

Securing Community Land Rights

PRIORITIES AND OPPORTUNITIES TO ADVANCE
CLIMATE AND SUSTAINABLE DEVELOPMENT GOALS



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Introduction: Closing the Gap on Rights Recognition

Legally recognized and secure land and resource rights are fundamental to the advancement of global peace, prosperity, and sustainability. From the development of human cultures to the realization of democracy itself, tenure security underpins the very fabric of human society and our relationship to the natural environment. Today, insecure tenure rights threaten the livelihoods and wellbeing of a third of the world's population, and with it, the very future of our planet. As the historical stewards of the world's lands and forests, Indigenous Peoples, local communities, and rural women play a critical role in the management and sustainable use of globally significant natural resource systems. In effect, protecting their rights protects everyone's right to live in a more just, prosperous, and verdant world.

Governments, however, have so far been slow to recognize and secure the collective land and resource rights of rural communities. As a result, even though Indigenous Peoples and local communities customarily claim and manage over 50 percent of the world's lands, they legally own just 10 percent. In order to eliminate poverty; prevent the spread of social and political conflicts; and ensure progress toward global climate, conservation, and development goals, urgent actions are needed to redress this fundamental injustice.

Fortunately, the world has never been better positioned to close this gap. The importance of tenure security for the pursuit of social, economic, and environmental imperatives is broadly recognized by state and non-state actors, and efforts to protect community land rights are now supported by a growing stream of legal instruments, initiatives, and sectoral commitments. New tools, institutions, and methods are rapidly being developed to support community land titling; innovative multi-sectoral partnerships are helping to leverage collective action and prevent rollbacks; dedicated funding mechanisms are supporting country-level implementation of national and international legal provisions and commitments; and Indigenous Peoples, local communities, and rural women have never been better organized, connected, and involved in the defense of their own rights and the advancement of their development priorities.

This report discusses the critical role of Indigenous Peoples and local communities in the context of emerging climate and development priorities, and the unprecedented opportunity to scale up the recognition and protection of community land and resource rights—both for the benefit of rural peoples and for the realization of global peace and prosperity. Drawing on the growing number of actors, initiatives, and legal or technical instruments that now support rural tenure security, it argues that the momentum for change has never been greater. It calls on all parties to strengthen coordination and secure the implementation of existing legal provisions and commitments as a foundation for the pursuit of the Sustainable Development Goals and the Paris Climate Agreement.

Why Community Land and Resource Rights?

Indigenous Peoples and local communities have historically played an essential role in the management and protection of the world's lands, forests, and freshwater systems. At least 2.5 billion people make their living in rural land-use economies. They steward the ecosystems that their communities, and the rest of humanity, depend on for the realization of global environmental security and socio-economic development. Yet their ability to pursue locally adapted livelihoods and protect these vital environments is increasingly threatened by weak to non-existent recognition of their tenure rights, rendering them vulnerable to discrimination and violence, and subjecting their lands to unregulated exploitation.

RRI Partners



Secure land rights are central to the achievement of sustainable human-environment interactions, providing the cornerstone that has led to the development of shared prosperity, democracy, and peace across many parts of the world. Today, one of the most pressing challenges to achieving collective wellbeing is securing the ability of Indigenous Peoples, local communities, and rural women to manage and protect local resources, prevent illegal land use, and enable responsible investment. These efforts are fundamental for the achievement of the Sustainable Development Goals and the pursuit of international commitments on climate, biodiversity, and a myriad of other social and environmental imperatives.

Linkages to Key Global Commitments

Rural communities with secure tenure rights tend to experience lower rates of deforestation and soil degradation and are better able to steward the resource systems they depend on—including the biodiversity and ecosystem services these lands provide. Their sustainable management helps create more resilient landscapes that directly contribute to climate change adaptation and mitigation. Securing community land and resource rights is key to eliminating poverty, strengthening food security, reducing inequality and conflict, advancing gender equality, and conserving the forests and ecosystems that support life on Earth.

Poverty Reduction and Sustainable Economic Development

Secure community land rights are an intrinsic component of poverty alleviation efforts and the achievement of national and global economic development goals. Nearly a third of the global population directly or indirectly depends on the world's tropical and sub-tropical forests for their economic wellbeing.¹ The importance of forests and other natural areas to the livelihoods of rural communities—both in terms of income and subsistence use—is far greater among the poorest households.² With two-thirds or more of their income and livelihood needs derived from household-level farms and local forests,³ the relationship between rural tenure security, poverty reduction, and sustainable economic development cannot be overemphasized.

Recent analysis shows that 80 to 90 percent of commercial forest user groups in developing countries are in fact small to medium enterprises, managed through rural communities or smallholders supported by local cooperatives. Collectively, these generate US\$125-130 billion in gross revenues annually worldwide.⁴ Yet, with little more than 15.5 percent of the world's forests formally recognized as owned by or designated for Indigenous Peoples and local communities worldwide,⁵ most community enterprises operate through informal channels that render them illegal, thus limiting their contributions to local and national economic development.⁶ Critically, evidence shows that land and forest use by rural communities and households tends to be more sustainable, benefit more people, and generate more positive environmental outcomes than large-scale commercial or industrial land uses.⁷

Despite the potency of community enterprises as a vehicle for improving livelihoods and environmental outcomes, many developing states continue to prioritize export-driven commodity production and/or resource extraction to drive national economic growth. This has resulted in devastating consequences for communities and natural forests alike.⁸ Since 1990, for instance, the number of jobs created in oil palm plantations has stagnated worldwide. At the same time, the cession of customarily-held lands to companies and investors for these plantations and other projects continues to fuel inequality, conflict, and the destruction of carbon-dense and biodiversity-rich natural forests.⁹ Increasingly, however, states are also recognizing the importance of collective tenure security as a means of achieving stable and sustainable economic growth in the context of major land reform processes.¹⁰ Likewise, companies and investors are finding that prioritizing local rights and economic opportunities in their business models tends to be far less costly than scenarios where tenure risks are neglected.¹¹

Conflict Mitigation

The right to use, manage, and exclude others from a given natural resource asset has powerful implications for communities, governments, and private actors alike. By defining who owns and who controls a given resource, property rights and tenure systems ultimately determine who benefits and what benefits they are able to access. Compounding the contentious nature of land and resource rights is the fact that in many developing countries, formal and informal tenure systems—rooted in distinct and seldom consistent histories—often overlap, making customarily-defined community boundaries the subject of ongoing struggles. As such, community lands are often granted by governments to third parties, without due compensation or the free, prior, and informed consent (FPIC) of local peoples whose legitimate and ancestral rights may not be recognized in statutory law.

Cases of conflict between local communities and more powerful actors are pervasive, and illustrate the negative consequences of insecure community tenure rights for all involved, including for natural resource systems themselves. Just some of the dramatic and far-reaching impacts of tenure-related conflicts include: violent evictions, torture, and murder of community members living in or near protected areas in India;¹² the loss of customarily-held indigenous rights to tropical forests in Brazil for the benefit of multinational corporations with large carbon footprints;¹³ costly delays and loss of money in 69 percent of conflicts examined in Africa;¹⁴ and even state-wide confrontation in Ethiopia, following the government's decision to clear forestlands for foreign investments.¹⁵

New and increasingly robust data, however, can help the private sector, governments, and non-state actors to better identify, address, and mitigate their exposure to tenure risks (see Box 1). Laying to rest the myth of vacant lands available for extractive projects and plantations, spatial analyses of over 73,000 developing world concessions and population density datasets indicate that people were present in 93 to 99 percent of the concessions analyzed.¹⁶ In West Africa, where high-profile conflicts between communities and forest and agricultural concession holders have captured headlines, population densities around some concession areas averaged more than 1 million people within a 50 km radius of the disputed sites.¹⁷ Analyses of conflicts between local communities and concession holders in Latin America, Africa, and Southeast Asia also reveal that tensions are seldom about money.¹⁸ Ninety-three percent of the 362 conflicts analyzed were driven by issues ranging from environmental degradation to forced relocation, as opposed to compensation. Globally, displacement of local peoples is the most common cause of disputes—particularly in Africa, where 63 percent of disputes are driven by displacement.¹⁹ Companies and investors who choose to ignore customary land rights altogether face the prospect of acutely higher project costs, or even project shut-down,²⁰ not to mention potential damage to brand and reputation.

Box 1

EMERGING LESSONS FROM CORPORATE SUPPORT FOR SECURE COMMUNITY LAND RIGHTS

Forthcoming research from the Interlaken Group²¹ provides examples of select landholding companies proactively seeking solutions to tenure disputes to inform the actions of other private sector actors looking to improve performance on their land rights commitments.

The cases, though geographically, economically, and historically quite different, demonstrate important commonalities in terms of steps companies can take to prevent or resolve conflict with communities. These include identifying key stakeholders early on, including those from government, civil society, and communities; working with local organizations and experts to ensure the company has a full understanding of the land rights in the project area, including possible support for participatory mapping or titling efforts; and assessing impacts on local food security and livelihoods, in order to better understand the community's stake in land use.

Efforts by New Forests—a sustainable real assets investment manager—to resolve tenure disputes and raise the standards of a previous investment, for example, demonstrate the value of this approach for communities and companies alike. In 2013, New Forests commissioned a study on existing land rights in Northern Sabah, Malaysia, before deciding to invest in 25,000 hectares of established hardwood plantations.

After conducting this due diligence and subsequently making an investment, New Forests and its partners developed a community engagement plan based on a multi-year study of the community conducted by an experienced and respected local NGO, which proved instrumental in helping the project gain access to key stakeholders. New Forests also commissioned participatory mapping of the project area to understand the boundary between the concession and villages, important sites for communities, and the extent of land use disputes within the concession. Since there are few economic opportunities in the region outside of subsistence agriculture and working on the plantation, New Forests also created opportunities—in consultation with communities—for them to increase their stake in the project.

These efforts have given New Forests a better understanding of the operational environment, establishing trust and open communication between company and community. And while the planted area has slightly decreased from the initial concession as a result of community mapping, the company and community have both benefited from a complete absence of land tenure-related conflict.

Food Security

As recognized by the World Committee on Food Security—with its adoption of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) in 2012—food security cannot be achieved without tenure security. In the absence of secure rights to the lands and resources communities depend on for their livelihoods, the ability of rural peoples to meet their needs, contribute to the elimination of poverty, and invest in the productivity and resilience of their food sources (both cultivated and wild) will invariably be highly constrained.

Over 80 percent of the food consumed in the developing world is produced locally by some 475 million smallholder farms, involving the contributions of over 2 billion rural people. Similarly, forests and trees play a critical role in the food security and nutrition of up to 1.7 billion forest-dependent people, providing essential access to wild foods (e.g., plants, nuts, berries, animals, and insects); energy²² (i.e., firewood); income and employment opportunities; and ecosystem services vital to human wellbeing (such as pollination, water regulation, soil protection, biodiversity conservation, and climate change adaptation and mitigation).²³

Unfortunately, most rural communities and smallholders exercise limited control over the land and resources they depend on for their food security. This situation is particularly dire for women, who make up nearly half of the agricultural labor force in developing countries.²⁴

By contrast, and in the context of a rapidly changing global environment and increasing human pressures on available resource systems, the ability of local peoples (particularly women and Indigenous Peoples) to buffer the impacts of climate change and limit the threat of illegal land grabs²⁵ ultimately hinges on the recognition and protection of collective land and resource rights.²⁶

Secure land tenure can provide the legal means to access credit, technologies, information, and market opportunities that can enhance livelihoods and strengthen the resilience of locally-adapted food systems to climate and economic shocks. With such security, communities and rural women are more likely to invest in the maintenance of localized agricultural, tree, and forest-based food systems, and adopt more sustainable and gender-equitable farming practices.²⁷

Climate Change Mitigation and Adaptation

Indigenous Peoples and local communities play a vital role in the storage and management of tropical forest carbon. Recent analysis shows that community-managed forestlands hold at least 24 percent (54,546 million metric tons - MtC) of the total aboveground carbon stored in the world's tropical forests—a sum equivalent to almost four times the global greenhouse gas emissions of 2014.²⁸ Yet, actual community-level contributions to climate change mitigation are known to be far greater. Drawing on the limited data sources that could be independently validated, at least one-tenth of the total carbon accounted for in the study is located in collective forestlands lacking formal recognition, placing some 22,322 MtC at risk from external deforestation and/or degradation pressures.²⁹

Research shows that legally recognized and protected community forestlands tend to store more carbon and experience lower rates of deforestation than forests owned or managed under other regime types, including protected areas.³⁰ Though the capacity of rural communities to sustainably manage a given forest area may be affected by a wide range of variables, the legal recognition and protection of Indigenous Peoples and local communities' tenure rights constitutes a necessary first step toward forest conservation;³¹ sustainable land use;³² legal, equitable, and sustainable forest management;³³ and climate change mitigation and adaptation.³⁴ As highlighted in a recent study of the effects of community titling on the rates of forest change in the Peruvian Amazon, awarding legal titles to communities can substantially enhance forest protection by strengthening formal regulatory pressure, resulting in immediate tangible benefits for communities and climate actions alike.³⁵

The urgent need to end deforestation, restore degraded forests, and support sustainable forest management and conservation—in the context of sustainable development and efforts to eradicate poverty—is central to the realization of the Paris Agreement. Evidence from recent analyses, however, suggest that the actual and potential contributions of Indigenous Peoples and local communities to these critical goals have yet to be fully seized by states, either in their nationally-determined contributions (NDCs)³⁶ or in the context of their proposed emission reduction programs.³⁷ While enforcement of social and environmental safeguards to protect the rights of Indigenous Peoples, local communities, and rural women remains a challenge for climate financing instruments and initiatives,³⁸ the need to make rural communities part of emerging climate solutions is increasingly accepted and called for by leading climate and forest initiatives.³⁹

Indigenous and Rural Women's Rights

Crucial for the achievement of each of these development imperatives is the security of women's land and forest tenure rights. Rural women play central roles as household and forest managers, food providers, and developers of sustainable rural economies. However, recent research from 30 low- and middle-income countries across Africa, Asia, and Latin America shows that governments are not adequately recognizing indigenous and rural women's tenure rights through existing laws and regulations. As such, governments are failing to meet binding international obligations under the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and non-binding international guidance such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) and the Sustainable Development Goals (SDGs).

Evidence demonstrates a particularly pressing need for legal reforms regarding women's governance and inheritance rights. Women's rights to full and equitable participation in community-level governance institutions—through community-wide voting or consensus-driven processes, and as members of executive leadership bodies—are essential for their ability to exercise decision-making power with respect to the management, use, and alienation of community forests and other community lands. Moreover, the recognition of indigenous and rural women's governance rights is necessary for the realization of their free, prior, and informed consent during community negotiations with external government or corporate actors regarding activities or land acquisitions that could have implications for their lands and livelihoods for generations to come. Indigenous and rural women's inheritance rights are also a critical component of their economic security, especially upon the death of a spouse, partner, or parent. Without these legal protections, women are vulnerable to property grabbing and other forms of domestic violence, including physical abuse, and forced marriage upon the death of a husband or domestic partner.

While many indigenous and rural women have made positive strides without legally secured land rights, the absence of such rights means women and their communities are more vulnerable to a host of injustices, including poverty, disease, and domestic violence. Strong tenure rights for rural women therefore remain essential for their personal agency, economic stability, and resilience to climate shocks; as well as positive food security, health, and education outcomes for women and their families. As a result of increasing male outmigration⁴⁰ in pursuit of wage labor opportunities, indigenous and rural women are more often taking on a leading role in managing and defending community lands and forests around the world. Therefore, advancing the equal rights and voices of women is not only a global imperative for gender justice and women's socioeconomic advancement, but is also one of the most promising paths forward for protecting forests and rural landscapes, and promoting inclusive development and social stability.

Securing Community Land Rights is Happening, and Much More is Possible

Significant commitments and actions have emerged in recent years at national and international levels to advance the land and resource rights of Indigenous Peoples, local communities, and rural women. In response to the injustices and human rights violations that threaten rural communities, and the numerous negative impacts of persistent tenure insecurity, the international community adopted several landmark legal and voluntary commitments that now provide a strong foundation for the pursuit of a more just, prosperous, and sustainable world. These include the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the 1989 Indigenous and Tribal Peoples Convention (ILO No. 169) of the International Labour Organisation; the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP); the 2012 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security (VGGT); the 2015 international endorsement of the Sustainable Development Goals (SDGs); and the International Finance Corporation Performance Standards on Environmental and Social Sustainability.⁴¹

The protection of indigenous and local community land rights is now endorsed by a growing set of international organizations and instruments, including United Nations agencies; the New York Declaration on Forests (NYDF); the European Union Forest Law Enforcement, Governance, and Trade (FLEGT) initiative; the Roundtable on Sustainable Palm Oil (RSPO); the Tropical Forest Alliance 2020 (TFA2020); the International Union for the Conservation of Nature (IUCN); and numerous other climate-, conservation-, and development-focused initiatives. Growing numbers of development institutions and international mechanisms are adopting social and environmental safeguards and implementation policies that recognize community-level resource rights, while the need for free, prior, and informed consent of rural peoples for programs and investments that stand to affect formal or customary land rights is increasingly endorsed by both public and

private-sector initiatives and interventions.⁴² Mirroring advances in international policy, many developing country governments have likewise enacted policies and legal frameworks supporting rural community land rights within the last decade.

Today, state and non-state actors—including indigenous and civil society organizations, conservation groups, and progressive investors and corporations—are developing new instruments and initiatives to advance community land rights and accelerate the implementation of related commitments. Governments and communities can now count on dedicated funding mechanisms and technical support to implement existing legislation and policies; pre-competitive networks to engage investors and companies active in the land and resource sectors; strategic platforms to facilitate multilateral policy coordination and dialogue; and ambitious advocacy campaigns to raise awareness and scale up collective actions at the national and international levels.

Unprecedented Opportunities

New Legislative Instruments

Between 2014 and 2016, no less than 39 laws and regulations relating to Indigenous Peoples' and local communities' forest tenure were passed or amended across 30 countries (see Box 2). Four countries enacted new Constitutions during this period, and five countries amended their Constitutions.⁴³ A number of notable laws and regulations have already come into effect in 2017, including: (i) the new Constitution of the Kingdom of Thailand, which recognizes communities' rights to manage, maintain, and utilize previously unrecognized natural resources and biodiversity; (ii) the Agricultural Land Law of Mali; and (iii) amendments to the law for Sustainable Forest Development in Mexico.

However, in spite of these significant legislative achievements, the establishment of new legal frameworks supporting indigenous and community forest rights has slowed over the last five years (see Figure 1). Research from RRI has identified 80 community-based forest tenure regimes recognized by the national governments of 30 low- and middle-income countries around the world. Of those, only 29 community-based tenure regimes (CBTRs) were established over the 15-year period from 2002-2016, including just four CBTRs established since 2011. More than two-thirds (20) of the CBTRs recognized over the 15-year period were designated for Indigenous Peoples and local communities. This means that while they have limited rights to access, withdraw forest resources from, and either manage and/or exclude outsiders from their forestlands, they do not have the full "bundle of rights" constituting ownership of their forestlands. Only six CBTRs accord full ownership rights to indigenous and local communities, and three were so weak they classify as government administered. In short, available evidence points to a worrying trend toward the adoption of fewer and less secure CBTRs.

Of the full dataset (all 80 CBTRs identified across 30 countries around the world), more than half (46) are classified as designated for Indigenous Peoples and local communities. Of these, almost 60 percent (27 CBTRs) are missing just one of the legal entitlements required for true ownership. Comparatively small, targeted legislative reforms guaranteeing indigenous and rural communities' rights to exclude outsiders from their forestlands and receive due process and compensation, and the recognition of the full bundle of rights for an unlimited duration could dramatically strengthen the rights of affected communities, thereby providing the security needed to adopt sustainable land use / land management practices.

Land Reform

Indigenous Peoples and local communities hold customary rights to vast swathes of **Africa's** land—80 percent of sub-Saharan Africa, according to one estimate⁴⁴—yet communities enjoy legal ownership

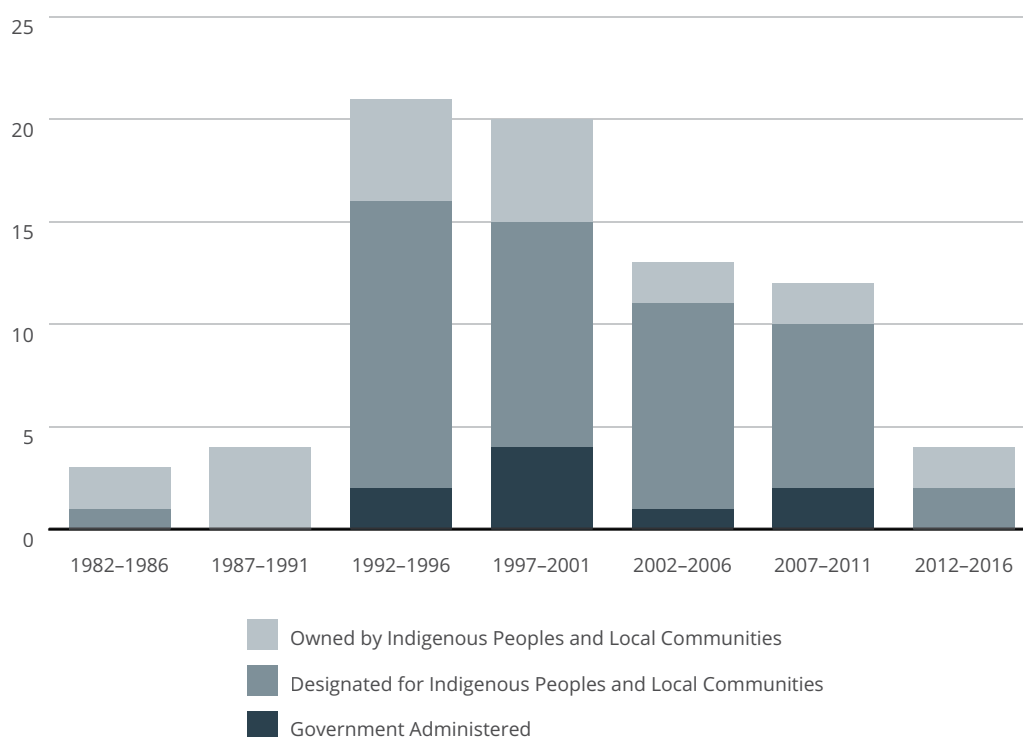
Box 2

NOTABLE NATIONAL LEGISLATIVE DEVELOPMENTS

- 2015 Zambia Forest Act N° 4: formally recognizes collective ownership rights of community forests.
- 2016 Colombian Peace Accord: enables local communities and rural women to receive collective land titles to help rehabilitate the peasant economy.
- 2016 Myanmar Community Forestry Instructions: strengthens management, exclusion, due process, and compensation rights of rural communities.
- 2016 Kenya Community Land Act: formally recognizes community ownership rights to registered and unregistered lands, including the tenure rights of women and other vulnerable persons.
- 2017 Mali Agricultural Land Law: provides communities authority to resolve land disputes through local commissions, and strengthens customary land rights and mechanisms to secure these.

Figure 1

Number of community-based tenure regimes created since 1982 across 30 low- and middle-income countries, by tenure category.



rights to just 3 percent.⁴⁵ Taking into consideration both recent and ongoing legislative developments, opportunities to advance indigenous and community land rights in the sub-Saharan region over the next five years are substantial (see Box 3). Strengthening rural land rights in Africa would directly improve the ability of rural communities to pursue climate resilient land uses, further national economic development needs, help prevent the emergence and spread of conflict, and counter the impacts of climate change.

Asia is home to 70 percent of the world's Indigenous Peoples. Excluding China, which has recognized a significant portion of its land as community-owned, Indigenous Peoples and local communities formally own less than 1 percent of Asia's land.⁴⁶ There is an urgent need to close this gap and secure their rights on the ground, particularly those of women, who are more likely to suffer from weak tenure rights.⁴⁷ Opportunities for advancement are significant. In Indonesia for instance, implementation of a 2013 Constitutional Court ruling that restored Indigenous Peoples' rights over their customary forests and a proposed National Law on Indigenous Peoples' Rights could secure indigenous community land rights across 40 million hectares for the benefit of 50-70 million people, thereby preventing further deforestation pressures in the world's third largest tropical forest. Similarly, India's 2006 Forest Rights Act (FRA) represents a transformative instrument for recognizing community forests. However, due to limited political support and opposition from corporate actors, just 3 percent of the minimum potential of community forest and resource rights under the FRA has thus far been achieved. Changing the status quo would secure at least 40 million hectares of community forestland and support the livelihoods of some 170 million people.⁴⁸ Further opportunities for advancement include Nepal, where a new Forest Rights Law could lead to the recognition of land rights for 9 million people, and Myanmar, the Philippines, Lao PDR, and Cambodia, where ongoing tenure reforms could benefit tens of millions of additional rural peoples.

Compared with Africa and Asia, Indigenous Peoples and local communities in **Latin America** have by far the largest share of formally recognized land and forest rights, but legal support for marginalized Afro-descendant communities remains weak, and rural communities across the region face increasing threats of rollbacks. Particularly pressing in Latin America is the limited recognition of Afro-descendant communities' land rights. While advocacy efforts are underway in Mexico, Honduras, Argentina, and other Latin American countries to strengthen government recognition of Afro-descendant rights, enforcement of established

statutory rights in Colombia, Brazil, and Ecuador is altogether inadequate. As of 2015, official government data showed at least 235 Afro-descendant communities across Colombia awaiting resolution of collective titles, covering almost 2 million hectares of land. This number, however, does not include numerous additional unregistered claims.⁴⁹ In Brazil, Afro-descendant Quilombola territories covering more than 1 million hectares of forestland⁵⁰ are threatened by challenges to the constitutionality of the decree (No. 4887/03) that supported the titling of claimed territories.⁵¹

Increasing threats of rollbacks in Brazil, Bolivia, Colombia, Mexico, and Peru have made the protection of existing indigenous and community lands all the more crucial. For example, in Bolivia, the Senate recently approved the building of a 300 km road through the Tipnis Indigenous Territory and National Park in the Amazon, home to approximately 14,000 Indigenous Peoples.⁵² Likewise, constitutional amendments and new legislation promoted by pro-industry actors in Brazil now threaten to set back indigenous communities' hard-won territorial rights.⁵³

Growing International Commitments

As illustrated above, implementation of 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, prevent the rollback of existing rights, and support the wellbeing and positive contributions of 400 to 500 million people. Yet, this is but a partial assessment of the actual potential, drawn from a short list of countries that represents less than half of the total tropical forest area, and merely a fraction of the total land area.

Driven by the need to recognize and respect the basic human rights of Indigenous Peoples and local communities, and the opportunity to leverage sustained progress toward key climate and development priorities, a number of organizations and initiatives have laid out ambitious though achievable long-term goals to secure collective land and forest rights (see Box 4). When combined with international commitments and targets identified under the SDGs, NYDF, UNDRIP, CEDAW, TFA2020, VGGT, and other transformative investments (e.g., REDD+) requiring the clarification of rural tenure rights—the potential for a global shift toward rights-based approaches and recognition of the fundamental importance of secure tenure relations is clearly unprecedented and growing.

Emerging Platform of Instruments

For the first time in the enduring struggle to secure community land and resource rights, there is a growing and increasingly robust suite of instruments to support the collective actions of governments, rural communities, and other key stakeholders. Born out of increasing global attention to the fundamental

Box 3

EMERGING OPPORTUNITIES IN AFRICA

There are a number of emerging opportunities to increase the recognition of indigenous and community land rights in Africa. Nationally, there are opportunities in:

- **Kenya**, where the 2016 ruling of the African Court on Human and Peoples' Rights recognizing the customary land and forest rights of the Ogiek people marks a turning point for the advancement of collective tenure rights in the country.
- **Liberia**, where the passage of a Land Rights Act consistent with the principles of the national Land Rights Policy would help recognize the customary land rights of millions of people living in the country's rural areas.
- **Democratic Republic of the Congo**, where implementation of a 2016 Ministerial Decree could provide legal recognition to more than 70 million hectares of community forestland, thus supporting international efforts to protect the world's fourth-largest reserves of aboveground forest carbon.

In addition, laws regulating tenure in Africa more consistently affirm women's property rights than in Latin America or Asia. However, African countries tend to be weakest in terms of recognizing community-level inheritance and voting rights for women. Minor amendments to existing legislation to bolster these rights would benefit millions of rural women and their communities across the continent.

Private sector efforts to apply basic due diligence protocols in Africa would greatly reduce exposure to tenure risks in land investments, and thereby help secure the customary land and resource rights of rural communities.

importance of tenure security and joint efforts to scale up relevant actions and investments,⁵⁴ the emerging platform of tenure instruments, networks, and rights-based initiatives is comprehensive and unprecedented. These include, but are not limited to:

1. The growing networks of indigenous and community leaders and rights defenders who are leading the struggle for national and international recognition of rural community land and resource rights, including: the Asia Indigenous Peoples Pact (AIPP); the Indigenous Peoples Alliance of the Archipelago (AMAN); the Mesoamerican Alliance of Peoples and Forest (AMPB); the Coordinator of Indigenous Organizations of the Amazon River Basin (COICA); the International Family Forestry Alliance (IFFA); and the African Women's Network for Community Management of Forests (REFACOF);
2. The Interlaken Group, an informal "pre-competitive" network of leading investors, corporations, financing institutions, and NGOs dedicated to expanding and leveraging private sector action to secure community land rights. Since its establishment in 2013, the Group has successfully developed operational guidelines for the adoption of the VGGT by investors and companies operating in the land and resource sectors. It has instigated and delivered an unprecedented agreement on corporate responsibilities in cases of land legacy conflicts, and enjoys the commitment of a number of key financing, business, and civil society actors, including Nestlé, Unilever, Coca-Cola, Stora Enso, Olam, Rabobank, European Investment Bank, CDC Group plc, DFID, Oxfam, Global Witness, the Forest Peoples Programme, and Landesa. The Interlaken Group is also receiving increasing interest from developing governments;
3. The Global Call to Action on Indigenous and Community Land Rights (and accompanying Land Rights Now campaign), an alliance co-convened by RRI, Oxfam, and the International Land Coalition, which coordinates communications and advocacy efforts and links local and international initiatives;
4. LandMark—hosted by the World Resources Institute (WRI) and steered by a coalition of leading experts, NGOs, and Indigenous Peoples' organizations—, the world's first global data platform to graphically display community lands, thus rendering them more visible to the outside world;
5. The International Land and Forest Tenure Facility (the Tenure Facility), the world's first and only international mechanism dedicated to financing projects to scale up implementation of Indigenous Peoples' and local communities' land rights (see Box 5); and
6. MegaFlorestais, a network of public forest agency leaders from the world's most forested countries that promotes strengthened forest governance, tenure reform, and leadership. MegaFlorestais, currently chaired by Canada, includes the public forest agencies from Brazil, China, USA, the Democratic Republic of the Congo (DRC), Indonesia, Peru, Mexico, Sweden, and Cameroon, who voluntarily host national conferences and support exchanges and training on tenure and governance reforms for their staff.

Box 4

The Land Rights Now global goal for 2020:

Land Rights Now, a campaign led by the Global Call to Action on Indigenous and Community Land Rights, challenges the world to double the amount of land legally recognized as owned by Indigenous Peoples and local communities from the current 10 percent to 20 percent by 2020.

By 2030, the Rights and Resources Initiative challenges the world to:

1. Secure the ownership rights or designated authority of Indigenous Peoples and local communities to use and manage at least 50 percent of the total forest area in low- and middle-income countries (LMICs).
2. Recognize the rights of Indigenous Peoples and local communities in LMICs to conserve, manage, use, and trade forest products and services in 100 percent of the land under their ownership or designated authority.

See Closing the Gap: Strategies and scale needed to secure rights and save forests.

Securing Community Land Rights is Cost-Effective

Recent analysis by WRI shows that securing indigenous and community forest rights can yield substantial benefits over a 20-year period. Estimates show that community-held forests can generate ecosystem benefits worth between US\$54.1 and US\$118.7 billion in Bolivia, US\$523.2 billion and US\$1.2 trillion in Brazil, and US\$123.4 and US\$277 billion in Colombia, while avoiding the annual release of 42.8–59.7 MtC at a cost of less than 1 percent of the total benefits.⁵⁵

The costs for mapping and titling community forests can range from as little as US\$0.05 per hectare to US\$9.96 per hectare, averaging US\$3.66 per hectare.⁵⁶ Expanding the demarcation, registration, and titling of community forestlands globally, by a factor of two, would cost US\$1.9 billion. This effort would benefit up to 748 million rural peoples and secure up to 75 billion tons of carbon, more than double all the carbon stored in the Congo Basin.⁵⁷

As such, studies reveal that the costs of titling indigenous and community forests compare favorably with the costs of establishing new protected areas. The costs of expanding national parks in Liberia and DRC for instance—per existing plans—would range from US\$200 million to over US\$1 billion dollars per country, excluding the annual costs of maintaining the parks, estimated to be at least US\$36 million per country.⁵⁸

Box 5

THE TENURE FACILITY: DEMONSTRATING COST-EFFECTIVE METHODS OF SECURING TENURE RIGHTS AT SCALE

Initial results from the International Land and Forest Tenure Facility (the Tenure Facility)—the world's first international, multi-stakeholder institution exclusively focused on securing land and forest rights for Indigenous Peoples and local communities—confirm what many have known for decades: securing local peoples' land and resource rights yields transformative change. In its first two years of operation, the Tenure Facility's six pilot projects helped to advance collective tenure security for almost 1.8 million hectares of land and forest in Cameroon, Indonesia, Liberia, Mali, Panama, and Peru, proving that with strategic funding and technical support, Indigenous Peoples' and local communities' organizations can achieve significant results in a short period of time.

In Indonesia, the Indigenous Peoples Alliance of the Archipelago (AMAN) facilitated the titling of over 1.5 million hectares of land belonging to 450 indigenous communities. AMAN's achievement helped to convince local authorities of the feasibility of securing Indigenous Peoples' land and forest rights using legislative tools at their disposal, igniting a movement that is rapidly spreading across the country. Similarly, in Mali, the pilot project led by the National Association of Peasant Organizations (CNOP) and HELVETAS MALI contributed to the implementation of the 2015 Peace Accord by pioneering scalable approaches to resolving the land conflicts that fueled the insurgencies. And in Peru, where land conflicts have raged for decades, the Native Federation of the River Madre de Dios and Tributaries (FENAMAD) and the Peruvian Society for Environmental Law (SPDA) tested a scalable partnership with the regional government of Madre de Dios to resolve longstanding obstacles to titling Indigenous Peoples' territories. Together, the three groups secured titles for five Indigenous Peoples' communities and negotiated an agreement with the Ministry of Culture that includes measures to strengthen protection for Indigenous Peoples living in voluntary isolation in the Madre de Dios Territorial Reserve, which covers more than 800,000 hectares of forest.

Unique and purpose-built, the Tenure Facility's comparative advantages are speed, flexibility, singular focus and ability to anchor catalytic interventions on the ground, with pathways for scaling nationally. It provides rapid and flexible financing directly to Indigenous Peoples and local communities, without the burden of complex procedures. Finally, it builds partnerships at all levels—by working with RRI, MegaFlorestais, the Interlaken Group, civil society and community organizations, private sector actors, and REDD+ projects and institutions—to tap synergies, share lessons, and scale up rights recognition.

To learn more about the Tenure Facility, visit www.thetenurefacility.org.

Closing the Gap: Priorities for Action

Private actors, governments, and organizations around the world are stepping up with increased commitments, funding, and resources for securing community tenure rights. But these advances alone, while promising, remain insufficient to address the global challenges we now face. On the ground, land rights and environmental defenders have never been more at risk for trying to protect their livelihoods and the natural resource systems that they and the rest of humanity depend on.⁵⁹ In addition to the growing threat of rollbacks,⁶⁰ conflicts,⁶¹ and weakening of community ownership rights, women—as leaders and community members—increasingly face tenure-related violence,⁶² impacting the ability of communities to sustain locally-adapted cultures and traditions that have supported rural livelihoods and resource needs for generations.

Without greater global effort and coordination—both to center land tenure issues within the development agenda and to ensure that these efforts reach the local communities and land rights defenders most in need—narrow windows of opportunity to secure communities' remaining lands, forests, and waters will be lost.

In the context of international commitments to strengthen rural tenure security and realize climate and development ambitions, three fundamental challenges will need to be addressed:

1. Weak implementation of existing national and international commitments to secure land rights;
2. Inadequate coordination among the leading international institutions (public, private, and non-governmental) that are poised to influence the achievement of these global goals; and
3. Risks that commitments to implement, adopt, and support the realization of global commitments will not be sustained.

Addressing these challenges and closing the gap on collective land rights will require greater coordination and collaboration from all concerned parties and institutions, including public and private sector representatives and indigenous and civil society organizations.

Key priorities for action

- 1. Governments, NGOs, and development organizations should place tenure rights at the center of their development agendas and ensure there are no rollbacks.**

To eradicate poverty, advance food and climate security, and further the realization of sustainable economic development, leaders at all levels need to prioritize actions that strengthen the land and resource rights of Indigenous Peoples, local communities, and rural women. As this brief makes clear, securing community land rights is fundamental to the pursuit of nearly all national and international development and climate commitments.

- 2. Governments, the international community (i.e., development institutions, multilateral initiatives, and civil society organizations), investors, and companies should support local communities' and Indigenous Peoples' efforts to develop and defend their own conservation and enterprise models.**

Globally, governments, development specialists, and private sector leaders are paying increasing attention to the critical problem of sustainable economic development and ways to eradicate poverty. Each have a critical role to play in terms of creating enabling conditions for viable and sustainable community and smallholder forest enterprise models. Yet evidence from the field shows that insecure land and resource rights—including market, finance, and technology access—remains suboptimal. Development finance institutions (DFIs) and multinational companies still need to alter their business models to respect local land rights and ensure accountability in their supply chains. Those who have begun to incorporate “tenure risk” into their investments should encourage their peers and business partners to do the same, and all should consult with local peoples to develop rights-based approaches that reflect communities' development goals. Similarly, conservation organizations can further their commitments to rights-based standards, and adopt models that prioritize communities as conservation leaders and beneficiaries.

- 3. The international community, in collaboration with indigenous and community leaders, should accelerate the recognition of rights on the ground by consolidating and connecting the existing platform of tenure instruments and strengthening indigenous and community organizations' ability to advance their messages and hold rights violators accountable.**

Efforts to strengthen the communications and networking capacities of Indigenous Peoples, local communities, and women's groups are needed to help these groups mobilize support, learn

from one another, and hold public, private, and conservation actors accountable. NGOs, legal aid organizations, and donors need to increase direct support to communities and the tools they use to secure their rights and combat criminalization. Better mobilization and consolidation, as well as more effective interactions between the emerging suite of tenure instrument—including the VGGT, Tenure Facility, Interlaken Group, MegaFlorestais, LandMark, and the Land Rights Now initiative—will: (i) help strengthen synergies; (ii) better support communities and their allies to act; (iii) encourage governments and the international community to prioritize tenure reforms; (iv) trigger private sector action to respect community land rights; and (v) build trust between unlikely allies to design and implement path-breaking solutions.

4. Corporations and investors need to think beyond cleaning up their supply chains to altering their business models to cooperate with communities and protect forest and land rights.

Many in the private sector now recognize that insecure forest tenure rights not only pose substantial risks, both financial and reputational, but also contradict their own goals of creating shared value.

5. Governments and the international development community should prioritize women's rights to community lands and forests, promote recognition of their role in forest management, and champion their political leadership across the developing world.

The exodus of men from many forest areas for work in cities and other countries means that women have become the political leaders and de facto managers of many community forests. Women as forest stewards is increasingly a global phenomenon. Yet, we know that the legal, social, and cultural support necessary for women to take on these leadership roles is absent or weak in most countries. Given the central role of Indigenous Peoples' and communities' forests in saving the climate and sustaining natural resources across the globe, equal rights for women have become a practical, as well as moral, imperative.

6. As part of the sustainable development agenda and pursuit of the Paris Agreement on climate change, development institutions and multilateral initiatives should work with governments to prioritize rural tenure security as an underlying condition for green growth and climate-resilient development.

Clear, secure, and just property rights are essential for sound investment in sustainable development. New standards and mechanisms to vet investments need to be established, and are in the interests of governments, communities, and investors. The world should build on the commitment exhibited by the recent adoption of the VGGT to establish mechanisms to increase transparency of all transactions and ensure free, prior, and informed consent by communities for land-based investments. In the face of governments' failure to capitalize on this cost-effective solution to climate change, leadership and action by investors like the development finance institutions, the Green Climate Fund, and private philanthropic individuals and foundations becomes even more critical. Securing community land rights is in these actors' self-interest, as mounting tenure and climate risks threaten their own investments, supply chains, and businesses.

7. To seize emerging opportunities and close the gap on collective land rights, the key constituencies supporting this agenda should, in addition to accelerating the implementation of their own commitments, consider ways to enhance coordination, dramatically scale up efforts, and monitor global progress.

Strong and effective global leadership and coordination—by progressive governments, development agencies, companies and investors, conservation organizations, and indigenous and community leaders—is required to seize opportunities, sustain commitments, and foster learning. Finding ways to enhance collaboration, minimize risks, strategically deploy technical and financial resources, and scale up the recognition of community tenure rights is essential for achieving the Sustainable Development Goals and laying the foundation for global peace and prosperity.

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The Rights and Resources Initiative

The Rights and Resources Initiative (RRI) is a global coalition consisting of 17 Partners, 5 Affiliated Networks, 14 International Fellows, and more than 150 collaborating international, regional, and community organizations dedicated to advancing the forestland and resource rights of Indigenous Peoples and local communities. RRI leverages the capacity and expertise of coalition members to promote secure local land and resource rights and catalyze progressive policy and market reforms. For more information, please visit www.rightsandresources.org.

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