



INDIGENOUS PEOPLES' RIGHTS TO LAND The Threat of Land Grabbing

Land grabbing is the large-scale acquisition of land for commercial or industrial purposes, such as agricultural and biofuel production, mining and logging concessions or tourism. It involves land being purchased by investors rather than producers, often foreign investors. This is done with limited (if any) consultation of the local communities, limited (if any) compensation, and a lack of regard for environmental sustainability and equitable access to, or control over, natural resources.

Land grabbing in numbers

In 2009, the Food and Agriculture Organization (FAO) estimated that over the 2007 to 2009 period, foreign investors had acquired at least 20 million hectares in Africa. In 2009, the International Food Policy Research Institute (IFPRI) estimated that deals covering 15–20 million ha of farmland in developing countries were under negotiation between 2006 and 2009. A 2011 report from Oxfam refers to 227 million hectares acquired since 2000 worldwide. A 2012 report from the International Land Coalition (ILC) reports that, between 2000 and 2011, large-scale plots of land acquired or negotiated through deals brokered on behalf of foreign governments or transnational corporations covered, in total, 203 million hectares of land worldwide. The area involved is equivalent to over eight times the size of the United Kingdom, or nearly the whole of north-western Europe.

Land acquired between 2000 and 2011 & origin of investors (cross-referenced deals)



Source for figure and map: W. Anseeuw, L. Alden Wily, L. Cotula, and M. Taylor, *Land Rights and the Rush for Land* (Rome: International Land Coalition, 2012).

Land grabbing is a serious threat to indigenous peoples' livelihood

The huge investments ploughed into acquiring land for commercial and industrial purposes are not only denying indigenous peoples access to their primary source of livelihood but are also leading to deforestation and to an alteration in the biodiversity of their ancestral lands and territories. Indigenous peoples often do not hold formal title to their lands and their land rights are therefore not recognized or protected by governments. When an investor or a company negotiates a lease with a government, indigenous peoples' lands rights are thus often simply ignored. As noted by the United Nations

Inter-Agency Support Group: "The lack of formal State recognition of traditional tenure systems marginalizes indigenous peoples further from the dominant society and leaves them more vulnerable to rights abuses."

In many ways, land grabbing is based on the premise that indigenous peoples' traditional lands are 'unoccupied' or 'unproductively' used. It is assumed that good and productive use of the land should be based on large-scale industrialized farming techniques. This idea of large-scale agricultural development is dominant among many governmental and international institutional

circles, notably the World Bank. For many indigenous communities, who have developed a very sustainable and small-scale use of their lands and natural resources, these large-scale investments marginalize them yet more and make them a direct victim of this global rush for land.



Olkaria geothermal power station on Maasai land in Kenya

International law protects indigenous peoples from land grabbing

Large-scale land grabbing directly affects a large number of indigenous peoples' human rights as guaranteed by international human rights law, including their right to food, to water, to adequate housing, to land, to free, prior and informed consent, to self-determination and to a safe, clean, healthy and sustainable environment.

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted in 2007, devotes several of its articles to land rights, making this an essential human rights issue for indigenous peoples. Article 25 of the Declaration affirms that: "Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard." Likewise, ILO Convention 169 concerning indigenous and tribal peoples also includes a human rights-based approach to land rights. ILO Convention 169 notably affirms that, in applying the Convention, "Governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their

relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship." Both the UN Charter and the treaty-based international human rights bodies have affirmed this approach, highlighting the fact that land rights are a strong component of indigenous peoples' rights under international law.

What kind of action is needed to address land grabbing and protect indigenous peoples' rights to land?

- States should review their legislation to ensure compliance with indigenous peoples' rights as set out in the UNDRIP and ILO Convention 169, including their rights to land and natural resources;
- States should address legacy issues such as violence, dispossession, forced eviction and oppression suffered by indigenous peoples as a direct or indirect consequence of land grabbing;
- States should include the requirement for free, prior and informed consent as a condition in all agreements with investors whose operations will potentially have an impact on indigenous communities;
- States should facilitate participatory community mapping of indigenous peoples' lands in order to empower local communities to assert their land rights and provide them with land titles;
- States should develop databases in which to systematically record and publish land deals in order to ensure more transparency and, ultimately, more accountability.

IWGIA - INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS

Classensgade 11 E, DK 2100 - Copenhagen, Denmark

Tel: (45) 35 27 05 00 - Fax: (45) 35 27 05 07 - E-mail: iwgia@iwgia.org - Web: www.iwgia.org