

Assessing the Role of the Global Land Form in Securing the Land Rights of Isolated Tribes

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Executive Summary

Indigenous isolated tribes are communities who live in voluntary isolation from other population groups. Their languages, ways of living and social hierarchies contribute significantly to the world's cultural diversity. However, in many parts of the world, such tribes are seriously threatened by eviction, disease, and cultural and linguistic extinction. Despite indigenous peoples' land rights being a central topic at the Global Land Forum (GLF) 2018, this policy brief suggests that the ILC needs to develop techniques specific for supporting isolated tribes and their advocacy organisations so that they can secure their land rights while maintaining their voluntary isolation. It is argued here that this can be achieved through adjusting ILC planning tools, such as Participatory 3D Mapping, to meet the specific needs of this population group.

Isolated Tribes

The territorial, social, political and economic rights of indigenous peoples represented a key topic at the GLF 2018. Isolated tribes – out of which 100 exist across the globe – were included within broader discussions about indigenous peoples' land rights. Isolated tribes may be defined as 'uncontacted tribes', described by Survival International as [“people who have no peaceful contact with anyone in the mainstream or dominant society”](#). Isolated tribes live across the globe in Latin America, Africa and Asia. Many isolated tribes live in voluntary isolation, having expressed their desire to remain uncontacted from outside populations – sometimes through [acts of hostility](#) towards outsiders. Others are described by Fundação Nacional do Índio (FUNAI) as having [‘recent contact’](#) with neighbours or dominant society, where contact is permanent or intermittent and may be used as a means of accessing goods and services.

Many of these tribes, such as the [Siriono tribe](#) in Brazil, rely on traditional hunting and gathering techniques for food and primarily use bows and arrows, spears and darts, to hunt. Others use natural forest materials to build their homes; for example, the [Awa tribe](#) are largely nomadic – building shelters and abandoning them within days to rebuild in a new location. Spiritual beliefs and rituals that depend on access to land and resources are central to many isolated tribes as well. For example, the Enawene Nawe tribe in the state of Mato Grosso believe that natural resources belong to the spirits of the underworld. As peoples with unique ways of living, unique approaches to ensuring and securing their land rights are also needed. Most importantly, policies, programmes and initiatives meant to secure their land rights must respect both their human rights and their right to remain autonomous.

Challenges Faced by Isolated Tribes

Indigenous peoples – and isolated tribes in particular – often struggle to protect their territories in politico-economic contexts that exploit and over-extract natural resources. For example, loggers often pose a great threat to indigenous peoples as they enter their land without any permission, [violating rights](#) for

indigenous autonomy and free, prior and informed consent. Loggers cut down trees surrounding tribal homes, scare off game, silt up rivers and kill fish that people rely on for food. Isolated tribes are further threatened by armed gangs belonging to logging companies, who sometimes even massacre these tribes. For example, the Awa tribe of the Brazilian Amazon have faced [multiple shootings from logging gangs](#) which were described as ‘genocide’ by a judge in 2012. More recently, a member of the Ka’apor tribe in the Maranhoe state of Brazil was [killed by loggers](#) whilst protecting their 530,000 hectare territory, which is recognised by the state with [demarcated constitutional status](#). Law is clearly not enough to protect indigenous lands, particularly in isolated and remote parts of the Amazon where resources are highly sought after and regulation can be more difficult to enforce.

Even when regulations can be enforced, governments often prioritise economic benefits generated from logging, extraction and mining over the protection of indigenous peoples’ land rights. In some cases, governments even openly deny the existence of isolated tribes. For example, an isolated [tribe was witnessed in Peru during a fly over search](#) for illegal logging in 2007, amidst

government promotions for foreign oil and gas exploration. However, the government claimed that this story was fake news ‘created by environmentalists’, following President Daniel Saba calling the notion of hidden tribes ‘absurd’.

A second challenge faced by isolated tribes relates to contact with ‘outsiders’ who can introduce diseases, such as influenza, measles and chicken pox, that isolated tribes lack resistance to. Historically, the introduction of diseases has often posed a serious threat to the existence of isolated tribes and incidences of this continue today. The Amazonian Murunahua tribe, for example, are estimated to have been [reduced by 50% due to cold and flu](#) contracted from contact with outsiders.

Current Support for Isolated Tribes

To date, the ILC has not specifically focused much attention on land rights of isolated tribes. However, progress has been made to defend the life, territory and culture of isolated tribes by a number of other organisations – most of them non-ILC members. To achieve this progress, these organisations undertake campaigns to pressure governments to consider isolated tribes in major development decision making.

These organisations also develop legal strategies to propose to governments to ensure the protection of indigenous peoples and isolated tribes in the face of expanding natural resource-based development.

For example, Peru’s Native Federation of the Madre de Dios River and its Tributaries (FENAMAD) initiated a campaign for the ‘Recognition of the Territorial Corridor of Isolated and Initial Contact Indigenous Peoples’ in the Madre de Dios region. This campaign was initiated in response to a 5000km railroad connecting the Atlantic and Pacific Oceans proposed to run through indigenous territories. The campaign specifically focuses on seven different isolated communities and puts pressure on the Peruvian government to recognise the territories of these tribes. By recognising their territories, these isolated tribes may subsequently be protected from future developments on their land or, at least, have more say over how development unfolds.

Similarly, Brazil’s National Indian Foundation (FUNAI) work to assist indigenous peoples and isolated tribes in achieving recognition of and protecting their autonomy over their lands. For example, FUNAI conducts ‘territorial monitoring’, using techniques such as remote

sensing, to control and prevent offenses such as invasion of indigenous lands and illegal extraction, and to ensure the overall security of isolated tribes. The overall aim is to fulfil Article 231 of the Brazilian Federal Constitution, which states that indigenous peoples have the original rights to the land they traditionally occupied, and that their land can not be accessed or exploited without consent. By sharing information about potential invasions, FUNAI can ensure that legal action is taken if the article is breached in any way.

Another example of an organisation which defends isolated tribes is the Bolivian Forum on the Environment and Development (FOBOMADE). This organisation drafted a report entitled 'The fight for the defense of Indigenous Peoples isolated in Bolivia' which gives an extensive account of the current situation of Bolivian isolated tribes. With this report, FOBOMADE put pressure on Bolivia's government which, in response, created an 'Intangible Zone and Integral Protection of Absolute Reserve' of almost 19,000 square kilometres. In addition to preserving an area of outstanding biodiversity, this government intervention ensures the protection and territorial autonomy of the Toromonas isolated tribe.

In summary, the work of these organisations has resulted in progress towards the protection of isolated tribes by both pressuring governments to recognise their territories and monitoring potential threats to their territorial sovereignty.

Policy Recommendations

There is much opportunity for global summits, like the GLF 2018, to contribute to ongoing efforts to secure and protect the land rights of isolated tribes.

One way that the ILC could offer further support to the land rights organisations working with and for isolated tribes is ensuring that those working for these organisations are safe. The criminalisation of land rights defenders was recognised as a key concern in many discussions about securing and protecting indigenous peoples' land – particularly in the Amazon where there have been recent cases of violence against land rights defenders. Certain members of the ILC are doing important work towards the decriminalisation of land rights defenders, such as publicising the activities of land rights organisations, as well as unfair government responses to these activities. This serves as important step towards curbing the growing

trend of violence against land rights defenders and ensuring that they can continue to carry out their legal advocacy and land monitoring activities.

The second way that the ILC could support ongoing efforts to secure and protect the land rights of isolated tribes is by adapting guidance and toolkits where appropriate. Prior to the GLF 2018, the International Land Coalition (ILC) released the [Indigenous Peoples and Local Communities Land Rights Toolkit](#). The toolkit shares 10 tools used by ILC members to promote and reinforce the land rights of indigenous peoples. The toolkit includes:

1. Community-based natural resource management (CBNRM) of pasturelands
2. Village land use planning and cultural mapping
3. Strategies for fair recognition of customary land tenure and land use systems by government and private investors
4. Payment for ecosystem services
5. Strategies for conflict resolution between indigenous peoples and settler communities
6. Mechanism for inclusive and accountable local land governance

7. Participatory mapping for customary forest use
8. Participatory land regularisation process, starting with an agreement within the community
9. 3D participatory mapping
10. Implementing free, prior, and informed consent

While these tools seem to work for many indigenous communities, they may be insufficient for isolated tribes who remain in voluntary isolation.

For example, for isolated tribes there is a need to find ways to move towards the recognition and protection of their land without them having to be 'in the room' with the government and investors. In other words, guidelines are needed that enable isolated tribes to both secure their land rights and exercise their right to voluntary isolation. In some cases, this may involve isolated tribes electing to speak through organisations that represent their interests, like FOBOMADE or FUNAI. In other cases, however, this may not be possible. And in these cases, guidelines are needed to ensure the land rights of isolated tribes are being respected and protected even without participation in official, government-led

processes. The ILC could exercise leadership in this issue-area by initiating discussions on securing the land rights of groups who wish to maintain voluntary isolation.

Conclusion

Although isolated tribes were not directly discussed during the GLF 2018, broader discussions and debates during this summit about how best to address the challenges faced by indigenous peoples globally will contribute

to advancing the land rights of many isolated tribes as well. However, as peoples with unique cultural practice and needs, specific policies, programmes and initiatives are also needed to ensure that isolated tribes can secure their land while remaining in isolation as long as so desired.

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