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New Study: Indigenous Peoples, Local Communities Face Slowdown in Recognition of Rights to Land and Resources despite More Verbal Commitments by Governments, Corporations

More than three out of every five hectares of forestland still claimed by governments of low and middle income countries; progress on the ground remains elusive

LONDON (5 February, 2014)—A recent spate of high-profile pronouncements and court rulings that support the claims of Indigenous Peoples to land and resources in tropical forest nations have yet to be implemented, according to two new reports released today by the Rights and Resources Initiative. Around the world, the pace of legal recognition of land and resource rights has slowed dramatically even as the global hunger for food, fuel, water and mineral wealth continues.

In examining 33 countries (representing 85 percent of forests in low and middle income countries), the new RRI analysis found that the area of forestland secured for community ownership since 2008 is less than 20 percent of the area that was recognized in the previous six years. And despite progress in Latin America in particular, governments still claim 61 percent of the world's tropical forests, home to tens of millions of Indigenous Peoples and local communities.

In a further analysis examining the legal frameworks in a subset of these countries, researchers determined that the land tenure laws passed since 2008 are weaker and recognize fewer rights than those passed before.

"We applaud every court ruling, corporate announcement, and government press conference acknowledging the rights of people to the lands on which they live," said Andy White, Coordinator of the Rights and Resources Initiative. "But communities have grown tired of waiting for these fine words to become law, and for those laws to be implemented. Progress is measured by actions and accomplishments on the ground, not by words alone."

The first report, "What Future for Reform? Progress and slowdown in forest tenure reform since 2002," determined that the rights of Indigenous Peoples and local communities to own and control their forest lands are formally recognized across substantial areas of the world's forests—at least 513 million hectares, which is more than one and a half times the size of India. However, most of this land is concentrated only in a handful of lower and middle-income countries.

Recognition and enforcement of forest peoples' rights support their roles as key actors in global forest management, conservation and climate-change mitigation efforts. But government claims to forestlands

leave communities vulnerable to allocations of their customary lands to the private sector, for exploitation of the natural resources that the land contains.

“It is no coincidence the global slowdown in reform happened at the exact time that the financial value of land, water, and carbon skyrocketed,” said Raul Silva Telles do Valle, Policy and Rights Program Coordinator for Instituto Socioambiental (ISA) in Brazil. “As a result, ‘land grabbing’ has spiked and impoverished countries desperate for an economic boost see forests as a commodity, not as their citizens’ home. These governments need to see the forest as more than just land for exploitation and a collection of trees.”

The report also highlights a number of stark regional differences:

- In Latin America, communities own or control more than 39 percent of forests, a direct contrast with sub-Saharan Africa where less than six percent of forests are controlled by communities and no data is available to assess the extent of forest lands that communities own.
- 89 percent of the recorded progress seen in Africa since 2002 comes from the implementation of Tanzania’s Village Land Act (1999) and Forest Act (2002).
- Only two African countries in the study—Liberia and Mozambique—have statutory frameworks that recognize community ownership of land. However, there is no data on where these laws would apply; the true extent of community ownership has not been fully assessed in either country.
- By 2013, all 12 Asian countries surveyed had implemented some form of community tenure regime, but these laws affect less than four percent of forestland in seven of the nations.

Hope for Change Starts in Latin America

According to the new report, reform efforts in Latin America represent nearly two thirds of the global increase in forested area under community ownership or control from 2002-2013. Most of the countries in the region have adopted some form of legislation recognizing communities’ land and resource rights. That said, all countries in the region still face major challenges in implementing this legislation and effectively protecting local rights.

Outside of Latin America, the data tells a different story. For example, 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 their forest land. Similarly, the countries of peninsular Southeast Asia control more than 99 percent of their forestlands.

The Indonesian government controls 96 percent of the country’s forests, but change could be on the horizon after the country’s constitutional court in 2013 ruled that state claims to customary forests were unconstitutional.

“Since the Constitutional Court ruling, the Indonesian Ministry of Forestry has issued several regulations that run contrary to the ruling and have led to displacement and abuse of the rights of Indigenous Peoples,” said Abdon Nababan, Secretary General of the Indigenous Peoples’ Alliance of the Archipelago (AMAN) in Indonesia. “If the government keeps delaying the implementation of the ruling, AMAN expects an escalation of conflicts in the near future. The President of Indonesia should keep his promise made last June at the FTA Conference to protect indigenous rights, and immediately take action for the benefit of the country. The rest of the world is watching.”

Assessing the Impact of REDD+

Since 2008, REDD+ has been the world's leading initiative to support forest conservation, and has pledged to respect the rights of Indigenous Peoples and local communities. The program promises to allow communities, corporations, and others to protect forests and sell the carbon they contain as offsets to polluting entities seeking to meet emissions targets.

"The research findings are doubly disappointing because in this same period a series of international initiatives—including REDD+—committed to supporting land rights," said Jenny Springer, Director of Global Programs for Rights and Resources Initiative. "In some regards it is too early to assess these initiatives, but while REDD+ has previously focused on preparing carbon markets, it now clearly needs to prioritize real investment and direct support to tenure reforms or it will fail."

REDD+ has been negotiated at the Conference of Parties (COP) to the United Nations Framework Convention on Climate Change, and at the last COP (in Warsaw), consensus was reached on a broad array of questions on how the program can move forward, but the future of REDD+ will be turn on the issue of land and resource rights.

The next COP will take place in Lima, Peru, in November 2014. But Peru itself—with a substantial portion of the Amazon in its eastern half—has a spotty land rights record. Indigenous communities own or control almost 23 percent of Peru's forest land, yet the government has granted more than 60 percent of the Peruvian Amazon to oil and gas concessions. These concessions overlap with four territorial reserves, five communal reserves, and at least 70 percent of the native communities in Peru.

The Private Sector: Part of the Problem or Part of the Solution?

A second Rights and Resources Initiative report, also released today, "Lots of Words, Little Action," reviewed 2013 accomplishments, challenges and initiatives in the land rights arena. The report found more commitments—many of them quite promising—but few tangible results yet on the ground. Many of these commitments came from the private sector, where major agribusiness purchasers—including Asia Pulp & Paper, Unilever, Coca Cola, Wilmar and Nestlé—pledged to ensure that partners throughout their supply chains respect the land rights of Indigenous Peoples and local communities.

The implementation of previous commitments has not gone smoothly however. For example, commitments from Rio Tinto in 2012 were not implemented globally in 2013, as the company's projects in Mongolia and Mozambique pushed aside local communities living on land rich with gold, copper, and coal.

Previous RRI reports underlined the partnership of governments and corporations in disregarding the rights of Indigenous Peoples and local communities. In an analysis of 12 emerging market countries, researchers found that at least one out of every three hectares licensed by for natural resource development overlaps with land inhabited by Indigenous Peoples and local communities. But the motivation for reform is clear: when these overlaps occur and communities lose their land, the conflicts that result can wreak havoc on the projects and the corporations' bottom line, increasing operational costs by as much as 2800%.

This report also highlighted how violence against land rights advocates continues unabated, and discussed the continuing problems that Liberia has experienced in light of commitments to respect its citizens' land rights.

In 2013, a draft audit from a government watchdog found that most of the \$8 billion in contracts to tap the country's wealth in land and natural resources were illegal—including two of the largest concessions, each for 220,000 hectare palm oil plantations that have violated the rights of communities living there. And officials were found to have awarded operators of mines and plantations the carbon rights to the land when those rights—worth a fortune under initiatives such as REDD+—should have been given to the communities that live on the land in question.

Liberia's proposed land policy would provide landmark protections for its Indigenous Peoples and local communities. It has not, however, been enacted into law yet.

"In 2014, everybody—governments, corporations, international organizations—needs to pick up the pace of implementation and move from words to actions," said Andy White, coordinator of the Rights and Resources Initiative. "There is so much more that needs to be done, and it starts with the post-2015 Sustainable Development Goals and other global efforts to tackle poverty as well as climate change. The key to success lies in the recognition of community land rights. You cannot improve the lives of Indigenous People and local communities if there's always the threat of their land being sold out from under them."

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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.