ENHANCE AND ACCELERATE RECOGNITION OF COMMUNITY LAND RIGHTS

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Andy White, Coordinator
Rights and Resources Initiative
rightsandresources.org
1. Status of recognition, on the ground
2. Opportunities to accelerate/scale-up recognition
3. Tenure Facility experiences in catalyzing and scaling tenure security
4. Priorities for action to close the gap
All Land

- Up to **2.5 billion** people—a third of the world’s population—have customary rights to over **50%** of the world’s lands

- Yet, they:
  - Formally/legally own just **10%**,  
  - Have formal use rights over **8%**

- Pervasive **gender injustice** in law and practice

Global Forest Tenure (2002-2013)

- Exclusively belonging to the state: 77.9% (2002), 73.0% (2013)
- Includes some management and/or exclusion rights, but lacks the strength of full ownership: 1.5% (2002), 2.9% (2013)
- Full legal rights including: 1) unlimited in duration 2) exclusion and access rights 3) due process and compensation: 9.8% (2002), 12.6% (2013)
- Full legal rights of ownership: 10.9% (2002), 11.5% (2013)

513 Mha held by Indigenous Peoples and local communities.
Uneven progress between regions

**Africa**
- 2002: 4.2% (0.3% > 0.0%)
- 2013: 5.9% (0.3% > 0.0%)

**Asia**
- 2002: 3.5% (26.9%) > 2.2% (6.2%)
- 2013: 6.0% (30.6%) > 2.5% (6.2%)

**Latin America**
- 2002: 22.4% (14.5%)
- 2013: 32.9% (17.9%)

**Summary**
- 2002: 4.5% > 6.2%
- 2013: 30.4% > 36.6%
- 2013: 24.4% > 39%
The world has never been better positioned to “close the gap”:

- New international commitments (VGGTs, SDGs, Paris CoP, etc.)
- New government legislation (39 new laws/regulatory frameworks in 30 countries)
- Corporate commitments (TFA2020, etc.)
- Lots of supportive rhetoric for IP, community rights and gender justice
- Strong IP and community organizations and relationships with allies (most important)
• Implementing existing and proposed laws and regulations could secure at least 200 million hectares of community lands and forests in the near to mid-term future.

• This would prevent the rollback of hard-fought rights while contributing to the wellbeing of 400 to 500 million people, more than half who are women.
In Kenya, the **2016 Community Land Act and 2016 ruling of the African Court on Human and Peoples’ Rights** opened the door for widespread land rights recognition.

In DRC, implementing a **2016 Ministerial Decree** could provide legal recognition to more than **70 million hectares** of community forestland.

In Liberia, implementation of the **Community Rights Law and Land Rights Policy** could secure > **30 million hectares and benefit 3 million** of the country’s rural poor.

Indonesia, implementation of the **2013 Constitutional Court ruling** could restore indigenous community land rights across more than **40 M hectares for the benefit of 50-70 M people**, alleviating deforestation pressures in the world’s third largest tropical forest.

India’s **2006 Forest Rights Act** could secure at least **40 M hectares** of community forestland and support the livelihoods of some **170 M people**.

Nepal, Myanmar, Philippines, Laos, and Cambodia.

Colombia (with **Peace Accords**, Afro-Descendant lands alone, at least **1M hectares**)

Peru, Suriname, Guyana

**OPPORTUNITIES**
1) Very limited investment by country governments (except China)

2) Very limited ODA investment by multi- and bilaterals, compared to other programs

3) Not a priority (or even possible) in most REDD, FLR, FLEGT projects, and all present risks as well as opportunities

4) Most ODA supporting implementation passed through conventional modalities – World Bank, FAO etc. – with well known roles and limits, constraining strategic response and direct support to change agents.

BUT…
the
TENURE
FACILITY

• World’s first and only international funding mechanism dedicated to directly financing indigenous and community efforts to secure their land rights
• Supported by SIDA, Ford, Norad, Acacia – early design support from BMZ/GIZ
• Pilots – average:
  • 4 months from project identification to disbursement
  • $.8 M/project, 1.5 years
  • All designed to link and scale with other projects and initiatives
  • All must advance gender justice
In its first two years, the Tenure Facility’s six pilot projects helped to advance collective tenure security over almost 1.8 million hectares of land and forest in Cameroon, Indonesia, Liberia, Mali, Panama, and Peru. 

proving that with funding and technical support, indigenous and community organizations can achieve substantial results in a short period of time
Cameroon

Developed and field tested a common methodology for participatory community land mapping, adopted by government and several ministries. Lays political and technical groundwork for recognition nation-wide, will be scaled by follow-on development projects.
NGOs and the national land agency developed guidelines for local communities to self-identify—the first step toward gaining collective title to their customary land— to be scaled-up by WB, USAID, EU
Mali

Strengthened the capacity of 17 local land commissions to resolve conflict over land and resources in rural communities – method adopted by government. World Bank upscaling to 300 villages or municipalities.
COONAPIP strengthened rights to 223,500 hectares in 18 territories, gained support from government, and its ability to lead the process for titling indigenous lands and forests.
FENAMAD with SPDA: secured 64,000 hectares in pilot, now upscaling the approach through the Tenure Facility’s first full project to leverage other donor-funded projects to secure title over five million hectares of indigenous forest lands, and directly assist the titling of 200,000 hectares in Loreto and Madre de Dios.
AMAN supported the drafting and adoption of district regulations to recognize the land and forest rights of Indigenous Peoples in five pilot districts in Indonesia (1). News of the success of these pilots inspired a movement that spread quickly to 28 districts (2).
Indonesia

AMAN advanced tenure security over 1.5 million hectares belonging to 200 indigenous communities and achieved recognition of 250,000 hectares—in 29 months
1. **Much more funding** dedicated to recognizing IPLC land rights on the ground
   1. Strategic (e.g. Tenure Facility)
   2. **IP Funds and development agencies**

2. Governments/donors should put secure land rights at top of restoration, conservation, economic development, gender justice priorities, and require action on land rights

3. **Support independent global monitoring** of progress to encourage “results”, promote “learning”, transparency, accountability, value for money
THANK YOU.

Visit our website: rightsandresources.org
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Visit our website: thetenurefacility.org
AMAN piloted local regulations in **five districts** to secure land and forest tenure for Indigenous Peoples