

What about the land rights of communities and Indigenous Peoples?

Indigenous Peoples and local communities hold a large share of the world's land area under customary systems. However, there is a tremendous gap between what is held by communities in practice and what is formally recognised by governments.

When Indigenous Peoples and local communities lack formal, legal recognition of their land rights, they are vulnerable to dispossession and loss of their identities, livelihoods, and cultures. The environmental health of the land they manage is endangered, and the insecurity of communities' rights fans disputes over land and natural resources that can contribute to armed conflict. By contrast, countries whose governments formally recognise customary land rights are making progress towards realising human rights imperatives established in international frameworks such as International Labour Organization Convention No. 169, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests (VGGT).

Indigenous peoples and local communities – at least 1.5 billion people – are estimated to hold at least 50 per cent of the world's land area through customary, community-based tenure systems. However, they only hold formally recognised ownership over ten per cent of the land, as the latest study by the Rights and Resources Initiative, "Who Owns the World's Land? A global baseline of formally recognized indigenous and community land rights", shows. Governments have also legally recognised communities' limited rights to access land, withdraw and manage resources, and/or to exclude outsiders from an additional 8 per cent of lands. The distribution of land and resource

rights varies widely by country, with only five countries – Australia, Brazil, Canada, China, and Mexico – together containing approximately 67 per cent of the land area owned or controlled by Indigenous Peoples and local communities. China and Canada alone account for 24 per cent and 20 per cent respectively. If these two countries were not included in the results, the total per cent of land owned or controlled by communities would drop by a third, from approximately 18 per cent to 12 per cent of land area.

In many countries the extent of formal, legal recognition of community land rights is very limited. In half the countries studied (32 of 64), less than five per cent of community land is owned or controlled by communities, including 15 countries where communities have no legally recognised control over their lands. This can be contrasted with four of the 64 countries where formal statutes recognise rights of Indigenous Peoples and local communities to own or control more than 60 per cent of the land area, including Papua New Guinea (97%), Tanzania (75%), Uganda (67%) and Turkmenistan (64%). The situation is particularly bad in fragile states. Among the twelve fragile states included in the study, only 1.6 per cent of the land area has been designated for Indigenous Peoples and local communities, and another 0.3 per cent is owned by them.

Across Asia, Latin America and sub-Saharan Africa, at 26 per cent, Asia has the highest proportion of land formally owned or controlled by Indigenous Peoples and local communities. However, without China, Indigenous Peoples and local communities own less than one per cent and control only

six per cent of land in Asia. In Latin America, the total area owned or controlled by Indigenous Peoples and local communities is 23 per cent, and this area is more evenly distributed across the countries studied, with eight out of 13 countries recognising community-based rights to more than ten per cent of their land area. The countries where the highest percentage of national land area is owned or controlled by Indigenous Peoples and local communities are Mexico (52%), Bolivia (36%), Peru (35%) and Colombia (34%). In Sub-Saharan Africa, the total area owned or controlled by Indigenous Peoples and communities is 15 per cent, with eight out of 19 countries exceeding 10 per cent. Across the 19 countries studied, less than 3 per cent is legally recognised as owned by communities, while less than 13 per cent of the area is designated for them.

Strikingly, in more than half of the countries studied, Indigenous Peoples and local communities have no formal, legal avenue to obtain ownership of their lands. This significant obstacle to justice results from the fact that 12 per cent of countries (eight of 64) have yet to enact any community-based tenure regimes, and another 44 per cent of countries (28 of 64) only designate lands for community control and have no tenure regimes recognising community ownership.

The Rights and Resources Initiative (RRI) is a coalition of 15 partners, 5 affiliated networks, 14 fellows, and over 150 international, regional, and community organisations advancing forest tenure, policy and market reforms.

For more information and to download the study, please visit:

➤ www.rightsandresources.org/wp-content/uploads/GlobalBaseline_web.pdf

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