

Working at the boundaries: International Land Coalition's engagement with the land rights of indigenous peoples and their neighbours¹

Introduction

The linkages between land, marginalisation and poverty in rural areas are increasingly drawing the international development community's attention towards land and related issues. Nowadays, the centrality of land rights as leverage not only for development, but also for human rights and dignity, is recognised. This is true for all who remain land-dependant for their livelihoods strategies, but particularly so for Indigenous Peoples. Moreover, the contribution of Indigenous Peoples' organisations has been significant in bringing the importance of land in its different economic, social and spiritual dimensions back onto wider development agendas.

This brief paper focuses on the fruitfulness of successful co-operation between Indigenous People and their non-Indigenous neighbours in advancing a land agenda for the rural poor. It reviews some of the lessons learnt by the ILC network in working with land dependant rural poor in combining the advancement of legitimate struggles by Indigenous Peoples with the need for a reciprocal understanding of other land-reliant groups' claims. These experiences are contextualised in three case studies representing ILC partners in Africa, Asia and Latin America.

The International Land Coalition and Indigenous Peoples

ILC's approach to land issues involves a broad range of stakeholders, and the tools and mechanisms through which it operates are not customised to the needs of Indigenous Peoples. However, as the land rights of Indigenous Peoples are invariably affected, and affect, those of neighbouring non-Indigenous populations, ILC programmes have involved bringing the parties concerned together to find solutions to common problems of access to land. Moreover, the tools and approaches developed by Indigenous Peoples to promote access to land have in some cases been adopted and found effective by non-Indigenous groups and vice versa, promoting a cross-fertilisation of approaches to securing access to land that may not occur in other contexts.

The International Land Coalition

The International Land Coalition (ILC) came out of the Conference on Hunger and Poverty, convened in Brussels in November 1995 as a global alliance of United Nations and other intergovernmental agencies and civil-society organizations who decided to join hands towards eradicating poverty.

ILC's *mission* is to increase secure access to land and productive resources by poor men and women, and to create opportunities for direct participation at all levels of decision-making on land issues.

ILC has two main *objectives*:

- (i) to enhance the capacities of its members and partners to assist poor men and women to gain and maintain secure access to land and to related support services;
- (ii) to create opportunities to influence public policy decision at various levels, through strategies that: strengthen community capacity; promote exchange of knowledge; and expand spaces for dialogue.

¹ Paper prepared for the Inter-Agency Support Group on Indigenous Issues, 2006 Annual Meeting, Rome - Tivoli, 15 - 18 September, by Michael Taylor Programme Manager Land Policy and Stefano Di Gessa Consultant in support of Latin America Programme, and Barbara Codispoti, Associate Programme Officer, International Land Coalition.



On a broad level, ILC engages with issues affecting Indigenous Peoples within the context of promoting wider pro-poor land policy by regional bodies, governments and inter-governmental development partners. For example, the African Union is currently consulting ILC, among other stakeholders, on the formation of continent-wide guidelines on pro-poor land policy. While many of the issues raised will be of concomitant relevance to both Indigenous and non-Indigenous populations, it also provides, for example, an avenue for closely involving the African Commission's Working Group on Indigenous Populations, which has identified land as the primary area of violations of the rights of Indigenous Peoples in Africa.

At a national level, ILC promotes the inclusion of Civil Society Organisations in the design and implementation of national policy on Land Governance. For example, in the Philippines ILC is promoting roundtable discussions at various levels on land conflicts between migrant farmers and indigenous groups. These started with grass-roots dialogue sessions between tribal groups and farmers leaders, and are culminating in policy dialogue at the national level. While the policy discussion at national level.

At the community level, ILC promotes the capacities of grassroots organisations representing the land-poor to achieve greater access to land for their constituents. This is facilitated in part by the Community Empowerment Facility (CEF), which is a small fund used to enhance the ability of the poor to gain and maintain access to productive resources (land, water and other natural resources). Applications are open to any Civil Society Organisation that proposes activities aiming at:

1. "strengthening the negotiating abilities of the rural poor - recognizing the particular needs of women and indigenous peoples - so they can gain access to and control of land, water and other natural resources and associated support services; and
2. promoting representation of these groups in local governance with respect to the above areas."²

Using the Community Empowerment Fund as an indicator, 22 percent of successful applications have been made by organisations primarily representing Indigenous Peoples. This indicates the relative importance that such organisations representing Indigenous Peoples place on addressing land issues, and their capacity to mobilise resources for this purpose.

As the table in the box above illustrates, enabling Community-Based Natural Resources Management (CBNRM), mapping of territories and conflict resolution have been the three highest priorities for Indigenous applicants to CEF, reflecting the importance placed by partners not only on demarcating land rights, but also promoting active management of the natural resources therein, and addressing conflict arising with neighbouring (usually non-Indigenous) populations.

² From the CEF guidelines <http://www.landcoalition.org/program/cefguideE.htm#2>



Community Empowerment Facility: grants to Indigenous Peoples

Eleven of 49 CEF grants have been given to organisations representing Indigenous Peoples in Asia, Africa, the Caribbean and Latin America. The nature of these grants reflects the priorities of Indigenous Peoples in addressing different aspects of land tenure security:

| Primary IP group | Country | Grants requested for | | | | | |
|------------------|-------------|----------------------|---------|---------------|---------------|----------|---------------|
| | | CBNRM | Mapping | Conflict Res. | Legal Support | Lobbying | Land Literacy |
| Akawaio | Guyana | | X | | X | | |
| Arrayanes | Ecuador | X | X | X | | | |
| Yuracares | Bolivia | X | X | X | X | | X |
| Maya | Guatemala | | | X | | X | |
| Kaxinawá | Brazil | X | X | | | | X |
| Khol/Bhil | India | X | X | | | | X |
| Manobo | Philippines | X | X | X | X | | |
| Dayak | Indonesia | X | | | | | |
| To Pekurehua | Indonesia | | | X | X | X | |
| Mbuti | DR Congo | X | | | | X | X |
| Bagyeli | Cameroon | X | | X | | | |

Indigenous Peoples and their neighbours: the power to access land

ILC recognises that certain categories of people are more vulnerable than others to losing rights to own, manage or access land and other natural resources. Such people are usually those whose face general socio-economic marginalisation in the societies in which they live, and whose access to decision-making power is reduced. Clearly, Indigenous Peoples often fall into this category, as do pastoralists, women, or those in absolute poverty. However, even among these categories, Indigenous Peoples may be *particularly vulnerable* to losing access to land for several reasons:

1. Indigenous Peoples often live in areas whose natural resources may remain relatively unexploited, such as timber, minerals, or tourism, thus raising the interests of private investors or governments
2. Indigenous Peoples' relationship and values to land tenure are often different from those of dominant members of society, with the result that no provision is made in legal systems for Indigenous concepts of land tenure, and their land is often regarded as *terra nullis*
3. The common lack of recognition of Indigenous Peoples as such has meant that their demands for rights to land are often unheard, and even with recognition, pervasive discrimination means that rights are often not realised.

At the same time as being more vulnerable than many other groups to *losing* access to land, the *effects* of landlessness are also more pronounced for Indigenous Peoples. For anyone, becoming landless is an assault to their welfare and dignity. However, land loss by indigenous peoples can often lead to disastrous socio-cultural and economic disintegration. This is because land is not only a factor of economic production for many Indigenous



Peoples, but the foundation of economic, cultural and spiritual practices upon which social identity is constructed and asserted. 'Without land, there is no life', is a commonly-heard slogan of Indigenous organisations. Land is the most basic factor of production, but it is also the basis of social capital and organisation

Considering the unique situation of Indigenous Peoples with respect to land, both in vulnerability to losing land and in the vulnerability to the effects of land loss, a rights-based approach may be the most useful to promote land rights for Indigenous Peoples, considering their particularly vulnerable position with respect to land, and the majority of projects carried under the CEF grants to Indigenous People's organisations have supported such an approach. However, the experiences of ILC partners have illustrated the importance of working across the boundaries of Indigenous/non-Indigenous land-poor people. This means complementing a rights-based approach with needs-based approaches that are more inclusive of all land-poor people in a particular context.

Three particular imperatives for addressing land issues beyond the common boundaries of Indigenous/non-Indigenous Peoples have emerged from the experience of ILC's multi-stakeholder approach.. These are outlined below, followed by three case studies, from Cameroon, Philippines and Bolivia respectively. While it is impossible for these case studies to capture the complexities of land issues for Indigenous Peoples and of ILC's engagement with them, they anchor the imperatives listed below in the concrete experiences of ILC partners.

1. **Avoiding conflict with other land-poor.** A strong geographic correlation exists between conflict and the areas inhabited by indigenous peoples. The experiences of ILC partners have shown that an essential element of mitigating such conflict is to include non-indigenous neighbours in negotiating land rights. Such neighbours may be recent migrants to the area, as in the Philippines or Indonesia, or groups with whom indigenous peoples have a long history of contact, as in much of Africa. The marginalisation of Indigenous Peoples results from socio-economic relationships and does not occur in a vacuum. Indigenous peoples are often marginalised in decision-making processes over land by their immediate non-Indigenous neighbours, who compete for the same resources. The case studies from Cameroon and Bolivia illustrates the importance of empowerment activities for indigenous communities that involve non-Indigenous neighbouring communities.
2. **Addressing the structures of domination. Political expediency where explicitly focusing on 'Indigenous People' may be counterproductive.** Although Indigenous Peoples globally have made strides in gaining recognition, this is not generally the case in Africa, where no state has as yet signed ILO Convention 169, and few governments recognise 'Indigenous People' as a legitimate category of the population. In these contexts, ILC still promotes a rights based approach that acknowledges the particular situation of Indigenous People. However, this is tempered by an inclusiveness that does not alienate neighbouring populations or relevant government agencies. Such an approach is illustrated by the case study from Cameroon of Bagyéli forest dwellers and their neighbours.
3. **Sharing valuable experiences across the indigenous/non-indigenous divide.** The situation of indigenous people with respect to access to land and sustainable development is shared by many other rural people, the difference being in the degree



of vulnerability or exclusion. In the search to find solutions, the situation of Indigenous Peoples can therefore act as a lens that magnifies and brings to the fore similar dynamics that are faced by land-poor worldwide. There is much scope in transferring methodologies, tools and lessons learnt in indigenous contexts to be adapted to other situations involving land-poor people. This is illustrated by the case study on mapping technologies developed by PAFID with Indigenous Peoples in the Philippines, which ILC has been assisting PAFID to share with partners globally as an effective tool in securing land rights.

CASE STUDY: Forest peoples and land rights in Cameroon

Within the scope of a five-year project implemented by Cameroon Biodiversity Conservation Society (CBCS) in the Ngovayang Forest in Cameroon, ILC is supporting through CEF a component aimed at promoting participatory natural resource management by local indigenous communities.

No other projects in the area include Bantu-speakers, which has led to feelings of resentment within Bantu-speaking communities. By building partnerships between the Bagyéli and the Bantu-speakers, and by treating both groups as primary stakeholders, the project has been able to contribute to conflict resolution between these two groups.

Bagyéli

Bagyéli are one of many groups of the Indigenous Peoples commonly known as 'pygmies' who inhabit the rainforests of Central Africa. Without legal and land tenure rights, they are particularly vulnerable to forest destruction. Since their livelihoods have derived primarily from hunting and gathering rather than farming, they have no 'official' land claims based on documents or certificates. In addition, their limited means do not permit them to exploit or invest in land.

The rights of Bagyéli to steward land for hunting or gathering are not acknowledged by the Government of Cameroon or by the neighbouring Bantu-speaking communities living in the area. Hence, the interests of the Bagyéli are not taken into account when decisions are made regarding the use of the forest and its resources. The population is increasing, while natural resources and the land available are becoming scarce, leading to increasing land conflicts in Ngovayang forest.

So far, the project has achieved the following:

1. Improved collaboration between local communities and the Ministry of Social Affairs through permanent consultation
2. Two regional meetings on the rights of Bagyéli, during which Bantu-speakers who keep Bagyéli families in servitude were sensitized on fundamental human rights and legal implications of this practice.
3. An exchange visit for community (settlement) group leaders to familiarise the group leaders with Community Forest Management processes and the experiences and functioning of Common Initiative Groups elsewhere in the country;
4. Documents for the legalization of the "Association for the defence of Bagyéli rights" have been submitted for processing to the local sub-divisional office



5. A total of 13 Bantu-speaking families have willingly allocated land, free of charge, to Bagyéli for the construction of houses and agricultural activities.

Although much remains to be done, particularly promoting the recognition of hunting and gathering as a legitimate land use, these are good signs for a peaceful future relationship between the two communities.

For further information on the broader programme of CBCS-Birdlife Cameroon in the Ngovayang forest, please contact Mr Guillaume Dzikouk at gdzikouk@yahoo.fr, or Mrs Maaïke Maiten at maaike.manten@birdlife.org.ke

CASE STUDY: Mapping ancestral domains in the Philippines, land rights and beyond.

ILC has supported PAFID since 2003 in working together with 10 Indigenous communities in Mindanao for obtaining their Certificate of Ancestral Domain Titles. PAFID has been at the forefront of developing mapping techniques for territorial land claims and subsequent management planning. PAFID's experiences emphasise the need to work across the indigenous/non-indigenous divide in two ways: firstly, the process needs to involve non-indigenous neighbours in order to reduce conflict, and secondly, the lessons learnt are very valuable in informing similar mapping processes among non-indigenous populations making land claims.

PAFID's experience has shown that the demarcation process is never merely an internal issue for the community. Self-delineation implies a call for negotiation with all relevant land stakeholders, whose rights may be affected by the titling process. Therefore, neighbouring communities and non-Indigenous farmers living within the ancestral domain are usually consulted before putting the landmarks. External actors, such as mining and logging companies are also invited, but ensuring their attendance has been a challenge. Addressing the broader category of land-marginalized target population is a necessary to

Philippines Association for Intercultural Development (PAFID)

Founded in 1967 as an "an association of people interested in the problems of cultural minority groups", PAFID evolved into an institution working mainly on the defence of Indigenous Peoples ancestral domains in the Philippines. 40 percent of PAFID staff are members of indigenous communities. The approval in 1997 of the IPRA (Indigenous Peoples Rights Act) created an enabling legal environment for its work.

The Indigenous Peoples Rights Act allows for Certificates of Ancestral Domain Title (CADTs) based on principle of self delineation and subsequent validation. PAFID supports indigenous groups requesting technical support in the surveying/titling process, helping communities build a three dimensional model representing the ancestral domain claimed. While GIS technologies assure maps can be produced from the model relief in order to submit the claim to the national authorities, the final 3D model remains with the community as a planning tool that did not exist previously.

With the 3D models as a basis, planning starts with territorial demarcation to claim land rights and then develops into producing a multi-sectoral governance system. Cultural values associated with land and natural resources emerge when discussing the management of resources from which communities build their livelihoods and reinforce their identity. Advocacy for land rights also builds the capacity to advocate for other citizenship rights. Once land is secured, such capacity can be channelled towards planning wider development activities.



mitigate the increasing number of conflicts between migrant farmers and indigenous farmers/hunters. Dialogue capacity enhancement, in turn, strengthens the capacity of indigenous institutions to interact, a principal ingredient to move towards higher participation in political decision-making processes that affect Indigenous Peoples' livelihoods.

The lessons learnt by PAFID in developing mapping tools and processes with Indigenous Peoples are applicable to the situation of other land-poor groups, Indigenous and non-Indigenous.. PAFID itself has begun working directly with non-Indigenous communities, and ILC has given exposure to PAFID's approach in various forums at a global level, as a showcase for land rights advocacy and community empowerment. In this manner, PAFID is growing from a grassroots organisation to a resource centre on mapping.

For more information on the project, please visit: http://www.landcoalition.org/program/cefp_pafid.htm
Additional info on PAFID is available at <http://www.pafid.org>

CASE STUDY: Negotiation on forest management in Bolivia to manage conflicts.

Centro de Tecnología Intermedia (CEDETI), a Bolivian NGO and partner of ILC, works in the protected area of El Chore to assist the local Municipality in identifying and demarcating the forested area to assign to the Local Service Association (ASL). ILC has supported CEDETI since 2001 to work with these stakeholders to establish legally recognized ASLs. The project generated a number of lessons on interaction strategies between different land dependent groups, especially when formerly "hidden" stakeholders started to demand inclusion, such as migrant farmers, loggers and local politicians.

The establishment of the ASLs – and therefore the project - became a negotiation process. Lack of enforcement of the new legal framework had already led to multiple encroachments on the forest by different users, all of whom claimed their right to have a say in the formalization process. The number of initially planned ASLs was insufficient to reflect the complexity of the area, and a roundtable dialogue was established to accompany the process.

A similar approach of formalizing the ASL and developing a management plan was used for all stakeholder groups. The Indigenous Peoples in the area had a little knowledge of ongoing socio-political and legal processes affecting the country and, consequently, the area. Furthermore, due to their relative isolation, they were not acknowledged as legitimate claimants by other groups. The roundtable dialogue was therefore complemented by a specific

Bolivia: legal reform in forest management

As a result of major legal changes during the mid 1990s, from INRA Law to Popular Participation Act, to Forest Law 1700, Bolivia has today an enabling legal environment that favours community based management of natural resources. According to the new legal framework, municipalities that control forested lands have to assign 20% of the forest area to community-based organizations, to indigenous communities or to other form of producers' associations that exist within its jurisdiction to enable them manage and exploit in a sustainable manner such resources.

Such community associations are requested to be registered as ASL (Local Social Association) and to prove NR management capacity. They will in turn operate according to what law prescribes for ASL. The remaining 80% of the forest areas can be given under concession to logging companies, under the monitoring of the Ministry of Sustainable Development.



effort to improve the land rights literacy of these communities. An unexpected result of this was that local Indigenous Peoples groups organized and linked to national indigenous groups, creating their own registered organization. This, in turn, led to an increased participation in local politics, for instance through running for election.

For the Indigenous Peoples participating in the process, the ASL became much more than the tool to facilitate Natural Resource Management it was intended to be - it became an avenue to accessing their ancestral territory. The Roundtable Dialogue developed into a learning space for all actors involved. Indigenous Peoples were willing to contribute to a consolidate management plan for the all municipal forest area together with other associations, but still wanted their own Community Territory of Origin. This claim was finally supported by other groups at the roundtable and by the local municipality.

This process opened the space for starting a new round of negotiations with migrant farmers and 2nd generation migrants facing land scarcity now due to demographic pressure. Again, the roundtable led to an agreement between Indigenous Peoples, small saw miller producers and migrants to improve the balance of agricultural and forestry exploitation in the area, promoting sustainable practices to preserve the fragile environment of el Chore reserve. Negotiations are ongoing as to which land could be allocated to migrants.

The project has so far led to the demarcation of the area and to the legal establishment of one Community Territory of Origin, four ASLs, and one more potential ASL representing the interests of migrant farmers, for whom a possible “protection area” was identified. As Indigenous Peoples’ engagement in the Dialogue Roundtable was able to show the non-conflictive co-existence between ASL ad TCO, their claim was finally supported by other groups.

For more information: http://www.landcoalition.org/program/cefp_cedeti.htm

Conclusion

Indigenous Peoples are a particularly vulnerable category of people, both to becoming landless, and in suffering the effects of landlessness. Nonetheless, Indigenous Peoples’ organisations have been at the forefront of wider struggles for land rights, not only successfully pushing land issues higher on the development agenda, but also raising awareness of the plurality of land rights of land tenure, and the importance of land as more than simply an economic asset. Indigenous People’s organisations have demonstrated more clearly than any other group that securing land rights ultimately strengthens the organisational and social capacities of communities, as they gain and manage an asset that allows them to take greater control of their own futures. In addition, some of the tools for promoting more secure land rights that have been developed by Indigenous People’s organisations have also proved valuable for non-Indigenous communities. The lessons learnt will ultimately benefit the cause of land poor globally, Indigenous and non-Indigenous.

So far, the value that ILC has been able to add so far to promoting the land rights of Indigenous Peoples has been largely within this broader context of promoting the collaboration and sharing of experiences between Indigenous and non-Indigenous peoples towards the common goal of securing land rights, while not losing sight of the particular contexts and priorities of Indigenous Peoples. As ILC contemplates its continuing role in this arena, it is open to using these experiences to enrich and support the work of organisations



and agencies already promoting the land rights of Indigenous Peoples. Such collaboration could include:

- Continued support to sharing of field experiences (Indigenous/Non-Indigenous, and between Indigenous in different contexts)
- Supporting negotiations at national and local levels between Indigenous People, their neighbours and the state
- Promoting inclusion of Indigenous Peoples in wider land regional and global land policy processes in which ILC is involved

