

ENHANCE AND ACCELERATE RECOGNITION OF COMMUNITY LAND RIGHTS

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rightsandresources.org




the
**TENURE
FACILITY**



CLOSING THE GAP

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



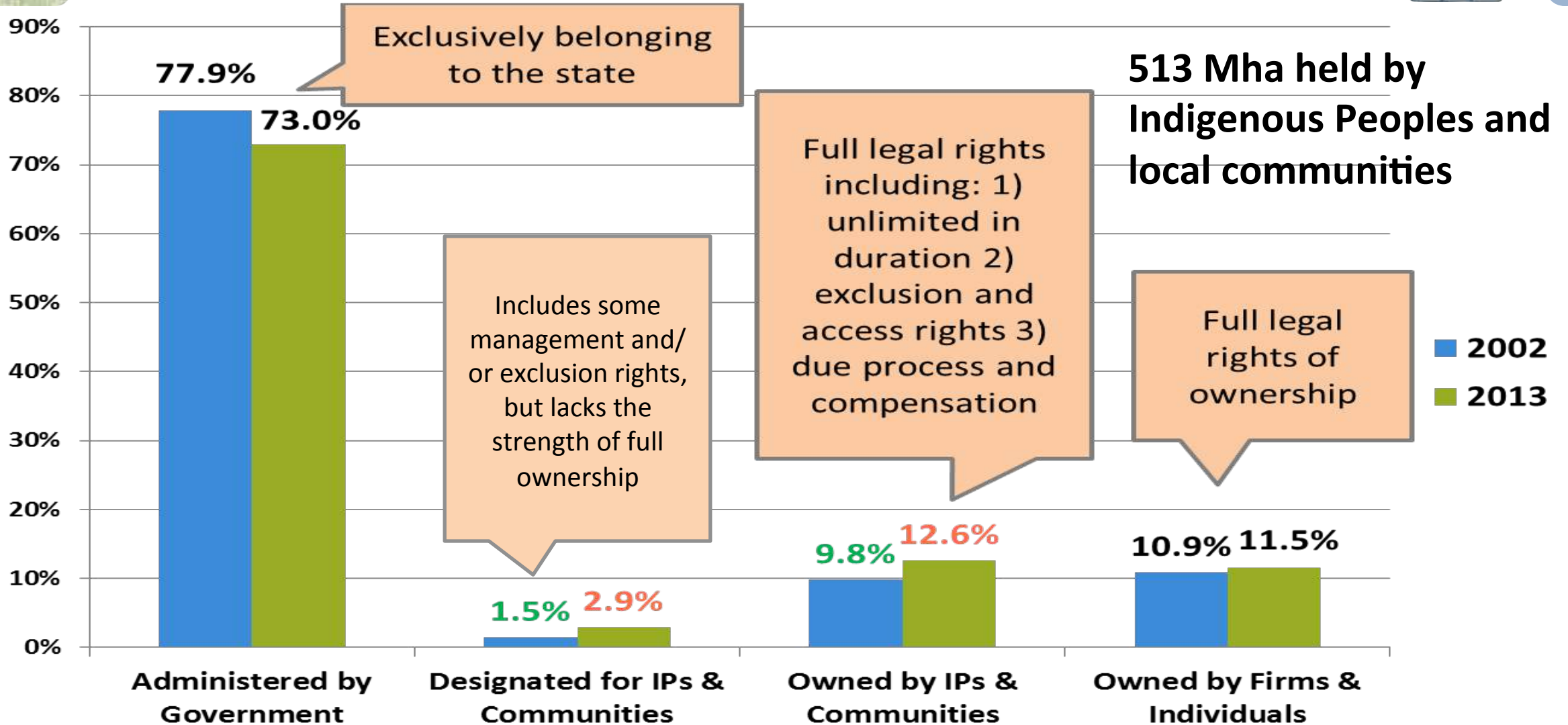
STATU S?

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

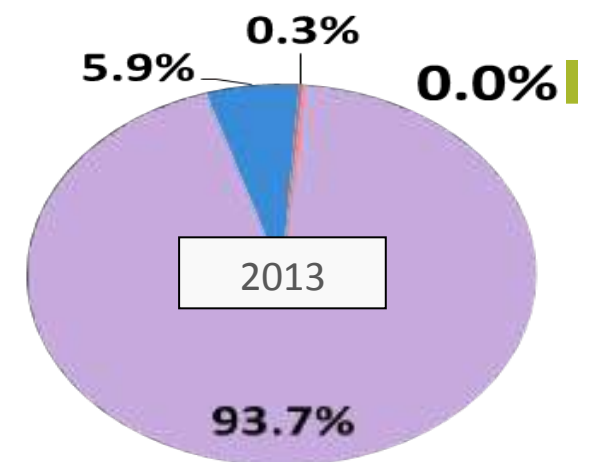
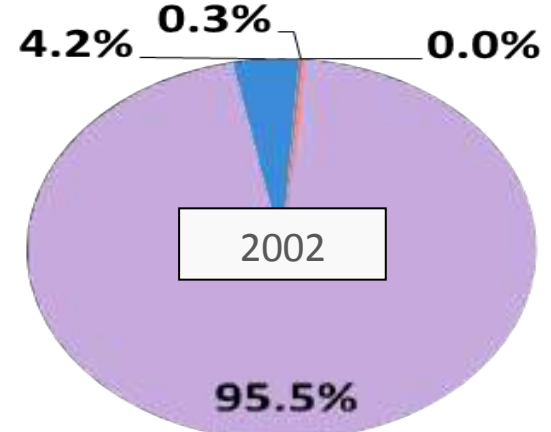
Sources: RRI 2015, Who Owns the World's Land; RRI 2017, Power and Potential.

Global Forest Tenure (2002-2013)



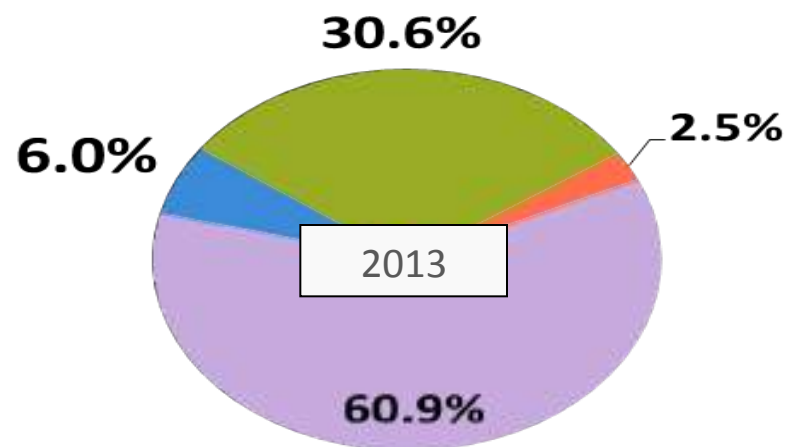
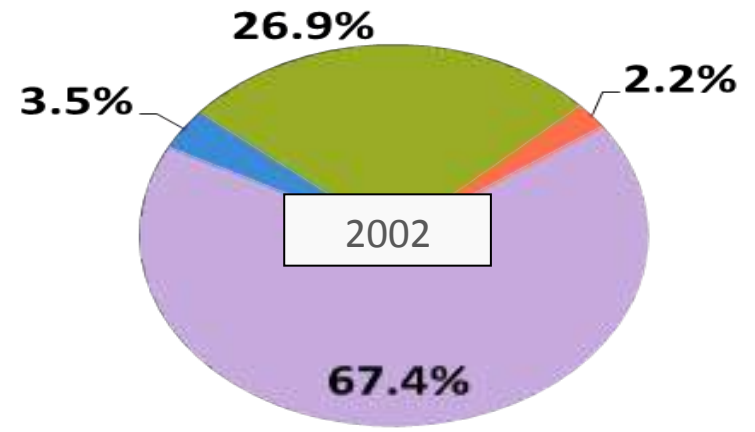
Uneven progress between regions

Africa



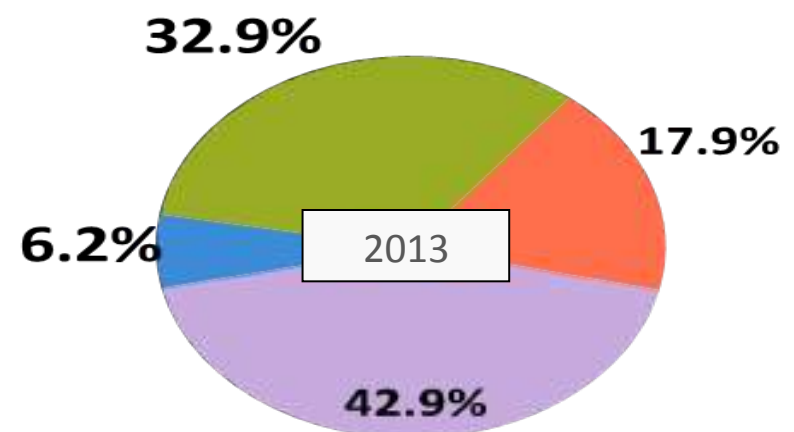
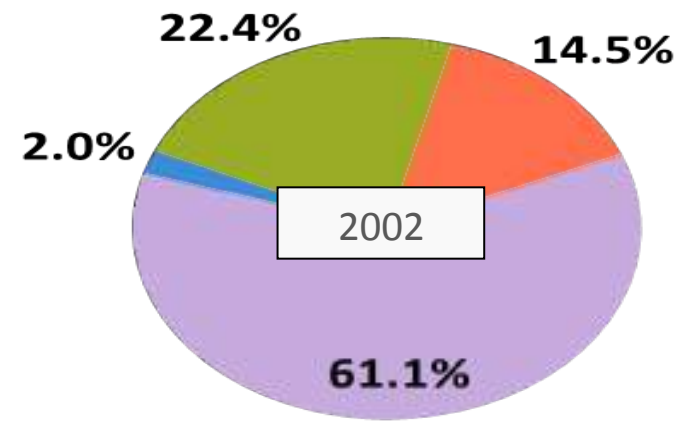
4.5% > 6.2%

Asia



30.4% > 36.6%

Latin America



24.4% > 39%

unities
ies

OPPORTUNITIES

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)

Securing Community Land Rights

PRIORITIES AND OPPORTUNITIES TO ADVANCE CLIMATE AND SUSTAINABLE DEVELOPMENT GOALS





OPPORTUNITIES

- 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.



OPPORTUNITIES

- 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




BUT...

- 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.



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*

A world map with a light blue background. The countries of Cameroon, Indonesia, Liberia, Mali, Panama, and Peru are highlighted in white. The text is overlaid on the map.

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.



Liberia



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

A group of people, including men and women, are sitting on plastic chairs under a thatched roof structure. They appear to be in a rural setting, possibly a community meeting or a training session. The background shows a building with yellow walls and red shutters. The scene is brightly lit, suggesting it is daytime.

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.

Panama



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.

Peru

A group of people, including men and children, are gathered in a lush, green forest. In the foreground, a man in a dark shirt is holding a mobile phone to his ear. Behind him, several other people are visible, some looking towards the camera. The background is filled with dense foliage and trees.

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



PRIORITIES FOR ACTION

- 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

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AMAN piloted local regulations in **five districts** to secure land and forest tenure for Indigenous Peoples

