “administered by the government.” Of the six legal frameworks adopted between 2008 and 2013, five designate forest lands for community use, yet none recognize the ownership rights of Indigenous Peoples and local communities.

## **Despite gains, real progress remains elusive**

The report determined that in spite of the slowdown, legal rights of Indigenous Peoples and local communities to own and control their forest land are still formally recognized across extensive areas of the world's forests—at least 513 million hectares (more than one and a half times the size of India), which is an increase of 31 million hectares since 2008.

“While this increase is noteworthy, most of this land is concentrated only in a handful of lower and middle income countries. For example, in the countries of the Congo basin—which collectively contain the world's second largest rainforest—governments claim legal control of more than 99 percent of forest land,” said Alexandre Corriveau-Bourque, a tenure analyst at RRI who co-led the research. “Government recognition of rights is equally limited in peninsular Southeast Asia and Indonesia. Even in Latin America, where relatively larger areas have been designated for the control or ownership of Indigenous Peoples and local communities, cumbersome bureaucratic procedures and poor governance have made it nearly impossible for communities to realize these rights.”

One significant reason for governments' reluctance to give up control stems from the expansion of industrial concessions in forest areas in developing countries. The increased demand for forest land and resources, driven by population growth and commodity price volatility among other factors, has motivated governments to grant the rights to develop domestic natural resources to third parties in exchange for financial benefits. A lack of legal recognition of customary rights on these resources leaves the communities that depend on them high and dry when the investors take over.

“While some governments are making progress in recognizing forest land rights of Indigenous Peoples and local communities, contestation over rights to forests and other lands remain rife,” said William Sunderlin, principal scientist at the Center for International Forestry Research and co-author of the report's preface. “Much more political will is needed not only for legal reforms themselves, but also for the regulatory frameworks, and the financial and technical support that will allow communities to actually benefit from the implementation of reforms.”

## **Time to turn words into action**

This slowdown is all the more sobering given the high hopes that recent international commitments and initiatives—like the United Nations Declaration on the Rights of Indigenous Peoples and REDD+—could catalyze a new wave of recognition and defense of local rights.

Unfortunately, many of these national reforms have yet to take effect, and international commitments, including the endorsement of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests by more than 180 governments are yet to be implemented. Recent pledges by corporations such as Coca-Cola, Asia Pulp and Paper, Wilmar International, and most recently, Pepsi—to improve safeguard standards and adjust supply chains—have also yet to be fully realized.

The researchers make the following recommendations to capitalize upon these opportunities to scale-up tenure reforms:

- Increase financial and political commitment to tenure reform as a central strategy to achieve poverty, climate, and food security development goals, including providing direct support to indigenous and community organizations, including community land rights in the post 2015

development agenda, and providing clear incentives and support for land reform implementation to governments.

- Secure real support from REDD+, the world’s leading initiative to leverage “carbon markets” as a tool to halt deforestation. Eighty-eight percent of countries that have taken the first step to implement REDD+ initiatives listed tenure clarification as a component of their REDD strategy, yet so far, the impacts of REDD+ initiatives on tenure are not being seen on the ground. Real progress will require investment in specific projects to secure land rights as part of the new Warsaw Agreement on REDD+.
- Build synergies between tenure reform movements and conservation reform movements. Realizing these synergies will depend on reforms in the conservation agencies and organizations to take on a full human rights-based approach, including increased proactive support for recognition of land and resource rights.
- Fully engage private sector corporations and investors to guard against tenure risk, which poses significant operational and, ultimately, financial consequences for private sector actors, including higher project costs, restricted access to capital, and negative public perception and reputation.

Perhaps the biggest question that these findings pose to governments, international institutions, and all other actors and stakeholders is if forest land has become just too valuable for tenure reform to advance any further, particularly in Africa and Asia whose tenure transition lags far behind that of their Latin American counterparts. But Andy White, Coordinator of the Rights and Resources Initiative disagrees.

“We think the current “slowdown” is a just a pause on the way to big changes in the status quo that will be led by the hundreds of millions of Indigenous Peoples and local communities who depend on and care for these lands,” White said. “We do not expect these people—these ever more powerful people—to be stopped or silenced. And we are optimistic that the increased awareness of this global crisis and of the benefits community land rights can unlock will convince all actors—governments, the private sector, international conservation and development organizations—to become champions of tenure reform.”

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