



Kenya Justice Project

LANDESA'S WORK

COLLECTIVE LAND RIGHTS

OVERVIEW

Around the world, land is a key asset and primary source of income, status, livelihood, and security. For rural and indigenous communities, land often holds religious and social significance and is foundational to cultural identity. These communities rely on access to land and resources for hunting, fishing, farming, shelter, and other subsistence needs. In collective or communal land tenure systems, communities of people share access and use of land, typically administered by a local leader. Many rural people, including the majority of the world's indigenous groups, live on collectively held land. For indigenous groups, the United Nations Declaration on the Rights of Indigenous Peoples recognizes land as a fundamental human right.

Frequently in places where land governance is weak, collective land rights are not legally recognized or protected, contributing to conflict, tenure insecurity, and violations of recognized human rights. As a leading land rights organization, Landesa has decades of experience supporting better policy and programs to strengthen collective land rights, spanning Sub-Saharan Africa, Asia, and Latin America.

SELECTED EXPERIENCE

In the **Democratic Republic of the Congo**, Landesa is working alongside partners Mercy Corps and the Rights and Resources Initiative to ensure that the land rights of women, indigenous peoples, and rural communities are recognized and protected within DRC's national land policy. Landesa is providing research and technical assistance, data analysis, and capacity building tools to support land reform processes in the DRC.

In **Kenya**, Landesa conducted a review of

the 2013 and 2015 versions of the Community Land Bill, including key gender inputs and analysis, and created a technical guide on community land rights legislation, drawing together comparative legislation examples from over 20 countries.

Landesa conducted an analysis of gender and youth issues within the Mau Forest region, a large forested basin home to numerous community and indigenous groups, with overlapping land tenure interests.

The Kenya Justice Project focused on

Landesa's work on collective land rights spans a number of subject areas, including:

- Law and policy development, including comparative experience in legislating community land rights laws
- Community land governance and management
- Women's land rights and gender equity in communal land systems
- Legal literacy training for traditional leaders and community members
- Dispute resolution
- Large-scale land based investments
- Climate change resilience and adaptation

strengthening women's participation in customary justice systems, which affects their rights to land and access to dispute resolution mechanisms.

In **Liberia**, about half of the population lives in rural areas, but national land laws have historically not provided broad-based recognition of their rights to land, exposing rural communities to land takings within economic land concessions. Landesa has advised the government in drafting a national Land Rights Policy and the subsequent Land Rights Act, which for the first time extends legal recognition of the customary land rights of these communities across Liberia, including key protections for women's land rights. Landesa is now working alongside local partners to raise awareness of the Land Rights Act nationally.

In **Myanmar**, Landesa works alongside national and regional governments to secure the land rights of hundreds of thousands of indigenous people. These efforts include successful national law changes safeguarding the land rights of indigenous people, including stronger protections for community forest rights and exemptions from economic land concessions. Landesa has advised regional governments on the return of hundreds of thousands of acres of land to indigenous communities, helping to preserve long-held cultural practices, conserve forests, and protect wildlife habitat.

For the **Association of Southeast Asian Nations (ASEAN)**, Landesa has submitted policy recommendations on community forest certification and women's land rights, contributing to improved forestry rights for communities across Southeast Asia.



LANDESA'S HISTORY

Landesa is an international non-governmental organization that fights poverty and provides opportunity & security for poor rural women and men through the power of land rights. Insecure land rights are a leading factor in extreme poverty, food insecurity, gender inequality, conflict, environmental destruction, and sluggish economic growth. Additionally, more than one billion poor rural people around the world lack legal rights to the land on which they depend to survive.

Landesa has partnered with governments and civil society to develop pro-poor and gender-sensitive laws, policies & programs to help secure land rights for 120+ million families in over 50 countries. Landesa currently has active projects in China, Democratic Republic of Congo, India, Indonesia, Liberia, Malawi, Mozambique, Tanzania, and Zimbabwe.

ENGAGING THE PRIVATE SECTOR

Landesa's **Corporate Engagement** work equips businesses that invest in land with the tools, insights, and resources to respect community land rights in investment areas, in alignment with international standards and best practices. By addressing land rights within investment areas, Landesa helps businesses identify and mitigate risk and ensures that rural people experience equity in the land investment process, creating improved outcomes for companies and communities.

WOMEN'S LAND RIGHTS

In more than half the countries in the world, women experience legal and customary barriers to their land rights. Collectively held land is often governed by patriarchal customary norms that disadvantage women. Landesa is committed to promoting gender equity across its projects, such as in Myanmar, where we are working to recognize women's land rights in forest communities.

CLIMATE CHANGE

An estimated 50 percent of the world's land is held under communal or collective land tenure systems, including millions of acres of forest and natural areas that are critical carbon sinks, vital to mitigating climate change. Rural communities, equipped with secure land rights, are often better environmental stewards. Landesa's research and advocacy at the UN Framework Convention on Climate Change and UN Convention to Combat Desertification has highlighted the role that collective land rights can play in combatting climate change.

EMERGING OPPORTUNITIES

In **Indonesia**, where palm oil production has consumed millions of hectares of forest and contributed to the country's status as the world's fifth-largest emitter of greenhouse gases, government officials are supporting social forestry as a means to promote more sustainable forest management. Landesa will advise the Ministry of Agrarian Affairs on these and other land certification efforts.

In **Zimbabwe**, Landesa is advising government officials on emerging land reform efforts. In a country where two-thirds of the population lives in rural areas on communal land, greater attention for collective land rights could benefit millions of rural Zimbabweans.