

The global land tenure situation of Indigenous Peoples and trends of land grabbing

By Louise Rose / October 2019

Methodology

The purpose of this briefing paper is to provide data on: (1) the land tenure situation of Indigenous Peoples on a global level; (2) the trends of land grabbing; and (3) the drivers behind this phenomenon. This briefing paper is based on research that was initiated by a systematic review of the different land data platforms available for the general public online.

Furthermore, research has been used to identify publications on the topics and examine what data the references on: (1) Indigenous Peoples' land tenure situation; (2) the trends of land grabbing; and (3) drivers of land grabbing are based on. This has been a challenging task as data on these topics are limited and the ones that exist lack transparency.

Introduction and context

Land grabbing is when large-scale acquisitions of land for commercial or industrial purposes are done with limited (if any) consultation of the local communities, limited (if any) compensation, and a lack of regard for the environmental sustainability and equitable access

to, or control over, natural resources. Some argue that land grabbing has existed since colonial times but that it received wide attention as a global phenomenon with the financial and food crises in 2007-2008.¹ Land grabbing often involves corrupt practices. Transparency International's Global Corruption Barometer is the most extensive worldwide public opinion survey on views and experiences of corruption. According to Transparency International's Global Corruption Barometer,² the land sector exhibits one of the highest bribery rates among public services: globally, 21% of the respondents who needed land services declared they had to pay a bribe. This reveals that the land sector is very much driven by finance, control and power that underpin corrupt practices.

Land is a vital resource for Indigenous communities, not only as their primary source of livelihood but also for their entire social and cultural survival. Land grabbing of Indigenous Peoples' land, therefore, has a particularly negative impact on the affected communities. Indigenous Peoples live in some of the most nature-rich places in the world, such as boreal and tropical primary forests, savannahs and marshes.³ This means that when land grabbing happens to Indigenous Peoples, it also severely affects the world's biodiversity.

A United Nations report³ by The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)⁴ revealed that three-quarters of the Earth's land-based environment has been significantly altered by human activities. This includes such repercussion as annual global crops being at risk of pollinator loss and land degradation, and 100-300 million people becoming increasingly vulnerable to

1. GRAIN: "The 2008 Land Grab for Food and Financial Security", 2008: [land grab-2006-en.pdf](#)
2. Transparency International: "Global Corruption Barometer", 2013: <https://www.transparency.org/en/publications/global-corruption-barometer-2013>
3. IPBES (2019): Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. E. S. Brondizio, J. Settele, S. Díaz, and H. T. Ngo (editors). IPBES secretariat, Bonn, Germany. <https://www.ipbes.net/global-assessment-report-biodiversity-ecosystem-services>

increasing and intensifying floods and hurricanes. In one glimmer of hope, the report emphasises that in areas managed by Indigenous Peoples and local communities, these trends have been less severe or avoided entirely. This reveals that by taking effective and rapid action against land grabbing and by securing Indigenous and local communities' rights to their traditional lands, one also secures the conservation and management of a significant portion of the terrestrial global biodiversity, which is an important step in the fight against climate change.



The global land tenure situation of Indigenous Peoples

A global dataset on Indigenous Peoples' land tenure has long been in demand. Now, with the climate crisis, it seems to be even more important to document the global land tenure situation of Indigenous Peoples and how their stewardship intersects with global conservation values. Yet, there is currently no comprehensive global assessment that covers the global land tenure situation of Indigenous Peoples. The following datasets represent some of the best ones available.

In 2015, the Rights and Resources Initiative (RRI) released the report "Who Owns the World's Land"⁵ which was the first attempt to establish a global baseline of data on Indigenous and local community-based tenure rights. The study includes data from 64 countries comprising 82% of the global land area. The results showed that 18% of the land area was recognised as either legally owned by or designated for Indigenous Peoples and local communities. From this 18% of land area, 10% was legally recognised as belonging to Indigenous Peoples and local communities, while the remaining 8% was designated,⁶ but not fully legally recognised, as belonging to Indigenous Peoples and local communities. It should be noted here that this area includes not only Indigenous

lands, but also local communities' lands, which has no agreed definition under international law.

The RRI is currently working on updating the dataset behind the report "Who Owns the World's Land", which mainly focusses on legally recognised land rights, but is also separately developing a dataset on customary-held land.

A recent study,⁷ referred to in the UN special report by IPBES,⁸ uses publicly available geospatial resources to identify the size and area of land managed by Indigenous Peoples on a global level. So, whereas the study mentioned above by the RRI covers Indigenous and local communities' lands, this study focuses only on Indigenous lands. This study uses a dataset based on information compiled in 127 data sources, including cadastral records for state-recognised Indigenous Peoples' lands, publicly accessible participatory mapping, models based on census data and maps derived from scholarly publications – so both formal and customary rights are included. This geospatial analysis shows that Indigenous Peoples manage or have tenure rights over at least 38 million km² of land in 87 countries. This represents over 25% of the world's land surface. The results furthermore show that this 25% of land managed by Indigenous Peoples intersects with about 40% of all terrestrial protected areas and ecologically intact landscapes (for example, boreal and tropical forests, savannahs and marshes). This research has, among other uses, been used in the UN special report by IPBES to recognise that: "... *the knowledge, innovations, practices, institutions, and values of Indigenous Peoples and local communities, and ensuring their inclusion and participation in environmental governance, often enhances their quality of life and the conservation, restoration and sustainable use of nature, which is relevant to broader society.*" (IPBES Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, p. 9 section D5)

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4. The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) is an independent intergovernmental body, established by member States in 2012. The objective of IPBES is to strengthen the science-policy interface for biodiversity and ecosystem services for the conservation and sustainable use of biodiversity, long-term human well-being, and sustainable development <https://www.ipbes.net/>
 5. Rights and Resource Initiative: "Who owns the world's land", 2015. https://rightsandresources.org/wp-content/uploads/GlobalBaseline_web.pdf
 6. Land in this category is governed under tenure regimes that recognise some rights on a conditional basis for Indigenous Peoples and local communities. While rights-holders have some level of "control" exercised through use, management, and/or exclusion rights over land, they lack the full legal means to secure their claims to those lands (i.e., they do not have all rights required under the "ownership" designation: the right to exclude, to due process and compensation, and to retain rights for an unlimited duration).
 7. Stephen T. Garnett et al: "A spatial overview of the importance of Indigenous lands for conservation", 2018.
 8. IPBES (2019): Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. E. S. Brondizio, J. Settele, S. Díaz, and H. T. Ngo (editors). IPBES secretariat, Bonn, Germany. <https://www.ipbes.net/global-assessment-report-biodiversity-ecosystem-services>



Land grabbing in numbers

The Land Matrix Initiative is an independent global land monitoring initiative that has developed an open-access platform designed to facilitate wide participation in collecting and sharing information about large-scale land acquisitions in low- and middle-income countries across the world. This includes land deals that not only concern Indigenous Peoples but also other local communities.

About the Land Matrix data

The Land Matrix defines a land deal as any intended, concluded, or failed attempt to acquire land through purchase, lease, or concession for agricultural production, timber extraction, carbon trading, industry, renewable energy production, conservation, and tourism in low- and middle-income countries.

The Global Observatory illustrates the magnitude of the phenomenon of large-scale land acquisitions across the world and includes deals that:

- Entail a transfer of rights to use, control or ownership to land through sale, lease or concession;
- Have been initiated since the year 2000;
- Cover an area of 200 hectares or more;
- Imply the potential conversion of land from smallholder production, local community use or important ecosystem service provision to commercial use.

In some cases, regional and national criteria may differ from the global set if agreed to by the organisation(s) coordinating it, for example, the amount of area covered.

Source: <https://landmatrix.org/>

IWGIA's previous fact sheet⁹ and report¹⁰ on land grabbing and its impacts on Indigenous Peoples' land rights uses different references when mentioning the global numbers of land grabbing. The fact sheet refers to an Oxfam report from 2011 and an International Land Coalition (ILC) report from 2012, whose sources are based on the Land Matrix database. The report on land grabbing also uses the Land Matrix as a source on the global number of land grabbing deals. The Land Matrix is the most used and popular platform to collect global information on large-scale land acquisitions and has been used to collect information on the global trends and drivers of land grabbing in this briefing paper. All the data from the Land Matrix website was extracted on 19 September 2019.

The estimates in the IWGIA fact sheet from 2014 are significantly higher than the global magnitude of large-scale land acquisitions illustrated in the Land Matrix database today (Figure 1). This has to do with the fact that these previous estimates included intended deals that were subsequently downsized or failed to materialise.¹¹ Therefore, the Land Matrix today explicitly captures the dynamics of land deals by distinguishing between intended, concluded or failed land deals. The data in this briefing paper only includes deals that have been concluded by either oral agreement or signed contract.

In 2016, almost 80% of the deals reported in the Land Matrix database were based on two or more sources and 40% were based on three to seven sources. This increasing information has allowed for the triangulation of data where using a variety of sources can improve data quality. However, while the information and understanding of large-scale land acquisitions are increasing, the transparency of the deals remains low.¹²

While some of the worst land grabs have failed or been toned down, a number of new deals are appearing, which are referred to as "hardcore" initiatives by GRAIN.¹³ These deals are focused on expanding the frontiers of industrial agriculture. The expression "hardcore" is used by GRAIN since these deals are large, long-term and determined to avoid the pitfalls that earlier deals ran into. The Asian-led oil palm expansion in Africa and the advance of pension funds and multinational companies to secure access to new farmland are mentioned as examples for these new "hardcore" land deals.¹⁴

9. Fact sheet: "Indigenous Peoples' Rights to Land- The Threat of Land Grabbing", 2014. <https://www.iwgia.org/en/resources/publications/306-briefings/3176-fact-sheet-indigenous-peoples-right-to-land-the-threat-of-land-grabbing>

10. Land grabbing, investments & Indigenous Peoples' rights to land and natural resources: Legal analysis and case studies from Tanzania, Kenya, India, Myanmar, Colombia, Chile, and Russia by Jérémie Gilbert. <https://www.iwgia.org/en/resources/publications/308-human-rights-reports/3354-land-grabbing-investments-indigenous-peoples-rights-to-land-and-natural-resources-legal-analysis-and-case-studies-from-tanzania-kenya-india-myanmar-colombia-chile-and-russia>

11. Land Matrix analytical report II, 2016 <https://landmatrix.org/stay-informed/?category=analytical-report>

12. Ibid.

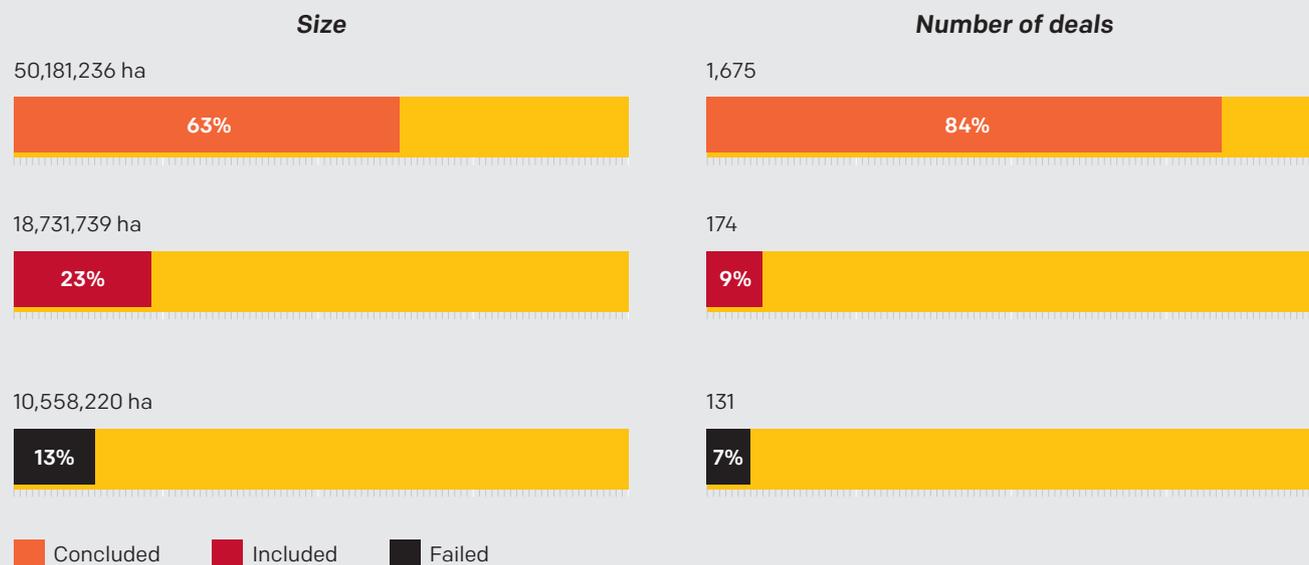
13. GRAIN: "The global farm land grab in 2016: how big how bad?", 2016 https://www.grain.org/article/entries/5492-the-global-farmland-grab-in-2016-how-big-how-bad#_edn5 GRAIN is a small international non-profit organisation that works to support small farmers and social movements in their struggles for community-controlled and biodiversity-based food systems. Our support takes the form of independent research and analysis, networking at local, regional and international levels, and fostering new forms of cooperation and alliance-building

14. See: GRAIN, "Planet palm oil", 22 September 2014, <https://www.grain.org/e/5031> and Rede Social de Justiça e Direitos Humanos, GRAIN, Inter Pares and Solidarity Sweden-Latin America, "Foreign pension funds and land grabbing in Brazil", 16 November 2015, <https://www.grain.org/e/5336>

Since 2016, the global number of concluded land deals has increased from 1,204 deals covering a land area of 42,2 million ha¹⁵ to 1,980 deals covering almost 50.2

million ha (Figure 1)¹⁶ today. This global number of deals is only based on foreign investors and excludes domestic investors.

Figure 1: Illustrates the magnitude of the global phenomenon of large-scale land acquisitions



Land grabbing and regional trends

The relationship between investor and target countries is structured by strong regional trends that have an overtone of colonial history. High-income countries in the Global North tend to target countries in their own continent where North American actors are active in Latin America and East Asian investors acquire land in other Asian countries, whereas European and Middle Eastern investors are mainly active in Africa. Investors from the Global South show a preference for investing in their own regions as well.

The most targeted regions are illustrated in Figure 2,¹⁷ which shows that Africa remains the most targeted region, followed by Latin America and the Caribbean and then Eastern Europe, Asia and lastly Oceania. Despite the fact that Africa has been the most targeted region for decades, the main targeted countries are elsewhere (Figure 4). The most targeted country is Peru with large-scale land acquisitions covering more than 16 million

ha followed by Russia, covering an area of more than 10 million ha.

Figure 2: Illustrates the most targeted regions for large-scale land acquisitions. This figure also includes information about the intentions of the investment for each region.

Target region	Number of deals	Deal size in ha
Africa	1,287	41,126,850
Asia	868	17,249,843
Eastern Europe	471	20,190,558
Latin America and the Caribbean	898	35,756,121
Oceania	47	4,119,948

Figure 3¹⁸ illustrates the regional distribution of large-scale land acquisitions, where Asia is the region that

15. Land Matrix analytical report II, 2016 <https://landmatrix.org/stay-informed/?category=analytical-report>

16. Land Matrix, Global Observatory: <https://landmatrix.org/global/>

17. Land Matrix Databases: <https://landmatrix.org>

18. Ibid

acquires the largest areas of land, followed by Eastern Europe and Northern America. However, if one looks at the top investor countries (Figure 4)¹⁹ it appears that the USA is the top investor, followed by Canada and China. These three countries share almost the same size of large-scale land acquisitions at about 10 million ha each.

Figure 3: Illustrates the regional distribution of large-scale land acquisitions by investor region.

Target region	Number of deals	Deal size in ha
Africa	632	15,991,787
Asia	1,371	47,523,645
Eastern Europe	931	37,704,125
Latin America and the Caribbean	563	13,318,424
Northern America	456	20,615,666
Oceania	62	2,095,670

Figure 4: Illustrates the world's top target and top investor countries of large-scale land acquisitions.

Top target countries	Deal size in ha	Top investor countries	Deal size in ha
Peru	16,213,878	USA	10,694,845
Russian Federation	10,127,078	Canada	9,944,619
Congo, Dem. Rep	7,854,209	China	9,571,275
Brazil	4,860,886	Switzerland	6,859,737
Papua New Guinea	3,914,114	Russian Federation	6,781,914
Ukraine	3,817,618	Malaysia	4,621,228
Indonesia	3,375,347	Spain	4,291,436

In the Land Matrix analytical report from 2016,²⁰ it was stated that the private sector accounted for 40% of global land deals and was thus the main, dominant actor. Investment funds and state-owned entities do, however, also have a role to play in these global land deals. Even though they only accounted for 15% of global land deals, and were thus not considered as major drivers, they have an indirect role to play. Both investor types are shareholders in stock exchange-listed companies — which accounted for 30% of global land deals — and thus provide financing to these investors. Furthermore, government policies can stimulate private capital to invest in foreign land acquisition. This is, however, a component that remains a challenge for the Land Matrix to capture as these investor types often play the role of financing partners that do not have a direct equity and territorial investment. Therefore, it is likely that the role of stakeholders such as state-owned entities, investment funds and pension funds is underestimated in the analysis of the Land Matrix database.²¹

Drivers of land grabbing

Land grabbing re-emerged as a phenomenon on the international stage in the context of the global food and financial crisis in 2007-2008. Two parallel agendas have been identified as the triggers of the global land grab.²²

The first agenda was food security. The food and financial crises scared off a number of countries that rely on food imports. As food prices increased, more of these countries sought to outsource their domestic food production by gaining control of land in other countries. These countries include Saudi Arabia, Japan, China, India, Korea, Libya and Egypt. This overseas farming is mentioned in some of the countries' public policy agenda for food security.²³

The second agenda that triggered these land deals is a financial one. With the food and financial crises combined, several countries around the world experienced high food prices and low land prices, which turned land into a new strategic asset. Getting control over the best soils, near available water supplies, meant new avenues for profit and an opportunity to secure control over trading routes to ship commodities back home to compete with other multinational companies on the global market.²⁴

19. Ibid

20. Land Matrix analytical report II, 2016. <https://landmatrix.org/stay-informed/?category=analytical-report>

21. Ibid

22. GRAIN: "The global farm land grab in 2016: how big how bad?", 2016 https://www.grain.org/article/entries/5492-the-global-farmland-grab-in-2016-how-big-how-bad#_edn5

23. Land Matrix analytical report II, 2016 <https://landmatrix.org/stay-informed/?category=analytical-report>

24. Ibid.

The starting point of these two agendas might differ, but eventually, they converge. Given the ‘hush-hush’ nature and lack of transparency behind these deals, it can be difficult to identify the real agenda behind them. It should be clear, however, that behind the rhetoric of ‘win-win deals’ the real aim of these land deals is not agricultural development, and much less rural development, but simply agribusiness development.²⁵

Today, both agendas are still driving the global rush for land (Figure 5).²⁶ While food crops are still the main driver behind land deals, other drivers covering a range of investments in logging, mining, timber plantation and other agricultural activities are also playing a significant role (Investment intention in Figure 5).

Figure 5: Illustrates the global drivers of large-scale land acquisitions.

Investment intention	Number of deals	Deal size in ha
Agriculture (unspecified)	497	13,098,568
Biofuels	442	12,530,764
Conservation	69	4,143,687
Fodder	9	188,195
Food crops	1,456	30,716,187
For carbon sequestration/REDD	42	3,660,243
Forest logging/management (for wood and fibre)	177	29,015,435
Forestry (unspecified)	35	1,151,060
Industry	229	4,089,917
Livestock	457	13,002,232
Mining	399	25,846,763
Non-food agricultural commodities	476	10,279,732
Oil / Gas extraction	3	90,928
Other (please specify)	110	2,591,552
Renewable Energy	117	3,038,151
Timber plantation (for wood and fibre)	287	15,413,487
Tourism	65	3,097,863

Challenges of getting reliable data on land grabbing deals

This briefing paper shows that despite the information and understanding of global land deals have increased significantly; it is still a difficult process to collect information about these land deals. Even though the Land Matrix had the first launch of its database in April 2012 and has undergone significant improvements in its communication on global land deals, it still seems that the platform is a work in progress. This is not surprising as it is a general challenge to get reliable data on land grabbing deals.

Despite the fact that the Land Matrix website has a section of “frequently asked questions (FAQ)” covering some anticipated questions about the data on land grabbing deals, this section does not fully cover the ambiguities found in the database. For example, when the numbers in Figures 2, 3 and 5 are aggregated, they are significantly higher than the numbers from the Global Observatory in Figure 1. Whether this is because the numbers in Figure 1 only include land deals by foreign investors or the numbers in Figures 2, 3 and 5 also include deals by domestic investors is not clear. Also, if the Land Matrix wishes for people to use the data properly, it should provide an overview of what countries belong to which regions and why, for example, Figures 2 and 3 only include Eastern Europe and not Western Europe, which, seemingly according to the database, appear to play a big role as a global investor (e.g. Switzerland, Spain and the UK).

Action needed to address land grabbing and protect Indigenous Peoples’ rights to land

Recent years have witnessed growing use of international soft-law instruments to tackle some of the world’s most pressing challenges, such as promoting food security and governing financial transfers. International soft-law instruments have become an important part of today’s global governance. However, there exist disagreements about whether these frameworks and guidelines can make a real difference or if they only provide guidance for how to conduct these land deals while minimising social and environmental costs. Some even argue these new rules do more to obfuscate the problem rather than

25. Ibid.

26. Land Matrix Databases: <https://landmatrix.org>

to solve it.²⁷ So, the question remains: What actions are needed to address land grabbing?

While the ambition and effectiveness of action on the international level can be questioned, one thing that has changed radically is the level of resistance and mobilisation these global land deals have triggered. People are now more informed and taking action like never before. There are numerous coalitions and

campaigns against land grabbing operations at local, national and international levels, and indigenous peoples are actively involved in many of these. These movements are developing new strategies to challenge governments and corporations and building international solidarity. With the enhancement of the mobilisation of civil society to stand together against land grabbing, we just need to see the same enhancement from governments, corporations and international bodies.

27. Land Matrix analytical report II, 2016. <https://landmatrix.org/stay-informed/?category=analytical-report>