

A woman with dark hair, wearing a light-colored patterned blouse and a dark patterned skirt, stands in a rural landscape. She is leaning her right hand on a wooden post. The background shows a field with various plants, including palm trees, and a distant building under a cloudy sky.

Land for Communities: Fulfilling Human Rights and Protecting the Planet

Half the land in the world today, including forests, grasslands, and small farms, belongs to and is managed by local communities and indigenous peoples. Two and a half billion people depend on this land for their livelihoods. Yet it is estimated that these communities have recognized rights over only one-fifth of their land.¹ National governments are obligated by international human rights law to recognize the rights of indigenous peoples and to protect the right to food and other rights of rural communities.² In addition to fulfilling human rights, there are many additional benefits of protecting community land rights: reduction of conflict, reduction of involuntary migration pressures, and protection of the ecosystems that cool our warming planet. Unfortunately, much community-held land is at risk of being grabbed by business interests, with the complicity of governments.

Communities and indigenous people have developed shared understandings of how to use land and water, where to live, where to plant crops, graze animals, and carry out other activities that met their needs and give their lives meaning. Many communities recognize land within their territories belonging to families and individuals who can pass it to heirs and make transactions of land with others in the community, as part of a shared understanding of land management.

The conversion of community land governance to a system of individual titles often occurs under situations of extreme inequality, when powerful economic interests outside the community desire control of the land. Under these circumstances, individuals are more easily cheated or pressured with threats of violence to sell their rights to people outside the community. Sometimes men give up the land that women use to provide for their families, violating the rights of women and leaving everyone worse off. Typically, land buyers do not share the intergenerational interests of communities; instead, these actors are often focused on shorter term profits.

¹ Oxfam, International Land Coalition, Rights and Resources Initiative. 2016. Common Ground. Securing Land Rights and Safeguarding the Earth. Oxford: Oxfam. https://www.oxfamamerica.org/static/media/files/GCA_REPORT_EN_FINAL.pdf
² International agreements linking the human right to food to the protection of indigenous and community land rights include the ICESCR, UNDRIP, UNDPOP, VGGT and the VGGT.



PHOTO: GREG FUNNELL/ACTIONAID

Benefits of Community-Based Land Rights

Food security: It is estimated that small-scale food producers produce 70% of the world's food.³ Larger farms tend to produce crops for biofuels and to feed the livestock for the meat-heavy diets of a smaller part of the World's population. Yet too many small-scale food producers are themselves food insecure. They are vulnerable to climate change, lack access to adequate water, healthcare, education and infrastructure for getting their products to nearby markets without spoilage. When their land rights are insecure, they are more vulnerable to conflict and less able to risk making investments in their land.

Decades of studies have shown that when small-scale food producers have adequate access to resources (and even when they don't), they use land and resources more efficiently than large farms for food production by growing diverse foods and harvesting multiple products on their land.⁴ This is also what allows them to reduce risk and adapt to climate change. However, when small-scale producers are forced onto the poorest land, denied access to forest products, subjected to conflict, and deprived of adequate water, healthcare, education, and other services, their right to food is at risk. Since large farms are usually mechanized and offer poorly paid seasonal employment, they do not provide solutions for the small-scale producers they often displace.⁵

Environmental and climate protection: Multiple studies show that investments by governments and international organizations in securing community land rights are an efficient way to benefit all people and the planet. Billions of tons of carbon are absorbed by the forests, grasslands, and small farms managed by indigenous peoples and local communities. When their rights are recognized, they do a much better job of protecting it than governments or individual owners. For example, in Guatemala, forests titled to communities experienced 20 times less deforestation than lands supposedly protected by the state.⁶

Women's rights: Recognizing community land rights is also important for addressing weaknesses in patriarchal systems. In some places, from the colonial era into the present, male community heads and chiefs have held decision-making power that has been vulnerable to corruption by outside interests. However, the process of recognizing community land rights is an opportunity for building a local commitment to human rights and agreeing upon household rights and women's rights. Strengthening women's land rights within a shared system of community land rights gives women support for their rights outside of their households.⁷

Case Study: Northern Guatemala

During the 1980s, in the midst of a civil war, the government of Guatemala carried out a genocide against Mayan indigenous communities, killing thousands and displacing over a million indigenous people. As part of the 1996 Peace Accords, governments, including the United States and several from Europe, promised to address the lack of land rights for indigenous people. The World Bank was given the key role, implementing two large-scale land governance programs in the Peten and Alta Verapaz. However, these projects bowed to business interests and were largely focused on assigning land titles to recently resettled indigenous households without adequate support for agricultural development.

A World Bank-funded study of the first project found that nearly half the land had been acquired within a few years by intermediaries working for large cattle ranchers and palm oil companies. Organized crime and threats of violence were involved. Whole indigenous communities disappeared, with others placed at risk through depopulation as the remaining families were surrounded by plantation land, cutting off their access to roads and to community relationships. A majority of women said their husbands succumbed to pressure to sell off the land without their permission.⁸ The second World Bank project fared little better, with only four indigenous villages receiving recognition of community land rights, while much larger areas were titled for individuals and companies.⁹

³ ETC Group. 2017. Who will feed us? The Industrial Food Chain vs. The Peasant. Food Web. Third Edition. ETC Group: Montreal. <http://www.etcgroup.org/content/who-will-feed-us-industrial-food-chain-vs-peasant-food-web>

⁴ IFAD and UNEP. (2013). Smallholders, food security, and the environment. IFAD: Rome. https://www.ifad.org/documents/38714170/39135645/smallholders_report.pdf/133e8903-0204-4e7d-a780-bca847933f2e

⁵ For example, Dürr, J. (2017) Sugar-Cane and Oil Palm Expansion in Guatemala and its Consequences for the Regional Economy. Journal of Agrarian Change, 17: 557– 570. <https://onlinelibrary.wiley.com/doi/abs/10.1111/joac.12150>

⁶ Land Rights Now. 2018. Tested, Cost-effective and practical: Securing the land rights of indigenous peoples and local communities is a key solution to climate change. https://www.landrightsnow.org/wp-content/uploads/2018/09/en_policy_brief_web.pdf

⁷ Namati. 2017. Strengthening the Land Rights of Women and Members of Minority Groups. <https://namati.org/resources/chapter-strengthening-the-land-rights-of-women-and-members-of-minority-groups/>

⁸ Grünberg, G. Grandia, L. Milian, B (2012) Tierra e Igualdad: Desafíos para la Administración de Tierras en Petén, Guatemala. Guatemala City; Alberto Alonso-Fradejas (2012) Land control-grabbing in Guatemala: the political economy of contemporary agrarian change, Canadian Journal of Development Studies / Revue canadienne d'études du développement, 33:4, 509-528. https://nas.ucdavis.edu/sites/nas.ucdavis.edu/files/attachments/tierra_e_igualdad_final.pdf

⁹ World Bank. 2016. Implementation completion and results report. (IBRD-74170). <http://documents.worldbank.org/curated/en/263171468191040056/pdf/ICR3658-P087106-OJ0-9.pdf>

This failure to protect community land rights is resulting in a new displacement and dispossession of indigenous peoples. The death of a Q'eqchi' Mayan child, Jakelin Caal, at the U.S. border in 2018 led to the uncovering of the story that hundreds of indigenous people are finding life untenable in areas deforested for palm oil plantations, and are migrating to Mexico and the U.S.¹⁰

Case Study: Piauí, Brazil

In 2015, the Brazilian government announced a policy supporting the expansion of the soybean industry into the final remaining areas of Brazil's Cerrado savanna in the northeastern states of Maranhão, Tocantins, Piauí, and Bahia. This savanna contains forested areas that are second in biodiversity only to the Amazon and are crucial to maintaining the watersheds of the region.¹¹ Afro-Brazilian and other peasant communities have long settled along the rivers and lived by small-scale farming and fishing, using the savanna of the high plateaus as a commons for grazing their animals, and gathering forest products crucial to their livelihoods.

Under Brazilian law, these vast areas were untitled public lands where communities had rights to the land they used. But in recent decades, Brazilian businessmen began grabbing large areas on the plateaus, fencing off areas and creating fraudulent titles often with the help of corrupt officials. International investors have come in seeking to buy this grabbed land, including well-known institutions such as the Harvard University endowment and Teacher's Insurance and Annuity Association (TIAA), a company in the U.S. that manages the retirement investments of university and other nonprofit employees. TIAA has become the largest accumulator of farmland in the world, through investments made by European state pension funds as well. However, these investments are at risk as many fraudulent land titles were recently annulled in court, and there is international pressure on grain traders not to accept soybeans produced on deforested land.

The World Bank has begun implementing a land titling project in the state of Piauí, which has seen high levels of land conflicts. Ostensibly, the project is to benefit poor communities, but it also plans to formalize the irregular land titles of large farms, dispossessing communities whose common areas were previously grabbed.

An International Fact-Finding Mission to southern Piauí in 2017 found that soybean plantations have continued deforestation.¹² They are depleting and poisoning the water supply used by communities for drinking, washing, irrigation, and fishing. They deny communities access to the resources on the high plateau, threatening their right to food. Community members told the mission about pressure to sell additional land and threats of violence to land rights defenders.

In response to a call to suspend their program by international and Brazilian organizations, the World Bank initially denied the problem. But after receiving a detailed complaint from community leaders, they committed to address the concerns and document the land rights of eight communities.¹³ It remains to be seen whether the World Bank will extend this recognition to other communities, and whether it will include the common areas on the high plateaus and address previous land grabs. Or will it repeat the mistakes it made in Guatemala, where the national government and the business sector turned land titling programs into tools for dispossessing poor communities?

¹⁰ Menchu, Sofia. 2019. Guatemalan farms shift to palm oil, fueling family migration, Jan. 6, Reuters. <https://www.reuters.com/article/us-usa-immigration-border-guatemala/guatemalan-farms-shift-to-palm-oil-fueling-family-migration-idUSKCN1P00IU2?l=0>

¹¹ ActionAid 2017 Impacts of Agribusiness Expansion in the MATOPIBA Region: Communities and the Environment. http://actionaid.org.br/wp-content/files_mf/1505847756ACTIONAID_MATOPIBA_ENG_WEB_19SET.pdf

¹² FIAN et al. 2018 The Human and Environmental Cost of Land Business. <https://www.sinn-schaffen.de/finanz/wp-content/uploads/sites/13/2018/07/The-Human-and-Environmental-Cost-of-Land-Business-The-case-of-MATOPIBA-Brazil.pdf>

¹³ Mendonça et al. 2019. A pillar of growth or a regularization of land grabs? World Bank funded land titling in Piauí, Brazil. https://www.conftool.com/landandpoverty2019/index.php/01-05-Hertzler-747_paper.pdf?page=downloadPaper&file_name=01-05-Hertzler-747_paper.pdf&form_id=747&form_version=final

PHOTO: CRYSTAL MACHADO/ACTIONAID





Policy Recommendations

- Donor governments and intergovernmental organizations must fund programs to protect the collective land rights of local communities and indigenous peoples on the 40% of the world's land on which they depend, where their rights are still unrecognized. Communities should be supported in carrying out their own processes to clarify the land rights of households and to strengthen the land rights of women.
- Donors must prioritize securing communities' land in areas where there is land grabbing and conflict. Provision of individual titles that lack community safeguards must not be promoted as a way of dispossessing poor communities.
- Migration-related policies must focus on human rights and address the root causes of forced migration, including the lack of community land rights and the lack of support for small-scale food producers.
- Food security policies should recognize that the large-scale overproduction of fuel and feed crops can be detrimental to the right to food and should scale up support for the majority of food producers who are based in local communities.

Cover Photo: Greg Funnell/ActionAid

Acknowledgements

Author: Doug Hertzler

With thanks to: Brandon Wu, Jenna Farineau, Maleika McNeal, Sophia Har

ActionAid USA

1220 L Street NW, Suite 725, Washington DC, 20005

+1 (202) 835-1240

www.actionaidusa.org

ActionAid is on a mission to end poverty and injustice by investing in local problem solvers.

March 2019

