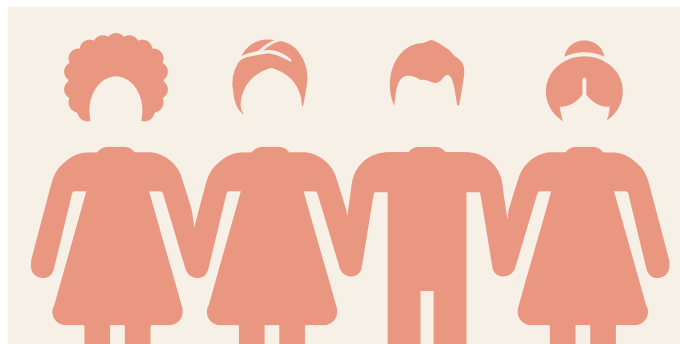


Power and Potential

A COMPARATIVE ANALYSIS OF
NATIONAL LAWS AND REGULATIONS CONCERNING
WOMEN'S RIGHTS TO COMMUNITY FORESTS

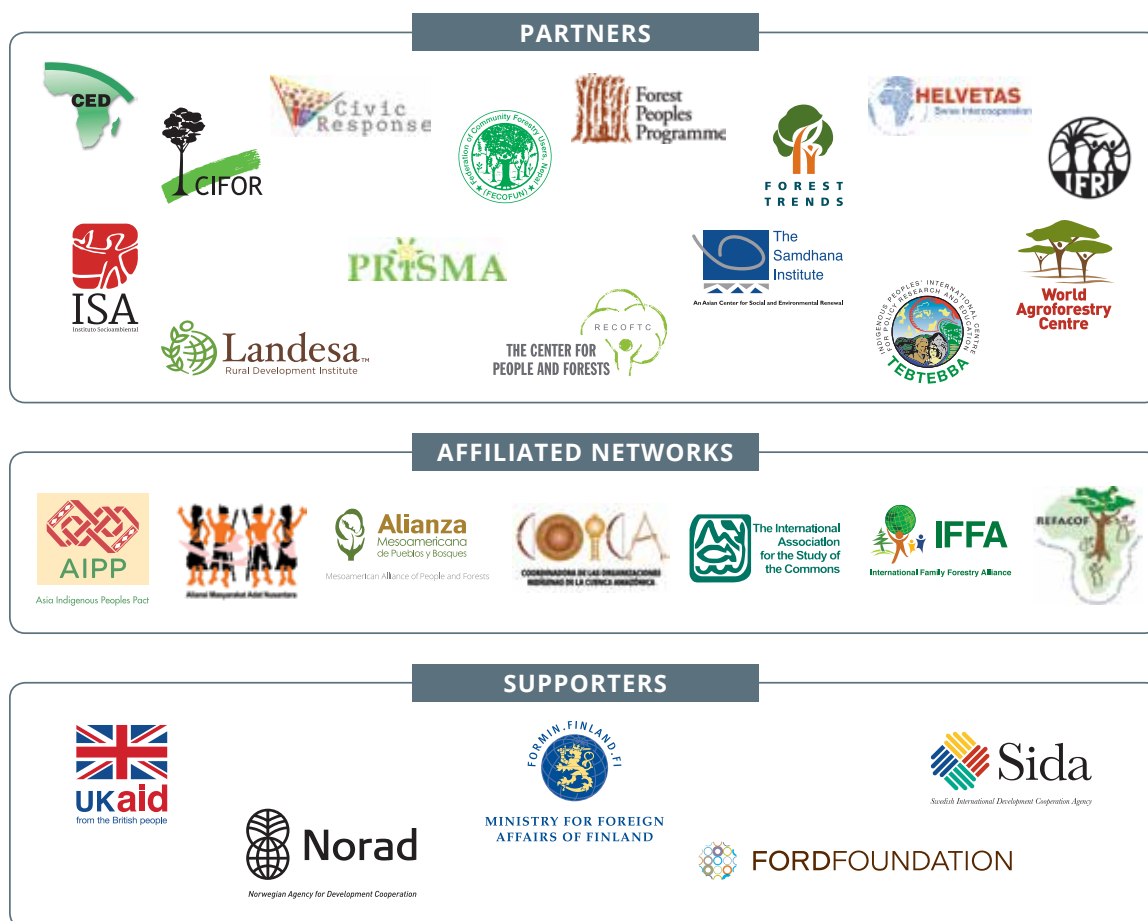


RIGHTS AND RESOURCES INITIATIVE MAY 2017

The Rights and Resources Initiative

RRI is a global coalition consisting of 15 Partners, 7 Affiliated Networks, 14 International Fellows, and more than 150 collaborating international, regional, and community organizations dedicated to advancing the forestland and resource rights of Indigenous Peoples and local communities. RRI leverages the capacity and expertise of coalition members to promote secure local land and resource rights and catalyze progressive policy and market reforms.

RRI is coordinated by the Rights and Resources Group, a non-profit organization based in Washington, DC. For more information, please visit www.rightsandresources.org.



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Rights and Resources Initiative

Washington, DC

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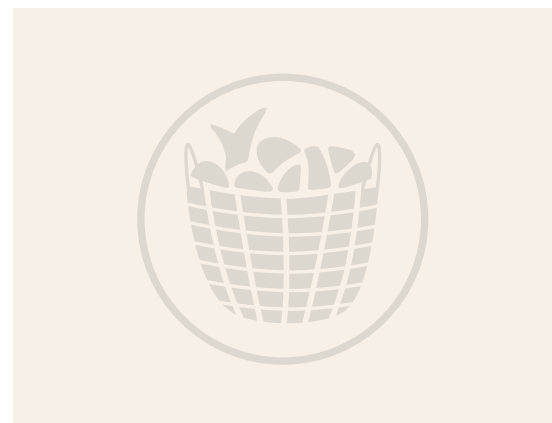
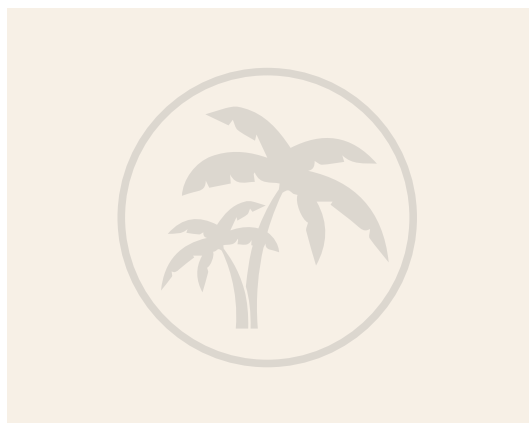
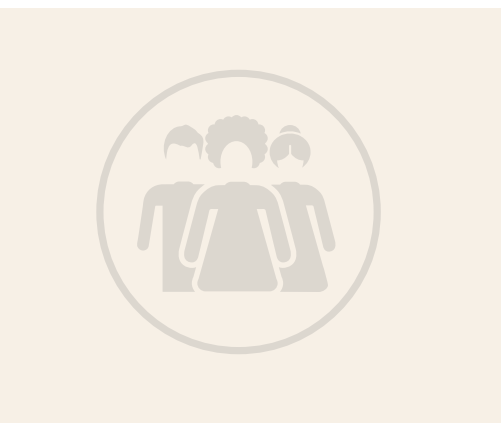
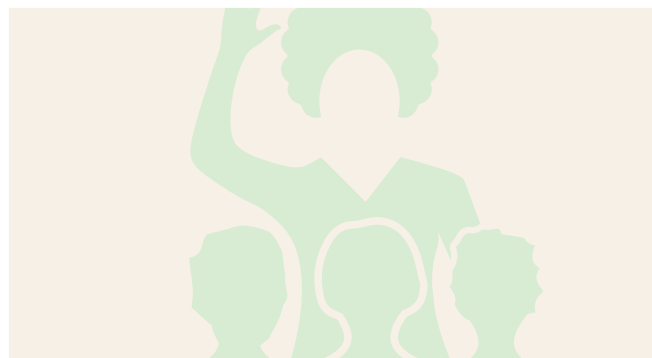
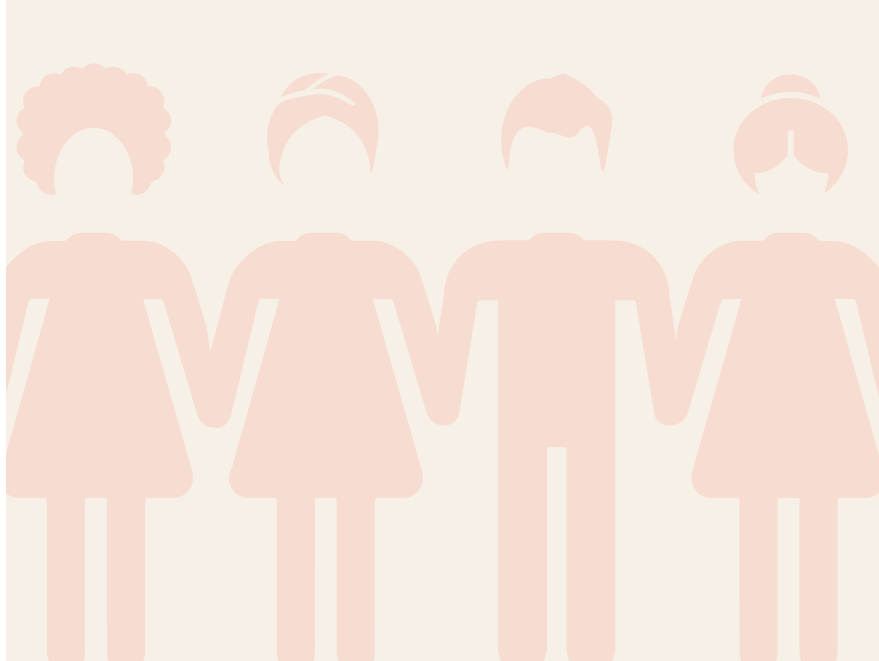
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Foreword

Equal rights and opportunities for women are not only matters of women's justice and dignity. It is well known that when women and girls have equal rights in law and in practice—and equal opportunities to achieve their aspirations—their communities and countries also benefit. Development practitioners now recognize that prioritizing the education and empowerment of women and girls is perhaps the most impactful, and efficient, path to advancing social and economic development.

Less well recognized is the fact that gender justice in land rights extends beyond the agricultural and private property arenas that have—to date—been the focus of development organizations. Indigenous Peoples' and local communities' lands cover more than half the world's global land mass, and women make up more than half of the 2.5 billion people who customarily own and use these lands. Yet, indigenous and rural women's rights to these vital lands and resources, and their voices in the governance of these lands, have not earned significant attention in development circles. By any measure, secure land rights for indigenous and rural women is far from a marginal development issue.

This report—perhaps RRI's most important contribution to the body of work on Indigenous Peoples' and communities' rights to their lands and resources—provides an unprecedented assessment of the status of developing countries' legal frameworks regarding women's community land rights, and whether states are meeting their obligations under national and international laws. It also provides a baseline with which to measure global progress and report against the Sustainable Development Goals related to women's rights.

Critically, the report reveals that governments are not providing equal rights and protections to indigenous and rural women and are failing to meet their international commitments to do so. The findings also show that secure community land rights and the legal advancement of women often go hand in hand. Laws that protect women's rights to community forests are more likely to safeguard the forest ownership rights of entire communities.

Women have played central roles in land management and community governance throughout history. But recent demographic shifts prompted by rising levels of male out-migration and resource scarcity are further elevating the roles of indigenous and rural women as leaders in their communities, thus amplifying the consequences of inadequate legal recognition of women's tenure rights around the world. Simply put: without much greater global effort to explicitly recognize collective rights for women, rural communities are likely to face even greater challenges and uncertainty in coping with life's daily challenges, the increasing demands on their resources, and climate change. **Securing women's rights to community lands offers the most promising path toward peace, prosperity, and sustainability in the forested and rural lands of the world.**

The major gains made by indigenous and rural women leaders in asserting their rights and strengthening their communities, despite the lack of adequate legal protections, are awe-inspiring. Yet this progress, and the resources they have successfully protected, are vulnerable. The potential to secure these gains and scale-up protection of rural lands and forests can only be realized if women's rights within communities are recognized and respected.

It is our hope that this new analysis will encourage all of us to accelerate our efforts to this end, and track our progress toward it.

Andy White

Coordinator

Right and Resources Initiative

ABBREVIATIONS AND ACRONYMS

CBTR	community-based tenure regime
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSO	civil society organization
DUAT	Right of use and benefit of land (<i>Direito de uso e aproveitamento da terra</i> (Mozambique))
IFC Performance Standards	International Finance Corporation Performance Standards on Environmental and Social Sustainability
FCPF	Forest Carbon Partnership Facility
FPIC	free, prior, and informed consent
HIV/AIDS	human immunodeficiency virus infection and acquired immune deficiency syndrome
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
LMICs	low- and middle-income countries
REDD+	Reduced Emissions from Deforestation and Forest Degradation
RRI	Rights and Resources Initiative
SDGs	Sustainable Development Goals
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security

Executive Summary

Up to 2.5 billion people hold and use the world's community lands, yet the tenure rights of women—who comprise more than half the population of the world's Indigenous Peoples and local communities—are seldom acknowledged or protected by national laws. **Although gender norms and women's forest tenure security vary widely across community-based tenure systems, this analysis concludes that national laws and regulations (referred to generally as “statutory laws”) on the rights of indigenous and rural women to inheritance, community membership, community-level governance, and community-level dispute resolution are consistently unjust, falling far below the requirements of international law and related standards.** The 30 low- and middle-income countries (LMICs) analyzed in this study are ill-positioned to meet their obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); non-binding international guidance such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT); and the Sustainable Development Goals (SDGs), all of which necessitate the statutory recognition of women's rights to community forests. Inadequate legal protections for the tenure rights of indigenous and rural women fail to reflect existing gender-equitable practices in indigenous and local communities, and enable community practices that discriminate against women, thereby weakening women's tenure rights, jeopardizing the livelihoods of women and their families, and threatening the advancement of entire communities.

Methodology

This legal analysis examines the extent to which women's rights are recognized by the national laws and regulations governing community-based forest tenure in 30 LMICs in Africa, Asia, and Latin America, encompassing 78 percent of forests in LMICs worldwide. Its aim is to increase the ability of governments, communities, civil society, international development agencies, and business actors to assess and address the gender sensitivity of statutory laws regulating community land and forest tenure. All 30 countries analyzed have ratified CEDAW, and 21 are Forest Carbon Partnership Facility (FCPF) REDD+ participant countries. The study analyzes the constitutions and statutory laws related to forests, land, natural resources, inheritance, and other subjects in the 30 LMICs to determine *if* and *how* women's forest rights are considered in formally recognized **community-based tenure regimes (CBTRs)**. The CBTR is the study's primary unit of analysis; it can be understood as a distinguishable set of national, state-issued laws and regulations governing “all situations under which the right to own or manage terrestrial natural resources is held at the community level.” Eighty CBTRs were identified and examined in the study.

The study builds on previous RRI assessments of the strength and content of the statutorily recognized forest rights of Indigenous Peoples and local communities by employing a “bundle of rights” approach that examines communities' rights of access, withdrawal, management, exclusion, due process and compensation, as well as alienation and the duration of those rights. The present study adopts a similarly rights-based approach to conceptualize the statutory rights of women in community-based tenure systems by addressing eight legal indicators essential for the protection of women's forest tenure rights: **1) constitutional equal protection; 2) affirmation of women's property rights; 3) membership; 4) inheritance in overarching laws; 5) inheritance in CBTR-specific laws; 6) voting (governance);**

7) leadership (governance); and 8) dispute resolution. Three of these indicators—constitutional equal protection, affirmation of women's property rights, and inheritance in overarching laws—are referred to as **overarching indicators** because they apply to *all* women in a country, regardless of whether they exercise property rights through a community-based tenure system. The five other legal indicators—membership, inheritance in CBTR-specific laws, voting, leadership, and dispute resolution—are **CBTR-specific indicators** that assess women's rights at a community level in each CBTR analyzed.

The study does not assess community practices. Customary laws and norms originating from communities predominantly determine the access, use, and control over land within territories of Indigenous Peoples and local communities. The relationship between statutory laws, communities' customary practices, and the realization of women's tenure rights is complex and intersectional. It is shaped by the immense cultural diversity across communities, legal pluralism, religious influence, and the multitude of values on gender relations that are necessarily context specific. The inadequate statutory protections identified in this study may parallel gender-discriminatory practices in some communities, but in other cases community practices may be gender-equitable and even provide women with more secure rights than national laws.

Findings

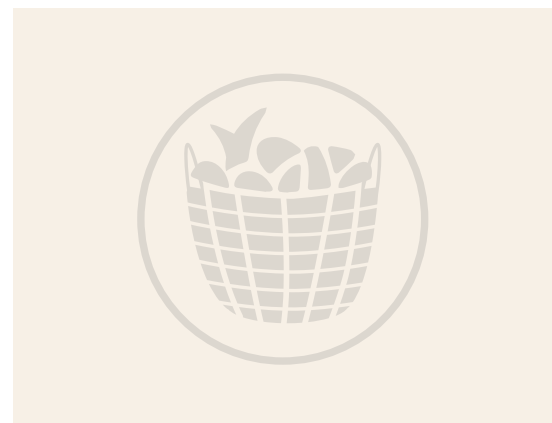
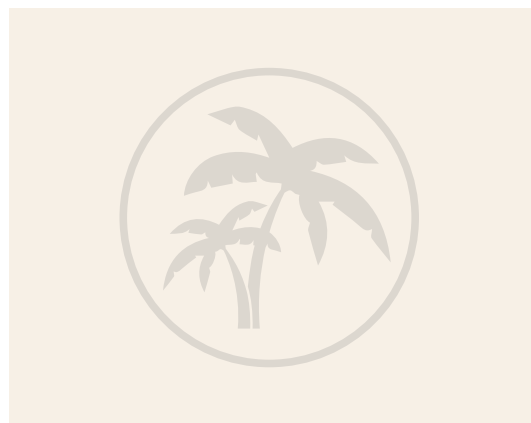
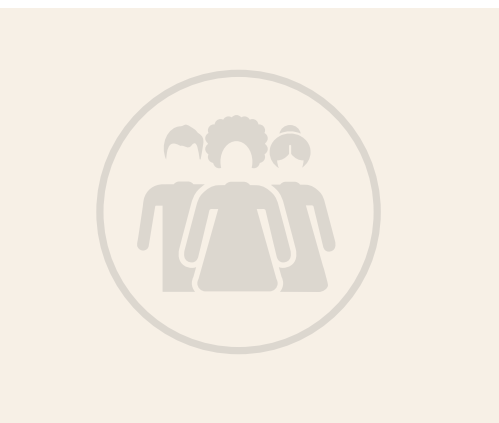
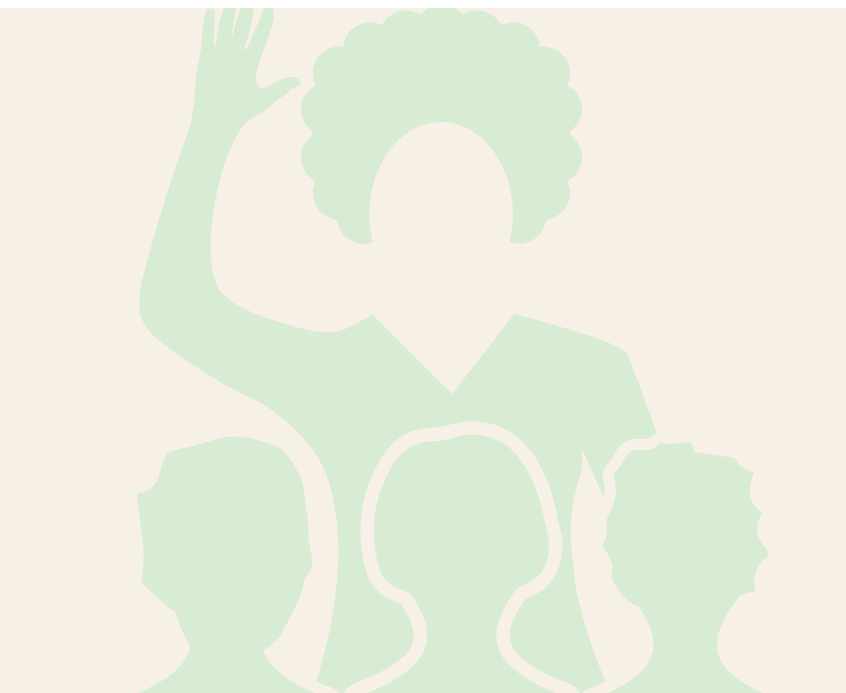
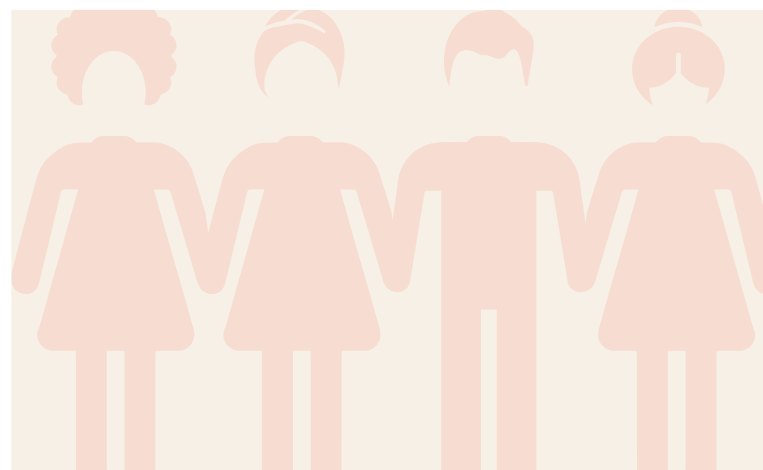
CBTR-specific laws, which more closely regulate indigenous and rural women's interactions with community forests, are markedly weaker than constitutional protections for women and the provisions enshrined in CEDAW. Of the 30 LMICs analyzed, 93 percent constitutionally prohibit gender-based discrimination and/or guarantee women equal protection under the law, and over half have overarching statutory laws that generally affirm women's property rights. **Of the 80 CBTRs analyzed, however, adequate gender-sensitive provisions exist for only 3 percent of CBTRs in regard to women's voting rights, 5 percent in regard to leadership, 10 percent in regard to inheritance, 18 percent in regard to dispute resolution, and 29 percent in regard to membership.** A similar disparity exists between constitutional protections and other overarching national laws addressing women's inheritance rights. Although the constitutions of 28 countries recognize gender equality or prohibit gender-based discrimination, **less than one third of the 30 LMICs analyzed legally mandate that all daughters, widows, and unmarried women in consensual unions have equal rights to inherit alongside their male counterparts.**

Stronger protections for women's tenure rights are closely associated with more robust statutory recognition of community-based forest tenure. **CBTRs that provide avenues for communities to legally own forests, and those created with the express purpose of acknowledging community-based rights, provide the greatest protections for women.** CBTRs that provide a more limited set of forest tenure rights for communities and those motivated by conservation or use/exploitation purposes provide decidedly weaker protections, with conservation-oriented CBTRs generally affording women even weaker statutory recognition than use/exploitation-oriented CBTRs. CBTRs identified within the 21 FCPF REDD+ participant countries reviewed provide levels of gender-specific protections for women's community-level membership, inheritance, governance, and dispute resolution rights that are consistent with this study's overall findings. Finally, countries reported as prohibiting economic forms of domestic violence, and particularly countries that extend these protections to unmarried women in consensual unions, contain stronger statutory protections for women's CBTR-specific inheritance rights than do countries reportedly lacking domestic violence legislation.

The study's findings at the regional level are mixed; no region provides consistently stronger legal protections for women across all eight of the indicators assessed. Moreover, some regional findings may reflect the shared circumstances of the assessed countries rather than wider regional trends. Nevertheless, when compared with assessed countries in Asia and Latin America, the countries reviewed in Africa provide the most consistent affirmation of women's property rights and greatest recognition of women's community-level dispute resolution rights, but they also afford indigenous and rural women the weakest community-level inheritance and voting rights. Of the three regions, Asian CBTRs provide the highest level of gender-specific protection for women's community-level inheritance, voting, and leadership rights. None of the analyzed Asian or African countries, however, recognize the overarching rights of unmarried women in consensual unions to inherit land through intestate succession, and 45-50 percent of assessed countries in both regions establish plural intestate inheritance regimes that inequitably protect women's inheritance rights. Analyzed countries in Latin America provide the strongest protections for women's overarching inheritance rights and greater gender-sensitive recognition of women's community-level membership rights, but lag behind assessed countries in Africa and Asia with respect to women's community-level leadership and dispute resolution rights, as well as the affirmation of women's property rights in overarching laws.

Implications

Given the tremendous gap between the rights of indigenous and rural women under international law and the rights currently recognized by governments, legal reforms are urgently needed to support this deeply marginalized group, which comprises over a billion people worldwide. There is a particularly pressing need for statutory reforms regarding women's governance rights, inheritance rights, and their rights in conservation- and use/exploitation-oriented CBTRs. Women need not—and should not be compelled to—choose between the recognition of their own tenure rights and those of their larger communities. The study shows that the legal advancement of women and of their communities can, and often do, go hand in hand. Much is at stake, but growing awareness of the importance of women's tenure rights, and increasingly collaborative efforts among governments, business actors, civil society, and the development community, suggest that protecting the tenure rights of indigenous and rural women is well within reach.



1 Introduction



1.1 Conceptualizing the Community-based Tenure Rights of Indigenous and Rural Women

Up to 2.5 billion people hold and use the world's community lands,¹ yet it is widely recognized that the tenure rights of women—who comprise more than half the population of the world's Indigenous Peoples and local communities—are insufficiently respected and protected by governments. Gender norms and women's forest tenure security vary widely across community-based tenure systems. Nevertheless, governments' legal recognition of indigenous and rural women's rights to community lands is understood as often being unjust and below international standards.

Indigenous Peoples and local communities have developed customary laws and norms for determining access, use, and control over land. Few, if any, rely exclusively on state-issued laws and regulations to define their social order and relationships with land and resources. In an increasingly interdependent and resource-scarce world, however, formal laws recognizing community-based tenure remain powerful tools for both women and men to secure rights to the community forests, lands, and other natural resources on which they depend. Strong, gender-sensitive statutory laws concerning community forest tenure can empower indigenous and rural women who are often doubly marginalized on account of their ethnicity and gender, enabling them to defend their rights and to meaningfully shape the future of their communities' interactions with community resources at a household and community level. **Given the potential impact of national laws on the tenure security of indigenous and local community members, this legal analysis examines the extent to which women's rights are recognized by the national laws and regulations (generally referred to hereafter as "statutory laws") governing community-based forest tenure in 30 LMICs encompassing approximately 78 percent of LMIC forests worldwide.**²

The study analyzes the rights of women in indigenous and local communities to equal constitutional protection, property, inheritance, community membership, community-level governance through voting and leadership, and community-level dispute resolution. Its aim is to increase the ability of governments, communities, civil society, international development agencies, and business actors to assess and address the gender sensitivity of statutory laws regulating community land and forest tenure.

This study's scope and robust framework allows stakeholders to:

- conceptualize, compare, and monitor LMICs' progress in protecting women's rights to community lands and forests through the passage of statutory laws, as required by the binding provisions of CEDAW, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and non-binding international instruments such as the SDGs and the VGGT;
- contextualize women's community-based, statutory tenure rights within the broader set of rights afforded to all women in a given country;
- identify and respond to legislative weaknesses in the statutory recognition of women's rights to community forests; and
- better appreciate existing implementation gaps between statutory laws and the lived experiences of women in community-based forest tenure systems.

Notably, this study does not attempt to assess the treatment of indigenous and rural women according to community practices.

The relationship between statutory laws, the customary practices of Indigenous Peoples and local communities, and the realization of women's tenure rights is complex and intersectional. It is shaped by the immense cultural diversity across communities, legal pluralism, religious influence, and the multitude of values on gender relations that are necessarily context-specific. Unlike customary practices that emanate from communities, many of the national laws analyzed here were passed without consultation with Indigenous Peoples or local communities. Inadequate statutory protections identified in this study may parallel gender-discriminatory practices in some indigenous and local communities; in other cases, community practices may be gender-equitable and may even provide women with more secure rights than national laws.³

Chapter 2 of this report presents RRI's methodological framework for evaluating women's rights to community forests. Chapter 3 provides a substantive overview of the rights to constitutional equal protection, property, membership, inheritance, voting, leadership, and dispute resolution. Chapters 4 and 5 present the study's global and regional results, respectively. The implications of the assessment's findings are discussed in Chapter 6, and Chapter 7 presents policy recommendations directed at governments, civil society organizations, international advocates, and business actors.

1.2 The Gap Between Statutory Laws and the Tenure Practices of Indigenous Peoples and Local Communities

The profound dissonance between statutory laws and the lived practices of Indigenous Peoples and local communities is widely accepted as a major obstacle to women's tenure security. Often, customary norms embrace positive principles of communal property ownership, restorative justice, flexible governance processes, and social cohesion, which have tremendous cultural and practical importance for Indigenous Peoples and local communities. In contrast, formal statutes more often uphold individualized notions of property ownership, rights, and adversarial justice; and they foster comparatively rigid governance frameworks that may be incompatible with community practices. Although some states with plural legal systems recognize customary laws as a valid form of national law, most states do not; in the latter, formal laws may overlook even the most fundamental practices of Indigenous Peoples and local communities.⁴

Moreover, it is generally recognized that statutory laws acknowledging the tenure rights of Indigenous Peoples and local communities rarely *specify the rights of women* in community-based tenure systems. Many legal systems also fail to fully articulate the ways in which legal provisions related to women's rights are to be interpreted in customary community settings. This lack of statutory recognition and specificity weakens women's land and forest rights. In particular, it hinders the ability of statutory laws to counter discriminatory community practices that render women vulnerable and marginal. Gender-blind or discriminatory national laws regulating community lands may also undermine positive community norms—including those related to gender—that are integral to the functioning of indigenous and local communities.⁵ Gender-blind or discriminatory statutory laws weaken the ability of women to increase their access to, use of, and control over community forests and other community lands.

The inadequate statutory recognition of women's tenure rights also undermines the rights guaranteed to women by international laws and standards, as well as those originating from the customary systems of some Indigenous Peoples and local communities. CEDAW requires state parties to eliminate all forms of discrimination against rural women and to ensure their equal participation “in all community activities.”⁶ This mandate is also enshrined in the founding principles of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which explicitly protect the rights of women and require state parties to employ legislative measures to protect women from sex-based discrimination.⁷ Non-binding international instruments such as the SDGs, the VGGT, and business-oriented instruments such as the International Finance Corporation Performance Standards on Environmental and Social Sustainability (IFC Performance Standards) and the Interlaken Group Guidance Tool call on states and corporations to protect and uphold women's land rights in a non-discriminatory manner. Similarly, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) urges states to ensure that indigenous women receive “the full protection and guarantees against all forms of violence and discrimination,” and to take “effective” and, “where appropriate, special measures” regarding the “rights and special needs of indigenous ... women” to social and economic advancement.⁸

1.3 Situating Women's Tenure Rights Within Indigenous and Local Communities

Throughout Africa, Asia, and Latin America, women within indigenous and local communities advocate for statutory recognition of their communities' tenure rights, which are often jeopardized by state and corporate actions. Furthermore, they resist discriminatory statutes, as well as gender-inequitable customary practices that limit women's tenure rights *within* their communities, and campaign for gender-sensitive laws and customary practices that strengthen women's tenure security.⁹ However, despite these efforts and the positive gender norms found in some societies, it is now widely recognized that community practices more often relegate indigenous and rural women's tenure rights solely to land *access* and *use*, rather than providing a fuller bundle of rights that would enable *control* over land and natural resources.¹⁰ Literature reveals that although the tenure rights of both men and women can be vulnerable, the ability of indigenous and rural women to control and equally benefit from land and natural resources is more limited due to the pervasiveness of patriarchal, discriminatory community norms that impinge upon their inherent tenure rights.¹¹ Studies demonstrate that women's limited ability to participate within community general assemblies, community leadership bodies, and community forest management institutions, often constrains women's decision-making power related to community forest management, resource allocation, and large-scale land acquisitions.¹² Research further indicates that the *substance, duration, and resulting security* of indigenous and rural women's tenure rights are more often defined by and dependent upon their marital status and/or relationships with men.¹³

1.4

Why Focus on the Tenure Rights of Indigenous and Rural Women?

The statutory recognition of women's rights is crucial for securing women's forest tenure and the larger prosperity of Indigenous Peoples and local communities. Secure tenure rights for women are especially necessary as private investors and local elites—often motivated by increasing natural resource scarcity—continue to expand their reach into customarily governed land and forests that women depend on for their livelihoods. Analyzing and promoting the statutory recognition of indigenous and rural women's tenure rights is important because the right to land is a fundamental component of the economic security and personal agency of both men and women,¹⁴ with tenure insecurity functioning as a main driver of poverty.¹⁵ Historically, indigenous and rural women have relied on community lands and forests to meet their families' most basic needs. In most forest communities, women play key roles in subsistence cultivation¹⁶ and are primarily responsible for gathering timber and non-timber forest products to meet household needs for food, energy, traditional medicines, fodder for livestock, and to make clothing and other culturally significant items.¹⁷ These women and men possess distinct sets of knowledge regarding forest resources, and they use, conserve, and value resources differently.¹⁸ As a result, women's decisions on resource use have a potentially significant bearing on the maintenance of biodiversity and reduction of forest carbon emissions.¹⁹

It is widely recognized that gender-insensitive statutory laws facilitate gender-discriminatory practices in communities. Such practices make it difficult for women and their families to thrive. Women who are the sole heads of their households, divorced, widowed, or single are often the most dependent on productive assets such as forests, but research demonstrates that these women's tenure rights are especially vulnerable.²⁰ Insecure tenure rights limit women's choices concerning marriage and consensual unions (including decisions that may protect women from HIV/AIDS)²¹ and negatively affect the livelihoods of women and their families.²² In contrast, secure land rights for women improve their—and the wider community's—economic productivity, food security, health, and education.²³ Research also suggests that women with secure tenure rights may be better positioned to protect themselves from domestic violence,²⁴ although some studies report that women with stronger land rights or economic empowerment may be exposed to greater domestic violence if men feel threatened by or excluded from these gains.²⁵ Finally, it is generally accepted that women are differently and disproportionately affected by community-level shocks such as climate change,²⁶ natural disasters,²⁷ conflict,²⁸ and large-scale land acquisitions,²⁹ making the fortification of women's rights to community lands and forests an urgent priority.

Increasingly, the tenure rights of women are fundamental to the continued identity, governance, and survival of Indigenous Peoples and local communities, as well as the sustained governance of their natural resources. **As men's out-migration from indigenous and local communities continues to rise due to population growth and increasing outside opportunities for wage-labor, more indigenous and rural women will assume even greater responsibilities in communities and households for the management and governance of community lands.** This demographic shift will necessitate fundamental changes in gender-differentiated roles in indigenous and local communities, and the capacity of women to realize the full spectrum of rights to forestlands and resources will become even more crucial for their wellbeing and that of their families and wider societies.³⁰ Increased rates of male out-migration and women's resource governance, combined with increasing levels of education among indigenous and rural women³¹ and growing awareness of their tenure rights, suggest that gender-inequitable tenure practices cannot be sustained over time. Gender-inequitable practices are likely to become increasingly untenable, not only for women themselves, but for all who benefit from women's sustained use and protection of community lands and resources.

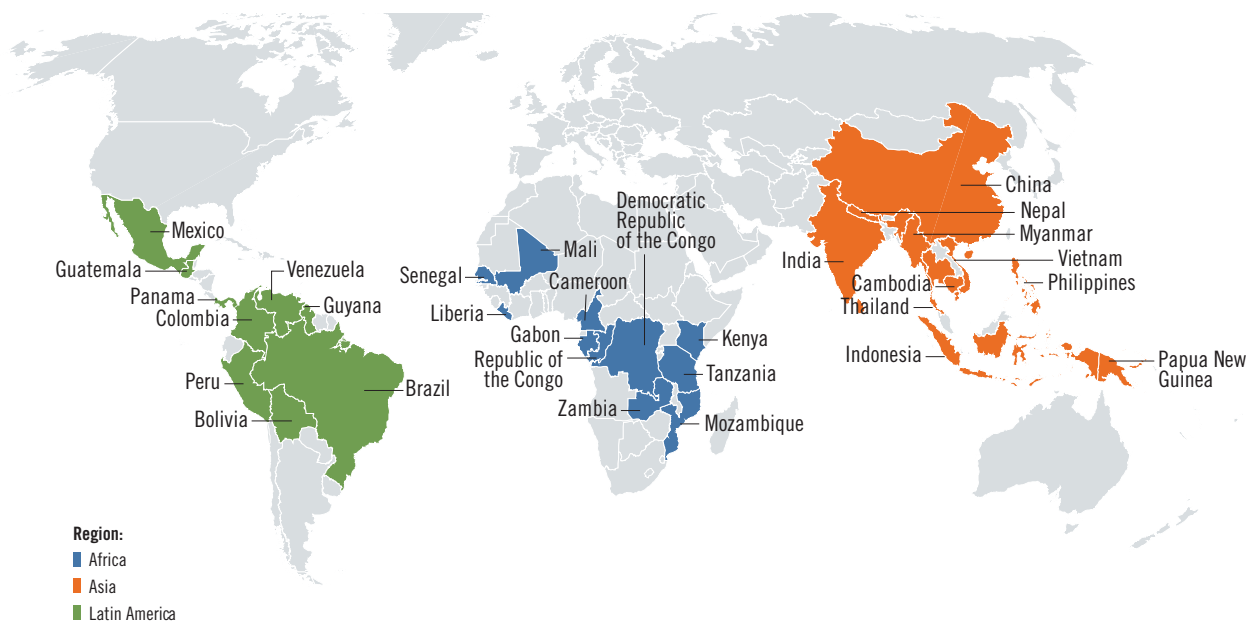
2 Methodology and Scope of Analysis



2.1 Scope of Analysis

This report examines 30 LMICs, representing 78 percent of forests in LMICs worldwide and 42 percent of global forest cover (Figure 1). All 30 countries have ratified CEDAW, and 21 are FCPF REDD+ participant countries (hereinafter “FCPF participant countries”).³² In addition to featuring new data on women’s tenure rights, the study uses pre-existing datasets and associated methodologies to derive insights into the strength of women’s rights in indigenous and local communities. The study builds on RRI’s previous

FIGURE 1 30 Countries Assessed in the Study



analyses of the statutory rights of Indigenous Peoples and local communities to forestland and resources for 25 of the 30 countries included here.³³ Those analyses³⁴ assess the strength and content of statutorily recognized rights to forests by employing a **bundle of rights approach** that examines communities' rights of access, withdrawal, management, exclusion, due process and compensation, as well as alienation and the duration of those rights.³⁵ RRI's bundle of rights dataset was updated in 2016 and is available online via RRI's Tenure Data Tool.³⁶

The present study features an expanded bundle of rights dataset, with five additional countries selected for their geographical diversity, classification as LMICs, forest cover, and participation in climate change-related initiatives. As in other studies that use RRI's statutory forest tenure typology to classify forests owned by or designated for Indigenous Peoples and local communities, administered by governments, or owned by private entities,³⁷ this study draws on RRI's most recent bundle of rights data to determine the strength of the forest rights held by Indigenous Peoples and local communities. The study determines whether the tenure categories in which communities have more robust statutory rights also provide more consistent legal recognition of women's rights. The study uses an analytical framework developed by RRI in 2016 to consider whether tenure regimes that aim to recognize the rights of Indigenous Peoples and local communities provide better protection for women's rights compared with tenure regimes motivated by conservation- or use/exploitation-oriented objectives.³⁸ Finally, the study considers correlations between findings on inheritance and the presence of laws prohibiting economic forms of domestic violence, as reported by the World Bank Group.³⁹

2.2 Unit of Analysis and Key Terms

In addition to the constitutional analysis, this study examines national laws and regulations on a range of subjects, including forests, land, the rights of Indigenous Peoples and local communities, governance, and inheritance. It seeks to determine *if* and *how* women's rights are considered in national laws establishing **community-based tenure regimes** (CBTRs) that regulate forest tenure (CBTRs that only regulate non-forested lands are excluded from the analysis). The CBTR constitutes this study's primary unit of analysis; it may be understood as **a distinguishable set of national, state-issued laws and regulations governing "all situations under which the right to own or manage terrestrial natural resources is held at the community level."**⁴⁰ By collecting data on community-based tenure regimes, this study measures the distribution of the bundle of rights in communities and considers the specific statutory rights of individual women within those communities. Like other RRI tenure analyses, the term "regime" refers to national-level laws constituting "formal legal recognition as expressed in a country's statutes."⁴¹ Within the confines of this study, **"CBTR-specific laws"** are state-issued, national-level laws and regulations concerning the tenure rights of individuals at a community-level, within a specific CBTR. If a national law or regulation applies to *all people* in a country, regardless of one's tenure practices, it is referred to as an **"overarching law."** This analysis identified 80 CBTRs comprising national laws and regulations. Definitions for other key terms used in this report are as follows:

- A **community** is "a group of people (indigenous or otherwise) who share a common interest or purpose in a particular forest and share the forest as a community-based resource."⁴²
- **Community practices** refer to the realization, by Indigenous Peoples and local communities, of their communities' norms; such practices may include the exercise of customary laws, cultural traditions, and community-based institutional processes.

- **Community-based tenure** denotes “situations in which the right to own or manage terrestrial natural resources is held at the community level” by Indigenous Peoples and local communities.⁴³
- **Community-based tenure systems** are the institutional frameworks of Indigenous Peoples and local communities—which may or may not be recognized by statutory laws—that in practice give rise to community-based tenure. A community-based tenure system is distinct, therefore, from a CBTR, which constitutes a distinct set of national, state-issued laws and regulations (see definition in paragraph above).
- **Community lands** and **community forests** are lands or forests subject to community-based tenure.
- **Consensual unions** are domestic partnerships that do not qualify as marriage under statutory law. Consensual unions include customary marriages within indigenous and local communities if these unions lack recognition under statutory law, as well as domestic partnerships that exist outside the scope of customary marital practices.

2.3 Caveats

Important caveats apply to this report. As in previous RRI tenure analyses, this study is limited to the content of the written national laws and regulations comprising CBTRs; it does not systematically assess the realization of women's tenure rights in practice. As previously stated, the CBTRs discussed in this report are recognized through statutory laws passed by governments at the national level. These laws are often passed without consultation with Indigenous Peoples or local communities, and any gender-based discrimination or gender blindness conveyed in them may not reflect the actual practices of Indigenous Peoples or local communities. Moreover, the content of statutory laws may be fundamentally at odds with the processes by which Indigenous Peoples and local communities govern land and natural resources. For example, a statutory law may require communities to make decisions using voting procedures based on majority rule, even though the customary practice of a community might be to require the unanimous approval of all its adult members.⁴⁴ In light of the diversity of customary practices, the scope of this study's “voting indicator” (see below) is broad, capturing laws that guarantee women the right to vote in democratic procedures or “to take equivalent binding action” that may not be driven by majority rule.

This report does not imply that communities' tenure rights emanate from the state or that the state possesses a legitimate authority to deny or revoke the indigenous, customary, or community-based rights of men or women. Nor does it suggest that passing national-level legal reforms is the sole solution to many of the challenges facing the realization of women's forest rights in indigenous and local communities. Legislative reform is not a quick fix for the obstacles to tenure security facing women in indigenous and local communities. The process of implementing new legislation requires policy makers, government institutions, communities, and civil society organizations to work together over long periods. Laws may need to be refined over time in light of changing circumstances with respect to the tenure rights of indigenous and rural women and those of the wider community.

2.4 Legal Indicators

The approach taken in this study to conceptualizing the statutory rights of women subject to CBTRs is similar to the bundle of rights approach used in previous RRI reports tracking the strength and content of Indigenous Peoples' and local communities' forest tenure rights (Figure 2). The gender methodology analyzes eight **legal indicators** which assess rights that are crucial for the protection of indigenous and rural women's tenure security. Table 1 summarizes these indicators and presents the fundamental questions that each indicator is designed to answer. Methodological distinctions between these legal indicators are discussed in this chapter; Chapter 3 provides a more comprehensive discussion of the substance and significance of the rights captured by each indicator.

Three of RRI's eight legal indicators—constitutional equal protection, affirmation of women's property rights, and inheritance in overarching laws—are referred to as **overarching indicators** because they apply to *all* women in a country, regardless of whether they exercise property rights in a community-based tenure system. Overarching laws governing women's rights to constitutional equal protection, property, and inheritance are essential in any analysis of women's tenure rights because such provisions determine the capacity of all women to legally access, use, and control property equitably. The five other indicators—membership, inheritance in CBTR-specific laws, voting, leadership, and dispute resolution—are **CBTR-specific indicators** that assess women's rights in each CBTR analyzed. These indicators assess the extent to which statutory laws regulate key aspects of forest tenure practices in communities; they do not, however, examine the realization or enactment of customary practices in communities.

The eight legal indicators used in the study are consistent with the core legal entitlements defined in both CEDAW and its interpreting general recommendations as central to the eradication of discrimination against rural women with respect to land and community participation. Women in indigenous and local communities

FIGURE 2 The Bundle of Rights by Tenure Category Under RRI's Statutory Typology

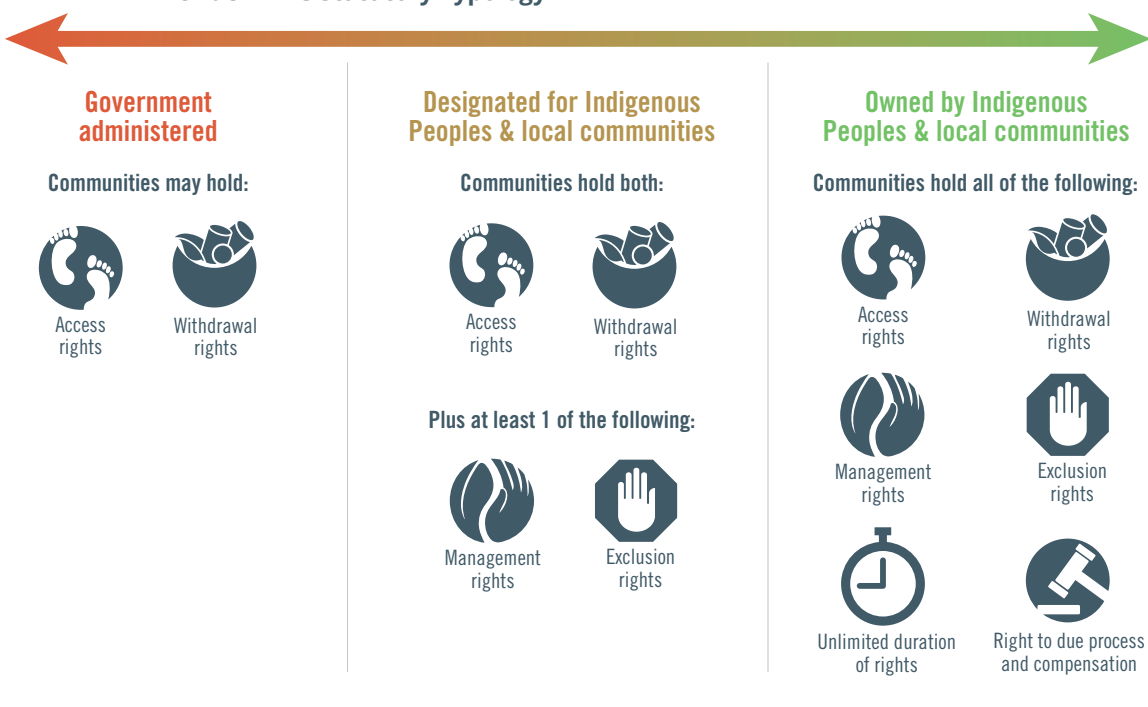


TABLE 1 **8 Legal Indicators, and the Questions Each is Designed to Answer**

Legal Indicator		Question
Overarching Indicators		
	Constitutional Equal Protection	Does the constitution contain gender-specific equal-protection provisions or prohibit gender-based discrimination? If the constitution affirmatively recognizes customary law, customary practices, and/or customary rights/tenure, does it also require customary law, customary practices, and/or customary rights/tenure to conform with all other provisions of the constitution?
	Affirmation of Women's Property Rights	Does the constitution, land law, or other overarching environmental or agrarian law contain a general provision affirming all women's property rights or prohibiting property-related practices that would adversely affect women's access to or ownership of land?
	Inheritance in Overarching Laws	Do overarching national laws provide equal protection for the intestate inheritance rights of daughters, widows, and women in consensual unions?
CBTR-specific Indicators		
	Membership	Under CBTR-specific laws, are women explicitly defined as members of the community?
	Inheritance in CBTR-specific Laws	Does the CBTR address inheritance? If so, are women's inheritance rights specified?
	Voting (Governance)	Does the CBTR guarantee that women have the right to vote or take equivalent binding action in community general assemblies or equivalent community decision-making bodies? Additionally, is a quorum of women voters (or decision makers) required to be present in order for the decision-making body to vote or take other legally binding action?
	Leadership (Governance)	Under CBTR-specific laws, do community-level executive bodies require a minimum quota of women to be executive body members, and is a quorum of women executive members required to be present for the executive body to take binding actions?
	Dispute Resolution	Does the CBTR address mechanisms for resolving forest tenure disputes, and do provisions contain specific considerations for women?

realize their property, membership, inheritance, governance, and dispute resolution rights through a variety of customs, practices, and community-based institutions. As a global methodology, the legal indicators employed in this study create a broad and inclusive framework of women's forest rights that can be used to assess the status of women in the broad diversity of indigenous and local communities worldwide.

2.5 Assessment Criteria

Each legal indicator is subject to assessment criteria, whereby a “full-credit” assessment corresponds to a set of statutory laws that adequately acknowledges and protects the right in question. In the context of this study, a full-credit assessment indicates an *adequate* or *minimum* degree of statutory protection for women’s forest tenure rights, as mandated by CEDAW. It does not imply, however, that the assessed laws provide *optimal* legal protection. Reference to “adequate” legal protections in this report refers, therefore, to full-credit compliance with existing CEDAW standards. Assessment categories corresponding with less robust legal protection are “partial credit,” “no credit,” “case-by-case,” and “not applicable.”

The methodology uses an adaptive approach to assess each indicator, whereby the same assessment categories (“partial credit,” “no credit,” etc.) are tailored to fit the question posed by each indicator, to the degree of specificity possible across the 30 LMICs. Annexes 2 and 3 provide more information on the methodology.

2.6 Advantages of the Gender Methodology

The focus of RRI’s gender methodology on CBTRs, and the distinction between overarching and CBTR-specific legal indicators, distinguishes it from other analytical tools assessing women’s land and property rights.⁴⁵ Focusing on formally recognized community-based tenure enables a comparison of women’s *statutory* rights to community forests, both within a country and globally. By differentiating between overarching national laws and those specific to CBTRs, this study helps contextualize the rules governing women’s rights, regardless of the form of tenure used. The methodological framework recognizes the complex relationships among constitutional provisions, national laws, and laws specific to Indigenous Peoples and local communities and provides a nuanced appreciation of how legal instruments affect the lives of women in CBTRs.

3 A Statutory Approach to Women's Community Forest Tenure



A complex and overlapping set of statutory rights shapes women's forest tenure, which may or may not reflect the rights established in community practice. Laws governing women's rights to constitutional equal protection, property, and inheritance are central to analyses of women's forest tenure rights because these overarching provisions determine every woman's capacity to legally access, use, and exercise control over property, regardless of where they live. The CBTR-specific rights of membership, inheritance, voting, leadership, and dispute resolution shape the lives of women in indigenous and rural communities, where individual wellbeing is strongly related to community-level norms, practices, and rules. For example, property and inheritance rights to community-held lands and forests are determined predominantly by community membership, as defined by cultural identity, lineage, and community decision-making processes. The ability of indigenous and rural women to exercise control over forests, and to be heard when their rights are infringed upon, depends largely on the practices and gender-inclusivity exhibited in community-level governance and dispute resolution institutions. In the absence of statutes that ensure equitable rights for women in communities, such women are often less likely to successfully confront forest-based injustices, transform gender-discriminatory practices in their communities, and meaningfully participate in their communities as equal members.

3.1 Constitutional Equal Protection

National constitutions reflect the fundamental values of a nation and establish the normative principles on which national legal systems are based. Rights and duties enshrined in these foundational legal documents represent the core set of rights that a state guarantees to people within its territory and establish a

country's principal decision-making processes. Constitutions commonly acknowledge the core rights of specific groups, including the right to freedom from gender-based discrimination, equal protection under the law, property, voting, political leadership, and due process and compensation. The constitutions of many developing countries recognize the land rights of Indigenous Peoples and local communities, while others establish plural legal frameworks in which the laws imposed by state legislatures and the customary laws emanating from Indigenous Peoples and local communities are considered equally valid. Generally, constitutions create a legal hierarchy in which all other formal laws and customary practices are valid only insofar as they are within the bounds of constitutional law. Some national constitutions contain clauses exempting customary practices or the rulings of religious courts from constitutional requirements prohibiting gender-based discrimination, although this violates international law. Other provisions may restrict constitutional principles of equality in the context of customary or religious courts, potentially enabling discriminatory interpretations of customary or religious laws, even when all laws are required to be in conformity with the constitution.⁴⁶

Provisions that guarantee equal protection for women's rights or prohibit gender-based discrimination lay the groundwork for all other legal protections related to women's land and natural-resource rights. The legal significance of such constitutional clauses is underlined by the specific constitutional requirements of Article 2(a) of CEDAW, which requires state parties to “embody the principle of equality of men and women in their national constitutions or other appropriate legislation ... and to ensure, through law and other appropriate means, the practical realization of this principle.” **Because constitutions establish the legal limits and requirements by which all other laws and community practices are to be cast, the existence of constitutional equal protection and non-discrimination provisions is a key aspect of women's statutory tenure rights in CBTRs.**

3.2 Affirmation of Women's Property Rights

Many constitutions, land laws, environmental laws, and agrarian laws contain overarching acknowledgements of women's right to property. Colombian law, for example, guarantees the rights of rural women to access land and to participate in land allocation and titling programs, and gives preferential treatment to vulnerable women and women who head households.⁴⁷ Overarching protections of women's property rights provide a foundation for indigenous and local women to advocate more effectively for their property rights in community-based tenure systems.⁴⁸ **In light of the economic value ascribed to communally held productive resources and other forms of property, indigenous and rural women's ability to make decisions on the use and alienation of property, execute contracts related to property, and view their property rights as secure is often a prerequisite for the economic stability of women and, in the longer term, of their communities.**

The rights of indigenous and rural women to community assets such as forests, lands, and other natural resources are necessarily connected to a host of related property rights. A woman's right to a community forest may overlap with her rights to her home, to her household's share of a community forest, and to timber and non-timber forest products. Moreover, the rights of indigenous and rural women to forest resources may hold little utility if women are legally unable to claim and control the financial returns derived from the forest products they gather or the timber sold by the community. The ability of women to prevent community and household property from being sold or transferred without their consent—and to exert control over property given to them before and during the duration of a marriage or consensual union—better enables them to provide for their children and to exercise power in marriages or consensual

unions, thereby allowing more equitable relationships between partners. The centrality of property rights to family life and marriage is emphasized by CEDAW General Recommendation 29, which interprets CEDAW Article 16 (on marriage and family life) as an obligation upon state parties to ensure equal access, management, and ownership rights of both spouses to marital property, and to provide equal division of such property upon divorce.⁴⁹ Ultimately, laws that affirm women's general property rights are important in indigenous and local communities because such provisions establish a legal context in which women's specific rights to community forests are understood.

3.3 Membership

The right of indigenous and rural women to be considered equal members of their communities is the most fundamental community right examined in this report. **In practice, community-level membership is the primary gateway to rights related to community resource use and governance, and is central to the rights of women concerning inheritance, voting, leadership, and dispute resolution.** The right to equal membership is a prerequisite for women to hold or assert their tenure rights to community forests, secure those rights, and draw economic or subsistence benefits for themselves and their families. Statutory laws that recognize all indigenous and rural women as equal members of their communities are essential because, without secure membership rights, women inevitably lack the rights to inherit, govern, and resolve disputes concerning community forests.

In many LMICs, the ability of indigenous and rural women to exercise their membership and related tenure rights is often tied to their marital status or other relationships with men who control land. According to community practices in China and Myanmar, for example, rural women who divorce are at risk of losing some or all of their ability to access land and natural resources.⁵⁰ In general, the relationship between women's community-level membership and inheritance rights is especially strong. Broadly speaking, community membership and related land rights are customarily passed down through either the male (patrilineal) or female (matrilineal) lines. Some studies indicate that women's membership and inheritance rights may be more secure in matrilineal systems,⁵¹ but most communities worldwide are patrilineal.⁵² In patrilineal community-based tenure systems, men are commonly considered lifetime members of their natal communities, whereas, upon marriage, women are expected to leave their natal communities and join the villages of their husbands. Through marriage, women receive corresponding rights to use particular plots of land or forest, and men often possess the sole (or at least principal) authority to control community lands and to pass down property and community membership to children.⁵³ When death, divorce, or separation severs a woman's relationship with her landholding husband or unmarried partner, her membership status and related rights to community lands may depend on her ongoing relationship with an adult landholding son or male in-law, depending on local customs and their application in a given community. Consequently, the tenure rights of widows, divorced women, and unmarried women are often especially insecure.⁵⁴

Gender-discriminatory community practices that limit women's tenure rights and make them contingent on women's relationships with men have been reported in both patrilineal and matrilineal communities.⁵⁵ Community practices that render women's membership or access to land contingent on their social or marital status create disincentives for bequeathing land to female relatives and increase women's dependence on the benevolence of male family members.⁵⁶ In extreme cases, weak protections for women's membership and inheritance rights increase the likelihood that widows, unmarried women, childless women, and divorced women will experience household-level property grabbing⁵⁷—or be coerced

into marrying or otherwise partnering with a relative of their deceased husbands or partners to remain in the community.⁵⁸

Although community membership criteria vary widely across community practices, membership is central to all facets of life in indigenous and local communities. A lack of statutorily recognized membership rights, therefore, compromises the ability of indigenous and rural women to exercise their land rights and to participate in community governance processes. Failures of statutory law include gender-blind approaches to legislation, as well as overt discrimination. Research suggests that gender-neutral (or gender-blind) laws that fail to specify the rights of women in particular are unlikely to provide sufficient protection for the tenure rights of indigenous and rural women.⁵⁹ Studies have also shown that laws defining membership solely at the household level, provisions failing to specify women's community membership rights, and laws that fail to address membership may perpetuate gendered power imbalances and enable discriminatory practices, particularly when communities perceive men as the heads of households and primary decision makers.⁶⁰ As explained by CEDAW General Recommendation No 25:

Indirect discrimination against women may occur when laws, policies and programmes are based on seemingly gender-neutral criteria which in their actual effect have a detrimental impact on women. Gender-neutral laws, policies and programmes unintentionally may perpetuate the consequences of past discrimination. They may be inadvertently modelled on male lifestyles and thus fail to take into account aspects of women's life experiences which may differ from those of men. These differences may exist because of stereotypical expectations, attitudes and behaviour directed towards women which are based on the biological differences between women and men. They may also exist because of the generally existing subordination of women by men.⁶¹

3.4 Overarching Inheritance and Community-level Inheritance

Many people in rural LMIC communities lack wills or other formal legal instruments dictating the administration of property after their deaths. National laws require that the property of such individuals are distributed according to the country's intestate succession (or "intestate inheritance") laws, which may or may not recognize or defer to local inheritance practices. This study examines whether overarching inheritance laws governing intestate succession equally protect the inheritance rights of daughters, widows, and women in consensual unions to inherit community forests and other community resources alongside their respective male counterparts. The study separately assesses whether laws specifically regulating CBTRs address inheritance rights at the community level. **Taken together, these two sets of inheritance laws determine a woman's legal capacity to retain rights to productive, communally held resources on the death of her husband, domestic partner, parent, or other family member, and to pass down property to her children.**

In practice, rights to land, forests, natural resources, and other forms of property are passed down in indigenous and local communities through a variety of cultural procedures, and the right to equally participate in and benefit from these practices is a vital component of the forest tenure security of indigenous and rural women. Customs shaping inheritance are crucial to a community's longevity because they ensure that the community's most important natural resources—and the sense of cultural identity inextricably tied to community lands—remain under the tenure of community members who ostensibly share common values on land governance and community life. At the household level, inheritance solidifies the wealth of families and facilitates intergenerational strategies and learning on land management.

Where women lack the ability to pass on rights to lands to their children and to inherit rights from family members and domestic partners, their relationships with men may be the only vehicle by which they can secure tenure rights for themselves and their children.

Patriarchal community norms that favor sons or other male relatives may completely exclude daughters, widows, and women in consensual unions from the administration of a deceased man's property and related rights; in other cases, daughters and widows may receive a disproportionately small share of the deceased's estate.⁶² Because women are often expected to leave their natal communities and join the communities of their husbands on marriage, families may perceive women's inheritance rights as pointless, wasteful, or even risky to community cohesion, and they may deny daughters the right to inherit land as a way of ensuring that land remains under the control of the community.⁶³ Such social pressures may cause women to remain on the land of an abusive partner to preserve their children's paternal inheritance rights and to maintain access to the forests and other resources on which their children's wellbeing depends.⁶⁴ There is evidence that growing levels of land scarcity will increase the insecurity of women's inheritance rights.⁶⁵ In light of such concerns, the existence and implementation of strong, gender-equitable inheritance laws could play a substantial role in equalizing gendered power relations in communities and households and influencing the decisions of indigenous and rural women, including the decision to remain in a marriage or consensual union.

■ **3.4.1 Inheritance in countries with plural legal regimes**

Indigenous and local communities often practice religions (e.g. Islam, Christianity, and Hinduism) or marriage types (such as customary or religious marriage) associated with statutory succession regimes that differ from the formal laws governing people in civil marriages. Such religious and customary inheritance regimes are often articulated less clearly in statutory laws, and are sometimes more discriminatory than the inheritance regimes applying to people in civil marriages. In countries where polygamy is common, overarching inheritance laws may acknowledge polygamous marriage under customary or religious law and call for the intestate division of a deceased husband's property among his surviving co-wives and their children. Some plural legal systems allow individuals to choose the set of laws applicable to the administration of a family member's intestate property, but succession may also be determined involuntarily based on religion or marriage type.

■ **3.4.2 The impact of consensual unions on inheritance rights of indigenous and rural women**

Consensual unions represent a significant percentage of long-term domestic partnerships among rural populations in many LMICs, and their prevalence in LMICs has risen over the past two decades.⁶⁶ For example, more than 50 percent of Gabon's adult population is reportedly in customary marriages that are ineligible to receive legal protection under the law.⁶⁷ Despite the large number of consensual unions in LMICs, few countries statutorily protect the inheritance rights of surviving partners.⁶⁸ Such legislative omissions have adverse consequences in communal landholding societies. Even when customary marriages are legally valid, statutory requirements may fail to reflect the customary marital practices of a community (with the result that such unions are ineligible for statutory protections applying to customary marriages). For example, statutory requirements for customary marriage may be prohibitively expensive, or adults may simply prefer to enter consensual unions. In Cameroon, economic pressures are reportedly limiting the ability of young people to provide legally required dowry payments to complete a customary marriage, leading to an increase in the number of consensual unions and customary marriages that lack

legal recognition.⁶⁹ In light of such important demographic realities, a comprehensive understanding of women's inheritance rights in CBTs requires an examination of overarching inheritance laws targeting women in consensual unions, including women whose customary marriages lack legal validity under formal law.

3.5 Governance: Voting and Leadership

Gender inequalities regarding community-level governance often perpetuate and reinforce practices that prevent indigenous and rural women from accessing and controlling forests to the same extent as men. Men usually hold the majority of positions in community assemblies, elder councils, community forest management institutions, and chieftaincies.⁷⁰ Moreover, the physical presence of indigenous and rural women at community-level governance meetings *does not guarantee their substantive participation, influence, and representation* in these crucial forums because cultural norms and stigmas may dissuade them from voicing their opinions and influencing decisions.⁷¹ The numerous obstacles to the full participation of women in community-level governance institutions include traditional gender norms and social perceptions that consider women as caretakers and men as the sole decision makers and heads of households; time constraints imposed by gendered care duties; women's limited mobility; comparatively high illiteracy and low levels of education among women; and a resultant lack of women's access to information relevant to the governance of community lands and forests.⁷² In Papua New Guinea, for example, women's community-level political participation is reportedly "often limited, either because they are barred from voting by their husbands or because they are expected to vote along tribal and family lines."⁷³ Notwithstanding such obstacles, studies link women's participation in community governance bodies to a number of positive forest conservation outcomes.⁷⁴ Moreover, the increasing out-migration of indigenous and rural men for work purposes is changing patriarchal governance dynamics in many communities, increasing opportunities for women to exercise their community governance rights.⁷⁵ If, as anticipated, the trend of rural male out-migration increases, gender-inequitable governance practices will likely become increasingly difficult to maintain over time. The consequences of such inequitable practices are also likely to become increasingly harmful, both to indigenous and rural women and their larger communities.

The rights to express views, fully participate in community-level decision-making processes, and assume leadership roles are some of the most crucial rights for indigenous and rural women to transform discriminatory norms and practices related to forest tenure. Without equal rights to participate in local governance arenas and to receive the information disseminated in such settings, indigenous and rural women could well be excluded from decisions that affect their livelihoods—including on the management, use, and alienation of community forests—and are unlikely to effectuate systemic, sustainable change in their communities. In practice, when women's agency is restricted with respect to community governance processes, their ability to make decisions about resource use and, by extension, to provide for their families is severely limited.⁷⁶ Restrictions on women's governance rights may also discourage them from investing in forestlands they do not control, retain, manage, equally benefit from, or pass down to their children.⁷⁷ The right to vote in general assemblies or equivalent community bodies, or to fully participate in governance processes that do not involve voting, are intimately tied to women's status as equal community members. Even if women voluntarily opt out of leadership roles in their communities, their ability to influence the decision-making processes of community general assemblies, community forest management institutions, and other equivalent bodies is a crucial aspect of meaningful community participation.

Women's rights to fully participate in governance processes is particularly important in community negotiations with actors external to the community, including local elites, private corporations and the state, because such negotiations often have wide-reaching impacts on community tenure that can endure for generations. Moreover, participation in governance processes provides women and men with both voice and access to the information they need to adequately inform their decisions. The principles of free, prior, and informed consent (FPIC) cannot be applied if women are excluded from the community governance bodies that negotiate land acquisition agreements with private companies, forest management agreements with government ministries, and the terms of REDD+ projects. Under FPIC's international principles, both women and men must possess a sufficient degree of knowledge regarding a proposed development activity, its impact on their land, and the value of compensation being offered to them in order to make meaningful, informed, and voluntary decisions prior to the commencement of any proposed development activity.⁷⁸

■ **3.5.1 Assessing community governance rights: quotas, quorums, and consensus-driven processes that do not include voting**

In addressing voting and leadership, it is important to take into account the diversity and complexity of governance arrangements among the world's Indigenous Peoples and local communities. Community-based governance structures tend to be tailored to the specific needs, cultures, and political realities of communities. They "often ... function effectively, [enable] the poor to meet basic needs, and [make] important contributions to conservation."⁷⁹ Existing statutes regulating community governance practices may lack the flexibility to fully reflect the actual rules used by Indigenous Peoples and local communities. It is important, therefore, that statutory laws resonate with existing gender-equitable community norms related to governance. Community-oriented legal reforms that build on existing community governance structures—rather than those imposing foreign governance systems on communally held lands—have proved most effective and least likely to disrupt livelihoods or spur local conflict.⁸⁰ Governments often face the delicate task of ensuring that laws on community-level governance are implementable in multiple diverse ethnic communities. Ideally, the aim should be to develop community-responsive, gender-sensitive, and culturally resonant laws that can be amended over time as community practices evolve.

This study's voting indicator examines whether statutory provisions regulating community-level general assemblies (or equivalent bodies) guarantee women's right to vote. This same indicator also considers women's right to take equivalent, binding actions when community decisions require unanimous agreement and are therefore not dictated by majority rule. The leadership indicator examines whether women possess a statutory right to serve on community-level executive bodies and to take binding actions in this capacity. In doing so, the study assesses whether governance provisions contain quota and quorum requirements for women's participation in community-level general assemblies and executive bodies. This approach is intended to encompass a wide variety of community governance structures, recognizing that some communities use consensus decision-making processes that require the participation and agreement of *all* community members.⁸¹ Attention is paid to whether CBTR-level laws take specific measures to guarantee the rights of women in community governance structures, including the right to equal voice in both consensus and majority-rule decision-making processes. This rigorous standard is consistent with FPIC principles and the obligations of state parties under CEDAW, which requires states to "ensure that [rural] women have the right to participate in all community activities."⁸² It is also consistent with CEDAW General Recommendation 34, which urges state parties to:

- (a) Establish quotas and targets for rural women's representation in decision-making positions, specifically in Parliaments and governance bodies at all levels, including in land, forestry, fisheries and water governance bodies, as well as natural resource management. ... ;
- (b) Ensure that rural women ... can influence policy formation, implementation and monitoring at all levels ... including through participation in political parties and in local and self-governing bodies *such as community and village councils*. State parties should design and implement tools to monitor rural women's participation in all public entities in order to eradicate discrimination; [and]
- (c) Address unequal power relations between women and men, including in decision-making and political processes at the community level, and remove barriers to rural women's participation in community life through the establishment of effective and gender-responsive rural decision-making structures ...⁸³

BOX 1

Leveraging Power: Indigenous and Rural Women Employ Numerous Mobilization Strategies to Assert and Protect Their Tenure Rights

Networks formed and led by indigenous and rural women play a crucial role in amplifying women's voices and strengthening tenure security through community- and national-level advocacy. One of these is the African Women's Network for Community Management of Forests (REFACOF), a regional network supporting women's tenure rights in 16 member countries in West and Central Africa. REFACOF-Cameroon provides a vital space for women's groups to engage with Traditional Chiefs on women's customary land rights. These meetings led the National Council of Traditional Chiefs of Cameroon (CNCTC) to issue a position statement in 2013 which recognized the need to protect women's land rights in both customary and national laws. In 2015, REFACOF-Cameroon began working more closely with the wives of traditional leaders ("Queen Mothers"), who are well placed to promote women's tenure rights both within their communities and when engaging with local, regional, and national government officials. REFACOF-Cameroon's local-level work complements its efforts to influence national land and forest reform processes, including a position paper developed with the Network of Parliamentarians for the Management of Forests and Ecosystems in Central Africa, which is intended to inform the views of parliamentarians and ministry officials shaping revisions to the 1994 Forest Law.^a

The Federation of Community Forestry Users, Nepal (FECOFUN), which was founded more than two decades ago, is a Nepal-wide network of more than 15,000 affiliated community forest user groups and community-based forest management groups^b that guarantees women's involvement in decision making both locally and nationally. In a 2012 interview, Apsara Chapagain recalled FECOFUN's decision to institute a 50 percent quota for women's participation in community forest management structures at all levels. This suggestion was met initially with hesitation by both men and women:

Some colleagues, both men and women, said that it would not be practical to make a compulsory provision for 50 percent of seats to be filled by women at all levels

Where community practices include majority-rule decision-making processes and women's voting rights are supported by statutory laws, studies demonstrate that indigenous and rural women are vulnerable to becoming "token" participants whose presence is tolerated in a half-hearted effort to comply with statutory law; in such situations, women leaders have little real authority or influence over community decisions and may also lack substantial numerical representation.⁸⁴ In such cases, the imposition of quotas and quorums for women's representation and participation may be essential for safeguarding women's governance rights. On the other hand, case studies of Scheduled Tribes in India suggest that statutory governance requirements for women-centric quotas and quorums may have unintended consequences if community leaders attempt to limit women's participation to the specific numerical quota or quorum stipulated under the law, thereby preventing women from becoming a majority.⁸⁵ Nonetheless, the presence of quota and quorum requirements in national legislation pertaining to community-level governance bodies serves as one possible indication of women's ability to participate in community-level governance processes.

[in FECOFUN] given their limited education and heavy family workload, and suggested a 33 percent quota. I stood firm and even threatened to quit if they did not agree to 50 percent. At the end, this was included in our constitution. The unanimously approved constitution of FECOFUN mandates that there should be at least a woman chairperson or vice-chairperson; and similarly, a woman [as either] treasurer [or] general secretary.^c

After the quota requirement was incorporated into FECOFUN's constitution, Chapagain went on to serve as FECOFUN's first woman chairperson from 2010-2014. FECOFUN continued to exhibit the network's commitment to gender justice in Nepal by electing Bharati Pathak as its secretary general in 2014. The Federation successfully pushed for the inclusion of similar gender-sensitive provisions in the second revision of the national forest department's Community Forestry Development Guidelines.

In Colombia, women have mobilized to influence national policy. Successful advocacy by the Departmental Federation of Peasant Women of Cundinamarca (FEDEMUCC) and the Roundtable of Advocacy of Colombian Rural Women resulted in a commitment by the Colombian government to create a Comprehensive Policy for Rural Women as part of the 2014–2018 Colombian National Development Plan. To influence this policy—which will implement elements of Law 731 of 2002 on gender equality—peasant, indigenous, and Afro-Colombian organizations are conducting workshops to formulate guidelines on rural women's access to land. The initiative has also led to the establishment of the Office for Rural Women's Affairs in the Ministry of Agriculture.^d

Indigenous and rural women continue to advocate for their rights, despite the immense risks they often face in confronting deep-rooted discrimination against women, Indigenous Peoples, and local communities. Evidence in four countries in Mesoamerica shows that attacks against female human rights defenders increased between 2012 and 2014; of the 1,688 attacks recorded over that time period, 31 percent were in response to women's defense of land, territory, and natural resources.^e Through their roles as coalition builders, advocates, and indigenous and community leaders, women are surmounting formidable obstacles, proving the power of sustained advocacy by mobilizing ever-larger numbers of supporters, and catalyzing positive reforms in their communities and beyond.

3.6 Dispute Resolution

Most indigenous and local communities have developed community-level dispute resolution practices and forums that are distinct from formalized systems. Unlike formal courts, community-level dispute resolution mechanisms are typically governed by community or customary laws; conducted in local languages and overseen by people familiar with community-level dynamics; and motivated by a desire to promote social cohesion, resulting in mutually agreeable solutions.⁸⁶ Such mechanisms also tend to be more accessible, affordable, and expeditious than formal courts, which often involve complex filing procedures, high administrative costs, onerous waiting lists, and long commutes from rural areas.⁸⁷ In many countries, both formal and traditional legal systems are considered valid under statutory law, and individuals may be able to appeal community decisions in formal courts responsible for enforcing both formal and customary laws. Where indigenous and rural women have access to both formal and community-level dispute resolution forums, they may be able to “forum shop,” bringing their land-related disputes before the body from which they expect the most favorable outcome.⁸⁸ When, on the other hand, individuals with significant influence or financial means threaten the tenure rights of women, forum-shopping can work against women, whose capacity to defend their tenure rights in both formal courts and community-level dispute resolution bodies is likely to be more constrained.⁸⁹

Indigenous and rural women may be more likely to bring decisions before community-level dispute-resolution bodies than seek justice through formal systems,⁹⁰ perhaps because such forums have greater cultural salience and therefore are perceived to have more legitimacy.⁹¹ The preference for community-level dispute resolution may, however, be driven by necessity because formal justice mechanisms are simply inaccessible or by social pressure to resolve disputes at the community level.⁹² Community-based adjudicatory forums are usually presided over by male leaders such as chiefs or members of elder councils, and reports of gender-biased decisions on land and natural resources are common. Although many indigenous and local communities permit women to bring disputes before community-based forums, some exclude or discourage women from participating in community dispute resolution processes for religious or cultural reasons; women may also experience significant pressure to resolve disputes on domestic matters privately within the confines of their families.⁹³ Such obstacles may well hinder the ability of indigenous and rural women to assert their tenure rights and participate in community-level decisions affecting their forest rights.

Legal provisions ensuring women’s representation on adjudicatory bodies have been shown to reduce gender biases and increase the issuance of fair rulings.⁹⁴ Customary law is flexible and adaptable to changing needs; community-based dispute resolution processes, therefore, offer valuable opportunities for men and women to articulate norms and values and shape the content of their customary laws and practices. **By affirming the right of women to bring disputes before community-based justice forums, states recognize women’s right to access justice in their own communities and set clear expectations that community-based customary laws should treat women’s grievances seriously and equally.**

4 Global Results

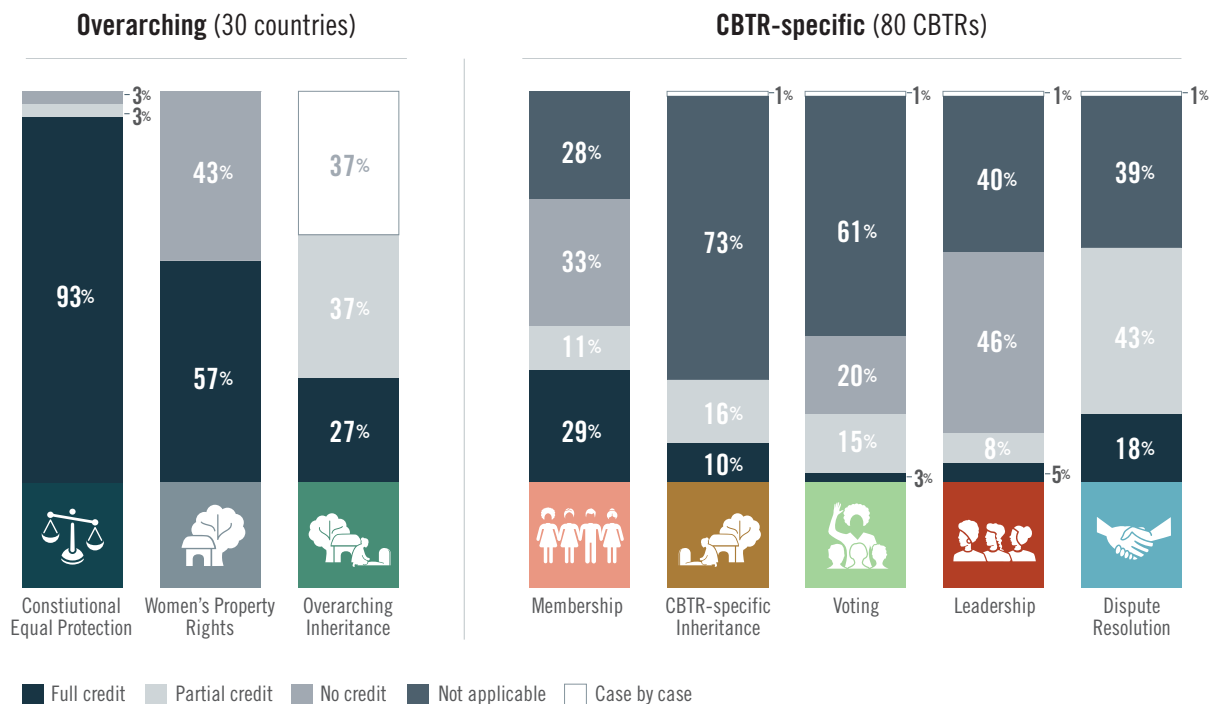


4.1 Summary of Global Results

This analysis demonstrates that CBTR-specific laws, which more closely regulate indigenous and rural women's interactions with community forests, are markedly weaker than constitutional protections for women and the provisions enshrined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The 30 countries analyzed have all ratified CEDAW; 28 constitutionally prohibit gender-based discrimination and/or guarantee women equal protection under the law, and more than half (17) have statutory laws that generally affirm women's property rights. Of the 80 CBTRs analyzed,⁹⁵ however, adequate gender-sensitive provisions exist for only two (3 percent) in regard to women's voting rights, four (5 percent) in regard to leadership, eight (10 percent) in regard to inheritance, 14 (18 percent) in regard to dispute resolution, and 23 (29 percent) in regard to membership (Figure 3). A similar disparity exists between constitutional protections and other overarching national laws regulating women's intestate inheritance rights. Although the constitutions of 28 of the 30 analyzed LMICs adequately recognize gender equality, only eight (27 percent) legally mandate that all daughters, widows, and women in consensual unions have equal rights to inherit alongside their male counterparts.

Overall, stronger protections for women's tenure rights are closely associated with more robust statutory recognition of community-based tenure. **CBTRs that provide avenues for communities to own forests, and those created with the express purpose of acknowledging community-based rights, provide the greatest protections for women.** CBTRs that provide a more limited set of forest tenure rights for communities, and those motivated by conservation or use/exploitation aims, provide decidedly weaker protections. Conservation-oriented CBTRs generally afford women even weaker statutory recognition than use/exploitation-oriented CBTRs. The 21 FCPF REDD+ participant countries assessed provide levels of gender-specific statutory protections for women's community-level membership, inheritance, governance, and dispute resolution rights that are consistent with this study's overall findings. Finally, countries reported as prohibiting economic domestic violence, and particularly countries that extend these protections to women in consensual unions, contain stronger statutory protections for women's CBTR-specific inheritance rights, when compared to countries lacking domestic violence legislation (Box 3).⁹⁶

FIGURE 3 Performance of 30 LMICs Concerning the Recognition of Women's Rights in 80 CBTRs



4.2 Constitutional Equal Protection

Women's right to constitutional equal protection is the most commonly acknowledged right assessed in this study. **Of the 30 countries examined, 28 countries (93 percent) prohibit gender-based discrimination and/or explicitly guarantee women equal protection under the constitution.** Of these, 20 countries have constitutions that either recognize customary law as a legitimate source of state law or acknowledge customary rights, customary practices, or traditional customs.⁹⁷ In these 20 countries, customary practices and rules that violate constitutional principles (including those protecting women) lack legal validity. Consequently, community-based practices that discriminate against women may be challengeable in formal courts.

Constitutional arguments concerning women's equal rights appear to be available in all assessed countries. Indonesia's constitution is noteworthy in that its equal protection and non-discrimination provisions apply to all people but do not specify gender.⁹⁸ Thailand's interim constitution, instituted after a coup in 2014, does not explicitly recognize the equality of all people. However, it is expected that the interim constitution will be replaced in 2017 by a more expansive constitution approved by referendum in August 2016, which explicitly guarantees women's equal protection rights.⁹⁹ Notably, 26 of the 30 constitutions analyzed were either enacted or amended since 2000.

4.3 Affirmation of Women's Property Rights

Seventeen (57 percent) of the 30 countries analyzed specifically affirm women's property rights in national laws. **The affirmation of women's property rights is correlated with stronger results regarding the rights of women to community-level membership, governance, inheritance, and dispute resolution.** This study's review of constitutions, land laws, and other overarching environmental and agrarian laws reveals three common forms of affirmative protections for women's property rights:

- prohibitions of discrimination against women's access to land (e.g. Bolivia¹⁰⁰ and Kenya¹⁰¹);
- affirmations of equal rights to property for men and women (e.g. the Democratic Republic of the Congo¹⁰² and Indonesia¹⁰³); and
- specific guarantees for women's rights in land titling and allocation processes (e.g. Brazil,¹⁰⁴ China,¹⁰⁵ and Colombia¹⁰⁶).

Some countries' property laws specifically target female heads of households or women with children. For example, Venezuela's 2001 Law on Land and Agricultural Development explicitly recognizes the land rights of peasant women¹⁰⁷ and prioritizes the allocation of land "to women who are also heads of their household and who intend to cultivate a small area of land in order to sustain their family group."¹⁰⁸

4.4 Membership

Of the 80 CBTRs analyzed, **23 (29 percent) explicitly extend community-level membership to women, and an additional nine CBTRs (11 percent) acknowledge the membership rights of all adults or all persons in a community.** Of the laws examined in this study, those establishing registered community lands in Kenya contain some of the most detailed protections for women's membership rights, as they explicitly account for situations of divorce, widowhood, and remarriage. Under Kenya's recently passed Community Land Act (2016), registered communities are prohibited from "directly or indirectly discriminat[ing] against any member of the community on any ground including ... gender, [or] marital status ..."¹⁰⁹ Moreover, "[f]or the avoidance of doubt, every man or woman married to a member of the community shall gain automatic membership of the community and such membership shall subsist until the spouses legally divorce and the woman remarries or the woman remarries after the death of a spouse."¹¹⁰

More than one-quarter of the 80 analyzed CBTRs fail to address membership in any respect.

For example, CBTRs that allow communities to obtain tenure rights by entering into forest management contracts with governments may require community members to first establish themselves as formal legal entities without defining the means by which community members can join such entities.¹¹¹ Although none of the 80 reviewed CBTRs expressly limit community-based membership to men, almost one-third (26 CBTRs) either define membership at a household/familial level or otherwise fail to recognize the individual membership rights of all adults in a community. The gender-blind allocation of membership rights at a household level—as seen in four CBTRs in Brazil, Colombia, and Myanmar¹¹²—may also be problematic. Research shows that land laws and policies that do not specifically reference the equal membership rights of women in the context of rural "households," "families," or "household heads" may be implemented in a discriminatory manner.¹¹³ This study finds that when CBTRs either define membership at the household level, otherwise fail to recognize the individual membership rights of all adults in a community, or fail

to define membership in any respect, the rights of indigenous and rural women to vote on community matters related to land and forests, inherit land, and bring disputes before community-level forums are especially likely to be ignored.

CBTRs with stronger membership rights for women tend to provide superior protections for women's rights to community-level inheritance, voting, leadership, and dispute resolution. Of the 32 CBTRs that explicitly extend membership to women or all adults, 38 percent (12 CBTRs) feature community-level dispute resolution mechanisms that explicitly consider women. On the other hand, of the 48 CBTRs in which membership is not defined, is established at a household level, or is otherwise non-inclusive of all adults in a community, only 4 percent (2 CBTRs) contains dispute resolution provisions that explicitly contemplate women. Similar disparities exist regarding women's community-level voting, leadership, and inheritance rights. Of the 32 CBTRs that extend specific or gender-neutral membership rights to women, 38 percent (12 CBTRs) acknowledge women's right to vote in general assemblies or equivalent community decision-making forums, and 22 percent (7 CBTRs) establish a quota or quorum for women's participation in community leadership bodies. Of the 48 CBTRs in which membership is not defined, is established at a household level, or is otherwise non-inclusive of all adults within a community, only one CBTR provides adequate protections for either governance indicator. Women possess recognized community-level inheritance rights in 19 percent (6 CBTRs) of the 32 CBTRs that acknowledge the membership of women or all adults, but only possess these rights in 4 percent (2 CBTRs) of the 48 CBTRs that fail to recognize the membership of women or all adults.

4.5 Inheritance

■ 4.5.1 *Inheritance in overarching laws*

In contrast to the many laws that fail to adequately recognize women's tenure rights through gender-sensitive provisions, at least six of the 30 assessed LMICs contain overarching intestate inheritance laws that overtly discriminate against women.¹¹⁴ Five of these countries (with Gabon as the exception) are also characterized by distinctly enumerated plural inheritance regimes pertaining to specific religious or customary marriage types. In many countries, discriminatory or otherwise inadequate overarching inheritance laws are especially likely to impact indigenous and rural women because these provisions mostly relate to non-civil law marriages, which are common in indigenous and local communities.

Only eight of 30 assessed countries' overarching intestate inheritance laws mandate that all three categories of women considered in this study—daughters, widows, and unmarried women in consensual unions—have equal rights to inherit alongside sons, widowers, and male partners (Table 2). Another 11 LMICs offer equal inheritance rights to at least one category of women. The degree of overarching protection for the inheritance rights of daughters and widows is largely undifferentiated: 18 countries provide equal protection for the inheritance rights of all daughters and sons, and 17 countries provide equal protection for all widows and widowers. Women in consensual unions receive markedly less protection than daughters or widows. Only eight of the 30 reviewed LMICs provide equal protection for the inheritance rights of women in consensual unions, all of them in Latin America. In most cases, the lack of protection for unmarried partners is tied to the absence of legal recognition for consensual unions, although at least one country (Indonesia) has reportedly considered criminalizing such relationships.¹¹⁵ In some countries, including India and Zambia, women in consensual unions receive legal protection in

BOX 2

Discriminatory Laws and Underlying Prejudices: Obstacles to Women's Tenure

Some overtly discriminatory inheritance laws appear to reflect underlying assumptions of women's economic dependence on men. Kenya's civil succession law, for example, terminates a widow's interest in her deceased husband's land and estate if she remarries, without doing the same for remarried widowers.^f This discriminatory law, which applies solely to non-Muslims, seems to assume that upon remarriage, widows will not require the economic security and agency provided by their deceased husbands' estates, probably because women are expected to be provided for economically by their new husbands and marital communities. Such gendered presumptions fail both to adequately facilitate women's tenure security and to offer women the same degree of economic empowerment as men.

specific contexts, but the intestate inheritance rights of the people in such partnerships are not acknowledged.¹¹⁶

The plural marital and inheritance regimes that co-exist in many LMICs also have tremendous impacts on the inheritance rights of women (Box 2).

More than a third (37 percent) of

the LMICs assessed (India, Indonesia, Kenya, Mali, Myanmar, Panama, Papua New Guinea, Philippines, Senegal, Tanzania, and Zambia) have plural, statutorily enumerated inheritance regimes where at least one regime either overtly discriminates against daughters, widows, and/or women in consensual unions, or defers to religious or customary law without safeguarding women's inheritance rights. These countries receive a "case by case" assessment under this study's inheritance in overarching laws indicator. Myanmar's succession law establishes the most loosely regulated plural inheritance regime of all LMICs analyzed. Under the Burma Laws Act, any inheritance disputes in the country are to be resolved by religious adjudicatory bodies in accordance with the form of religious marriage practiced by the parties in question; the procedures guiding such processes are not articulated in national laws.¹¹⁷

TABLE 2

Countries that Formally Recognize the Equal Inheritance Rights of Different Categories of Women, in Comparison to Their Male Counterparts

Country	Daughters	Widows	Women in Consensual Unions
Bolivia	✓	✓	✓
Brazil	✓	✓	✓
Cambodia	✓	✓	✗
Cameroon	✓	✓	✗
China	✓	✓	✗
Colombia	✓	✓	✓
Congo, Republic of the	✗	✗	✗
Democratic Republic of the Congo	✓	✓	✗
Gabon	✓	✗	✗
Guatemala	✓	✓	✓
Guyana	✓	✓	✓
Liberia	✓	✓	✗
Mexico	✓	✓	✓
Mozambique	✓	✓	✗
Nepal	✓	✓	✗
Peru	✓	✓	✓
Thailand	✓	✓	✗
Venezuela	✓	✓	✓
Vietnam	✓	✓	✗

✓ Yes ✗ No

Note: 11 countries establish plural overarching inheritance regimes in which at least one regime overtly discriminates against surviving daughters, widows, or women in consensual unions, or defers to religious or customary law without safeguarding women's inheritance rights. These countries are not featured in this table.

■ 4.5.2 Inheritance in CBTR-specific laws

Individuals' right to inherit community lands and resources is the least-acknowledged community-level right identified in this assessment—**58 (73 percent) of the 80 CBTRs analyzed fail to address community-level inheritance in any respect.** Only one CBTR in Mozambique, one in China, four in the Philippines, and two in Mexico (10 percent of the 80 CBTRs analyzed) affirm women's community-level inheritance rights, and a further 16 percent (13 CBTRs) contain inheritance provisions that are gender-neutral. CBTRs seldom address or make distinctions between the inheritance rights of particular *categories* of women (such as daughters and widows). Unlike results for overarching laws on inheritance, however, this study identified no overtly discriminatory CBTR-specific inheritance provisions.

4.6 Governance: Voting and Leadership

Women's rights to participate in community-level governance through voting and leadership—arguably the legal entitlements most necessary for asserting voice and effectuating systematic, sustainable change in a community—are the most inadequately protected community-level rights analyzed in this study. **Sixty-five (81 percent) of the 80 CBTRs analyzed either do not address community decision-making processes or fail to acknowledge women's right to vote in community general assemblies or equivalent decision-making bodies. Sixty-nine CBTRs (86 percent) either lack legal provisions on community-level leadership or fail to require that women hold a given percentage of leadership positions.** Even when CBTRs do recognize women's voting and leadership rights, they are unlikely to require a quorum of women voters or leaders before a governance body is permitted to take binding action. Only two CBTRs require a quorum of women with respect to voting (Afro-Colombian Community Lands in Colombia, and Scheduled Tribes and Other Traditional Forest Dwellers' Land in India), and only four do so with respect to leadership (Afro-Colombian Community Lands in Colombia, Scheduled Tribes and Other Traditional Forest Dwellers' Land in India, and both Non-Reserved Forests on Village Lands and Village Land Forest Reserves in Tanzania). Even though in practice many community general assemblies or equivalent bodies require all members to reach consensus before taking binding action,¹¹⁸ this study only identified one CBTR (Community Forest Concessions in Myanmar) in which a community assembly or equivalent body is specified as engaging in *consensus-driven* decision-making.¹¹⁹ Other CBTRs that regulate community-level decision-making processes either specify or imply that such processes are to be dictated by majority rule.

4.7 Dispute Resolution

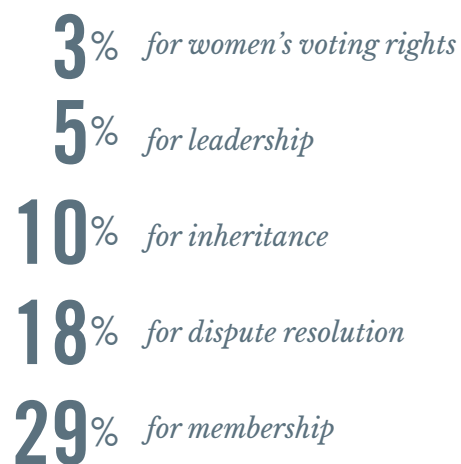
Of the CBTR-specific rights considered in this study, individuals' rights to access community-based dispute resolution mechanisms are the most strongly safeguarded. Sixty percent (48 CBTRs) of the 80 CBTRs analyzed either specifically consider women under provisions regulating community-level dispute resolution or contain gender-neutral dispute resolution provisions. The study reveals, therefore, that **community-based dispute resolution may represent one of the most legally protected opportunities for indigenous and rural women in LMICs to exert their voices and address grievances.** This finding also signals the essential role of local dispute resolution bodies in the ability of communities to function and flourish.

Statutory laws acknowledging community-based dispute resolution mechanisms allow women to take a range of legal actions to address disputes over land tenure. Several CBTRs in Mali, Tanzania, and Zambia, for example, recognize the authority of community-based adjudicatory forums to mediate local conflicts specifically related to land; some provisions are gender-neutral, and others explicitly recognize the community-level dispute resolution rights of women.¹²⁰ Brazil, Colombia, and the Republic of the Congo contain CBTRs that recognize broader dispute resolution rights by acknowledging customary practices for resolving a wide range of internal conflicts.¹²¹ Bolivia and Cameroon provide even stronger regulations, bestowing formal jurisdiction on communities' customary courts, which are deemed competent to issue legally binding decisions based on customary law.¹²² Some countries, such as Mozambique, have opt-out provisions permitting women and men to move a dispute from a customary forum to the formal judiciary system if they are dissatisfied with a community-based ruling.¹²³ Although the realization of women's access to justice depends on a host of factors, such as women's mobility, financial means, literacy, and access to legal knowledge and services, statutory provisions that provide women with access to both traditional and formal justice mechanisms lay the foundation for women to assert their rights to community forests and other productive resources.



CBTR-specific laws that more closely regulate the interactions of indigenous and rural women with community forests are markedly weaker than constitutional protections for women and the provisions enshrined in CEDAW.

Of the 80 CBTRs analyzed, the proportion that have adequate gender-sensitive provisions for specific rights are only:



4.8 Women's Forest Rights and RRI's Statutory Forest Tenure Typology

RRI's analysis of the bundle of rights (as described in Figure 2) allows the creation of a statutory typology classifying the strength of community-based tenure. Under this typology, tenure regimes concerning public lands are considered to be designated by governments for Indigenous Peoples and local communities when communities have rights of access, withdrawal, and either management or exclusion (Category 2 under RRI's statutory typology, see Annex 2). Indigenous Peoples and local communities are considered to have ownership rights when they hold the rights of access, withdrawal, management, due processes and compensation, *and* exclusion for an unlimited duration (Category 3 under RRI's statutory typology, see Annex 2). CBTRs regarding public lands that do not meet the criteria for ownership or designation under RRI's statutory typology are considered to be government-administered (under Category 1 of RRI's statutory typology, see Annex 2). Of the 80 CBTRs analyzed in this study, 46 (58 percent) are designated for and 25 (31 percent) are owned by Indigenous Peoples and local communities. Nine (11 percent) are administered by governments.

CBTRs that provide Indigenous Peoples and local communities with full ownership rights contain substantially stronger gender-sensitive provisions than CBTRs on public forests recognizing the access, withdrawal, and either management or exclusion rights of Indigenous Peoples and local communities (considered to be designated for Indigenous Peoples and local communities; see Figure 2). CBTRs that provide Indigenous Peoples and local communities with ownership rights are responsible for a substantial proportion of adequate legal protections identified across all five CBTR-specific indicators. Membership is explicitly extended to women in 60 percent (15 CBTRs) of the 25 CBTRs with ownership rights, compared with only 15 percent (7 CBTRs) of the 46 CBTRs designated for Indigenous Peoples and local communities. Dispute resolution provisions exist in 88 percent (22 CBTRs) of the 25 CBTRs recognizing Indigenous Peoples and local communities as forest owners, whereas dispute resolution provisions are included in only half (23 CBTRs) of the 46 CBTRs designated for Indigenous Peoples and local communities. The 25 CBTRs recognizing Indigenous Peoples and local communities as forest owners exhibit the highest proportion of legal recognition for women's governance rights (voting and leadership); even among these, however, only 8 percent (2 CBTRs) establish a quota requirement for women's participation in community voting bodies, and only 8 percent (2 CBTRs) require a quorum of women to be present for executive leadership bodies to take legally binding actions. None of the 9 CBTRs on public forests administered by governments explicitly recognize the inheritance rights of women, but such rights are explicitly addressed in 4 percent (2 CBTRs) of the 46 CBTRs on public forests designated for Indigenous Peoples and local communities, and 24 percent (6 CBTRs) of the 25 CBTRs recognizing Indigenous Peoples and local communities as forest owners.

4.9 Correlations Between Policy Motivations and the Statutory Recognition of Indigenous and Rural Women's Forest Rights

■ 4.9.1 The “legislative pathways” framework

In its 2017 publication, *Legislative Pathways for Securing Community-Based Property Rights* (referred to hereafter as “*Legislative Pathways*”),¹²⁴ RRI identifies three categories of laws, or legislative “entry points,” that are frequently used to secure the tenure rights of Indigenous Peoples and local communities (Table 3).¹²⁵

The legislative pathways framework identifies the central aim of legislation establishing CBTRs. *Legislative Pathways* employs this framework to identify legal and policy objectives that produce the most robust legal protections for Indigenous Peoples and local communities under RRI's statutory typology and bundle of rights frameworks.

■ 4.9.2 Applying the legislative pathways framework to women's tenure rights

The application of the legislative pathways framework to RRI data on women's tenure rights reveals that **tenure regimes aimed at acknowledging community-based rights provide greater, more adequate recognition of women's tenure rights than CBTRs motivated by conservation or use/exploitation objectives. Conservation-oriented CBTRs provide the least protection for women's rights to community-level membership, inheritance, voting, and dispute resolution.**¹²⁷ These findings suggest that overriding policy objectives strongly influence the extent to which existing laws protect the tenure rights of indigenous and rural women.

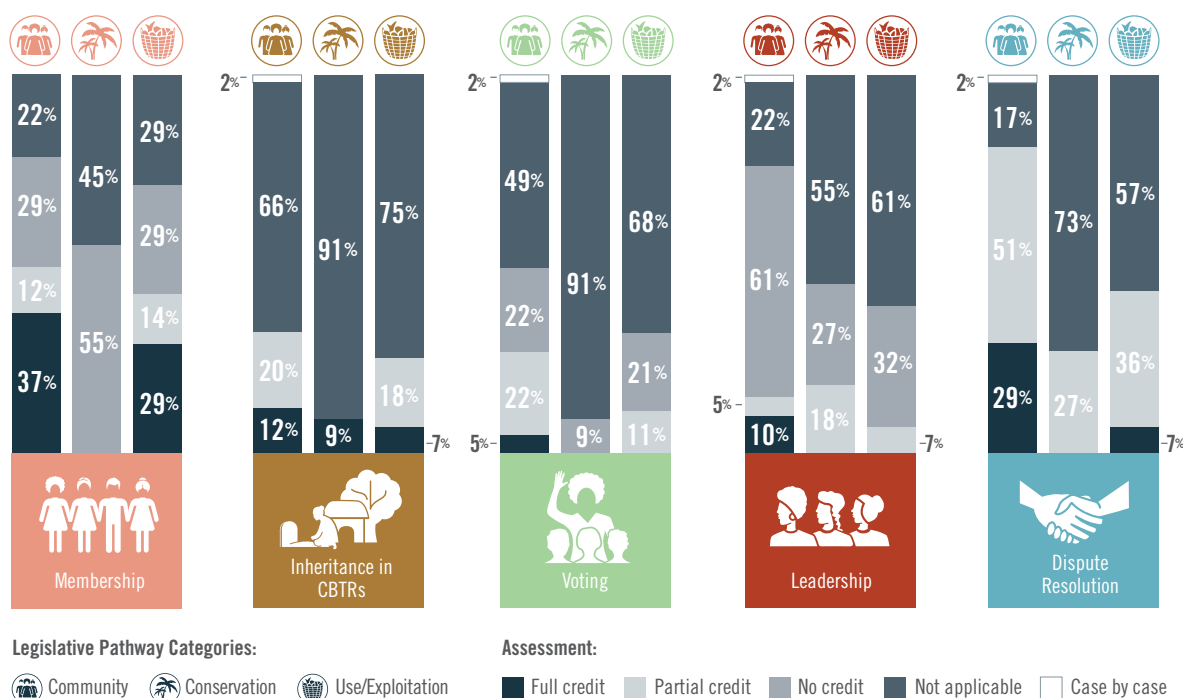
TABLE 3 Legislative Pathways for Securing the Tenure Rights of Indigenous Peoples and Local Communities

Legislative Pathways	Definition
 Community-oriented laws	Laws passed to recognize customary or community-based rights Legal provisions seek to recognize the community-based land rights, customs, practices, and cultural identities of Indigenous Peoples and local communities. Laws may acknowledge the legitimacy of community-based laws, customary governance structures, and cultural practices, define “indigenous persons,” and/or explicitly recognize “community lands” or “customary land tenure.” Such laws may be articulated in national constitutions, land laws, or specific regulations targeting Indigenous Peoples and local communities.
 Conservation-oriented laws	Laws passed to further the conservation of land and natural resources Legal provisions aim to recognize community rights to land and natural resources as a means for achieving broader conservation objectives. Conservation laws are often enforced through time-bound conservation and management contracts between communities inhabiting protected areas and government bodies responsible for forests and natural resource management. Some conservation-oriented laws recognize the rights of Indigenous Peoples and local communities to protected lands and/or natural resources, provided communities abide by the imposed environmental and conservation provisions. These requirements may be found in conservation laws, protected-area laws, and other laws imposing environmental regulations.
 Use/Exploitation-oriented laws	Laws passed to regulate the use and exploitation of land and natural resources Laws provide rights to natural resources that are not necessarily limited to Indigenous Peoples and local communities and are not primarily intended to recognize customary rights or enhance conservation. Such provisions are typically motivated by resource use or exploitation-oriented objectives, may acknowledge the rights of Indigenous Peoples and local communities to use and benefit from specific natural resources, and often emphasize commercial exploitation for private actors and/or communities. Community rights conveyed in this category tend to be temporary in nature, and may be subject to time-bound management contracts or concession agreements—in addition to more detailed management plans—between communities and government bodies.

Community-oriented CBTRs are responsible for a disproportionately high percentage of the adequate legal protections identified in this study. **Across all five CBTR-specific indicators, the 41 community-oriented CBTRs analyzed provide a higher percentage of adequate protections for women’s rights when compared to the 28 use/exploitation-oriented CBTRs and the 11 conservation-oriented CBTRs analyzed.** Community-oriented CBTRs are the only CBTRs of the 80 analyzed in this study to require a quorum for women’s participation in either community voting processes (2 CBTRs do so) or in community leadership bodies (4 CBTRs do so). Notably, the proportion of community-oriented CBTRs that specify women in dispute resolution provisions is more than four times higher than the proportion of use/exploitation-oriented CBTRs that do so.

With the exception of the study's leadership indicator, conservation-oriented CBTRs provide even fewer protections than use/exploitation-oriented CBTRs, either failing to address the rights of women specifically or overlooking the key legal entitlements that shape women's forest tenure at the community level. Most strikingly, no conservation-oriented CBTR analyzed in this study recognizes the membership rights of women or individual community members, acknowledges women's voting rights in a gender-specific manner, includes a quorum requirement for women in leadership bodies, or discusses the specific dispute-resolution rights of women. Only 27 percent (3 CBTRs) of the 11 conservation-oriented CBTRs analyzed address any aspect of dispute resolution (compared with 43 percent of the 28 use/exploitation-oriented CBTRs and 80 percent of the 41 community-oriented CBTRs analyzed).

FIGURE 4 The Extent to Which CBTRs in Each of 3 Legislative Pathway Categories Address the Rights of Women



4.10 FCPF REDD+ Participant Countries

CBTRs identified within the 21 FCPF participant countries¹²⁸ reviewed provide levels of gender-specific protections for women's community-level membership, inheritance, governance (voting and leadership), and dispute resolution rights that are consistent with this study's overall findings.

BOX 3

Links Between Domestic Violence Laws and Inheritance Rights: Property Grabbing and Other Serious Property-related Offenses Against Women

Illegal property seizure against women at the household level (or “property grabbing”) is a well-documented problem in many rural communities, and is linked directly to weak household-level inheritance rights. Property grabbing typically occurs when powerful (usually male) perpetrators, who are often related to the victim, “grab” a woman’s forestland, home, and/or other resources.^g Widows, women in consensual unions, childless women, and orphans are especially vulnerable to property grabbing upon the death of a male family member or domestic partner in those indigenous and local communities where community practices dictate that women’s land and membership rights are tied to their domestic relationships with men.^h

Property grabbing and the insecure inheritance rights that lead to it are linked to physical forms of domestic violence, vulnerability to forced marriage, low levels of economic agency, a lack of decision-making power concerning sexual relations, and a consequent increase in the levels of HIV/AIDS in rural women.ⁱ The mere threat of property grabbing by a relative may compel a widow or unmarried woman whose partner has recently died to marry or enter a domestic relationship with a relative of the deceased (in patrilineal communities). This practice—sometimes referred to as “widow inheritance”—is intended to ensure that lands remain under community control after a man’s death.^j Given the negative consequences of property grabbing for rural women and their families, such practices represent one of the most extreme means by which women living in indigenous and local communities may be deprived of their rights to community lands.

CEDAW General Recommendations 27 and 34 specifically call on state parties to eradicate property grabbing against rural women and widows.^k Property grabbing is also prohibited by national laws outlawing economic forms of domestic violence. In an effort to protect women’s rights to property and other economic resources, some countries—including 14 countries assessed in this report^l—have domestic-violence laws explicitly prohibiting economic violence. Twelve of the reviewed countries explicitly extend these protections to women in consensual unions. Bolivia, India, Venezuela, and Zambia all have domestic violence laws that reportedly prohibit economic violence related to property and extend such protections to women in consensual unions (Table 4).

TABLE 4 Examples of Domestic Violence Laws Prohibiting Property-related Economic Violence

Country	Name of domestic violence legislation*	Property-related prohibitions of economic violence that extend to women in consensual unions
India	The Protection of Women from Domestic Violence Act, (2005), Sec. 3(d)(iv)	Prohibits “economic abuse,” including the destruction, damage, or deprivation of property in which an aggrieved person has an interest or reasonable expectation of use.
Zambia	The Anti-Gender-Based Violence Act, (2011) Sec. 3(1)	Prohibits “economic abuse,” including unreasonably depriving or damaging the property of a victim, a victim’s family member, or the victim’s dependent, where any of these parties has an interest or reasonable expectation of use the property.
Venezuela	Law on the Right of Women to a Life Free of Violence (2007), Art. 15(12)	Prohibits “patrimonial and economic violence,” including any act or omission that directly or indirectly damages or disrupts women’s: possession or ownership of moveable or immovable property, including common property; economic rights or resources intended to meet their needs; or economic means that are indispensable to their survival.

Region: ■ Africa ■ Asia ■ Latin America

* Source: World Bank. *Women, Business and the Law Database*. Available at: wbl.worldbank.org.

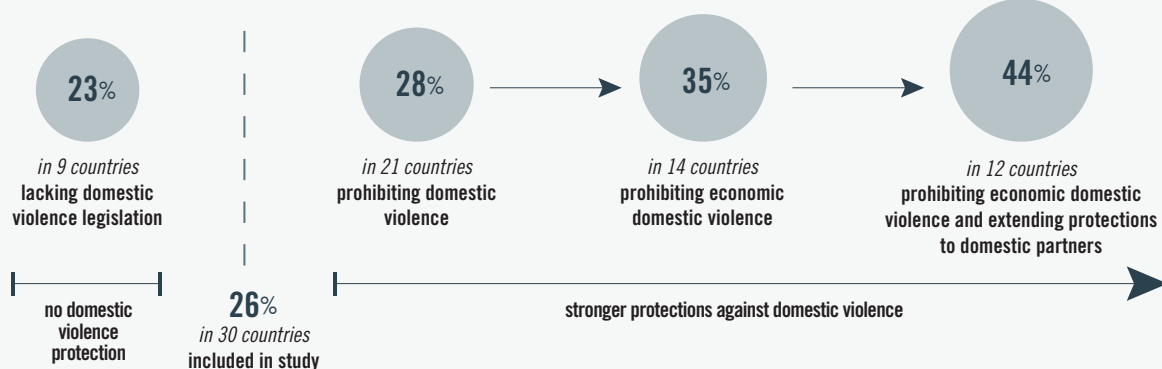
Box 3 continued

RRI's gender methodology does not assess domestic violence as a legal indicator. However, this study uses three indicators in the "protecting women from violence" framework employed by the World Bank's Women, Business and the Law Database to analyze this study's inheritance findings with respect to domestic violence legislation. This approach permits the analysis of connections between women's statutory inheritance rights and the existence of domestic-violence laws addressing economic violence and domestic partners. The World Bank indicators employed address the following questions:

- Is there domestic violence legislation?
- Does domestic violence legislation cover economic violence?
- Does domestic violence legislation protect unmarried intimate parties?^m

FIGURE 5 Proportion of CBTRs That Address Community-level Inheritance Rights of Women, by World Bank Indicators of Domestic Violence Legislation

Percent of CBTRs that address inheritance:



This study found that strong protections for women's CBTR-specific inheritance rights are most common in CBTRs reportedly subject to domestic-violence legislation that both prohibits economic violence and accords such protections to women in consensual unions, alongside other categories of women (Figure 5). Notably, eight of the nine countries reported as lacking domestic violence legislation are in sub-Saharan Africa, a region where property grabbing has been widely documented.

5 Regional Results



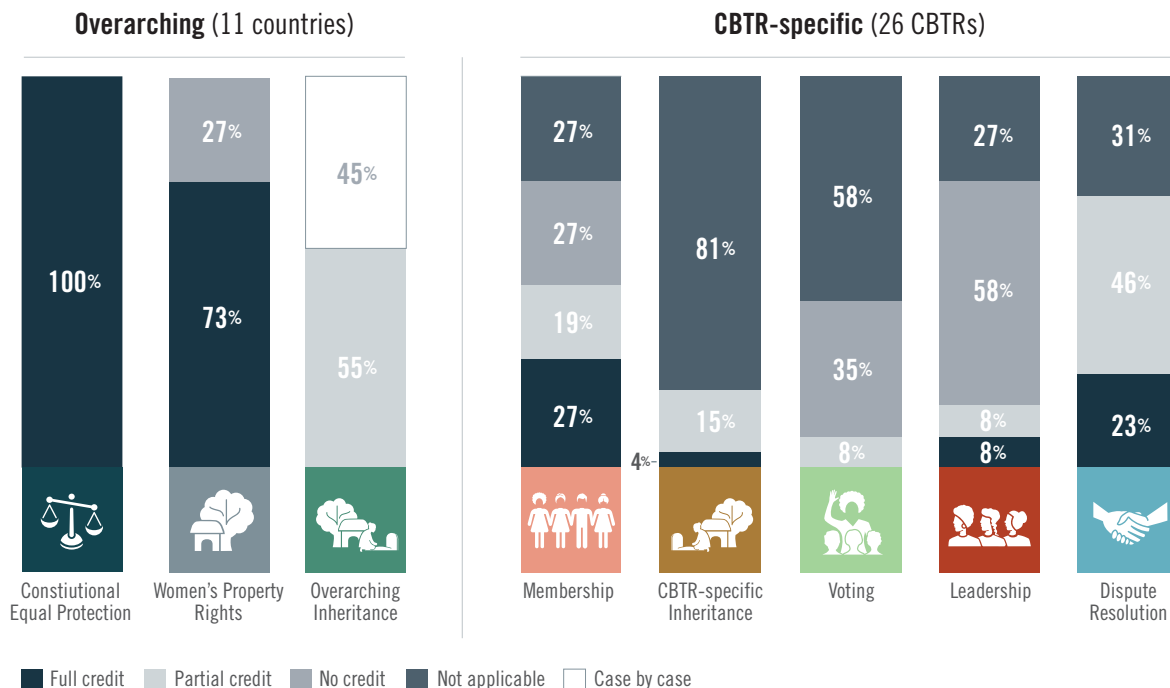
The cultural identities, community-based laws, development challenges, and political and historical contexts of Indigenous Peoples and local communities vary tremendously across and within Africa, Asia, and Latin America. Regional findings are mixed; no region provides consistently stronger legal protections for women across all eight of the indicators assessed, or even across all five CBTR-specific indicators. In some instances, a favorable result for an indicator in one region may only reflect slightly more consistent protection for women, when compared with results for the same indicator in another region. Moreover, some regional findings may reflect the shared circumstances of the assessed countries rather than wider regional trends. Nevertheless, the findings suggest regional differences in the recognition of women's tenure rights in indigenous societies and local communities.

5.1 Africa

The 11 countries in Africa included in the study: Cameroon, Democratic Republic of the Congo, Gabon, Kenya, Liberia, Mali, Mozambique, Republic of the Congo, Senegal, Tanzania, and Zambia.

When considered against findings for Latin America and Asia, the 11 countries studied in Africa provide the most consistent affirmation of women's property rights in their statutory laws. Women have more frequently recognized rights to community-level dispute resolution in Africa than in the other two regions, with 69 percent (18 CBTRs) of the 26 CBTRs in Africa either expressly protecting women's dispute-resolution rights or addressing dispute resolution mechanisms in a gender-neutral manner. In contrast, the **African CBTRs analyzed provide the weakest inheritance and voting rights for indigenous and rural women.** Only 8 percent (2 CBTRs) of the 26 African CBTRs recognize women's right to vote in community general assemblies, and no CBTR requires the presence of a quorum of women for general assemblies to take binding action. **More than 80 percent of African CBTRs identified do not contain community-level inheritance provisions of any kind,** and only one CBTR (Certified and Uncertified Community DUATs in Mozambique) explicitly affirms the community-level inheritance rights of women.¹²⁹

FIGURE 6 Performance of 11 Countries in Africa Concerning the Recognition of Women's Rights in 26 CBTRs



Note: The study included 11 countries in Africa: Cameroon, Democratic Republic of the Congo, Gabon, Kenya, Liberia, Mali, Mozambique, Republic of the Congo, Senegal, Tanzania, and Zambia.

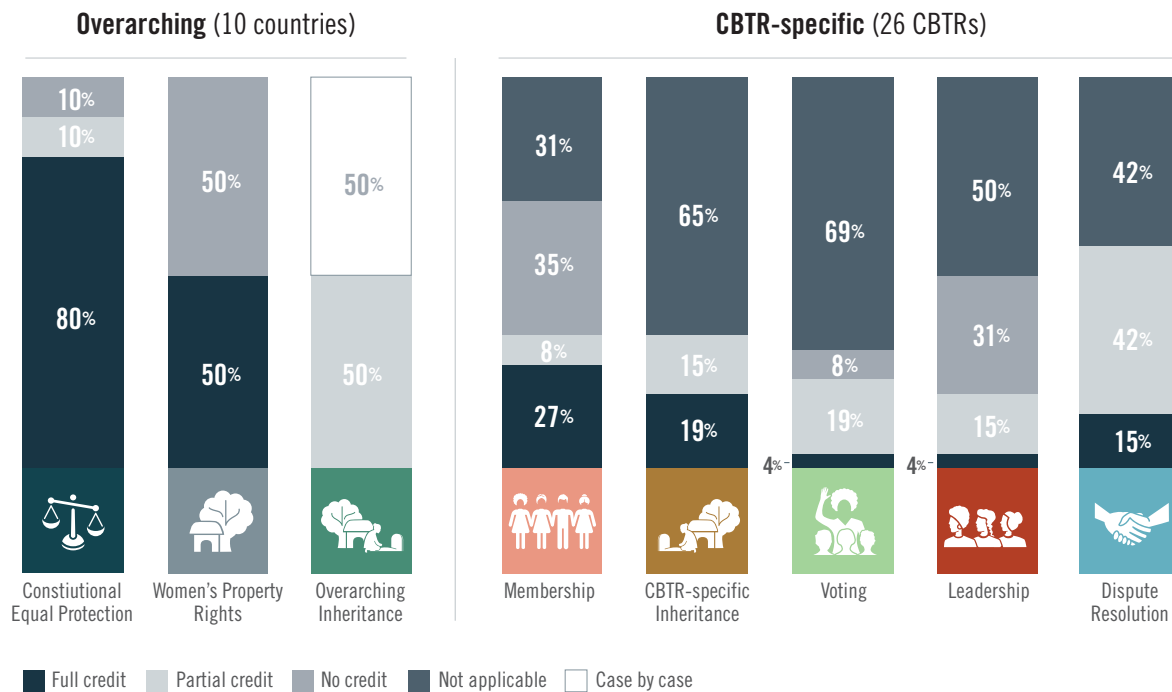
Only 18 percent (2 countries) of the 11 African countries assessed reportedly prohibit economic forms of domestic violence such as property grabbing and other coercive practices, compounding the insecurity of indigenous and rural women's inheritance rights in Africa.

5.2 Asia

The 10 countries in Asia included in the study: Cambodia, China, India, Indonesia, Myanmar, Nepal, Papua New Guinea, Philippines, Thailand, and Vietnam.

Asian CBTRs provide the most consistent recognition of women's community-level inheritance rights, with 19 percent (5 CBTRs) explicitly recognizing the inheritance rights of women, and an additional 15 percent (4 CBTRs) addressing community-level inheritance in a gender-neutral manner. Asian CBTRs also provide the highest level of gender-specific protection for women's voting and leadership rights among the three regions analyzed, although Latin American CBTRs provides similar results with respect to voting, and African CBTRs provide similar results with respect to leadership. Of the 26 Asian CBTRs identified, **23 percent (6 CBTRs) recognize women's right to vote or take equivalent binding action in community general assemblies, and 19 percent (5 CBTRs) establish a minimum quota or quorum of women that must be included in community-level executive bodies.** African and Asian countries recognize the *overarching* intestate inheritance rights of women at similar levels, with six (55 percent) of the 11 African countries analyzed and half of the 10 Asian countries assessed protecting

FIGURE 7 Performance of 10 Countries in Asia Concerning the Recognition of Women's Rights in 26 CBTRs



Note: The study included 10 countries in Asia: Cambodia, China, India, Indonesia, Myanmar, Nepal, Papua New Guinea, Philippines, Thailand, and Vietnam.

the equal inheritance rights of at least one category of women. **None of the assessed countries in Asia or Africa recognize the rights of women in consensual unions to inherit land, and between 45-50 percent of the reviewed countries in both regions establish plural inheritance regimes that inequitably protect women's inheritance rights.** Lastly, results for Asia's constitutional indicator trail behind those of Africa and Latin America because Indonesia and Thailand are the only two countries featured in this study that do not explicitly protect women from gender-based discrimination and/or expressly guarantee women equal protection under the law.

5.3 Latin America

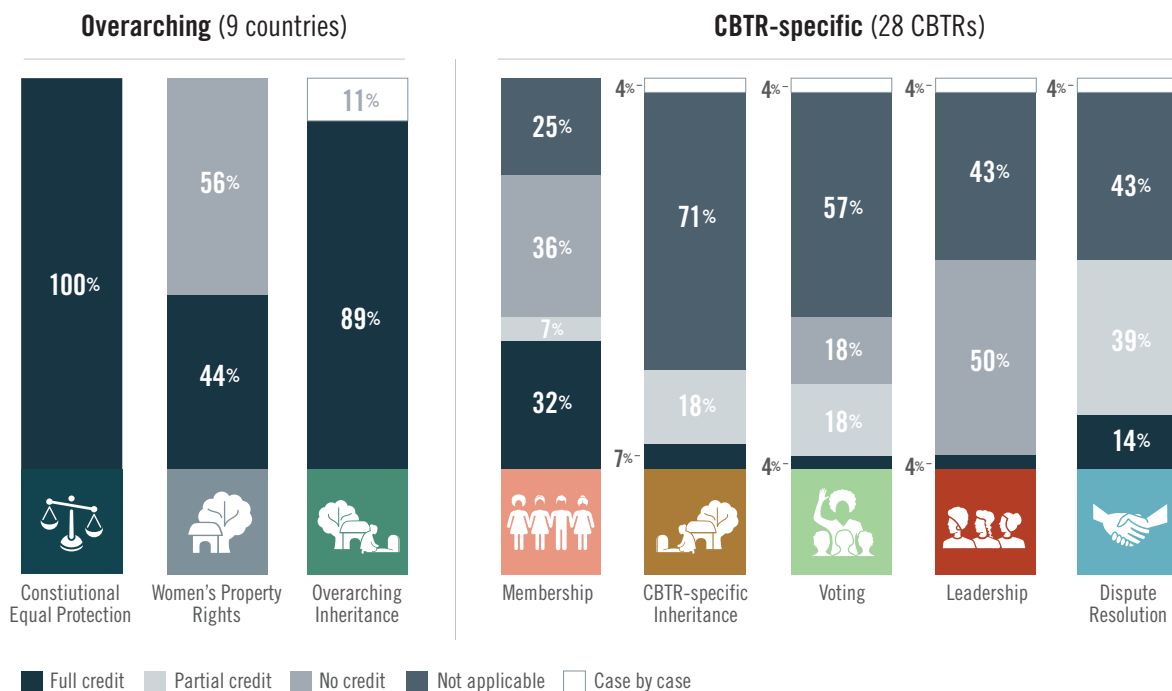
The nine countries in Latin American included in the study: Bolivia, Brazil, Colombia, Guatemala, Guyana, Mexico, Panama, Peru, and Venezuela.

Of the three regions studied, Latin America exhibits the strongest protections for women's overarching inheritance rights. Latin American CBTRs assessed also provide the greatest gender-specific protections for women's community-level membership rights, although CBTRs in Africa provide the highest percentage of CBTRs that recognize the membership rights of either women or all adults in the community. **Eight of the nine Latin American countries assessed provide equal statutory protection for the overarching inheritance rights of daughters, widows, and women in consensual unions; these are the only countries among the 30 reviewed LMICs that safeguard the inheritance rights of women in**

consensual unions. These comparatively high results for women's overarching inheritance rights parallel the fact that half of the 14 countries that prohibit economic forms of domestic violence are in Latin America; those seven countries also extend such protections to unmarried women in consensual unions.

Despite these positive findings, only two of 28 Latin American CBTRs specify women's community-level inheritance rights (*Ejidos* and *Comunidades Locales* on Forestlands, both in Mexico). **Latin America also lags behind the other regions with respect to affirmations of women's property rights, and the adequate acknowledgment of women's community-level leadership and dispute resolution rights.** Only one Latin American CBTR (Afro-Colombian Community Lands) institutes a quota or quorum requirement related to women's leadership rights, and only four of the nine Latin American countries assessed (44 percent) provide general affirmative protections for women's property rights. Moreover, only 14 percent (4 CBTRs) of the 28 Latin American CBTRs analyzed provide adequate, gender-specific recognition of women's community-level right to dispute resolution, thus trailing just behind results in Asia.

FIGURE 8 Performance of 9 Countries in Latin America Concerning the Recognition of Women's Rights in 28 CBTRs



Note: The study included 9 countries in Latin America: Bolivia, Brazil, Colombia, Guatemala, Guyana, Mexico, Panama, Peru, and Venezuela.

6 Implications: LMICs Are Not Respecting Indigenous and Rural Women's Tenure Rights or Meeting Their International Obligations



The findings presented in Chapters 4 and 5 show that the 30 low- and middle-income countries (LMICs) featured in this analysis are not meeting their obligations under CEDAW, the SDGs, or the standards set in international norms like the VGGT. All of these instruments necessitate the statutory recognition of women's rights to community forests (Annex 1 summarizes the key provisions in these instruments). In contrast to the comprehensive legal reforms called for in CEDAW, the VGGT, and the SDGs, existing legal frameworks in the 30 LMICs assessed are riddled with weak legal protections, crippling legal omissions, and discriminatory inheritance provisions that fail to protect the rights of indigenous and rural women to community forests. The need to correct these failings and fully promote the tenure rights and development potential of indigenous and rural women merits prompt action in all countries analyzed.

1 Few LMICs have instituted the legislative reforms needed to meet their legal obligations on women's rights to community forestlands under CEDAW and non-binding international instruments. The vast majority of statutory laws regulating 78 percent of LMIC forests worldwide fail to adequately protect the rights of indigenous and rural women to property, inheritance, community membership, community-level governance, and community-level dispute resolution. Overarching statutory protections safeguarding the tenure rights of indigenous and rural women in constitutions and international legal instruments are not reflected in the laws that regulate the everyday interactions of Indigenous Peoples and local communities with forest resources.

The VGGT calls on states to “ensure that women and girls have equal tenure rights and access to land, fisheries, and forests independent of their civil and marital status,”¹³⁰ yet adequate gender-sensitive protections exist in only 3 percent of the 80 analyzed CBTRs regarding voting, 5 percent regarding leadership, 10 percent regarding inheritance, 18 percent regarding dispute resolution, and 29 percent regarding membership. The number of CBTRs that fail to address key legal entitlements related to forest tenure in any respect is equally concerning. Of the analyzed CBTRs, the proportions that fail to address specific rights are 73 percent for community-level inheritance, 61 percent for voting, 40 percent for leadership, 39 percent for dispute resolution, and 28 percent for membership. Legislative weaknesses are not limited to laws establishing CBTRs. Approximately one-quarter (eight) of the 30 reviewed LMICs safeguard the equal inheritance rights of daughters, widows, and women in consensual unions, and only 57 percent (17) contain affirmative protections for women’s overarching property rights.

In contrast, 28 of the 30 LMICs largely “embody the principle of equality of men and women in their national constitutions,” as required by CEDAW Article 2(a). Although the establishment of strong constitutional protections is a positive and necessary first step in eliminating gender-based discrimination and protecting women’s socioeconomic rights, the study demonstrates that constitutional principles are not captured adequately in the laws that most closely determine the contours of community-based tenure regimes.

2 The findings of this study suggest that the legal advancement of communities and women are positively associated. CBTRs that recognize community ownership of forests (according to RRI’s statutory forest tenure typology)—as well as those established with the principal aim of recognizing community-based rights—provide the most robust legal protections for women’s forest rights in indigenous and local communities.

Compared with CBTRs in which public forests are designated for Indigenous Peoples and local communities under RRI’s statutory typology, CBTRs that recognize Indigenous Peoples and local communities as forest owners provide more consistent and stronger legal protections for women’s forest rights. This echoes the finding that community-oriented CBTRs (CBTRs focused on the recognition of community-based rights) protect the forest rights of indigenous and rural women more explicitly and reliably than do conservation- and use/exploitation-oriented CBTRs. Of the 80 analyzed CBTRs, 25 recognize Indigenous Peoples and local communities as forest owners. Of these, 23 (more than half the 39 community-oriented CBTRs analyzed) are also community-oriented under RRI’s legislative pathways framework. The comparatively strong statutory recognition of women’s tenure rights offered by these overlapping CBTR categories demonstrates that women need not—and should not be compelled to—choose between the recognition of their own tenure rights and those of their larger communities. The study shows that advancements in women’s forest tenure achieved through community-focused laws that strengthen community ownership are effective means for securing gender-positive reforms.

The comparatively stronger, gender-specific protections found in CBTRs that recognize communities as forest owners may be a natural consequence of the human-centered and comparatively robust nature of those tenure regimes. The analyzed conservation- and use/exploitation-oriented CBTRs more commonly recognize a more limited bundle of rights for Indigenous Peoples and local communities, in contrast to community-oriented CBTRs that typically amount to “ownership” under RRI’s statutory typology. CBTRs recognizing communities as forest owners confer a wider bundle of rights to communities and tend to be far more detailed than CBTRs on public forests

that are government administered or designated for Indigenous Peoples and local communities. Each legal provision recognizing an additional community-based right presents a new opportunity for lawmakers to consider the specific governance structures, practices, and gender norms of a community. Many strong community-oriented CBTRs are the result of hard-fought advocacy efforts led by both women and men in indigenous and local communities campaigning for specific legislative objectives. When recognizing a broad set of tenure rights held by specific communities or ethnic groups, lawmakers may also be more likely to consider the governance structures, practices, and wider circumstances of the envisaged indigenous or rural rights-holders, including the rights of (and obstacles facing) women in those societies. The human-centered focus of many community-oriented CBTRs may incentivize lawmakers to consult with Indigenous Peoples and local communities during the drafting process (although robust consultation is by no means the norm in the assessed countries), allowing them to better consider the preferences of groups within communities. Moreover, CBTRs recognizing Indigenous Peoples and local communities as forest owners are unlimited in duration, and the anticipated longevity of those tenure rights may encourage policy makers to consider the wider range of destabilizing circumstances, including gender inequality, that could weaken the long-term advancement and tenure security of communities.

3 CBTRs that do not recognize communities' ownership rights, and those motivated by conservation aims, tend to provide comparatively weak legal protections for indigenous and rural women's forest rights and for community-based rights more broadly. CBTRs motivated by resource-use/exploitation aims provide less protection than community-oriented CBTRs but more protection than conservation-oriented CBTRs.

CBTRs that do not recognize Indigenous Peoples and local communities as forest owners under RRI's statutory typology, as well as those motivated by conservation- or use/exploitation-oriented objectives, are associated with the least gender-sensitive laws reviewed in this study. A significant amount of overlap exists between these tenure regime categories. Of the 55 CBTRs that do not recognize communities as forest owners, 67 percent are also conservation- or use/exploitation-oriented. Of the 39 CBTRs motivated by conservation or use/exploitation objectives, 95 percent fail to recognize Indigenous Peoples and local communities as forest owners.

Conservation-oriented CBTRs offer the fewest and weakest protections for women's tenure rights. No conservation-oriented CBTRs recognize the community-level voting rights of women specifically or address the membership rights of individuals in any respect (no provisions were gender-specific), and 91 percent fail to address community-level inheritance in any respect. Use/exploitation-oriented CBTRs often allow communities to sign forest management contracts with governments or business actors in order to exercise specific tenure rights, yet 93 percent of use/exploitation-oriented CBTRs either fail to address community leadership in any respect or fail to recognize the specific leadership rights of women; 89 percent either fail to address community-level voting processes or recognize the specific voting rights of women; and only 7 percent recognize the specific community-level dispute resolution rights of women.

Findings concerning use/exploitation-oriented CBTRs highlight the unfavorable situation facing indigenous and rural women in negotiations on forest concessions and other interactions between communities and private sector actors. Some use/exploitation-oriented CBTRs permit companies to sign concession agreements on land designated for community use, and the protection of tenure rights in such laws is especially gender-blind. To avoid discriminating against women, companies must approach community engagements with the full understanding that existing laws are unlikely

to reflect the complete scope of rights possessed by indigenous and rural women (and their communities), as conferred by community practice or international law.

Existing national legislation is also unlikely to embody the standards captured in the IFC Performance Standards, which require private companies to engage inclusively and to consult informatively with communities, including women, when assessing and managing environmental and social risks and when abiding by FPIC principles in projects involving Indigenous Peoples.¹³¹ Because use/exploitation-oriented and conservation-oriented CBTRs are more likely to be time-bound and governed by management contracts between communities and government bodies that may not reflect the differentiated needs or concerns of community women, women may even be unable to rely on existing tenure rights in such CBTRs.

Given the general absence of government-issued guidance on women's forest tenure and appropriate means for respecting women's rights to community forests, the voluntary adherence by companies to international guidelines such as the Interlaken Group Guidance Tool is important. Companies enacting commitments to protect women's forest tenure rights by adhering to respected international guidance will be best-positioned to implement socially responsible practices that respect women's rights and enable women to benefit from corporate engagement.

4 Adequate, gender-sensitive statutory recognition of women's governance rights through voting and leadership is markedly uncommon. This finding parallels the gap between indigenous and rural women's more consistently realized right to access forestlands and their frequent inability to control and govern such lands. Of all the legal entitlements analyzed, women's rights to vote in community general assemblies and participate in community leadership bodies—arguably the legal entitlements most important for ensuring equal rights to exercise voice and effectuate systematic, sustainable change in a community—receive the lowest level of adequate, gender-specific statutory recognition.

Only two of the 80 analyzed CBTRs provide indigenous and rural women with adequate legal protections concerning voting and leadership. Only 18 percent of CBTRs analyzed explicitly acknowledge women's right to vote in community general assemblies or to take equivalent binding action, and more than 60 percent omit any reference to this crucial right. Only 13 percent of the analyzed CBTRs explicitly protect women's right to occupy community-level leadership positions; 46 percent address leadership but do not safeguard women's participation in community-level leadership bodies; and 40 percent lack any reference to such bodies. With few exceptions, national laws do not reflect the obligation (under CEDAW) of states to “use legislative measures to ensure that rural women have the right to participate in all community activities”¹³² through the legislative imposition of quota requirements related to community-level governance bodies, as recommended by CEDAW.¹³³

As demonstrated in the literature, community-oriented legal reforms that build on and reflect existing community governance structures, rather than impose entirely new governance systems on community lands, are most effective and least likely to disrupt livelihoods or spur local conflict.¹³⁴ Although laws that override existing community-level governance structures are likely to be counterproductive, the existing legislative silence on the right of indigenous and rural women to participate meaningfully in the governance processes of their communities is troubling. Gender-equitable governance laws are especially important for ensuring that women have a meaningful role in community decision-making on large-scale land acquisitions. In many cases, community general assemblies are the primary vehicle by which community members engage with companies,

acquire important information on potential development projects, and influence the terms of land concessions. It is therefore crucial that women have access to, and the right to meaningfully participate in, such forums. Given that companies often negotiate directly with community leadership bodies with the power to make legally binding commitments on behalf of their constituencies, it may be difficult for women to adequately influence decisions on community land acquisitions if their ability to occupy meaningful roles in such bodies is not guaranteed.

Ultimately, the legislative silence on women's community-level governance rights supports a consistent observation in the literature on rural women's land tenure: women in community-based tenure systems are routinely identified as possessing actionable rights to access and use community lands but are not likely have secure rights to govern land at a community level.¹³⁵ The gap between women's access to and control over forests and natural resources points, in part, to significant weaknesses in the statutory laws that regulate women's participation in community governance structures and, by extension, weaknesses in governments' full appreciation of the importance of women's rights and their related capacity to monitor and enforce these rights.

5 The lack of adequate laws protecting the inheritance rights of women in community-based tenure systems may reflect the widespread normative assumption that the membership and property rights of indigenous and rural women are to be determined by their marital status. Even when gender-neutral inheritance provisions are considered, community-level inheritance rights receive the least amount of acknowledgement of the five CBTR-specific indicators analyzed. Findings demonstrate that the overarching intestate inheritance rights of widows and women in consensual unions are especially fragile, even though widowhood and consensual unions are common in LMICs. Marriage type, such as customary, religious, or civil marriages, often determines which inheritance regime applies to the intestate administration of a deceased spouse's property, yet the laws of many countries with plural overarching inheritance regimes fail to recognize customary marriages that are predominantly practiced by some Indigenous Peoples and local communities. Some countries with plural legal regimes also afford fewer inheritance rights to women based on their religion.

Of the 30 LMICs included in this study, 63 percent offer equal overarching inheritance rights to at least one category of women (i.e. daughters, widows, or women in consensual unions), but only 27 percent (eight countries, all of which are in Latin America) offer such protection to women in consensual unions. Almost three-quarters of the 80 reviewed CBTRs do not include regulations concerning community-level inheritance. The marked absence of inheritance considerations in CBTR-specific laws, combined with the prevalence of discriminatory or otherwise inadequate overarching inheritance laws, suggests that in many if not most cases the inheritance rights of indigenous and rural women are vulnerable, particularly if women's inheritance rights are tested in formal courts. Although some indigenous and local communities provide equal inheritance rights to women, research indicates that in many communities, women's membership and inheritance rights are dictated by their marital status or other relationships with rights-holding men. Some inheritance laws appear to anticipate such community-level practices, but few directly acknowledge them or adequately safeguard the rights of all women to community membership and inheritance, regardless of their marital status.

These crucial legislative failures facilitate patriarchal practices that limit women's economic agency and decision-making, thereby rendering them vulnerable to more extreme risks such as property grabbing and coerced marriage on the death of a husband or domestic partner. The ability of

women to independently and equally inherit rights to community forests, community lands, and other natural resources plays a fundamental role in household economic and livelihood decisions. Consequently, the passing of laws that enable women to equally inherit rights to land and resources is a key step in satisfying gender justice goals, as well as national legal obligations under CEDAW to eliminate discrimination against women in all matters related to marriage and family relations and to ensure that spouses have equal rights “in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property.”¹³⁶

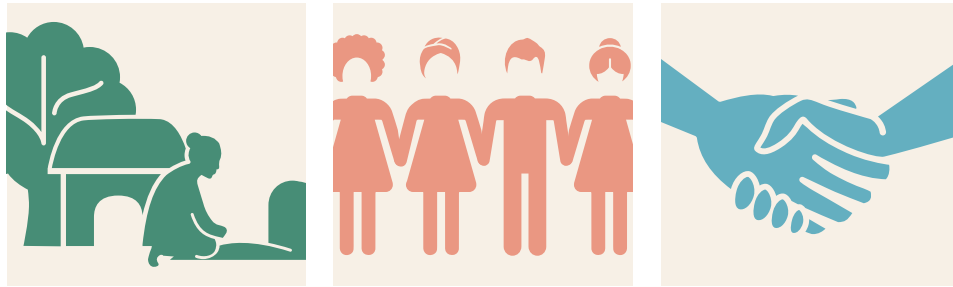
6 REDD+ readiness efforts under the FCPF framework appear to have had little or no impact on the statutory tenure rights of indigenous and rural women to date. The gender equality implied in the Cancun Agreements and related REDD+ safeguards—and overtly acknowledged in related guidance such as UN-REDD’s guidelines¹³⁷—is not reflected in the laws of FCPF participant countries examined in this study. REDD+ has been described as a “pro-poor” initiative designed to enhance the livelihoods and rights of the world’s vulnerable people,¹³⁸ yet this study’s findings suggest that existing REDD+ frameworks do not yet satisfy such a description with respect to indigenous and rural women.

The social and environmental safeguards embodied in the Cancun Agreements require REDD+ countries to promote and support actions that “complement or are consistent with ... relevant international conventions and agreements” (which would include CEDAW)¹³⁹ and to take into account UNDRIP, which embraces FPIC principles and guarantees equal rights to both “male and female indigenous individuals.”¹⁴⁰ REDD+ participant countries are to respect the traditional knowledge and rights of Indigenous Peoples and local communities and ensure and support their “full and effective participation” in REDD+ initiatives, and to conduct REDD+ processes in a gender-sensitive manner.¹⁴¹ The absence of stronger, gender-equitable CBTRs in FCPF participant countries calls into question the adequacy of REDD+ efforts to meet these countries’ commitments on gender.

7 The positive correlation between laws prohibiting economic domestic violence and laws recognizing women’s community-based inheritance rights reflects the strong connection between women’s economic empowerment and their ability to inherit land. It also implies that governments with the political will to pass laws on the controversial issue of domestic violence may also possess sufficient will to establish gender-sensitive inheritance statutes to protect the right of daughters, widows, and women in consensual unions.

Stronger recognition of women’s community-level inheritance rights is correlated with the legal prohibition of economic forms of domestic violence, including property grabbing against women. Community-level inheritance rights are strongly correlated with domestic-violence laws that both prohibit economic forms of domestic violence and apply to women in consensual unions. Notwithstanding the potentially positive impacts of legal reform, laws prohibiting discriminatory practices may have limited effects if implementation is not backed by efforts to raise awareness that are sensitive to community norms, values, and practices.¹⁴² Indeed, “attempts to empower women through legislation without a corresponding sensitization of men have been linked to increased gender-based violence.”¹⁴³

7 Framework for Action: Recommendations



The 30 low- and middle-income countries analyzed in this study are yet to fulfill their obligations under international law to adequately recognize the tenure rights of indigenous and rural women, leaving women in forest communities without the legal backing they need to ensure the agency and economic wellbeing afforded by formal tenure rights. The practices, socioeconomic contexts, and legal frameworks recognizing the tenure rights of Indigenous Peoples and local communities differ widely both within and across developing countries. Many Indigenous Peoples’ and local community organizations across the world have been advancing gender justice and transforming their governance structures despite a lack of legal protections for decades. This paper calls on governments, private corporations, international development organizations, land rights advocates, and civil society organizations to respect and work with these organizations to ensure that women’s rights to community lands and forests are upheld.

The justice and development imperatives for strengthening the statutory tenure rights of indigenous and rural women have never been more compelling. Women constitute over half the population of the world’s Indigenous Peoples and local communities and they are disproportionately harmed by community-level shocks such as those caused by climate change, large-scale land acquisitions, and conflict, all of which are increasing in scope. The denial of women’s legal rights to community forests is an injustice and a development obstacle borne primarily by women and their families (who often depend largely on women’s forest-based labor for their survival), but also by communities more broadly and, ultimately, all of humanity. Indigenous Peoples’ and local communities’ long-term advancement and way of life are increasingly dependent on the capacity of women to consistently access, use, and exercise control over community forests.

Ongoing demographic shifts prompted by rising levels of male out-migration, transformations in rural work, and resource scarcity are elevating the roles of indigenous and rural women as community-forest managers, community leaders, and community-land advocates while amplifying the consequences of inadequate legal recognition of women’s tenure rights. Much is at stake—but growing awareness of the

importance of women's tenure rights, and increasingly collaborative efforts among governments, business actors, civil society, and the development community, reflect the urgent global priority of acknowledging and protecting the tenure rights of indigenous and rural women.

Given the numerous reform efforts underway in many countries, it is likely that new opportunities will emerge to address the gender-responsiveness of national laws and regulations recognizing the rights of Indigenous Peoples and local communities to lands and forests. To maximize impact, Indigenous Peoples, local communities, and implementing partners should work together to advocate for the consistent and sustainable realization of women's tenure rights. The following recommendations outline the steps that should be considered to protect indigenous and rural women's land and forest rights in indigenous and local communities.

7.1 Recommendations for Governments

Governments, supported by international development organizations, international advocates, and civil society organizations, should:

- 1.** In accordance with countries' national constitutions and obligations under CEDAW, work with Indigenous Peoples and local community organizations to develop, pass, and implement national laws and regulations that explicitly recognize and ensure equal rights for all indigenous and rural women to: protection under the constitution; property; overarching inheritance; and community-level rights to membership, inheritance, governance, and dispute resolution. These rights should be grounded in broader sets of laws recognizing community-based governance structures, as well as the formal and customary rights of Indigenous Peoples and local communities to manage and use their lands and natural resources.
- 2.** Reform statutory laws and policies that: 1) fail to explicitly protect the tenure rights of indigenous and rural women; 2) provide unequal levels of protection based on women's marital status; or 3) have yet to otherwise embody the legal obligations captured by CEDAW. Reform initiatives should respect and work with established community governance institutions, recognizing that decision-making processes in communities may or may not be determined by majority rule.
- 3.** Prioritize the following legislative reforms:
 - i. Statutory provisions recognizing equal rights for all indigenous and rural women to inheritance and community-level governance;
 - ii. Statutory provisions that harmonize plural legal systems and explicitly prohibit all discriminatory practices by communities, individuals, and private entities against women;
 - iii. Statutory provisions concerning conservation and use/exploitation of customarily owned lands and resources that ensure full and equal participation of indigenous and rural women in community-level decision-making, including timely access to information presented in a language and medium that enables the full comprehension of all women community members, and other rights necessary for women's free, prior, and informed consent; and

- iv. Domestic violence laws that specifically prohibit economic forms of domestic violence related to property and that apply to daughters, widows, and women in consensual unions.

7.2

Recommendations for International Development Organizations, International Advocates, and Civil Society Organizations

1. Buttress the implementation of the legal reforms outlined above with technical assistance, targeted messaging campaigns, and adaptive capacity-building interventions in indigenous and local communities.
2. Facilitate recognition and implementation, by states, of the equal forest rights of indigenous and rural women through technical assistance, targeted advocacy, and adaptive capacity-building interventions, placing emphasis on the repeal of gender-discriminatory inheritance laws, the formal recognition of women's community-governance rights, and the legal protection of the inheritance rights of women in consensual unions and customary marriages. To achieve these ends, CSOs and international development organisations and advocates should:
 - i. Support and increase the capacity of women (and women's groups) in indigenous and local communities to advance their tenure rights, both within their communities and nationally;
 - ii. Conduct gender sensitivity training for women, men, and leaders in indigenous and local communities to strengthen community awareness of the rights of women while addressing social norms that may undermine their forest tenure rights; and
 - iii. Support government officials to develop gender-sensitive laws tailored to the specific circumstances of indigenous and local communities and community-based governance structures.
3. Work with communities, business actors, and governments to ensure that all phases of land-based development projects consider, respond to, and uphold the tenure rights of women in indigenous and local communities.
4. Support enforcement of the tenure rights of indigenous and rural women by strengthening community dispute resolution mechanisms. Work with formal and informal actors at the intersection of rural women's access to justice to strengthen the ability of women to bring land disputes before community-level and formal adjudicatory bodies and to receive fair, unbiased hearings.
5. Monitor the progress of countries in reforming laws to recognize the rights of indigenous and rural women to equal protection under the law, property, inheritance (within both overarching and CBTR-specific laws), community membership, and community-level governance and dispute resolution.
6. By supporting the establishment of safeguards and guidelines, commit to the recognition and inclusion of the forest tenure rights of indigenous and rural women in international frameworks and agreements—including REDD+ initiatives and Nationally Determined Contributions under the Paris Agreement.

7. Increase coordination, collaboration, and information sharing among international development organizations, civil society organizations, and advocates involved in cross-cutting issues related to women's forest and land tenure, including such organizations involved in promoting tenure security, gender equality, and access to justice, education, and health.
8. Consistently collect and make publicly available gender-disaggregated data on the tenure rights and practices of Indigenous Peoples and local communities. Relatedly, support and conduct additional research on the ability of men and women to realize their tenure rights and facilitate regular data sharing among government agencies and development actors focused on gender, land and forest tenure, agriculture, economic development, and access to formal and informal justice mechanisms.

7.3 Recommendations for Corporations and Investors

1. Apply the highest international standards with respect to due diligence and all interactions with Indigenous Peoples and local communities, recognizing that national laws often fail to adequately safeguard women's tenure rights.
2. Adopt and implement tenure policies, procedures, and due-diligence processes to ensure that corporate actions with respect to Indigenous Peoples and local communities do not infringe on women's tenure and community governance rights, as articulated in CEDAW and the VGGT. In executing such actions, companies should refer to international guidelines such as the IFC Performance Standards and the Interlaken Group Guidance Tool and strive to:
 - i. Account for the unique challenges, needs, and roles of women in indigenous and local communities;
 - ii. Require companies to take proactive, informed approaches to ensuring that women's governance and FPIC-related rights are realized at each step of all land-related rural development projects;
 - iii. Require companies to establish grievance, redress, and compensation mechanisms that women can access in a free and equal manner;
 - iv. Ensure that corporate agreements with Indigenous Peoples and local communities explicitly contemplate women as community members who will receive benefits and compensation under the terms of such agreements; and
 - v. Apply the same gender-sensitive compliance standards to joint ventures and downstream supply chain partners.
3. Obtain the assistance of gender ministries, civil society organizations, and experts in women's community land tenure, women's community governance rights, corporate compliance, and rural development to advance reforms.

ANNEX 1

**Legal Instruments Recognizing Women's Tenure Rights:
Gender- and Sex-specific Provisions**

The table below includes binding international laws and related guidance that are global in scope. It summarizes key gender- and sex-specific provisions that relate to this study's methodology.

Instrument	Provisions
Universal Declaration of Human Rights	<i>Arts. 2 and 17:</i> Guarantees all freedoms in the Declaration—including the right to own property alone or in association with others—to all persons without distinction to sex.
International Covenant on Civil and Political Rights	<i>Art. 3:</i> States Parties must “undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights ... in the present Covenant.” <i>Art. 26:</i> “[T]he law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as ... sex.”
International Covenant on Economic, Social and Cultural Rights	<i>Art. 2:</i> States Parties must “undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to ... sex.” <i>Art. 3:</i> States Parties must “undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights ... in the present Covenant.”
Convention on the Elimination of All Forms of Discrimination against Women	<i>Art. 1:</i> “[D]iscrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” <i>Required legislative prohibitions and reforms—Art. 2:</i> “State Parties ... agree to: pursue by all appropriate means and without delay a policy of eliminating discrimination against women, and ... undertake” to: • Adopt and enforce “legislative ... measures ... prohibiting all discrimination against women,” and embodying “the equality of men and women” • “Refrain from ... any act or practice of discrimination against women” and “take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise” • “[M]odify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.” <i>Political participation/leadership—Art. 7:</i> “States Parties shall take all appropriate measures to eliminate discrimination against women in political and public life, and ... shall ensure to women, on equal terms with men, ... the right: • “To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies.” • “To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.” • “To participate in non-governmental organizations and associations concerned with the public and political life of the country.” <i>Rural women—Art. 14:</i> “States Parties shall take into account the particular problems faced by rural women” and the “significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy ...” (2): States Parties “shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and ... shall ensure to such women the right: (f): To participate in all community activities.” <i>Legal Capacity/Dispute Resolution—Art. 15:</i> States Parties shall: • “Accord to women equality with men before the law.” • “Give women equal rights to ... conclude contracts and to administer property.” • “Treat [women] equally in all stages of procedure in courts and tribunals.” • “Accord to men and women the same rights with regard to ... the freedom to choose their residence and domicile.”

Instrument	Provisions
<i>(continued)</i> Convention on the Elimination of All Forms of Discrimination against Women	<i>Family relations—Art. 16:</i> “States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and ... shall ensure: (c) The same rights and responsibilities during marriage and at its dissolution; ... (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property.”
United Nations Declaration on the Rights of Indigenous Peoples	<i>Art. 21:</i> Indigenous peoples, including indigenous women, have the right to improve their economic and social conditions without discrimination. <i>Art. 22: (1)</i> “Particular attention shall be paid to the rights and special needs of indigenous ... women, ...” and to protections regarding violence and discrimination against women. <i>Art. 26:</i> Indigenous Peoples have the right to land, territories and resources that they have traditionally owned, occupied or otherwise held.
United Nations Framework Convention on Climate Change Cancun Agreements	<i>Para. 7:</i> Recognizes “the need to engage a broad range of stakeholders at the global, regional, national and local levels, ... and that gender equality and the effective participation of women and indigenous peoples are important for effective action on all aspects of climate change.” <i>Appendix 1 (Safeguards), paragraph 2:</i> REDD+ countries should promote and support: • Actions that “complement or are consistent with ... relevant international conventions and agreements” (which would include CEDAW) • The full and effective participation of relevant stakeholders, in particular Indigenous Peoples and local communities, during REDD+ initiatives • REDD+ processes developed and implemented in a gender-considerate manner.
Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security	<i>Principle 3B.4:</i> “Ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status.” <i>Principle 5.4:</i> “States should consider the particular obstacles faced by women and girls with regard to tenure and associated tenure rights and take measures to ensure that legal and policy frameworks provide adequate protection for women and that laws that recognize women’s tenure rights are implemented and enforced.”
Sustainable Development Goals	<i>Goal 1.4:</i> “By 2013, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources ... ownership and control over land and other forms of property, inheritance, [and] natural resources.” <i>Goal 5.1:</i> “End all forms of discrimination against all women and girls everywhere.” <i>Goal 5.a:</i> “Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources, in accordance with national laws.”
International Finance Corporation Performance Standards on Environmental and Social Sustainability	<i>Disproportionate/differential impact:</i> Under Performance Standard 1 (Assessment and Management of Environmental and Social Risks and Impacts), paragraph 12, business actors must identify disadvantaged and/or vulnerable individuals and groups that may be “directly and differentially or disproportionately” affected by the project, including women. Business actors must “propose and implement differentiated measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in sharing development benefits and opportunities.” <i>Consultation:</i> Business actors must inclusively engage and informatively consult with Indigenous Peoples and/or local communities, including women, when assessing and managing environmental and social risks (Performance Standard 1, paragraphs 30–31), when engaging in project-related land acquisition and involuntary resettlement processes (Performance Standard 5, paragraph 10), and when abiding by FPIC principles in the context of projects involving Indigenous Peoples (Performance Standard 7, paragraph 14).

ANNEX 2 Methodology Note

Sources of Law

As in other RRI analyses, the results of this study are grounded in national-level, legally binding sources of law, including national legislation and regulations addressing the recognition of Indigenous Peoples and local communities, land, forests, agriculture (where forestry is considered), succession, marriage, and other subjects related to women's tenure rights. Non-legally binding documents are referenced where they add to or clarify the manner in which binding sources of law are to be implemented. All CBTRs in this study originate from legally binding sources of law issued by national governments. Expert opinions and information found in the literature provided guidance on the interpretations and interactions of laws cited in this report. Laws entering into force after October 2016 were not considered.

Data Collection and Review

Data were collected in three phases over a period of approximately 18 months. Existing “bundle of rights” data (sometimes also referred to as “depth of rights” data) published in *What Future?* were updated to reflect legislative changes affecting the recognition of community forest tenure in 25 countries since 2013. CBTRs recognized by national laws were identified in five additional countries (Mali, Myanmar, Panama, Philippines, and Senegal), and preliminary bundle of rights assessments were conducted for each of these. Notably, two countries (Malaysia and Nigeria) included in previous RRI bundle of rights analyses were excluded from this report because community forest tenure is not formally recognized at the national level in those countries.

In the second phase of data collection, legislation informing the bundle of rights assessments underwent a secondary review with respect to the CBTR-specific indicators in RRI's gender methodology. A desk review of national constitutions and legislation broadly concerning land and forests, marriage, and inheritance informed the assessment of the overarching indicators in the study. Relevant literature was consulted to support the analysis.

In the expert review phase of the analysis, preliminary data for both the bundle of rights assessments and the gender assessment were submitted to individuals with country-level expertise to verify their accuracy and completeness. Overall, reviews of country data were solicited from nearly 300 people globally, and reviews of data for individual countries were received from more than 80 experts. All efforts were made to include the most up-to-date laws and regulations in the study and to ensure that its legal interpretations reflect country-specific contexts and nuances; however, legal interpretations can vary and may be subject to debate. RRI welcomes feedback concerning its approach, data sources, and data.

Changes to the Bundle of Rights Framework

As discussed in Chapter 2, RRI has been collecting data on the rights of Indigenous Peoples and local communities to access, withdrawal, management, exclusion, and due process and compensation, and on the duration of those rights, since 2012 (see RRI, 2012, and RRI, 2014). In these analyses, forest “ownership” according to RRI's statutory typology is defined as situations in which Indigenous Peoples and local communities have the rights to exclusion and to due process and compensation for an unlimited duration. Although access, withdrawal, and management rights were not specified as essential for community ownership in previous analyses, in practice these rights have always been present where community ownership has been identified. RRI holds the view that minimum rights of access, withdrawal, and management are crucial for the meaningful ownership of land and forests by Indigenous Peoples and local communities; therefore, it has updated its definition of community ownership to require that Indigenous Peoples and local communities hold all six of the rights in the bundle of rights. **Importantly, this change in the conceptual framework does not alter the classification afforded to any CBTR under RRI's**

statutory typology; all CBTRs considered as “owned by Indigenous Peoples and local communities” based on a full bundle of rights analysis have been found to hold all six rights, as shown in Figure 2.

Notes on the Gender Methodology’s Legal Indicators and Assessment Criteria Methodology

Chapter 2 of this report outlines the study’s gender methodology, secondary methodologies used in the analysis, and caveats applying to the study. Annex 3 illustrates the relationship between the legal indicators and the assessment criteria.

The following key attributes of the gender methodology are summarized below and should be used to interpret all data presented in this report.

1. The study’s primary unit of analysis is the **community-based tenure regime (CBTR)**, which may be understood as a distinguishable set of national, state-issued laws and regulations governing “all situations under which the right to own or manage terrestrial natural resources is held at the community level.” This study assesses only CBTRs that regulate forest tenure.
2. Three of RRI’s eight legal indicators—constitutional equal protection; affirmation of women’s property rights; and inheritance in overarching laws—are referred to as **overarching indicators** because they apply to *all women* in a country, regardless of whether they exercise property rights through a community-based tenure system.
3. Five indicators—membership; inheritance in CBTR-specific laws; voting; leadership; and dispute resolution—are **CBTR-specific indicators** that assess women’s rights in each CBTR analyzed in this report. These indicators assess the extent to which statutory laws regulate key aspects of forest tenure practices in communities; they do not examine the realization of community practices.
4. The gender methodology employs an adaptive approach to assessing each legal indicator, whereby the same assessment categories (“partial credit,” “no credit,” etc.) are tailored to fit the question posed by each indicator to the degree of specificity possible across a large number of LMICs.

The notes below provide additional information on the assessment criteria:

- **All eight legal indicators feature “full credit” assessment options indicating an *adequate or minimum degree of statutory protection for women’s forest tenure rights, as mandated by CEDAW*.** Additional assessment categories correspond with inadequate and progressively weaker levels of legal protection, including “partial credit,” “no credit,” “case-by-case,” and “not applicable.” The methodology’s adaptive approach means that some legal indicators lack certain assessment criteria where the criteria are incompatible with the research question posed.
- In general, **“partial credit”** indicates that although laws provide some degree of statutory protection for women’s rights, those protections fail to meet the standard of **“full credit”** under the methodology. The “no credit” category is largely dependent on the degree of specificity captured by a given legal indicator. The CBTR-specific inheritance and dispute resolution indicators lack **“no credit”** options because the legal entitlements assessed are either gender-specific (full credit), gender-neutral (partial credit), or not addressed in any respect (not applicable). For the five CBTR-specific indicators, **“not applicable”** corresponds with laws that fail to address a particular indicator *in any respect*. The overarching indicators lack the “not applicable” category because, to some degree, all countries include constitutional protections, regulations governing property, and regulations governing inheritance.

- Inheritance in overarching laws is the only indicator to feature a “**case-by-case**” assessment option. This option indicates that a country has multiple, distinctly enumerated intestate inheritance regimes, of which at least one regime provides unequal inheritance rights for at least one of the three categories of women addressed in this study (daughters, widows, and women in consensual unions), compared with their male counterparts. In these circumstances, the overarching inheritance rights of women in the same category will vary according to the applicable inheritance regime. Some inheritance regimes in countries receiving a case-by-case assessment permit intestate inheritance to be determined by religious or cultural customs or laws *without* requiring that such customs or laws are gender-equitable. A noteworthy exception regarding the applicability of the case-by-case assessment criteria is Indigenous Peoples’ Territories in Panama. This analysis considers those territories to comprise a single CBTR because of applicable unifying legislation, but individual *comarcas* within the territories are subject to distinct federal laws that regulate matters such as membership, inheritance, and dispute resolution in different ways. Therefore, a case-by-case assessment has been applied in additional indicators to portray the situation of Panama as accurately as possible.

The following additional methodological decisions merit mention:

- Inheritance in overarching law: Although polygamous marriage arrangements have significant implications for the exercise of the inheritance rights of indigenous and rural women *in practice*, this study’s legal analysis of overarching inheritance laws does not consider polygamous marriage laws in assessing whether a widow has equal intestate inheritance rights in comparison to a widower. All results for the overarching inheritance rights of widows reflect national laws and regulations on the intestate inheritance of women in monogamous, statutorily recognized marriages, whether these unions are civil, customary, or religious. Furthermore, the focus of the study on intestate succession in overarching laws reflects the dominance of intestate succession in many rural areas in LMICs; testate succession laws and the content of individuals’ wills are outside the scope of this indicator.
- Voting (Governance): As explained in Chapter 2, this study’s voting indicator captures statutory laws recognizing women’s right to vote or to take equivalent binding action in community general assemblies or equivalent community-level decision-making bodies. The indicator is broad and can include laws recognizing consensus-based decision-making processes that require the agreement of all adult community members, in addition to more democratic processes dictated by majority rule. Only one consensus-based governance provision was identified in this study, however. Consequently, discussion of this indicator in Chapter 3 acknowledges the variety of decision-making processes used by Indigenous Peoples and local communities, but the study’s *findings* on this indicator relate almost exclusively to the right to participate in democratic voting processes.
- Decentralized CBTRs: The study includes CBTRs that are the product of decentralization efforts by national governments, whereby states pass legislation devolving tenure rights from national governments to more local-level government authorities elected by Indigenous Peoples, local communities, and any other citizens within the decentralization regime’s jurisdiction. Examples of such regimes include Forest Domain of Decentralized Territorial Collectives in Mali and Forests Managed by Local Collectives in Senegal. Where such tenure regimes legislatively enable Indigenous Peoples or local communities to practice communal tenure, these regimes are included in this analysis as CBTRs. Although Indigenous Peoples and local communities do have the right to vote for such local authorities—and, in practice, local authorities under decentralization regimes may be members of local communities—community members’ right to elect local authorities in decentralization schemes does not affect the governance or management findings of this study. This analysis considers national laws or regulations that recognize the right of indigenous or local community leaders, community general assemblies, or other equivalent community decision-making bodies to participate in forest management or governance processes alongside elected local officials.

RRI Gender Methodology: Legal Indicators and Assessment Criteria

KEY TERMS

Community-based tenure regime (CBTR): A distinguishable set of national, state-issued laws and regulations governing “all situations under which the right to own or manage terrestrial natural resources is held at the community level” (RRI, 2015).

CBTR-specific laws: National-level laws and regulations concerning the tenure rights of individuals at a community-level, within a specific CBTR.

Overarching laws: National-level laws and regulations that apply to all individuals in a country, regardless of whether they exercise property rights through a community-based tenure system.

Overarching Legal Indicators

		Constitutional Equal Protection	Does the constitution contain gender-specific equal-protection provisions or prohibit gender-based discrimination? If the constitution affirmatively recognizes customary law, customary practices, and/or customary rights/tenure, does it also require customary law, customary practices, and/or customary rights/tenure to conform with all other provisions of the constitution?
	A.	The constitution either prohibits gender-based discrimination or contains a provision guaranteeing equal protection specific to gender. However, the constitution does not affirmatively recognize customary law, customary practices, or customary rights/tenure.	– OR –
	B.	All three of the following requirements are satisfied: 1. The constitution prohibits gender-based discrimination or contains a provision guaranteeing equal protection specific to gender. 2. The constitution affirmatively recognizes customary law, customary practices, or customary rights/tenure. 3. The constitution explicitly requires customary law, customary practices, or customary rights/tenure to conform with all other provisions of the constitution.	
	A.	The constitution contains a non-discrimination or equal-protection provision that does not specify gender but does explicitly include all individuals without exception.	– OR –
	B.	The constitution prohibits gender-based discrimination or has a provision guaranteeing equal protection that specifies gender. The constitution also recognizes customary law, customary practices, or customary rights/tenure, but fails to require customary law, customary practices, or customary rights/tenure to conform with all other provisions of the constitution.	– OR –
	C.	The constitution does not contain non-discrimination or equal-protection provisions. However, it does establish that treaties are self-executing, and the country has ratified or acceded to CEDAW.	
		The constitution does not contain non-discrimination or equal-protection provisions. It also lacks provisions that would make CEDAW self-executing.	

	Affirmation of Women's Property Rights	Does the constitution, land law, or other overarching environmental or agrarian law contain a general provision affirming all women's property rights or prohibiting property-related practices that would adversely affect women's access to or ownership of land?
	The constitution, land law, or other overarching environmental or agrarian law contains a general provision affirming women's property rights or prohibiting property-related practices that would adversely affect women's access to or ownership of land.	
	No general protections for women's property rights exist in the legislation reviewed.	



Inheritance in Overarching Laws

Do overarching national laws provide equal protection for the intestate inheritance rights of daughters, widows, and women in consensual unions?

	Overarching laws mandate that daughters, widows, and women in consensual unions have intestate inheritance rights equal to those of their male counterparts (sons, husbands, and men in consensual unions). For this condition to be met, the law must specifically mention women's mandatory rights to inherit and be nondiscriminatory (e.g. a daughter should not inherit a smaller share than a son).
	The law must provide at least some intestate inheritance rights to at least one category of women (e.g. daughters, widows, or consensual partners).
	The law provides no specific protection for women.
C/C	A country has multiple, distinctly enumerated intestate inheritance regimes, where at least one regime provides unequal inheritance rights to at least one category of women (daughters, widows, and women in consensual unions) in comparison to their male counterpart. In these circumstances, the overarching inheritance rights of women within the same category will vary according to the applicable inheritance regime.

CBTR-specific Legal Indicators

**Membership**

Under CBTR-specific laws, are women explicitly defined as members of the community?

✓	Membership is explicitly defined as extending to women.
▬	Membership is explicitly defined to include all/any/every adult in the community.
✗	Membership provisions explicitly limit community membership to men, define community membership at the household/familial level, or otherwise fail to recognize the individual membership rights of all adults in the community.
N/A	There are no provisions defining membership at the community-level.

**Inheritance in
CBTR-specific
Laws**

Does the CBTR address inheritance? If so, are women's inheritance rights specified?

✓	The CBTR addresses inheritance and explicitly allows women to inherit land.
▬	The CBTR addresses inheritance, but does not explicitly recognize women's right to inherit land.
N/A	The CBTR does not address inheritance.

**Voting
(Governance)**

Does the CBTR guarantee that women have the right to vote or take equivalent binding action in community general assemblies or equivalent community decision-making bodies? Additionally, is a quorum of women voters (or decision makers) required to be present in order for the decision-making body to vote or take other legally binding action?

✓	Women have the right to vote or take equivalent action in a community general assembly or equivalent community decision-making body. Additionally, a quorum of women—that is, a minimum number of women voters/decision-makers—is required to be present for a general assembly to vote or take equivalent, legally binding action.
▬	Women are specified as having the right to vote or take equivalent action in the general assembly/equivalent community decision-making body, but there is no quorum requirement for women voters/decision makers.
✗	Women are not specified as having the right to vote or take equivalent action in the general assembly/equivalent community decision-making body. Individual or household voting rights (or other decision-making rights) may be generally discussed.
N/A	Community decision-making processes are not addressed in the CBTR.

**Leadership
(Governance)**

Under CBTR-specific laws, do community-level executive bodies require a minimum quota of women to be executive body members, and is a quorum of women executive members required to be present for the executive body to take binding actions?

✓	Community-level executive bodies require both a minimum quota of women to hold seats in the body and a quorum of women executive members to be present for the body to exercise its decision-making authority.
▬	A minimum quota of women must be included in community-level executive bodies, but there is no women's quorum requirement.
✗	There is no quota or quorum requirement related to women's participation within community-level executive bodies.
N/A	Community-level leadership is not addressed in the CBTR.

**Dispute
Resolution**

Does the CBTR address mechanisms for resolving forest tenure disputes, and do provisions contain specific considerations for women?

✓	The CBTR addresses mechanisms for resolving tenure disputes, and provisions contain specific considerations for women.
▬	The CBTR addresses mechanisms for resolving tenure disputes, but provisions do not contain any specific considerations for women.
N/A	The CBTR does not address mechanisms for resolving tenure disputes.

ANNEX 3 Full Table of Country and CBTR Results

For a full list of legislation and literature cited, see Annex 4.

Country	Tenure Regime	Tenure Category	Legislative Pathway	Overarching Indicators			CBTR-specific Indicators				
				Constitutional Equal Protection	Affirmation of Property Rights	Overarching Women's Rights	Membership	Inheritance	Voting	Leadership	Dispute Resolution
Bolivia ^a	Territorio Indígena Originario Campesino (Original Peasant Indigenous Territory)	3					✓	N/A	—	✗	✓
	Propiedades Comunitarias (Communal Property)	3					✓	N/A	—	✗	✓
	Títulos Comunales para Comunidades Agro-Extractivistas (Norte Amazónico) (Communal Titles for Agricultural-Extractivist Communities in the Northern Amazonian Region)	3		✓	✓	✓	N/A	N/A	N/A	✗	—
	Agrupaciones Sociales del Lugar (ASL) (Location-Based Social Associations)	2					N/A	N/A	N/A	N/A	N/A
Brazil ^a	Reserva Extrativista (RESEX) (Extractive Reserve)	2					N/A	N/A	N/A	N/A	N/A
	Reservas de Desenvolvimento Sustentável (Sustainable Development Reserves)	2					N/A	N/A	N/A	N/A	N/A
	Projeto de Assentamento Agro-Extrativista (PAE) (Agro-Extractivist Settlement Project)	2					✓	—	N/A	N/A	N/A
	Projetos de Assentamento Florestal (Forest Settlement Projects) (Unique to the northern region)	2		✓	✓	✓	✓	—	N/A	N/A	N/A
	Projeto de Desenvolvimento Sustentável (Sustainable Development Projects)	2					✓	—	N/A	N/A	N/A
	Florestas Nacionais (FLONA) (National Forests)	1					N/A	N/A	N/A	N/A	N/A
	Territórios Quilombolas (Quilombola Communities)	3					N/A	N/A	N/A	✗	N/A
	Terras Indígenas (Indigenous Lands)	3					✗	—	N/A	N/A	—
Cambodia	Community Forests	2					✓	N/A	—	✗	—
	Community Protected Areas	2		✓	✗	—	N/A	N/A	N/A	N/A	—
	Indigenous Communities' Land	3					✓	N/A	N/A	✗	—
Cameroon	Forêts communautaires (Community Forests)	2					N/A	N/A	✗	✗	—
	Zones d'intérêt cynégétique à gestion communautaire (Community Managed Hunting Zone)	2		✓	✓	—	N/A	N/A	N/A	✗	—
China	Collective Ownership with Individual Property Rights to Forestland	3		✓	✓	—	✓	✓	—	—	—
Colombia	Resguardos Indígenas (Indigenous Reserves)	3					✗	N/A	N/A	✗	—
	Tierras de las Comunidades Negras (Afro-Colombian Community Lands)	3		✓	✓	✓	✗	N/A	✓	✓	—
	Zonas de Reserva Campesina (Peasant Reserve Zones)	3					✓	N/A	N/A	N/A	N/A

Region:

- Africa
- Asia
- Latin America

Tenure Categories:

- 1 Government Administered
- 2 Designated for Indigenous Peoples and Local Communities
- 3 Owned by Indigenous Peoples and Local Communities

Legislative Pathway:

- Community
- Conservation
- Use/Exploitation

Assessment:

- ✓ Full Credit
 - Partial Credit
 - ✗ No Credit
 - C/C Case by Case
 - N/A Not Applicable
- (See Annex 2 for full methodology.)

		Tenure Category Legislative Pathway Constitutional Equal Protection Affirmation of Women's Property Rights Overarching Inheritance Membership Inheritance Voting Leadership Dispute Resolution									
Country	Tenure Regime			Overarching Indicators			CBTR-specific Indicators				
Congo, Republic of the ^{vi}	Terres des populations autochtones (Indigenous Populations' Land)	2							N/A		
	Des forêts des communes et autres collectivités locales dans laquelle les droits d'usage sont reconnue (Forests of Communities and Other Local Collectives with Recognized Use Rights)	2					N/A	N/A			
Democratic Republic of the Congo ^{iv}	Concessions forestières communautaires (Local Community Forest Concessions (LCFC))	2						N/A			
Gabon	Forêts communautaires (Community Forests)	2						N/A			N/A
	Des droits d'usages coutumiers (Customary Use Rights)	1						N/A	N/A		N/A
	Contrat de gestion de terroir aux parcs nationaux (Management Contract with Local National Parks Administration)	1						N/A	N/A		N/A
Guatemala	Concesiones Comunitarias (Community Concessions)	2						N/A	N/A	N/A	N/A
	Tierras Comunales (Communal Lands)	3						N/A	N/A		
Guyana	Community Forest Management Agreement (CFMA)	2						N/A	N/A	N/A	N/A
	Titled Amerindian Village Land	2						N/A			
	Amerindian Protected Areas	2						N/A			
India ^v	Scheduled Tribes and Other Traditional Forest Dwellers Land	3				C/C					
Indonesia ^{vi}	Hutan Adat (Customary Law Forest)	2					N/A	N/A	N/A	N/A	
	Hutan Kemasyarakatan (Rural or Community Forest)	2						N/A	N/A	N/A	
	Kemitraan (Partnership)	1						N/A	N/A	N/A	
	Hutan Tanaman Rakyat (People Plantation or People Plant Forest)	2				C/C		N/A			
	Hutan Desa (Village Forest)	2						N/A	N/A		
	Hak Komunal (Communal Rights)	2					N/A		N/A	N/A	
Kenya ^{vii}	Registered Community Lands	3						N/A			
	Community Forest Association Participation in the Conservation and Management of Public Forests	2				C/C	N/A	N/A	N/A	N/A	N/A
Liberia ^{viii}	Communal Forests	2					N/A	N/A	N/A	N/A	
	Community Forests	3						N/A			

		Tenure Category									
Country	Tenure Regime		Legislative Pathway	Constitutional	Affirmation of Women's	Overarching Inheritance	Membership	Inheritance	Voting	Leadership	Dispute Resolution
				Equal Protection	Property Rights						
				Overarching Indicators			CBTR-specific Indicators				
Mali	Le domaine forestier de l'etat (State Forests)	1							N/A	N/A	
	Droits fonciers coutumiers sur les terres non-immatriculées (Customary Rights on Non-classified land)	3				C/C			N/A		
	Le domaine forestier des collectivités territoriales décentralisées (The Forest Domain of Decentralized Territorial Collectives)	2							N/A		
Mexico	Ejidos Localizados en Tierras Forestales (Ejidos Located on Forestlands)	3									
	Comunidades (Communities)	3									
Mozambique ^{ix}	Zones of Historical and Cultural Use and Value	2						N/A	N/A		
	Uncertified and Certified Community DUATs	3							N/A	N/A	
	Forest Concessions to Communities	2						N/A	N/A	N/A	N/A
Myanmar ^x	Community Forestry Concessions	2									N/A
	Forest Lands Managed by Organizations	1				C/C	N/A	N/A	N/A	N/A	N/A
	Village-Owned Firewood Plantations on Reserved Forests or Protected Public Forests	2					N/A	N/A	N/A	N/A	N/A
Nepal ^{xi}	Community Forest	2						N/A			N/A
	Community Leasehold Forest Granted to Communities	2						N/A	N/A	N/A	N/A
	Religious Forests Transferred to a Community	2					N/A	N/A	N/A	N/A	N/A
	Buffer Zone Community Forest	2						N/A	N/A		N/A
	Buffer Zone Religious Forest Transferred to a Community	2						N/A	N/A		N/A
Panama ^{xii}	Territorios de los Pueblos Indígenas (Indigenous Peoples' Territories)	3				C/C		C/C	C/C	C/C	C/C
Papua New Guinea ^{xiii}	Common Customary Land	3				C/C	N/A	N/A	N/A	N/A	
Peru ^{xiv}	Tierras de Comunidades Nativas con Aptitud Forestal (Native Community Forest Lands Suitable for Forestry)	3						N/A			
	Reservas Comunes en Suelo Forestal (Communal Reserves in Forest Land)	2						N/A			
	Tierras de Comunidades Campesinas con Aptitud Forestal (Peasant Community Forest-lands Suitable for Forestry)	3						N/A			
	Reserva Indígenas (Indigenous Reserves)	2						N/A	N/A	N/A	N/A

Region:

- Africa
- Asia
- Latin America

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- Conservation
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Assessment:

- ✓ Full Credit
- Partial Credit
- ✗ No Credit
- C/C Case by Case
- N/A Not Applicable
- (See Annex 2 for full methodology.)

Country	Tenure Regime	Tenure Category	Legislative Pathway	Constitutional Equal Protection	Affirmation of Women's Property Rights	Overarching	Membership	Inheritance	Voting	Leadership	Dispute Resolution
		Overarching Indicators				CBTR-specific Indicators					
Philippines ^{iv}	Ancestral Domains	3					✓	✓	—	✗	✓
	Ancestral Lands	3					✓	✓	—	✗	✓
	Community-Based Forest Management	2		✓	✓	C/C	✗	✓	N/A	✗	✓
	Protected Area Community-Based Resource Management Agreement (PACBRMA)	2					✗	✓	N/A	N/A	N/A
Senegal	Des droits d'usages des populations riveraines dans le domaine forestier de l'état (Usage Rights of Riparian Populations in the Forest Domain of the State)	1		✓	✓	C/C	N/A	N/A	N/A	N/A	N/A
	Les forêts gérées par les collectivités locales (Forests Managed by Local Collectives)	1					N/A	N/A	N/A	N/A	N/A
Tanzania ^{vii}	(Non-reserved) Forests on village lands	2					—	N/A	✗	✓	✓
	Village Land Forest Reserve (VLFR)	2					—	N/A	✗	✓	✓
	Community Forest Reserves	2		✓	✓	C/C	✗	N/A	✗	✗	—
	Joint Forest Management (JFM)	2					—	N/A	✗	✗	N/A
Thailand ^{viii}	Community Land Title Deeds	2		✗	✗	—	N/A	N/A	N/A	N/A	N/A
Venezuela ^{viii}	Hábitat y Tierras de los Pueblos y Comunidades Indígenas (Habitat and Land of Indigenous Peoples and Communities within Forest Lands)	2		✓	✓	✓	N/A	—	—	✗	—
Vietnam ^{ix}	Forestland Allocated to Communities	2		✓	✓	—	—	—	N/A	N/A	N/A
Zambia ^x	Community Forest	3					✗	N/A	N/A	✗	—
	Joint Forest Management Area (JFMA)	1		✓	✗	C/C	✗	N/A	✗	✗	—

ANNEX 4 **List of Legislation and Literature Consulted**

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Bolivia	Constitución Política del Estado de 2009	2009
	Código Civil	1976
	Código Procesal Civil	2013
	Ley No. 603 - Ley de 19 de Noviembre de 2014 - Código de las Familias y del Proceso Familiar	2014
	Ley Forestal No. 1700 - Ley de 12 de julio de 1996	1996
	Ley No. 1715 - Ley de 18 de Octubre de 1996 - Ley del Servicio Nacional de Reforma Agraria	1997
	Ley No. 3545 - Ley de 28 de noviembre de 2006 - Modificación de la Ley No. 1715 Reconducción de la Reforma Agraria	2006
	Ley No. 031 - Ley Marco de Autonomías y Decentralización 'Andrés Ibáñez'	2010
	Ley No. 71 - Ley de derechos de la madre tierra	2010
	Ley No. 144 - Ley de la revolución productiva comunitaria agropecuaria	2011
	Ley No. 300 - Ley de la madre tierra y desarrollo integral para vivir bien	2012
	Ley No. 337 - Ley de apoyo a la producción de alimentos y restitución de bosques	2013
	Decreto Supremo No. 29215 de 2 de agosto de 2007 - Reglamento de la Ley No. 1715 del Servicio Nacional de Reforma Agraria, Modificada por la Ley No. 3545 de Reconducción Comunitaria de la Reforma Agraria	2007
	Decreto Supremo No. 24453 de 1996 - Reglamento de la Ley Forestal, No. 1700	1996
	Decreto Supremo No. 27572 de 17 de junio de 2004	2004
	Decreto Supremo No. 28736 de 2 de junio de 2006 - Declara de emergencia nacional la conclusión del proceso de saneamiento de la propiedad agraria	2006
	Decreto Supremo No. 0727 de 2010	2010
	Secondary Sources: Chaney, Elsa M. 1984. Women of the World: Latin America and the Caribbean. U.S. Department of Commerce Bureau of the Census and U.S. Agency for International Development Office of Women in Development. 102; Crespo, Pilar Uriona. 2010. Dueñas de nuestra vida, dueñas de nuestra tierra: Mujeres indígena originario campesinas y derecho a la tierra. Coordinadora de la Mujer, La Paz.	
Brazil	Constituição da República Federativa do Brasil de 1988	1988
	Código Civil Brasileiro	2002
	Lei No. 4.504 de 30 de novembro de 1964	1964
	Lei No. 6.001 de 19 de dezembro de 1973 - Estatuto do Índio	1973
	Lei No. 8.629 de 25 de fevereiro de 1993	1993
	Lei No. 9.278 de 10 de maio de 1996	1996
	Lei No. 9.985 de 18 de julho de 2000	2000
	Lei No. 11.284 de 2 de março de 2006	2006
	Lei No. 12.512 de 14 de outubro de 2011	2011
	Lei No. 12.651 de 25 de maio de 2012 - Novo Código Forestal	2012
	Decreto No. 1.775 de 8 de janeiro de 1996	1996
	Decreto Lei No. 59.428 de 27 de outubro de 1966	1966
	Decreto Lei No. 271 de 28 de fevereiro de 1967	1967
	Decreto No. 4340 de 22 de agosto de 2002	2002
	Decreto No. 4.887 de 20 de novembro de 2003	2003
	Decreto No. 6063 de 20 de março de 2007	2007
	Decreto No. 6.992 de 28 de outubro de 2009	2009
	Decreto No. 7.747 de 5 de junho de 2012	2012
	Instrução Normativa INCRA No. 15 de 30 de março de 2004	2004
	Instrução Normativa ICMBio No. 3 de 18 de setembro de 2007	2007
	Instrução Normativa INCRA No. 38 de 13 de março de 2007	2007
	Instrução Normativa ICMBio No. 3 de 2 de setembro de 2009	2009
	Instrução Normativa INCRA No. 56 de 7 de outubro de 2009	2009
	Instrução Normativa INCRA No. 65 de 27 de dezembro de 2010	2010
	Instrução Normativa ICMBio No. 16 de 4 de agosto de 2011	2011

 Region: ■ Africa ■ Asia ■ Latin America

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Brazil	Portaria INCRA No. 268 de 23 de outubro de 1996	1996
	Portaria INCRA No. 269 de 23 de outubro de 1996	1996
	Portaria INCRA No. 477 de 4 de novembro de 1999	1999
	Portaria INCRA No. 981 de 2 de outubro de 2003	2003
	Portaria INCRA No. 1.141 de 19 de dezembro de 2003	2003
	Secondary Sources: Abreu, Jonathan. "Mulher e Quilombola: Women and Self-Representation in Quilombos and Comunidades Remanescentes de Quilombo"; Alencar, Edna F. 2013. "Questões de gênero em projetos de manejo de recursos pesqueiros na reserva de desenvolvimento sustentável Mamirauá." Seminário Internacional Fazendo Gênero 10, Florianópolis, 16 a 20 Setembro de 2013; Araújo, Clarissa Flávia Santos, Alyne Maria de Sousa Oliveira, and Maria do Socorro Lira Monteiro. 2014. Condições de vida das mulheres do assentamento rural santana nossa esperança, Teresina-PI; Carvalho, Felipe Bruno Santabaya de. 2012. "A posição hierárquica dos tratados internacionais e da lei complementar no ordenamento jurídico brasileiro." Âmbito Jurídico, Rio Grande, XV, n. 97, fev 2012; Corpuz, Victoria Tauli. 2016. United Nations Special Rapporteur on the rights of indigenous peoples: End of Mission Statement, 17 March 2016. UN; da Silva, Nelmiere Ferreira. 2014. Gênero e Meio Ambiente na Agenda da Nova Reforma Agrária Brasileira. Universidade Federal Rural de Pernambuco, Recife; Dias, Thelma Lúcia Pereira, Ricardo de Souza Rosa and Luis Carlos Pereira Damasceno. 2007. Aspectos socioeconômicos, percepção ambiental e perspectivas das mulheres marisqueiras da Reserva de Desenvolvimento Sustentável Ponta do Tubarão (Rio Grande do Norte, Brasil). Gaia Scientia 2007, 1(1), 25-35; FAO. Gender and Land Rights Database. "Country Profile: Brazil." Food and Agriculture Organization of the United Nations; Garcia, Keyla Morales de Lima. 2014. O papel da mulher no assentamento; ICMBio. 2009. "Com muita educação ambiental, Flona na Bahia não para de comemorar seus dez anos." Unidades de Conservação no Brasil; Mendes, Mauricio Ferreira, Sandra Mara Alves da Silva Neves, and Ronaldo José Neves. 2014. A Experiência Das Mulheres Extrativistas Do Assentamento Margarida Alves Em Mirassol D' oeste/Mt. Geografia em Questão 7(1), 34-49; Minority Rights Group. 2015. "Brazil Country Profile." Minority Rights Group; OECD. 2014. OECD Social Institutions and Gender Index Brazil Data Sheet. OECD; Pacheco, Maria Emília Lisboa. 2004. Em defesa da Agricultura Familiar Sustentável com Igualdade de Gênero; Pereira, Caio Mário da Silva. 2006. "Instituições de Direito Civil: Direito das Sucessões." Vol. VI 15 ed., Editora Forense, Rio de Janeiro; Silveira, Luciana Braga and Raquel Wiggers. 2013. "Protegiendo los bosques, reconfigurando los espacios en la Amazonia: el caso del Projeto de Assentamento Agroextrativista Santa Maria Auxiliadora, Humaitá (AM)." Revista de Administração Pública, Rio de Janeiro; Supremo Tribunal Federal. 2017. "Aplicação das Súmulas no STF: Súmula Vinculante 25"; Torres, Ana Flavia Melo. 2002. "Acesso à Justiça." Âmbito Jurídico, Rio Grande, III, n. 10; UN-Habitat. 2005. Brazil: Land Tenure, Housing Rights and Gender Review: Latin America. United Nations Human Settlements Programme (UN-HABITAT), Kenya; USAID. 2011. USAID Country Profile, Property Rights and Resource Governance: Brazil. USAID.	
Cambodia	The Constitution of the Kingdom of Cambodia	1993 (2008)
	The Civil Code of Cambodia (2007)	2011
	Law on Marriage and Family	1989
	Law on Environmental Protection and Natural Resource Management	1996
	Land Law of 2001 (NS/RKM/0801/14)	2001
	Law on Forestry (NS/RKM/0802/016)	2002
	Protected Areas Law (No. NS/RKM/0208/007)	2008
	Law on Implementation of the Civil Code (NS/RK/0511/007)	2011
	Kram dated February 8, 1993 On the Organisation of the Courts	1993
	Sub-Decree on Forest Concessions Management (No. 05/ANK/BK/ February 7, 2000)	2000
	Sub-Decree on Organization and Functioning of the Cadastral Commission (No. 47 ANK/BK/May 31, 2002)	2002
	Sub-Decree on Community Forestry Management (No: 79 Or Nor Krar. Bor Kar)	2003
	Sub-Decree on Social Land Concessions (No. 19 ANK/BK/ March 19, 2003)	2003
	Sub-Decree on Procedures of Registration of Land of Indigenous Communities (No. 83 ANK/BK/ June 09, 2009)	2009
	Prakas Declaration No. 1033 on the Protection of Natural Areas	1994
	Prakas on Guideline on Community Forestry (No: 219 Par Kar. Kar Sar Kar)	2006
	Regulations on the Creation and Designation of Protected Areas	1993
	Secondary Sources: CEDAW. 2011. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Combined fourth and fifth periodic reports of States parties: Cambodia. CEDAW, Geneva; CEDAW. 2013. Concluding observations on the combined fourth and fifth periodic reports of Cambodia. Presented at CEDAW 56th session, Geneva, December 5; Constitutional Council of Cambodia. Constitutional Council of the Kingdom of Cambodia; FAO Gender and Land Rights Database. 2014. "LAT Assessment - Cambodia." FAO; Ministry of Agriculture, Forestry, and Fisheries. 2010. "National Forest Programme: 2010-2029." Phnom Penh; OECD. 2010. "Cambodia." In OECD Atlas of Gender and Development: How social norms affect gender equality in non-OECD countries. OECD, 22-23; OECD. 2014. OECD Social Institutions and Gender Index Cambodia Data Sheet. OECD.	
Cameroon	La Constitution de la Republique du Cameroun	1972 (1996)
	Code Civil des Français	1804
	Administration of Estates Act, 1925	1925
	Law No. 94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations	1994
	Law No. 2006-15 of 29 December 2006 on Judicial Organization	2006

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
(continued) Cameroon	Law No. 2011/011 of 6 May 2011 amending and completing certain provisions of Ordinance No 81/02 of June 29, 1981	2011
	Law No. 2012/001 of 19 April, Relating to the Electoral Code	2012
	Décret No. 76-166 fixant les modalités de gestion du Domaine National.	1976
	Décret no. 95-531/PM fixant les modalités d'application du régime des forêts	1995
	Decree No. 95/466/PM of 20 July 1995 to lay down the conditions for the implementation of wildlife regulations	1995
	Ordonnance No. 74-2 du 6 juillet 1974 fixant le régime domanial	1974
	Ordonnance No. 74-1 du 6 juillet 1974 fixant le régime foncier, modifiée par la loi n° 19 du 26 novembre 1983 relative aux compétences des juridictions judiciaires et des commissions consultatives	1974 (1983)
	Ordinance No. 81-02 of 29 June 1981 To organize Civil Status Registration	1981
	Voluntary Partnership Agreement between the European Union and the Republic of the Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)	2011
	Arrêté conjoint No. 0076/MINATD/MINFI/MINFOR du 26 juin 2012 fixant les modalités de planification, d'emploi et de suivi de la gestion des revenus provenant de l'exploitation des ressources forestières et fauniques destinés aux communes et aux communautés riveraines	2012
	Secondary Sources: Assembe-Mvondo, Samuel, Carol J.P. Colfer, Maria Brockhaus and Raphael Tsanga. 2014. "Review of the legal ownership status of national lands in Cameroon: A more nuanced view." Development Studies Research 1 (1); CEDAW. 2013. List of issues and questions in relation to the combined fourth and fifth periodic reports of Cameroon, Addendum: Cameroon's responses. CEDAW/C/CMR/Q/4-5/Add.1. Distributed December 18; CEDAW. 2014. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (continued): Combined fourth and fifth periodic reports of Cameroon. CEDAW, Geneva; Cziment, Stella. 2009. Cameroon: A Mixed Jurisdiction? A Critical Examination of Cameroon's Legal System Through the Perspective of the Nine Interim Conclusions of Worldwide Mixed Jurisdictions. Civil Law Commentaries 2 (2): 1-28; FAO Gender and Land Rights Database. 2017. "Country Profile: Cameroon." FAO; Kamdem Kamgno, Hélène and Carole Eulalie Mvondo Mengue. 2014. "Rise of Unofficial Marriages in Cameroon: Economic or Socio-Demographic Response?" American International Journal of Social Science 3 (3); Killander, Magnus (ed.). 2010. International Law and Domestic Human Rights Litigation in Africa. Pretoria University Law Press, Pretoria; Kiye, Mikano E. 2015. "The Repugnancy and Incompatibility Tests and Customary Law in Anglophone Cameroon." African Studies Quarterly 15 (2); OECD. 2014. "OECD Social Institutions and Gender Index: Cameroon." OECD; Time, Victoria M. 2014. "Women, law, and human rights in Cameroon: Progress or status quo?" Journal of Law and Conflict Resolution 6 (1).	
China	Constitution of the People's Republic of China	1982 (2004)
	Land Reform Law of the People's Republic of China	1950
	The Forest Law of the People's Republic of China	1984 (1998)
	Guaranty Law of the People's Republic of China	1995
	Organic Law of the Villagers Committees of the People's Republic of China	1998
	Law of the People's Republic of China on Land Contract in Rural Areas	2002
	Land Management Law of the People's Republic of China	2002
	Property Law of the People's Republic of China	2007
	Secondary Sources: FAO Gender and Land Rights Database. 2014. LAT Assessment - China. FAO; World Bank. 2013. "Women, Business and the Law: China." World Bank; Xiaobei, Wang, Elise Scalise, and Renee Giovarelli. 2012. Ensuring that Poor Rural Women Benefit from Forestland Reforms in China: Fieldwork Findings and Policy Recommendations. Landesa Rural Development Institute and RRI.	
Colombia	Property Law of the People's Republic of China	2007
	Código Civil, Ley 57 de 1873 (with amendments through 2016)	1873 (2016)
	Ley 89 de 1890 - Por la cual se determina la manera como deben ser gobernados los salvajes que vayan reduciéndose a la vida civilizada	1890
	Ley 54 de 1990	1990
	Ley 21 de 1991	1991
	Ley 70 de 1993	1993
	Ley 99 de 1993	1993
	Ley 160 de 1994	1994
	Ley 599 de 2000	2000
	Ley 731 de 2002	2002
	Ley 975 de 2005	2005
	Ley 1448 de 2011 - Por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones	2011
	Ley 1753 de 2015	2015
	Decreto 2164 de 1995	1995

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Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
<i>(continued)</i> Colombia	Decreto 1745 de 1995 - Por el cual se reglamenta el Capítulo III de la Ley 70 de 1993, se adopta el procedimiento para el reconocimiento del derecho a la propiedad colectiva de las "Tierras de las Comunidades Negras" y se dictan otras disposiciones	1995
	Decreto 1777 de 1996	1996
	Decreto 1791 de 1996 - Régimen de aprovechamiento forestal	1996
	Decreto 4800 de 2011	2011
	Decreto Ley No. 4633 de 2011	2011
	Decreto Ley No. 4635 de 2011	2011
	Decreto Ley No. 1953 de 2014	2014
	Decreto 2369 de 2015	2015
	Acuerdo 024 de 1996	1996
	Acuerdo final para la terminación del conflicto y la construcción de una paz estable y duradera	2016
	Secondary Sources: FAO Gender and Land Rights Database. 2014. LAT Assessment - Colombia. FAO; Gomez Lopez, Francisco. 2014. Challenges of War: Peasant Reserves Zones and Conflict Resolution in Rural Colombia. Potencia, 98-103; Incoder. 2015. "Zonas de Reserva Campesina Constituidas: Subgerencia de tierras rurales direccion tecnica de ordenamiento productivo." Presented at RRI Country Planning Meeting in Bogota, Colombia; OECD. 2014. "OECD Social Institutions and Gender Index: Colombia." OECD; Rey-Maqueira Palmer, Elena. 2015. Situación de las mujeres afrocolombianas e indígenas: Colombia 2011-2014. Corporación Humanas Colombia; Salas R., José H. Zonas de Reserva Campesinas. Incoder; USAID. 2010. USAID Country Profile, Property Rights and Resource Governance: Colombia. USAID.	
Congo, Republic of the	Constitution de la République du Congo	2015
	Code Civile	1804 (2012)
	Loi No. 51-83 du 21 avril 1983 portant code de procédure civile, commerciale, administrative et financière	1983
	Loi No. 073-1984 du 17 octobre 1984 portant Code de la Famille	1984
	Loi No. 16-2000 du 20 novembre 2000 - Code forestier	2000
	Loi No. 17-2000 régime de la propriété foncière	2000
	Loi No. 3-2003 du 17 janvier 2003 fixant l'organisation administrative territoriale	2003
	Loi No. 7-2003 portant organisation et fonctionnement des collectivités locales	2003
	Loi No. 10-2003 portant transfert de compétences aux collectivités locales	2003
	Décret No. 2003-148 du 4 août 2003 portant attributions et organisation de la direction générale des collectivités locales	2003
	Loi No. 11-2004 du 26 mars 2004 portant procédure d'expropriation pur cause d'utilité publique	2004
	Décret No. 2006-255 du 28 juin 2006 portant institution, attributions, compositions et fonctionnement d'un organe ad'hoc de constatation des droits fonciers coutumiers	2006
	Loi No. 25-2008 portant régime agro-foncier	2008
	Loi No. 14-2009 du 30 décembre 2009 modifiant certaines dispositions de la loi no. 16-2000 du 20 novembre 2000 portant Code forestier	2009
	Loi No. 8-2010 portant protection du patrimoine national culturel et naturel	2010
	Loi No. 5-2011 du 25 février 2011 portant la promotion et protection des droits des populations autochtones	2011
	Loi No. 43-2014 d'orientation pour l'aménagement et le développement du territoire	2014
	Décret No. 2002-437 du 31 décembre 2002 fixant les conditions de gestion et d'utilisation des forêts	2002
	Décret No. 2013-280 du 25 juin 2013 portant création, attribution et organisation du comité de gestion et de développement communautaire	2013
	Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)	2013
	Secondary Sources: CEDAW. 2002. CEDAW/C/COG/1-5 Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Initial, second, third, fourth, and fifth periodic report of States parties, Congo; CEDAW. 2003. CEDAW/C/SR.607 Summary Record of the 607th Meeting, paragraph 41; OECD. 2014. OECD Social Institutions and Gender Index: Congo Data Sheet. OECD.	
Democratic Republic of the Congo	Constitution de la République Démocratique du Congo Modifiée par la Loi No. 11/002 du 20 janvier 2011 portant révision de certains articles de la Constitution de la République Démocratique du Congo du 18 février 2006	2011
	Loi No. 73-021 du juillet 1973 portant Régime général des biens, Régime foncier et immobilier et Régime des sûretés telle que modifiée et complétée par la Loi No. 80-008 du 18 juillet 1980	1973 (1980)
	Loi No. 80/008 du 18 juillet 1980 modifiant et complétant la loi No. 73-021 du 20 juillet 1973 portant régime général des biens, régime foncier et immobilier et régime des sûretés	1980
	Loi No. 16/008 du 15 juillet 2016 modifiant et complétant le Loi No.87-010 du 1er août 1987 portant Code de la Famille	1987 (2016)
	Loi No. 011/2002 du 29 août 2002 portant code forestier en République Démocratique du Congo	2002

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
(continued) Democratic Republic of the Congo	Loi No. 15/013 du 01 août 2015 portant modalités d'application des droits de la femme et de la parité	2015
	Arrêté 28/08	2008
	Arrêté 24/08 fixant la procédure d'attribution des concessions forestières	2008
	Arrêté 13/2010 fixant le modèle d'accord constituant la clause sociale du cahier des charges du contrat de concession forestière	2010
	Arrêté ministériel No. 025 du 09 février 2016 portant dispositions spécifiques relatives à la gestion et à l'exploitation de la concession forestière des communautés locales	2016
	Décret No. 14/018 2014 du 02 août 2014 fixant les modalités d'attribution des concessions forestières aux communautés locales	2014
	Secondary Sources: Luamba, Moà se Nsongo. 2011. "De la protection juridique de l'union en droit comparé." Université libre de Matadi, Matadi; World Bank. 2010. Women Business and the Law: Measuring Legal Gender Parity for Entrepreneurs and Workers in 128 Economies. World Bank, Washington, DC.	
Gabon	Constitution de la République Gabonaise	1991 (2011)
	Code Civil, Première Partie	1972
	Loi No. 12/75 du 18 décembre 1975 Abrogeant et remplaçant la loi No. 4/75, portant réorganisation de la République gabonaise	1975
	Loi No. 19/89 du 30 décembre 1989, portant adoption de la deuxième partie du code civil	1989
	Loi No. 16/01 du 31 décembre 2001 portant le code forestier de la République Gabonaise	2001
	Loi No. 003/2007 du 27 août 2007 relative aux parcs nationaux	2007
	Loi No. 004/2009 du 9 février 2010 portant création, organisation et fonctionnement du Fonds Forestier National	2010
	Arrêté No. 018 MEF/SG/DGF/DFC fixant les procédures d'attribution et de gestion des forêts communautaires	2013
	Arrêté No. 105/MFEPRN/SG/DGF/DDF/SACF fixant le modèle du cahier de charges contractuelles	2014
	Arrêté No. 106/MFEPRN portant Droit de Réserve d'une forêt par une communauté villageoise	2014
	Décret No. 1394/PR-MI du 28 décembre 1977 portant organisation et fonctionnement des unités administratives territoriales	1977
	Décret No. 001028/PR/MEFEPEPN du 1 décembre 2004 fixant les conditions de création des forêts communautaires (en application de l'article 197 de la loi 016/01)	2004
	Décret No. 692/PR/MEFEPEPN du 24 2004 fixant les conditions d'exercice des droits d'usage coutumiers en matière de forêt, de faune, de chasse et de pêche	2004
	Décret No. 19/PR/MEFEPEPN du 6 janvier 2005 Portant réglementation des professions de lieutenant de chasse et de guide de chasse	2005
	Ordonnance No. 006/PR/2002 portant modification de certaines dispositions de la Loi. No. 016/2001 du 31 décembre 2001 portant code forestier en république gabonaise	2002
	Ordonnance No. 011/PR/2008 modifiant et complétant certaines dispositions de la loi 16/01 du 31 décembre 2001 portant code forestier en République Gabonaise	2008
	Ordonnance No. 008/PR/2010 du 25 février 2010 portant modification et abrogation de certaines dispositions de la loi No. 16/01 du 31 décembre 2001 portant Code Forestier en République Gabonaise	2010
	Secondary Source: World Bank. 2016. "Women, Business and the Law: Gabon." World Bank.	
Guatemala	Constitución Política de la República de Guatemala de 1985, reformada por Acuerdo Legislativo No. 18-93 del 17 de Noviembre de 1993	1985 (1993)
	Código Civil, Decreto-ley n° 106	1963
	Código Procesal Civil y Mercantil	1963
	Ley de Titulación Supletoria, Decreto 49-79	1979 (2005)
	Ley de Áreas Protegidas, Decreto 4-89	1989
	Ley del Chicle, Decreto 99-96	1996
	Ley Forestal, Decreto 101-96	1996
	Ley del Fondo de Tierras, Decreto 24-99	1999
	Ley de Registro Catastral de 2005	2005
	Reglamento de la Ley de Áreas Protegidas, Acuerdo Gubernativo No. 759-90	1990
	Reglamento de la Ley Forestal, Resolución 4/23/97	1997
	Reglamento del Registro Nacional Forestal, Resolución 1/43/05	2005
	Reglamento Específico Para Reconocimiento Y Declaración De Tierras Comunes, Resolución No. 123-001-2009	2009
	Secondary Sources: FAO Gender and Land Rights Database. 2017. "Country Profile: Guatemala." FAO; World Bank. 2016. Women, Business, and the Law: Guatemala Country Profile. World Bank.	

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Guyana	Constitution of the Co-operative Republic of Guyana Act, Act 2 of 1980 (Chapter 1:01)	1980 (2009)
	Marriage Act (Chapter 45:01)	1901 (1985)
	Act No. 12 of 1904, Married Persons (Property) Act (Chapter 45:04)	1904 (2014)
	State Lands Act (Chapter 62:01)	1903 (1997)
	Act No. 15 of 1916, Civil Law of Guyana Act (Chapter 6:01)	1916 (1983)
	Act No. 10 of 1917, Deceased Persons Estates' Administration Act (Chapter 12:01)	1917 (1991)
	Act No. 34 of 1919, Matrimonial Causes Act (Chapter 45:02)	1919 (1986)
	Act No. 18 of 1959, Land Registry Act (Chapter 5:02)	1959 (2003)
	Representation of the People Act (Chapter 1:03)	1964
	Amerindian Lands Commission Act (Chapter 59:03)	1969
	Local Democratic Organs Act (Chapter 28:09)	1980
	Mining Act (Chapter 65:01)	1989
	Family and Dependants Provision Act (Chapter 12:24)	1990
	Act No. 19 of 1990, Equal Rights Act 1990	1990
	Environmental Protection Act (Chapter 20:05), as amended by Act No. 17 of 2005	1996 (2005)
	Act No. 26 of 1997, Prevention of Discrimination Act (Chapter 99:08)	1997
	Act No. 6 of 2006, Amerindian Act 2006	2010
	Act No. 6 of 2009, Forests Act 2009	2010
	Act No. 14 of 2011, Protected Areas Act 2011	2011
	State Lands (Amerindians) Regulations	1910 (1949)
	State Lands Regulations (Chapter 62:01)	1919 (1968)
	Forest Regulations (Chapter 67:01)	1953 (1972)
	Secondary Sources: Guyana Government Information Agency. The New Amerindian Act: What will it do to the Amerindian People? Guyana Government Information Agency. Georgetown, Guyana, 2005.	
India	The Constitution of India	1949 (2015)
	The Indian Christian Marriage Act 1872	1872
	The Indian Forest Act, 1927	1927
	The Parsi Marriage and Divorce Act, 1936	1936
	The Muslim Personal Law (Shariat) Application Act, 1937	1937
	Hindu Succession Act, 1956	1956
	The Forest (Conservation) Act, 1980	1980 (1988)
	The Muslim Women (Protection of Rights on Divorce) Act, 1986	1986
	Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989	1989 (2015)
	The Provisions of the Panchayats (Extension to the Scheduled reas) Act, 1996	1996
	The Protection of Women from Domestic Violence Act, 2005	2005
	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006	2007
	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013	2013
	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules	2008 (2012)
	Ministry of Environment and Forests, Circular, F. No. 11-9/1998-FC (pt)	2009
	Ministry of Tribal Affairs, Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	2012
	Secondary Sources: Choudhary, Amit Anand. 2015. "Couple living together will be presumed married, Supreme Court rules." The Times of India, April 13. Accessed April 10, 2017; OECD. OECD Social Institutions and Gender Index: India Data Sheet. OECD; World Bank. 2016. "Women, Business and the Law: India." World Bank.	
	Constitution of the Republic of Indonesia	1945 (2002)
Indonesia	Act No. 5 of 1960, concerning Basic Regulations on Agrarian Principles	1960
	Basic Forestry Law No. 41 of 1999	1999
	Permenhut No. P. 37/Menhut-II/2007 as amended by Permenhut P. 13/Menhut-II/2010	2007 (2010)
	P.49/Menhut II/2008 Tentang Hutan Desa	2008
	P.14/Menhut-II/2010 Tentang Hutan Desa	2010
	83/MENLHK/Secretariat/KUM.1/10/2016 Tentang Perhutanan Sosial	2016
	Permen 10 Tahun 2016 Tatacara Penetapan Hak Komunal	2016

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
(continued) Indonesia	Government Regulation No. 6/2007, Forest Arrangement and Formulation of Forest Management Plan as well as Forest Exploitation	2007
	Government Regulation No. 3/2008, The Amendment to Government Regulation No. 6/2007 on Forest Arrangement and Formulation of Forest Management Plan as well as Forest Exploitation	2008
	Regulation of the Minister of Forestry No. 23/Menhut-II/2007, Procedure for Application for Business License for Utilization of Timber Forest Crop on People's Cultivated Forest in Cultivated Forest	2007
	Constitutional Court, PUTUSAN - Nomor 35/PUU-X/2012	2013
	Secondary Sources: Brown, Jennifer. 2003. Rural Women's Land Rights in Java, Indonesia: Strengthened by Family Law, but Weakened by Land Registration. Pacific Rim Law & Policy Journal, 12 (3), University of Washington School of Law, Seattle; OECD. 2014. "OECD Social Institutions and Gender Index: Indonesia." OECD.	
Kenya	The Constitution of Kenya, 2010	2010
	The Law of Succession Act of 1981	1981
	The Land Act	2012
	The Wildlife Conservation and Management Act	2014
	The Marriage Act	2014
	The Protection of Traditional Knowledge and Cultural Expressions Act	2016
	The Land Laws (Amendment) Act	2016
	The Community Land Act	2016
	The Forest Conservation and Management Act	2016
Liberia	The Constitution of Liberia	1986
	The Public Lands Law	1956
	The Decedents Estate Law, Title 8	1972
	The Civil Procedure Law	1972
	The Domestic Relations Law	1973
	The Equal Rights of Customary Marriage Law of 1998 (The Act to Govern the Devolution of Estates and Establish Rights of Inheritance for Spouses of Both Statutory and Customary Marriages)	2003
	The National Forestry Reform Law of 2006	2006
	The Community Rights Law of 2009 with Respect to Forest Lands	2009
	Regulations to the Community Rights Law of 2009 with Respect to Forest Lands	2011
	Secondary Sources: De Wit, Paul and Caleb Stevens. 2014. "100 Years of Community Land Rights in Liberia: Lessons Learned for the Future." Paper presented at World Bank Conference on Land and Poverty, Washington, DC, March 24-27, 2014; Dolo-Barbu, Yah-Yeplah. 2015. The Problems of Gender Inequality Raised by Unmarried Couples in Liberia. Indiana University Maurer School of Law, Bloomington; Knight, Rachael, Judy Adoko, Teresa Auma, Ali Kaba, Alda Salomao, Silas Siakor, and Issufo Tankar. 2012. Protecting Community Lands and Resources: Evidence from Liberia, Mozambique and Uganda. Namati and International Development Law Organization, Rome; Scalise, Elise and Leslie Hannay. 2013. Land Policy Reform for Women in Liberia. Focus on Land in Africa; Wily, Liz Alden. 2007. So Who Owns the Forest: An investigation into forest ownership and customary land rights in Liberia. Sustainable Development Institute and FERN.	
Mali	Constitution du Mali	1992
	Code des personnes et de la famille	2011
	Loi No. 95-003 portant organisation de l'exploitation du transport et du commerce du bois	1995
	Loi No. 95-004 fixant les conditions de gestion des ressources forestières	1995
	Loi No. 96-050, portant principes de constitution et de gestion du domaine de collectivités territoriales	1996
	Loi No. 06/40-AN/RM portant loi d'orientation agricole	2006
	Loi No. 2011-040 du 15 Juillet 2011 portant statut des exploitations et des exploitations agricole	2011
	Décret 09-011 P-RM du 19 janvier 2009 fixant les attributions, la composition et les modalités de fonctionnement des commissions foncières locales et communales	2009
	Décret No. 2011-637-P-RM du 20 septembre 2011 déterminant les conditions et modalités d'exercice des droits conférés par les titres d'exploitation et de transport des produits forestiers	2011
	Ordonnance No.00-027 du 22 mars 2000 portant Code domanial et foncier, modifié par la loi No.02-008 du 12 février 2002	2000 (2002)
	Ordonnance No. 02-044-P-RM du 28 mars 2002 Portant obrogation de la Loi No. 69-016 du 12 février 1996 portant création de l'Unité de Gestion Forestière	2002
	Secondary Sources: Doumbe-Bille, Stephane. 2004. Le Droit Forestier en Afrique Centrale et Occidentale: Analyse Comparée. Etude juridique de la FAO en ligne #41. FAO, Rome; Jones-Casey, Kelsey, Anna Knox and Zoey Chenitz. 2011. Women, Inheritance and Islam in Mali. Focus on Land in Africa; Landesa. 2013. Gender and Land: Good Practices and Lessons from Four Millennium Challenge Corporation Compact-Funded Land Projects. Landesa, Seattle.	

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Mexico	Constitución Política de los Estados Unidos Mexicanos del 1917	1917 (2014)
	Código Civil Federal	1928 (2013)
	Código Penal Federal	1931 (2016)
	Ley Agraria	1992 (2012)
	Ley de Desarrollo Forestal Sustentable	2003 (2015)
	Ley General de Cambio Climático	2012
	Secondary Sources: FAO Gender and Land Rights Database. 2017. "Country Profile: Mexico." FAO; Gesell, Jeffrey N. 1997. "Customary Indigenous Law in the Mexican Judicial System." The Georgia Journal of International and Comparative Law 26: 643-671; OECD. 2014. "OECD Social Institutions and Gender Index: Mexico." OECD.	
Mozambique	Constituição da República	1990 (2004)
	Código de Registo Civil	2004
	Lei de Terras, Lei No. 19/97 de 1 de Outubro, 1997	1997
	Lei No. 10/99, Lei de Florestas e Fauna Bravia	1999
	Lei No. 10/2004, Lei da Família	2004
	Decreto No. 12/2002, Regulamento da Lei de Florestas e Fauna Bravia	2002
	Decreto No. 11 de 2005 Regulamento da Lei dos Órgãos Locais do Estado	2005
	Decreto No. 43 de 2010 introduz alteração no Regulamento da Lei de Terras (No. 2 do artigo 27)	2010
	Diploma Ministerial No. 158 de 2011 que fixa os procedimentos a serem seguidos para a realização da consulta comunitária	2011
	Secondary Sources: Cooper, Elizabeth. 2011. Policy Notes: Challenges and opportunities in inheritance rights in Mozambique. Chronic Poverty Research Centre; OECD. 2014. OECD Social Institutions and Gender Index Mozambique Data Sheet. OECD.	
Myanmar	Constitution of the Republic of the Union of Myanmar	2008
	The Contract Act	1872
	The Married Women's Property Act	1874
	The Burma Laws Act	1898
	Forest Law of 1992	1992
	The Vacant, Fallow and Virgin Lands Management Law, Pyidaungsu Hluttaw Law No. 10 of 2012	2012
	Farmland Law, Pyidaungsu Hluttaw Law No. II of 2012	2012
	Registrations of Organization Law, Pyidaungsu Hluttaw Law No. 31	2014
	The Myanmar Buddhist Women's Special Marriage Law	2015
	The Vacant, Fallow and Virgin Lands Management Rules, Notification No. 1	2012
	The Community Forestry Instructions of August 16, 2016 (Notification No. 84/2016)	2016
	Secondary Sources: Displacement Solutions. 2015. Land Acquisition Law and Practice in Myanmar: Overview, Gap Analysis with IFC PS1 & PS5 and Scope of Due Diligence Recommendations. Displacement Solutions; Ewers Andersen, Kirsten. 2015. "Analysis of Customary Communal Tenure of Upland Ethnic Groups, Myanmar." Paper presented at Burma/Myanmar in Transition: Connectivity, Changes and Challenges. Center for ASEAN Studies (CAS), Chiang Mai University, the Regional Center for Social Science and Sustainable Development (RCSD); Myanmar Center, the Faculty of Humanities at Chiang Mai University and the International Institute for Asian Studies (IIAS) in Leiden, the Netherlands. 24-26th July 2015; Ewers Andersen, Kirsten. 2015. Study of Upland Customary Communal Tenure in Chin and Shan States: Outline of a Pilot Approach towards Cadastral Registration of Customary Communal Land Tenure in Myanmar. Land Core Group; Forest Department, Ministry of Forestry, Government of Myanmar. 1997. Asia-Pacific Forestry Sector Outlook Study. Country Report: Union of Myanmar. Working Paper No: APFSOS/WP/08. FAO, Rome; Jhaveri, Nayna, Vaneska Litz, Jason Girard, Robert Oberndorf, and M. Mercedes Stickler. 2016. Community Land Resource Tenure Recognition: Review of Country Experiences. USAID Tenure and Global Climate Change Program, Washington, DC; Mark, SiuSue. 2016. Are the Odds of Justice Stacked Against Them? Challenges and Opportunities for Securing Land Claims by Smallholder Farmers in Myanmar. Critical Asian Studies, 48:3, 443-460; Myanmar Lawyers Network and Asian Human Rights Commission. 2015. Land and Law in Myanmar: A Practitioners Perspective, Workshop Report and Recommendations. Myanmar Lawyers Network and Asian Human Rights Commission, Yangon; OECD. 2014. OECD Investment Policy Reviews: Myanmar 2014. OECD Publishing; Pierce, Caitlin J. and Nant Thi Thi Oo. 2016. Gendered Aspects of Land Rights in Myanmar: Evidence from Paralegal Casework. Namati; Tint, Kyaw, Oliver Springate-Baginski and Mehm Ko Ko Gyi. 2011. Community Forestry in Myanmar: Progress and Potentials; USAID. 2013. USAID Country Profile, Property Rights and Resource Governance: Burma. USAID; Wachenfeld, Margaret, Donna Guest, Haley St. Dennis, Vicky Bowman, and Thi Thi Thein. 2014. Myanmar Oil & Gas Sector Wide Impact Assessment. Myanmar Centre for Responsible Business, Institute for Human Rights and Business and the Danish Institute for Human Rights; Woods, Kevin. 2013. Timber Trade Flows and Actors in Myanmar: The Political Economy of Myanmar's Timber Trade. Forest Trends.	

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Nepal	Constitution of Nepal 2015	2015
	The Muluki Ain (General Code)	1963 (2010)
	Forest Act 2049, (1993)	1995 (1999)
	Forest Regulation 2051, (1995)	1995
	Buffer Zone Management Regulation 2052, 1996	1996
	Buffer Zone Management Guideline, 1999 (2056-5-3)	1999
	Community Forest Development Program Guidelines (2014)	2014
	Secondary Sources: Acharya, Dhruva, Dilli Raj Khanal, Hari Prasad Bhattarai, Basanta Gautam, Gyanendra Karki, Eveline Trines, Wouter van Goor, and Ram Prasad Acharya. 2015. FCPF/REDD/S/QCBS-20: REDD+ Strategy for Nepal - First Draft Strategy Report. REDD-Forestry and Climate Change Cell, Ministry of Forests and Soil Conservation, Babarmahal; FAO and RECOFTC. 2015. Gender and forests in a changing landscape: Understanding women's participation in forestry in Nepal - Policy Brief. FAO and RECOFTC, Bangkok; Ministry of Forests and Soil Conservation, Government of Nepal. 2013. Persistence and Change: Review of 30 years of community forestry in Nepal. Lalitpur, Nepal: Multi Stakeholder Forestry Programme, Services Support Unit; Pandey, Ghan Shyam. 2015. Community Forestry in Nepal: Protecting Forest, Improving Livelihoods. FERN.	
Panama	Constitución Política de la República de Panamá	1972 (2004)
	Código Civil de la República de Panamá - Ley No. 2 de 22 de agosto de 1916	1916
	Código de Comercio de la República de Panamá - Ley No. 2 de 22 de agosto de 1916	1916 (2011)
	Código de la Familia - Ley No. 3 de 17 de mayo de 1994	1994
	Ley 22 de ocho de noviembre de 1983	1983
	Ley No. 1 de 3 de febrero de 1994 - Legislación Forestal de la República de Panamá	1994
	Ley No. 24 de 12 de enero de 1996	1996
	Ley No. 22 de 14 de julio de 1997	1997
	Ley No. 41 de 1 de julio de 1998	1998
	Ley No. 4 de 29 de enero de 1999	1999
	Ley No. 38 de 10 de julio de 2001	2001
	Ley No. 29 de 13 de junio de 2002	2002
	Ley No. 146 de 31 de marzo de 2004	2004
	Ley 72 de 23 de diciembre de 2008 Que establece el procedimiento especial para adjudicación de la propiedad colectiva de tierras de los pueblos indígenas que no están dentro de las comarcas	2008
	Resolución de Junta Directiva No. 05-98 de 22 de enero de 1998	1998
	Decreto Ejecutivo No. 228 de 3 de diciembre de 1998	1998
	Decreto Ejecutivo No. 84 de 9 de abril de 1999	1999
	Decreto Ejecutivo No. 194 de 25 de agosto de 1999	1999
	Decreto Ejecutivo No. 414 de 22 de octubre de 2008	2008
	Secondary Sources: CEDAW. 2010. "Concluding observations of the Committee on the Elimination of Discrimination against Women." Presented at CEDAW 45th session, Geneva, February 5; Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer - Panamá. 2010. "Informe Alternativo: Situación de Derechos Humanos de las Mujeres en Panamá." Paper presented at CEDAW Committee 45th Session, Geneva, February 1; El Congreso de la Cultura en la Ley Fundamental y Estatuto. Artículos de la Ley Fundamental y Estatuto Relacionados al Congreso General de la Cultura Guna; National Indigenous Women's Coordination of Panama (CONAMUIP). 2009. Alternative Report: The VOICE of Panama's Indigenous Women; OECD. 2014. "OECD Social Institutions and Gender Index: Panama." OECD; World Bank. 2016. "Women, Business, and the Law: Panama." World Bank.	
Papua New Guinea	Constitution of the Independent State of Papua New Guinea (1975)	1975 (2014)
	Customs Recognition Act of 1963	1963
	Will and Probate Administration Act of 1966	1966
	Village Courts Act of 1989	1989
	Forestry Act 1991	1992 (2005)
	Land Act 1996	1996
	Environment Act 2000, as amended by the Environment (Amendment) Act 2014	2001 (2014)
	Land Groups Incorporation (Amendment) Act 2009	2012
	Voluntary Customary Land Registration (Amendment) Act (2009)	2012
	Civil Registration (Amendment) Act 2014	2014

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(continued) Papua New Guinea	Village Courts (Amendment) Act 2014	2014
	Forestry Regulation 1998	1998
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Peru	Constitución Política del Perú, 1993	1993
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	Ley No. 24656, 1987 - Ley General de Comunidades Campesinas	1987
	Ley No. 26505, 1995 - Ley de la Inversión Privada en el Desarrollo de las Actividades Económicas en las Tierras del Territorio Nacional y de las Comunidades Campesinas y Nativas	1995
	Ley No. 26821, 1997 - Ley Orgánica para el Aprovechamiento de los Recursos Naturales	1997
	Ley No. 26834, 1997 - Ley de Áreas Naturales Protegidas	1997
	Ley No 27867, 2002 - Ley Orgánica de Gobiernos Regionales	2002 (2003)
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	Ley No. 30007	2013
	Decreto Ley No. 22175, 1978 - Ley de Comunidades Nativas y de Desarrollo Agrario de la Selva y de Ceja de Selva	1978
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	Decreto Supremo AG No. 038/2001 - Reglamento de la Ley de Áreas Naturales Protegidas	2001
	Decreto Supremo MIMDES No. 008/2007	2007
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	Decreto Supremo No. 018-2015-MINAGRI - Decreto Supremo que Aprueba el Reglamento para la Gestión Forestal	2015
	Decreto Supremo No. 019/15/MINAGRI - Reglamento para la Gestión de Fauna Silvestre.	2015
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Philippines	The Constitution of the Republic of the Philippines	1987
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	Republic Act No. 7192 - Women in Development and Nation Building Act	1992
	Republic Act No. 7586 - National Integrated Protected Areas System Act of 1992	1992
	The Indigenous Peoples' Rights Act of 1997	1997
	Republic Act No. 9700	2009
	Republic Act No. 9710 - The Magna Carta of Women	2009
	Presidential Decree No. 705	1975
	Presidential Decree No. 1083 of 1977, A decree to ordain and promulgate a code recognizing the system of Filipino Muslim laws, codifying Muslim personal laws, and providing for its administration and for other purposes	1977
	Executive Order No. 209 - The Family Code of the Philippines	1988 (2009)
	Executive Order No. 263	1995
	DENR Administrative Order No. 25, Series of 1992	1992

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
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Senegal	Constitution de la République du Sénégal	2001 (2009)
	Code de la famille sénégalais	2000
	Loi No. 64-46 du 17 juin 1964 relative au domaine national	1964
	Loi No. 98-03 portant le code forestier	1998
	Loi No. 2001-01 du 15 janvier 2001 portant code de l'environnement	2001
	Loi No. 2004-16 du 4 juin 2004 portant loi d'orientation agro-sylvo-pastorale	2004
	Loi No. 2013-10 du 28 décembre 2013 portant code général des collectivités locales	2013
	Loi constitutionnelle No. 2016-10 du 05 avril 2016 portant révision de la Constitution	2016
	Decret No. 96-1134 du 27 decembre 1996 portant application de la loi portant tranfert de compétences aux régions, aux communes et aux communautés rurales, en matière d'environnement et de gestion des ressources naturelles	1996
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	Local Government Laws (Amendment) Act, 1993	1993
	The Land Act, 1999	1999 (2009)
	The Village Land Act, 1999	2001
	The Land Disputes Courts Acts, 2002	2002
	The Forest Act, 2002	2004
	The Local Customary Law (Declaration) Order, Government Notice No. 279 of 1963	1963
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	Forest Act, B.E. 2484 (1941)	1942
	National Park Act, B.E. 2504 (1961)	1961
	National Reserved Forest Act, B.E. 2507 (1964)	1964
	Wildlife Preservation and Protection Act, B.E. 2535 (1992)	1992
	Commerical Forest Plantation Act, B.E. 2535 (1992)	1992
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	Ley de Igualdad de Oportunidades para la Mujer	1999
	Ley de Demarcación y Garantía del Habitat y Tierras de los Pueblos Indígenas	2001
	Ley Orgánica de Pueblos y Comunidades Indígenas	2002
	Ley de Consejos Comunales	2006
	Ley de Bosques y Gestión Forestal (Decreto No. 6.070)	2008
	Ley de Reforma Parcial de la Ley de Tierras y Desarrollo Agrario	2010
	Ley de Bosques	2013
	Ley Orgánica Sobre el Derecho de las Mujeres a Una Vida Libre de Violencia	2014
	Decreto No. 1.546 de 9 de noviembre de 2001 - Decreto con Fuerza de Ley de Tierras y Desarrollo Agrario	2001
	Sentencia No. 1682 de Tribunal Supremo de Justicia - Sala Constitucional de 15 de julio de 2005	2005
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	Decree Detailing a Number of Articles of the Land Law (No. 43/2014/ND-CP)	2014
	Decree on Regulations on Land Prices (No. 44/2014/ND-CP)	2014
	Decree on Regulations on Compensation, Support and Resettlement upon Land Expropriation by the State (No. 47/2014/ND-CP)	2014
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- 29 "[W]omen often disproportionately bear the negative impacts of land acquisitions, particularly the loss of access to land for subsistence farming and loss of access to communal lands from which resources such as water, fuelwood, and wild fruits and plants are gathered. They are also often bypassed in compensation schemes and employment opportunities, which usually favor men," Salcedo-La Viña and Morarji 2016 (endnote 12); Colfer et al. 2015 (endnote 3); IFAD 2016 (endnote 11). Agrawal, Arun, et al. 2017. Forthcoming working paper on the impacts of large-scale land acquisitions on local women's land and forest tenure rights: case studies from western Ethiopia. International Forestry Resources and Institutions Network, and RRI, Washington, DC; Basnett, Bimbika Sijapati, et al. 2017. Forthcoming working paper on the impacts of large-scale land acquisitions on local women's land and forest tenure rights: case studies from Indonesia. Center for International Forestry Research (CIFOR) and RRI, Washington, DC.
- 30 Colfer et al. 2015 (endnote 3); FAO 2011 (endnote 10); IFAD 2016 (endnote 11); Sachs 2009 (endnote 12); see also Dev, Om Prakash, and Jagannath Adhikari. 2007. Community forestry in the Nepal hills: practices and livelihood impacts. In *Forests, People & Power: The political iconology of reform in South Asia*, edited by Oliver Springate-Baginski and Piers Blaikie, 142–176. London and Sterling, VA: Earthscan.
- 31 Klugman and Tyson 2016 (endnote 11).
- 32 "A REDD+ Country Participant is a developing country located in a subtropical or tropical area that has signed Participation Agreement to participate in the Readiness Fund. Forty-seven developing countries have been selected to join the FCPF (18 in Africa, 18 in Latin America, and 11 in the Asia-Pacific region)." In this study, REDD+ country participants were identified according to the FCPF's list of country participants as of October 2016. The countries in this study that are also REDD+ partner countries are: Bolivia, Cambodia, Cameroon, Colombia, Democratic Republic of the Congo, Republic of the Congo, Gabon, Guatemala, Guyana, Indonesia, Kenya, Liberia, Mexico, Mozambique, Nepal, Panama, Papua New Guinea, Peru, Tanzania, Thailand, and Vietnam. Forest Carbon Partnership Facility (FCPF). 2015. REDD+ Countries. Available at: www.forestcarbonpartnership.org/redd-countries-1.
- 33 RRI previously collected data for Malaysia and Nigeria, as presented in Annex 3 of RRI 2012a (see below) and Annex 3 of RRI 2014 (see below). However, because no community-based forest tenure regimes are recognized in the national laws of either country, they were excluded from this analysis. RRI. 2012a. What Rights? A comparative analysis of developing countries' national legislation on community and Indigenous Peoples' forest tenure rights. Rights and Resources Initiative, Washington, DC. Available at: rightsandresources.org/wp-content/exported-pdf/whatrightsnovember13final.pdf; RRI. 2014. What Future for Reform? Progress and slowdown in forest tenure reform since 2002. Rights and Resources Initiative, Washington DC. Available at: www.rightsandresources.org/wp-content/uploads/doc_6587.pdf.
- 34 These previous assessments include RRI 2012a and RRI 2014 (endnote 33).
- 35 Schlager, Edella, and Elinor Ostrom. 1992. Property-rights regimes and natural resources: a conceptual analysis. *Land Economics* 68(3): 249–262.
- 36 RRI. Tenure Data Tool. Rights and Resources Initiative, Washington, DC. Available at: <http://rightsandresources.org/en/work-impact/tenure-data-tool>.
- 37 This statutory forest tenure typology was first developed by White and Martin 2002 (Forest Trends) and has since been employed in reports by the Rights and Resources Initiative, including Sunderlin et al. 2008 (see below), RRI 2012a (endnote 33), RRI 2014 (endnote 33) and RRI 2015a (see below). White, Andy, and Alejandra Martin. 2002. Who Owns the World's Forests? Forest tenure and public forests in transition. Forest Trends and Center for International Environmental Law, Washington, DC Available at: www.cifor.org/publications/pdf_files/reports/tenurereport_whoowns.pdf; Sunderlin, William D., Jeffrey Hatcher, and Megan Liddle. 2008. From Exclusion to Ownership? Challenges and Opportunities in Advancing Forest Tenure Reform. Rights and Resources Initiative, Washington, DC. Available at: <http://rightsandresources.org/wp-content/exported-pdf/fromexclusionfinal.pdf>; RRI. 2015a. Who Owns the World's Land? A global baseline of formally recognized indigenous and community land rights. Rights and Resources Initiative, Washington, DC. Available at: http://www.rightsandresources.org/wp-content/uploads/GlobalBaseline_web.pdf.

- 38 This approach was developed in 2016 and is employed in the forthcoming 2017 publication, Almeida 2017 (endnote 4).
- 39 World Bank Group. 2015. Women, Business and the Law 2016: Getting to Equal. World Bank, Washington, DC. Available at: <http://wbl.worldbank.org/~media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf>.
- 40 RRI 2015a (endnote 37).
- 41 RRI 2015a (endnote 37).
- 42 RRI 2012a: 22 (endnote 33).
- 43 RRI 2012a: 22 (endnote 33).
- 44 Personal correspondence with Rukka Sombolinggi, International Advocacy Coordinator of Aliansi Masyarakat Adat Nusantara (AMAN), on November 2, 2016, during which Sombolinggi explained that many Indigenous Peoples in Indonesia rely on community-level decision-making processes requiring the full consent of all adult community members.
- 45 Such tools include UN FAO's Gender and Land Rights Database Legal Assessment Tool, The World Bank's Women, Business and the Law database, the Organisation for Economic Co-operation and Development (OECD) Development Centre's Social Institutions and Gender Index (SIGI), and Land Portal's Land Book Thematic Portfolios.
- 46 For example, under Bill of Rights Section 24(4) of Kenya's Constitution of 2010: "The provisions of this Chapter on equality *shall be qualified to the extent strictly necessary* [emphasis added] for the application of Muslim law before the Kadhis' courts, to persons who profess the Muslim religion, in matters relating to personal status, marriage, divorce and inheritance." Notably, Art. 2(4) of the Kenya Constitution states that "any law, including customary law, that is inconsistent with this Constitution is void to the extent of the inconsistency, and any act or omission in contravention of this Constitution is invalid." Government of Kenya. 2010. The Constitution of Kenya, Art. 2(4), 24(4), 170(5). Available at: <https://www.kenyaembassy.com/pdfs/the%20constitution%20of%20kenya.pdf>.
- 47 Government of Colombia. 2002. Ley 731 de 2002: Por la cual se dictan normas para favorecer a las mujeres Rurales. Art. 1, 5, 7-10, 26. Available at: <https://www.hsph.harvard.edu/population/womenrights/colombia.women.02.pdf>.
- 48 For example, Senegal's 2001 Constitution created the first legal vehicle for women to assert ownership interests over land. Implementing legislation was passed in May 2010 to permit women to exercise this constitutional right by becoming members of local land committees that are responsible for allocating user rights to land parcels. Organisation For Economic Co-Operation and Development (OECD). 2014a. Country Profile: Senegal. Social Institutions & Gender Index. Available at: www.genderindex.org/country/senegal#_ftn2; Although promising, much work remains to be done for rural women in Senegal to reap the benefits of the statutory land rights that they now possess; fewer than 15 percent of women reportedly hold assigned land plots and only 25 percent have access to land through inheritance. UN Human Rights Council. 2016. Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Senegal. April 7, 2016. A/HRC/32/44/Add.1. Available at: <http://www.refworld.org/docid/576157ee4.html>.
- 49 CEDAW. 2016. General recommendation No. 34 on the economic consequences of marriage, family relations and their dissolution. CEDAW/C/GC/29. Paras. 38, 46. Available at: http://www2.ohchr.org/english/bodies/cedaw/docs/comments/CEDAW-C-52-WP-1_en.pdf.
- 50 Wang, Xiaobei, et al. 2012. Ensuring that Poor Rural Women Benefit from Forestland Reforms in China: Fieldwork Findings and Policy Recommendations. Rights and Resources Initiative, Washington, DC. Available at: <http://rightsandresources.org/wp-content/exported-pdf/landesarrichinaensuringpoorruralwomenbenefit.pdf>; "In terms of family law, there is a plethora of customary laws still utilized by Burman and non-Burman ethnic groups concerning marriage, adoption, property ownership and inheritance rights. Many of these laws emphasize women's roles as child-bearers and home-makers while giving men greater economic and decision-making power in domestic affairs. For example, one woman interviewed for this report explained that according to Palaung traditions still followed in rural areas of Shan State, when a man dies, his property goes to his male relatives rather than his wife; and in the case of divorce, a woman loses all jointly held property." Women's League of Burma. 2008. CEDAW Shadow Report, Burma 2008. Women's League of Burma, Chiang Mai, Thailand, 21. Available at: http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Women_Burma42.pdf.
- 51 Referencing a study conducted by the ILC: "In the matrilineal community of Batu Songgan in Indonesia, a parents' house is usually bequeathed either to the youngest daughter, because it is expected that her older sisters are likely to be better established in their lives, or to the daughter who will care for her parents in old age ... In Circompang, Indonesia, inheritance is usually distributed equally between women and men, sometimes during the parents' lifetimes. Indigenous traditions allow women to have inheritance rights over land and other property such as houses, jewelry, and livestock. However, some families give greater access to men, because they think that men need more land to support their traditional role as head of the household." Khan 2016: 14–15 (endnote 3); "The rarer matrilineal systems, despite the continued dominance of men in much decision making (see e.g., Noerdin 2002), provide a more hospitable context for women's access to lands." Colfer and Minarchek 2013: 417 (endnote 17); Cotula et al. 2004: 18–19 (endnote 4).
- 52 "Because of the worldwide prevalence of patrilineal inheritance customs, both productive resources (e.g., land and livestock) and property such as household goods have ended up on the hands of men and not women." Steinzor, Nadia. 2003. Women's Property and Inheritance Rights: Improving Lives in Changing Times. U.S. Agency for International Development, Washington, DC, 3. Available at: http://pdf.usaid.gov/pdf_docs/Pnada958.pdf.
- 53 Colfer and Minarchek 2013: 417 (endnote 17); Khan 2016 (endnote 3); Knight 2010 (endnote 4); Namubiru-Mwaura 2014 (endnote 10); Cotula, Lorenzo. 2002. Gender and law: Women's rights in agriculture. FAO Legislative Study 76, Rev. 1. FAO, Rome, Italy. <http://www.fao.org/3/a-y4311e.pdf>.

- 54 Cotula 2002 (endnote 53); Khan 2016 (endnote 3); Knight 2010 (endnote 4); Steinzor 2003 (endnote 52).
- 55 “A study by Save the Children Mozambique in 2005-06 found that in both patrilineal and matrilineal communities, men are more likely to inherit the more valuable items, such as the house and commercial assets, while women and children inherit crockery, clothing, some furniture, and some money.” Cooper, Elizabeth. 2011. Challenges and opportunities in inheritance rights in Mozambique. Policy Notes, February 2011, Chronic Poverty Research Center, 6. Available at: http://www.chronicpoverty.org/uploads/publication_files/PN%20Inheritance-Mozambique.pdf; Knight 2010 (endnote 4); Colfer and Minarchek 2013: 417-418 (endnote 17); Namubiru-Mwaura 2014 (endnote 10); Caron, Cynthia, and Denise Humphreys-Bebington. 2017. Forthcoming working paper on women’s leadership, agency and voice: promoting gender justice within community-based tenure systems in Bolivia and Zambia. Clark University. RRI, Washington, DC.
- 56 Cotula et al. 2004: 19 (endnote 4); Khan 2016 (endnote 3).
- 57 Ahmed, Aziza. 2011. Property and Inheritance Laws: The impact on women and OVC in the Context of HIV. Working Paper prepared for the Third Meeting of the Technical Advisory Group of the Global Commission on HIV and the Law, July 7-9, 2011. Available at: <http://www.hivlawcommission.org/index.php/working-papers?task=document.viewdoc&id=96>; UN Division for the Advancement of Women. 2001. Widowhood: Invisible women, secluded or excluded. United Nations Division for the Advancement of Women, Department of Economic and Social Affairs. Available at: http://www.un.org/womenwatch/daw/public/wom_Dec%2001%20single%20pg.pdf; Colfer and Minarchek 2013: 417 (endnote 17); Knight 2010 (endnote 4); Steinzor 2003 (endnote 52).
- 58 Peterman 2011 (endnote 20); Steinzor 2003: 6 (endnote 52); UN Division for the Advancement of Women 2001: 8 (endnote 57).
- 59 Cotula et al. 2004: 19 (endnote 4); Salcedo-La Viña and Morarji 2016: 20 (endnote 12); Strickland 2004 (endnote 24).
- 60 “The problem with gender-neutral terminology or language runs across all three project countries. The literature and project fieldwork show that generic terms in provisions relating to community decision-making—such as ‘local community’ in Mozambique, ‘villagers’ in Tanzania, or ‘Indigenous Peoples’ in the Philippines—have served as indirect exclusion mechanisms for women. The terms are operationalized within context where men dominate decision-making and women have little or no space to voice their interests and concerns ... Given the structural barriers women face, they need to be explicitly specified as participants and stakeholders in community land governance if they are to have a seat at the table.” Salcedo-La Viña and Morarji 2016: 21 (endnote 12).
- 61 CEDAW. 2004. General Recommendation No. 25, Article 4, paragraph 1. Available at: [http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(English\).pdf](http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf) (as cited in Salcedo-La Viña and Morarji 2016: 21, endnote 12).
- 62 Colfer and Minarchek 2013 (endnote 17); Cotula et al. 2004 (endnote 4); Khan 2016 (endnote 3); Knight 2010 (endnote 4); Namubiru-Mwaura 2014 (endnote 10); Steinzor 2003 (endnote 52); UNDP 2008 (endnote 21);
For specific examples, see: “In Vietnam, due to the son preference for family line continuation and the customs of ancestor worship, daughters are not usually given inheritance of her family land. Once married, a daughter in-law rarely gets a share of land or housing from her parents-in-law, and can only use land and house together with her husband,” Alvarado, Gina, et al. 2015. Training Toolkit: Inheritance Law, Wills, and Women’s Rights. Vietnam Land Access for Women (LAW) Program. International Center for Research on Women, Institute for Social Development Studies, and USAID. Available at: http://www.icrw.org/sites/default/files/images/Toolkit_4_0.pdf;
In some areas of China, patriarchal practices reportedly result in sons inheriting household forestland rights from their parents, to the exclusion of daughters, even though the law calls for men and women to have equal inheritance rights. Wang et al. 2012: 25 (endnote 50);
“According to Palaung traditions still followed in rural areas of Shan State [of Myanmar], when a man dies, his property goes to his male relatives rather than his wife; and in the case of divorce, a woman loses all jointly held property.” Women’s League of Burma 2008 (endnote 50);
In regards to some peasant and indigenous communities in Peru, one study observes that communal assemblies, dominated by men, tend to favor the land inheritance to of sons, into the detriment of daughters. Deere, Carmen Diana, and Magdalena Leon. 2003. The Gender Asset Gap: Land in Latin America. World Development 31(6): 925–947, 934. Available at: <https://www.amherst.edu/media/view/92212/original/gender%20asset%20gap.pdf>.
- 63 Landesa. 2012. Women’s Secure Rights to Land: Benefits, Barriers, and Best Practices. Issue Brief, October. Landesa, The Center for Women’s Land Rights, Seattle. Available at: <http://www.landesa.org/wp-content/uploads/Landesa-Women-and-Land-Issue-Brief.pdf>; Cotula et al. 2004: 19 (endnote 4); Khan 2016 (endnote 3);
See also, for example: Djiré, Moussa. 2006. Improving Tenure Security tenure security for the Rural Poor: Mali – country case study. Improving security of land tenure for the poor and other vulnerable groups in rural areas. LEP Working Paper #4, Workshop for Sub-Saharan Africa. FAO. Available at: <http://www.fao.org/3/a-k0785e.pdf>;
In community forests in Vietnam, “Traditionally son-preference is practiced in inheritance. In rural areas and among ethnic communities, it is customary for a daughter who gets married to not inherit from her parents. Accordingly, most women do not claim their rights to inheritance. When a household head dies, it is likely that his son’s name, but not his widow’s name, will be on the land certificate.” FAO. 2017. Country Profile: Vietnam. Gender and Land Rights Database. Food and Agriculture Organization of the United Nations. Available at: http://www.fao.org/gender-landrights-database/country-profiles/countries-list/customary-law/en/?country_iso3=VNM.
- 64 “Recognizing that the Secretary-General has linked the growing prevalence of HIV/AIDS in women with laws that inhibit the full enjoyment of women’s rights to land ownership and inheritance, and that he has called for positive change and attention to women’s empowerment and protection of women’s housing and land rights to make women less vulnerable to HIV/AIDS.” UNCHR 2005 (endnote 21); Gomez and Tran 2012 (endnote 10); UNDP 2008 (endnote 21); UN Women and OHCHR 2013 (endnote 10).

- 65 UNDP 2008: 7–8 (endnote 21); Cotula 2002 (endnote 53); Knight 2010 (endnote 4); Basnett, Bimbika Sijapati, et al. 2017 (endnote 29).
- 66 UN Department of Economic and Social Affairs, Population Division. 2011. World Marriage Patterns No. 2011/1, December 2011. 2. Available at: http://www.un.org/en/development/desa/population/publications/pdf/popfacts/PopFacts_2011-1.pdf.
- 67 OECD. 2014b. Country Profile: Gabon. Social Institutions & Gender Index. 1. Available at: www.genderindex.org/sites/default/files/datasheets/GA.pdf.
- 68 “Legal recognition of consensual unions is virtually absent in Africa and Asia, with only Ethiopia, Mozambique and the Philippines according them recognition.” Knox, Anna, Nata Duvvury, and Noni Milici. 2007. Connecting Rights to Reality: A Progressive Framework of Core Legal Protections for Women’s Property Rights. International Center for Research on Women, Washington, DC, 11. Available at: <https://www.icrw.org/wp-content/uploads/2016/10/Connecting-Rights-to-Reality-AProgressive-Framework-of-Core-Legal-Protections-for-Womens-Property-Rights.pdf>.
- 69 In Cameroon, because of the economic crisis, young people have increasing difficulties in preparing for formal unions, given that, despite legal provisions, the payment of a dowry is seen as the symbolic act that validates a customary marriage. Therefore, women involved in consensus union increased from 15 percent in 1991 to 38.94 percent in 2004. Bantu and semi-Bantu women are more likely to be involved in cohabitation than Sudanese women. Kamgno, Hélène Kamdem and Carole Eulalie Mvondo Mengue. 2014. Rise of Unofficial Marriages in Cameroon: Economic or socio-demographic response? *American International Journal of Social Science*, 3(3): 55–66. Available at: www.ajssnet.com/journals/Vol_3_No_3_May_2014/6.pdf.
- 70 Sunderland et al. 2014: 2 (endnote 12); Gomez and Tran 2012 (endnote 10); Coleman, Eric A., and Esther Mwangi. 2011. Gender and Local Environmental Governance. XIV World Forestry Congress, Durban, South Africa, September 7–11, 2015. Available at: foris.fao.org/wfc2015/api/file/5547556ee52d79267e89a589/contents/20c78d11-4edc-453e-91ac-88867f394fb4.pdf; CEDAW 2016: Para. 6 (endnote 49).
- 71 Knapman, Catriona, and Philippine Sutz. 2016. When Investors Come Knocking: Ensuring African women have a say. Briefing: Gender, land acquisition and rights, June 2016. International Institute for Environment and Development (IIED), London. Available at: <http://pubs.iied.org/pdfs/17361IIED.pdf>; Larson et al. 2015 (endnote 11); Salcedo-La Viña and Morarji 2016 (endnote 12); Mai et al. 2011 (endnote 11).
- 72 Coleman, Eric A., and Esther Mwangi. 2013. Women’s participation in forest management: a cross-country analysis. *Global Environmental Change* 23(1): 193–205; Silverman, Allison. 2015. Using International Law to Advance Women’s Tenure Rights in REDD+. Edited by Niranjali Amerasinghe. Rights and Resources Initiative and Center for International Environmental Law, Washington, DC. Available at: http://www.ciel.org/wp-content/uploads/2015/06/WomensTenureRights_REDD_June2015.pdf; Knapman and Sutz 2016 (endnote 71); Salcedo-La Viña and Morarji 2016 (endnote 12); Mai et al. 2011 (endnote 11); Agrawal, Arun, et al. 2017 (endnote 29); Basnett, Bimbika Sijapati, et al. 2017 (endnote 29).
- 73 OECD. 2014c. Country Profile: Papua New Guinea. Social Institutions & Gender Index. Available at: <http://www.genderindex.org/country/papua-new-guinea>.
- 74 Agarwal, Bina. 2009. Gender and forest conservation: the impact of women’s participation in community forest governance. *Ecological Economics* 68(11): 2785–2799; Coleman and Mwangi 2011 (endnote 70); Coleman and Mwangi 2013 (endnote 72).
- 75 Dev and Adhikari 2007 (endnote 30); Colfer et al. 2015 (endnote 3); Colfer and Minarchek 2013: 420 (endnote 17); FAO 2011 (endnote 10); IFAD 2016 (endnote 11); See also, for example: “In recent years, with the continuing increase of male urban labor migration, women have become key agricultural laborers, accounting for more than 65% of the rural labor force in China,” Wang et al. 2012: 4 (endnote 50).
- 76 Giovarelli, Renée, Beatrice Wamalwa, and Leslie Hannay. 2013. Land Tenure, Property Rights, and Gender: Challenges and approaches for strengthening women’s land tenure and property rights. USAID Issue Brief. United States Agency for International Development (USAID), Washington, DC, 2. Available at: https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Gender_Brief_061214-1.pdf; Knapman and Sutz 2016 (endnote 71); Salcedo-La Viña and Morarji 2016 (endnote 12).
- 77 Cotula et al. 2004: 19 (endnote 4); Gomez and Tran 2012: 8 (endnote 10); Ali, Daniel Ayalew, Klaus Deininger, and Markus Goldstein. 2011. Environmental and Gender Impacts of Land Tenure Regularization in Africa: Pilot evidence from Rwanda. Policy Research Working Paper No. 5765. World Bank, Washington, DC. Available at: documents.worldbank.org/curated/en/682321468336670055/pdf/WPS5765.pdf.
- 78 The principle of FPIC was first articulated in 2007 in UNDRIP, Article 32(2) of which establishes that “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.” UNDRIP (endnote 8);
As Mr. Olivier De Schutter, former UN Special Rapporteur on the Right to Food stated, “any shifts in land use can only take place with the free, prior, and informed consent of the local communities concerned. This is particularly important for indigenous communities, in view of the discrimination and marginalization they have been historically subjected to.” De Schutter, Olivier. 2009. Large-scale Land Acquisitions and Leases: A set of core principles and measures to address the human rights challenge. Report of the UN Special Rapporteur on the Right to Food, 11 June 2009, 13–14. Available at: www.oecd.org/dataoecd/22/20/44031283.pdf.
- 79 Almeida 2017: 9 (endnote 4).
- 80 Almeida 2017: 9 (endnote 4); Cotula et al. 2004 (endnote 4); Knight 2010 (endnote 4).

- 81 See, for example, Rukka Sombolinggi, International Advocacy Coordinator of Aliansi Masyarakat Adat Nusantara (AMAN) (endnote 3); Findings from an empirical study of women's participation in community forestry in a village in India's Maharashtra state: "The Forest Protection Committee and the Village Council in Village 1 are one and the same, so the Village Council serves as the participatory forum where Joint Forest Management issues are discussed ... All of the village are members of the Village Council and hence by default are part of the Forest Protection Committee. Moreover, there are no membership conditions, e.g., property, literacy, etc. ... The Village Council's decisions are based on consensus, meaning that there needs to be some basic agreement among the villagers on an issue and even though not everyone may completely agree with the decision, no one is completely against it. The villagers explained that they preferred consensus decision-making since they felt it reflected a more democratic process." Gupte, Manjusha. 2004. Participation in a gendered environment: the case of community forestry in India. *Human Ecology* 32(3): 365-382, 383. Available at: www.rmportal.net/framelib/participation-in-a-gendered-environment-india.pdf; Findings from another study of internal governance mechanisms of communities in Mexico: "Each *ejido* and *comunidad* has a General Assembly, which is the supreme governing body that decides on all principal issues within the community. In the GA, each registered member of the community has one vote. Voting is by consensus or majority rule, depending on community practices. Assemblies meet a minimum number of times per year as required by law." Antinori, Camille, and Gordon Rausser. 2007. Collective choice and community forestry management in Mexico: an empirical analysis. *Journal of Development Studies* 43(3): 512-536, 515.
- 82 CEDAW 1979: Art. 14(f) (endnote 6).
- 83 CEDAW 2016: para. 54 (endnote 49).
- 84 "In both community and leasehold forestry, statutory provisions provided a legitimate entry (...) for women to have a space in the committees, despite the public arena being traditionally male. However, such statutory provision even when applied is mediated strongly with customary practices, and women become 'token' participants, without real authority or influence. (...) The extent to which women can effectively make use of those decision-making spaces depends on many factors, such as gender awareness trainings, support from service-providers, capacity enhancement programs, and accountable monitoring and enforcement mechanisms," Giri, Kalpana. 2012. Gender in Forest Tenure: Pre-requisite for sustainable forest management in Nepal. Brief 1 of 4, June 2012. Rights and Resources Initiative, Washington, DC, 17. Available at: theredddesk.org/sites/default/files/resources/pdf/2012/gender_in_forest_tenure_-_forest_management_nepal.pdf; See also, for example: "In Cambodia, while the Forestry Law (2002) provides a legal framework for the involvement of user-groups in forest management and protection, inclusion of women's rights and priorities is missing. Likewise, the Sub-decree on Community Forest Management (2003) has a provision which encourages women's participation in the Community Forestry Management Committee (CFMC), but the CFMC does not offer a specific quota that mandates women's participation. Hence, less than 5 percent of women hold management positions in the CFMC and less than 10 percent of community forestry groups have realized women's participation (PACT 2009)." Upadhyay, Bhawana. 2015. Mainstreaming Gender into Forest Policies in Asia and the Pacific. January. Food and Agriculture Organization of the United Nations and the Center for People and Forests (RECOFTC) Bangkok, Thailand, 7. Available at: www.fao.org/fileadmin/templates/rap/files/meetings/2015/150212_final_report.pdf; "One reason for women's lack of awareness is their low level of representation in powerful community organisations and decision-making bodies. The study from India reviewing the Shariat Act 1937 observes that, even if women are members of such bodies, they often tend to be submissive and ineffective as mobilisers or advocates (ILC, India Study b). ... Studies looking at whether women's membership has translated into empowerment confirm that women have not made effective contributions to the *panchayats*, tending to operate as proxies for men rather than as independent agents," Khan 2016: 20 (endnote 3); Buchy, Marlène. 2012. Securing Women's Tenure and Leadership for Forest Management: Summary of the Asian Experience. Rights and Resources Initiative, Washington, DC, 17. Available at: <http://rightsandresources.org/wp-content/exported-pdf/finalcombinedbriefsandspotlights.pdf>.
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- 87 FAO. 2013. Rural Women and Access to Justice: FAO's contribution to a Committee on the Elimination of Discrimination against Women (CEDAW) half-day general discussion on access to justice, Geneva, 18 February 2013. Rome: Food and Agriculture Organization of the United Nations. Available at: www.ohchr.org/Documents/HRBodies/CEDAW/AccessToJustice/FAO.pdf; Turquet, Laura, et al. 2012. Progress of the World's Women 2011-2012: In pursuit of justice, pp. 67-68. UN Women. Available at: www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2011/progressoftheworldswomen-2011-en.pdf?vs=2835; Knight 2010 (endnote 4); Sieder and Sierra 2010 (endnote 86); UNDP et al. 2012: 262 (endnote 86).
- 88 Sieder and Sierra 2010: 8 (endnote 86).
- 89 Turquet et al. 2012: 71 (endnote 87).
- 90 FAO 2013 (endnote 87); Turquet et al. 2012 (endnote 87); UNDP et al. 2012: 262 (endnote 86).

- 91 UNDP et al. 2012: 76–77 (endnote 86); Knight 2010 (endnote 4).
- 92 FAO 2013 (endnote 87); Namubiru-Mwaura 2014 (endnote 10); Sieder and Sierra 2010 (endnote 86); Turquet et al. 2012: 64–79 (endnote 87).
- 93 FAO 2013 (endnote 87); Namubiru-Mwaura 2014 (endnote 10); Sieder and Sierra 2010 (endnote 86); Turquet et al. 2012: 64–79 (endnote 87); UNDP et al. 2012: 262 (endnote 86).
- 94 For example, in the context of common customary lands in Papua New Guinea, village courts use customary law and mediation to resolves nearly 80 percent of crimes in the country, yet all village courts were overseen by male magistrates until 2000, when new policies were established to increase gender parity in the village court system. As of 2011, there were 700 women magistrates sitting on village courts, and “there is evidence that with more women magistrates, women have brought a higher number of cases to the Village Courts and experienced more equitable justice,” OECD 2014c (endnote 73).
- 95 CBRs are understood as a distinguishable set of national, state-issued laws and regulations governing “all situations under which the right to own or manage terrestrial natural resources are held at the community level,” RRI 2015a (endnote 37).
- 96 This assessment considers the existence of economic domestic violence provisions as reported by the World Bank’s Women, Business, and the Law database.
- 97 See the Constitutions of the following countries, as cited in Annex 4 of this study: Bolivia, Brazil, Cameroon, Colombia, Democratic Republic of the Congo, Guatemala, Guyana, India, Kenya, Liberia, Mexico, Mozambique, Myanmar, Nepal, Papua New Guinea, Peru, the Philippines, Republic of the Congo, Venezuela, and Zambia.
- 98 “All citizens shall be equal before the law and the government and shall be required to respect the law and the government, with no exceptions.” Furthermore, “Every person shall have the right to be free from discriminative treatment based upon any grounds whatsoever and shall have the right to protection from such discriminative treatment.” Government of Indonesia. 1945. Constitution of the Republic of Indonesia, as amended by the First Amendment of 1999, the Second Amendment of 2000, the Third Amendment of 2001 and the Fourth Amendment of 2002. Art. 27(1), 28(2). Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174556.pdf.
- 99 Government of Thailand. 2016. Draft Constitution of the Kingdom of Thailand: Unofficial English Translation 2016. Section 27. Available at: http://www.un.or.th/wp-content/uploads/2016/06/2016_Thailand-Draft-Constitution_EnglishTranslation_Full_Formatted_vFina....pdf; The Economist. 2016. Why does Thailand keep changing its constitution? The Economist, September 11, 2016. Available at: <http://www.economist.com/blogs/economist-explains/2016/09/economist-explains-4>; Reuters. 2017. Thai parliament approves king’s constitutional changes request, likely delaying elections. Reuters, January 13, 2017. Available at: <http://www.reuters.com/article/us-thailand-king-constitution-idUSKBN14X0IF>.
- 100 Article 395 of the Bolivian Constitution states that the process of allocating land to rural native indigenous peoples, intercultural indigenous communities, Afro-Bolivian and rural communities “shall be carried out... without discrimination based on civil status or marital union.” Furthermore, according to Article 402, “[t]he State has the obligation to: ... promote policies aimed at eliminating all forms of discrimination against women in the access to, ownership and inheritance of land.” Government of Bolivia. 2009. Constitución de 2009 del Estado Plurinacional de Bolivia. February 7, 2009. Art. 395, 402. Available at: <http://www.wipo.int/edocs/lexdocs/laws/es/bo/bo024es.pdf>.
- 101 The Land Act of 2012 is expressly guided by the principle of the “elimination of gender discrimination in law, customs and practices related to land and property in land.” Sec. 5(2) states that “There shall be equal recognition and enforcement of land rights arising under all tenure systems and non-discrimination in ownership of, and access to land under all tenure systems.” These provisions were not amended by the Land Laws (Amendment) Act of 2016. Government of Kenya. 2012. Land Act, No. 6 of 2012. May 2, 2012. Sec 4(2)(f). Available at: http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/Land_Act__No_6_of_2012__1_.pdf.
- 102 Women’s access to property and the management, administration, and enjoyment thereof is affirmed in Art. 9 of Law No. 15/013 of 2015. Government of the Democratic Republic of the Congo. 2015. Loi n° 15/013 du 1^{er} août 2015 portant modalités d’application des droits de la femme et de la parité. August 1, 2015. Available at: http://www.droitcongolais.info/files/1.15.17.-Loi-du-1er-aout-2015_Droit-de-la-femme-et-parite_modalite-d-application.pdf.
- 103 Article 9(2) of Act No. 5 of 1960 states that every Indonesian citizen, whether a man or woman, has an equal opportunity to acquire rights to land and benefit therefrom. Government of Indonesia. 1960. Act No. 5 of 1960 Concerning Basic Regulations on Agrarian Principles. Available at: <http://extwprlegs1.fao.org/docs/pdf/ins3920.pdf>.
- 104 In Brazil, rural lands are to be jointly titled in the names of both spouses or intimate partners. Entitlement shall prioritize women who have custody of children. Government of Brazil. 2003. Portaria No. 981, de 02/10/2003. October 10, 2003. Available at: <https://www legisweb.com.br/legislacao/?id=185200>.
- 105 Article 6 of the Law on Land Contracting in Rural Areas explicitly states that “Men and women shall enjoy equal rights with respect to the contracting of rural land,” and that “the legal rights of women shall be protected in the contracting process, and women’s rights to contracting land shall not be deprived or illegally restricted by any unit or individual.” Government of the People’s Republic of China. 2002. Law of the People’s Republic of China on Land Contract in Rural Areas. August 29, 2002. Available at: http://www.npc.gov.cn/englishnpc/Law/2007-12/06/content_1382125.htm.
- 106 Law 731 of 2002 on Rural Women guarantees women access to and participation in land allocation and titling programs, with preference for vulnerable women and women who are heads of household (Arts. 1, 5, 7-10, and 26). Government of Colombia 2002 (endnote 47).
- 107 Government of Venezuela. 2001. Ley de Tierras y Desarrollo Agrario. November 9, 2001. Art. 12. Available at: faolex.fao.org/docs/texts/ven28661.doc.

- 108 Article 14, 2001 Law on Land and Agricultural Development. According to 2006 information from CEDAW, 10,000 families have received land titles under this law. OECD. 2014d. Country Profile: Venezuela. Social Institutions & Gender Index. Available at: <http://www.genderindex.org/country/venezuela-rb>.
- 109 Government of Kenya. 2016. Community Land Act No. 27 of 2016. September 21, 2016. Sect. 30(4). Available at: http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/CommunityLandAct_27of2016.pdf.
- 110 Ibid. Sec. 30(5).
- 111 See, for example, Management Contracts with Local National Parks Administration in Gabon.
- 112 Refers to Indigenous Lands (Brazil), Afro-Colombian Community Lands (Colombia), Indigenous Reserves (Colombia), and Community Forestry Concessions (Myanmar).
- 113 For example, in Guatemala, most programs for accessing land focus on family farming or on heads of household. Because men are most commonly considered to be the heads of households, these programs have reportedly (and inadvertently) overlooked the land interests of women. USAID. 2010. Property rights and resource governance, USAID Country Profile: Guatemala. United States Agency for International Development. Available at: http://pdf.usaid.gov/pdf_docs/pa00j7vb.pdf; Similarly, the Chinese government issues certificates to households as evidence of household tenure rights. These certificates rarely include the names of wives or daughters. As a result, the program's "household" focus complicates women's ability to claim their share of forestlands, to receive compensation for the conversion of forests, and to retain their forest rights and related benefits when their marital status changes. Wang et al. 2012: 5 (endnote 50); See also Cotula 2002: 21 (endnote 53): "Thus, while land reform programmes adopting the household as the beneficiary unit and issuing land titles to the (male) household head may still provide female household members with access to land, they may undermine their bargaining power – and thus their social position."
- 114 See, for example: In Kenya, a widow's interest in her deceased husband's land and estate is terminated if she remarries, without the same provision for remarried widowers. Government of Kenya. 2012. Law of Succession Act. July 1, 1981. Sec. 2(3), 35(1), 48(2). Available at: <http://extwprlegs1.fao.org/docs/pdf/ken106441.pdf>; In Senegal, a widower is entitled to half of the intestate inheritance if his spouse dies without descendants, but a widow is entitled to a quarter of the inheritance in the same circumstances. Government of Senegal. 1972. Code de la famille. June 12, 1972. Art. 603, 609. Available at: http://www.equalrightstrust.org/ertdocumentbank/CODE_FAMILLE.pdf; In Gabon, a widow is deprived of her right to usufruct when she remarries outside the family, upon legal separation, or if spouses have not cohabitated for more than six months, Government of Gabon. 1989. Loi N° 19/89 du 30 décembre 1989, portant adoption de la deuxième partie du code civil. December 30, 1989. Art. 692. Available at: <http://www.ynternet.org/archives/coopgabon.net/thanguy/le-code-civil-du-gabon/code-civil-gabon-deuxieme-partie.pdf>; In Tanzania, women and girls are prohibited from inheriting clan land under Islamic customary law. Government of Tanzania. 1963. Local Customary Law Declaration Order, No.4, Government Notice No. 436 of 1963. Available at: http://www.africanchildforum.org/clr/Legislation%20Per%20Country/Tanzania/tanzania_guardianship_1963_en.pdf; While Tanzania's Government Notice No. 279 does acknowledge women's non-marital relationships, it does not protect their inheritance rights. It also states that the father of the bride has the right to receive bride wealth, but forbids the mother of the bride from receiving this bride wealth if the father of the bride is deceased. Government of Tanzania. 1963. Local Customary Law Declaration Order, Government Notice No. 279 of 1963. Available at: https://s3.amazonaws.com/landesa_production/resource/2601/Tanzania_Local-customary-law-279_1963.pdf?AWSAccessKeyId=AKIAICR3ICC22CMP7DPA&Expires=1492982354&Signature=B%2BCFkWCibFDPcEvjiQ7OA66k6aE%3D; In Nepal, married daughters are not guaranteed a "share in property," Government of Nepal. 1963. Muluki Ain, Act No. 67 of the year 2019. August 17, 1963. Ch. 13, number 1A. Available at: http://nepalconflictreport.ohchr.org/files/docs/1963-04-12_legal_govt-of-nepal_eng.pdf; In the Philippines, under Article 111 of Presidential Decree No. 1083, "[t]he husband surviving together with a legitimate child or a child of the decedent's son shall be entitled to one-fourth of the hereditary estate; should there be no such descendants, he shall inherit one-half of the estate," whereas under Article 112, "[t]he wife surviving together with a legitimate child or a child of the decedent's son shall be entitled to one-eighth of the hereditary estate; in the absence of such descendants, she shall inherit one-fourth of the estate." Government of the Philippines, Presidential Decree No. 1083. Available at: http://www.lawphil.net/statutes/presdecs/pd1977/pd_1083_1977.html; In Indonesia, under Islamic Law, a widow or daughter is reportedly only entitled to half the share of property that would be granted to a widower or son. Brown, Jennifer. 2003. Rural Women's Land Rights in Java, Indonesia: Strengthened by Family Law, but Weakened by Land Registration. Pacific Rim Law and Policy Journal Association 12(3): 631-651, 639. Available at: <https://digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/737/12PacRimL%26PolyJ631.pdf?sequence=1>.
- 115 Pasandaran, Camelia and Abdul Qowi Bastian. 2013. Indonesia's New Criminal Code Outlaws Adultery, Cohabiting Couples, Dark Magic. Jakarta Globe. Published on March 7, 2013. Accessed March 6, 2017. Available at: <http://jakartaglobe.id/news/indonesias-new-criminal-code-outlaws-adultery-cohabiting-couples-dark-magic/>.
- 116 The Supreme Court of India declared explicitly that a live-in relationship (consensual union) is not illegal in the case Indra Sarma vs V.K.V.Sarma on 26 November 2013. Supreme Court of India, Indra Sarma vs V.K.V.Sarma on 26 November 2013, Available at: <http://www3.lawschool.cornell.edu/AvonResources/IndraSarma%20v%20V%20K%20V%20Sarma%20India%20Supreme%20Court%202013.pdf>. The domestic violence laws of both India and Zambia reportedly protect women in consensual unions. World Bank. Women, Business and the Law database. Available at: <http://wbl.worldbank.org/>.
- 117 Government of Myanmar. 1898. Burma Laws Act (1898). November 4, 1898. Art. 13. Available at: <http://displacementsolutions.org/wp-content/uploads/THE-BURMA-LAWS-ACT-1898.pdf>.

- 118 See note 81.
- 119 Government of Myanmar. 2016. Community Forestry Instructions (2016), Art. 8(c). English Translation.
- 120 For example, with respect to Village Land Forest Reserves and Unreserved Forests on Village Land, village adjudication committees enjoy such jurisdiction in Tanzania. Government of Tanzania. 1999. Village Land Act. May 1, 1999. Sec. 53. Available at: <http://faolex.fao.org/docs/pdf/tan53306.pdf>; see also Government of Tanzania. 2002. Land Disputes Court Act. March 28, 2002. Available at: <http://lands.go.tz/uploads/documents/sw/1456496185-The%20Land%20Disputes%20Courts%20Act.%20Cap%20216.pdf>; In Zambia, Lands Tribunals have such jurisdiction in Community Forests and Joint Forest Management Areas. Government of Zambia. 1995. Chapter 184: The Lands Act. September 13, 1995. Sec. 20, 22. Available at: <http://www.parliament.gov.zm/sites/default/files/documents/acts/Lands%20Act.pdf>; See also Government of Zambia. 2010. Lands Tribunal Act. November 19, 2010. Available at: <http://www.parliament.gov.zm/sites/default/files/documents/acts/The%20Lands%20Tribunal%20Act%202010A.PDF>; In Mali, local land commissions enjoy such jurisdiction on State Forests (Le domaine forestiere de l'Etat), Customary Rights on Non-Classified Land (Droits fonciers coutumiers sur les terres non-immatriculées), and The Forest Domain of Decentralized Territorial Collectives (Le domaine forestier des collectivités territoriales décentralisées). Government of Mali. 2006. Loi no. 06-40/AN-RM portant loi d'orientation agricole. August 16, 2006. Art. 19. Available at: http://www.pcda-mali.org/site/images/doc/LOA_version_votee-2.pdf; See also Government of Mali. 2009. Décret no. 09-011/P-RM du 19 janvier 2008 fixant les attributions, la composition et les modalités de fonctionnement des commission fonciers locales et communales. January 19, 2008. Available at: <http://extwprlegs1.fao.org/docs/pdf/mli141914.pdf>.
- 121 See, for example, Indigenous Population's Land (Republic of Congo), Indigenous Lands (Brazil), and Indigenous Reserves (Colombia).
- 122 Under Arts. 179 and 190-192 of the Constitution of Bolivia (2009), Indigenous Peoples have the jurisdiction to apply their own principles, cultural values, norms and procedure with respect to dispute resolution, alongside ordinary courts. Government of Bolivia. 2009. Constitución Política del Estado de Bolivia. February 7, 2009. Ch. IV. Available at: http://www.oas.org/dil/esp/Constitucion_Bolivia.pdf; Moreover, Cameroon's Judicial Organization Ordinance of 2006 recognizes the formal jurisdiction of traditional courts, which are competent to hear cases based on customary law, within the judicial hierarchy. Government of Cameroon. 2006. Loi no. 2006/015 du 29 decembre 2006 portant organisation judiciaire. December 29, 2006. Available at: [http://www.barreaucameroun.org/fr/pdf/lois/LOI%20N2006%20015%2029%20DEC%202006\(3\)%20Organisation%20Judiciaire%20-%20Cameroon.pdf](http://www.barreaucameroun.org/fr/pdf/lois/LOI%20N2006%20015%2029%20DEC%202006(3)%20Organisation%20Judiciaire%20-%20Cameroon.pdf).
- 123 Community courts in Mozambique are accepted as legitimate means to resolve conflicts; they operate outside the judicial system. These are located in the communities, and ruled by community judges who are part of the community and judge based on the habits and customs, taking into account the ethnic and cultural diversity of society. Government of Mozambique. 1992. Lei dos Tribunais Comunitarios No 4/92 de 6 of May (1992), (Community Courts Law 4/92. May 6, 1992). Art. 3, 4. Available at: http://www.rjcp.org/sections/informacao/anexos/legislacao-mocambique9630/outra-legislacao1180/craiaacao-dos-tribunais/preview_html?file=file&file_html=file_html.
- 124 Almeida 2017 (endnote 4).
- 125 Almeida 2017 (endnote 4).
- 126 "It is important to note that conservation-focused regimes do not include those cases where Indigenous Peoples or local communities willingly decide to formally insert their traditional land or territory into the national conservation system. In those cases, the law would continue to recognize the ownership of land and resources, but the recognition of the communities' rights was not premised on conservation," Almeida 2017: 22 (endnote 4).
- 127 When findings regarding gender-explicit and gender-neutral CBTR-specific inheritance rights are considered together, this study demonstrates that the ability of women to assert their inheritance rights through either gender-explicit or gender-neutral provisions is more commonly found in use/exploitation-oriented CBTRs than in conservation-oriented CBTRs. Conservation-oriented regimes provide more explicit recognition of women's inheritance rights (9%) when compared to use/exploitation-oriented regimes (7%). However, 18% of use/exploitation-oriented regimes recognize the right to inheritance in a gender-neutral manner, while no conservation-oriented regimes do the same.
- 128 See endnote 33.
- 129 Government of Mozambique. 1997. Land Law of 1997. Art. 16.
- 130 FAO. 2012. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. 2012. Rome: Food and Agriculture Organization of the United Nations (FAO). Principle 3B.4. Available at: www.fao.org/docrep/016/i2801e/i2801e.pdf.
- 131 IFC. 2012. IFC Performance Standards on Environmental and Social Sustainability. Performance Standards, 5, and 7. Effective January 1, 2012. World Bank Group, Washington, DC. Available at: www.ifc.org/wps/wcm/connect/c8f524004a73daeca09afdf998895a12/IFC_Performance_Standards.pdf?MOD=AJPERES.
- 132 CEDAW 1979: 2 and 14(f) (endnote 6).
- 133 CEDAW 2016 (endnote 49).
- 134 Almeida 2017: 9 (endnote 4); Cotula et al. 2004 (endnote 4); Schlager and Ostrom 1992 (endnote 35).
- 135 Doss, Cheryl, Chiara Kovarik, Amber Peterman, Agnes Quisumbing, and Mara van den Bold. 2015. 2015. Gender Inequalities in Ownership and Control of Land in Africa: Myth and Reality. *Agricultural Economics* 46(3): 403–434; Mukasa, Concepta, Alice Tibazalika, Esther Mwangi, Abwoli Y. Banana, Allan Bomuhangi and Jimmy Bushoborozi. 2016. Strengthening Women's Tenure

- Rights and Participation in Community Forestry, Infobrief No. 155, October 2016. Center for International Forestry Research (CIFOR), Bogor, Indonesia, 4. Available at: www.cifor.org/publications/pdf_files/infobrief/6249-infobrief.pdf; Budlender and Alma 2011 (endnote 25); Namubiru-Mwaura 2014 (endnote 10).
- 136 CEDAW 1979 (endnote 6), at Art. 16(1)(h).
- 137 Laughlin, Jennifer, Charles McNeill, Gayathri Sriskanthan, and Nina Kantcheva. 2013. Guidelines on Free, Prior and Informed Consent. UN-REDD Programme: Food and Agriculture Organization of the United Nations, United Nations Development Programme, and United Nations Environment Programme, Geneva. Available at: www.unclearn.org/sites/default/files/inventory/un-redd05.pdf.
- 138 Silverman 2015 (endnote 72).
- 139 Several UN-REDD+ guidelines consider CEDAW to be an international legal obligation in the context of REDD+. See Webbe, Jaime, et al. 2013. Guidance Note on Gender Sensitive REDD+. UN-REDD Programme: Food and Agriculture Organization of the United Nations, United Nations Development Programme, and United Nations Environment Programme, Geneva. Available at: www.undp.org/content/dam/undp/library/gender/Gender%20and%20Environment/Guidance%20Note%20Gender%20Sensitive%20REDD%20English_FINAL.pdf; Rutherford, Kathleen. 2011. The Business Case for Mainstreaming Gender in REDD+. Edited by Kristen Lewis. UN-REDD Programme: Food and Agriculture Organization of the United Nations, United Nations Development Programme, and United Nations Environment Programme, Geneva. Available at: www.undp.org/content/dam/undp/library/gender/Gender%20and%20Environment/Low_Res_Bus_Case_Mainstreaming%20Gender_REDD+.pdf.
- 140 UNDRIP 2007: Art. 44 (endnote 8).
- 141 UN Framework Convention on Climate Change. 2010. Dec.1/CP.16, app. I, paragraph 2 (a), with references to para 70 and 72. Available at: unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf; See also paras 7, 12, 130, and the preamble to section E. For a more detailed discussion of women's rights under international law within the context of REDD+, see Silverman 2015 (endnote 72).
- 142 Almeida 2017: 10 (endnote 4).
- 143 Almeida 2017: 10 (endnote 4).

BOXES

- a Bandiaky-Badji, Solange, Cecile Ngo Ntamag-Ndjebe, Julie T. B. Weah, and Jonah Meyers. 2016. Women and Tenure in Liberia and Cameroon. In *Gender and Forests: Climate Change, Tenure, Value Chains, and Emerging Issues*. 2016. Eds. Pierce Colfer, Carol J., Bimbika Sijapati Basnett, and Marlene Elias. Routledge: New York; CED (Centre pour l'Environnement et le Développement). 2013. A Proposal by Traditional Rulers on Land Tenure Reforms in the Rural Areas of Cameroon (English). Rights and Resources Initiative. Ratified during the brainstorming workshop on Rural Land Tenure by Traditional Rulers and leaders of indigenous communities in Yaounde, Cameroon, December 11-12, 2013. Available at: http://www.cedcameroun.org/wp-content/uploads/2015/01/122013_Proposition-des-chefs_EN.pdf.
- b Federation of Community Forestry Users, Nepal. 2012. Introduction. Accessed March 14, 2017. Available at: <http://fecofun.org.np/introduction.php>; Personal correspondence with Bharati Pathak, General Secretary of Federation of Community Forestry Users, Nepal (FECOFUN). March 21, 2017.
- c RRI. 2012b. Interview with Apsara Chapagain – Chairperson, FECOFUN. Rights and Resources Initiative: Washington, DC, July 2012. Available at: http://rightsandresources.org/wp-content/uploads/2014/01/doc_52112.pdf.
- d RRI. 2015b. New Policies Promise Greater Equality for Colombia's Rural Women. Rights and Resources Initiative: Washington, DC, September 6, 2015. Accessed March 14, 2017. Available at: <http://rightsandresources.org/en/blog/new-policies-promise-greater-equality-for-colombias-rural-women/#.WMcCDW8rk00>; RRI. 2015c. Unprecedented Progress for Colombian Rural Women to Secure Tenure Rights. News from RRI: Highlights of RRI's work, October to December 2015. Rights and Resources Initiative: Washington, DC. Available at: <http://us10.campaign-archive1.com/?u=aac546f8cc4973feaf2608d9&id=c1c6621731>.
- e Samayoa, Claudia, Ana María Hernández, Cristina Hardaga, Verónica Vidal, Marusia López, Alda Facio, and Alianza InterCambios. 2015. Violence Against Women Human Rights Defenders in Mesoamerica 2012–2014 Report. Mesoamerican Initiative of Women Human Rights Defenders, 29–34. Available at: <https://www.awid.org/sites/default/files/atoms/files/286224690-violence-against-whrds-in-mesoamerica-2012-2014-report.pdf>.
- f Government of Kenya. 1981. Law of Succession Act. July 1, 1981. Sec. 2(3), 35(1), 48(2). Available at: <http://extwprlegs1.fao.org/docs/pdf/ken106441.pdf>. The same law requires Muslims to resolve their disputes through the rulings of religious courts, whose decisions reportedly also produce discriminatory inheritance outcomes for women. See also endnote 46.
- g Cotula et al. 2004 (endnote 4); Peterman 2011 (endnote 20); Strickland 2004 (endnote 24); UNDP 2008 (endnote 21).
- h “Lack of secure tenure can have serious implications for women. Without control over or ownership of housing, land or property, women enjoy little personal or economic autonomy and are therefore more vulnerable to abuse and violence within the family, community and society at large. When women's access to housing, land or property depends on a third person—their husbands, brothers, fathers or other male relatives—they become vulnerable to homelessness, poverty and destitution if this relationship comes to an end,” United Nations Office of the High Commissioner for Human Rights. 2012. “Women and the Right to Adequate Housing.” United Nations, 37–38. Available at: http://www.ohchr.org/Documents/Publications/WomenHousing_HR.PUB.11.2.pdf; Gomez and Tran 2012 (endnote 10); Knight 2010 (endnote 4); UNDP 2008 (endnote 21); UN Women and UN OHCHR 2013 (endnote 10).

- i OHCHR 2013 (endnote 10); Gomez and Tran 2012 (endnote 10); Strickland 2004 (endnote 24); UNDP 2008 (endnote 21).
- j Peterman 2011 (endnote 20); Steinzor 2003: 6 (endnote 52); UN Division for the Advancement of Women 2001: 8 (endnote 57); In the case of matrilineal communities, a woman may be pressured to marry the widower of her deceased sister.
- k UN Committee on the Elimination of Discrimination Against Women. 2010. General Recommendation No. 27 on older women and protection of their human rights. CEDAW/C/2010/47/GC.1, Art. 52. Available at: www2.ohchr.org/english/bodies/cedaw/docs/CEDAW-C-2010-47-GC1.pdf.
- l World Bank. Women, Business and the Law database. Available at: wbl.worldbank.org.
- m World Bank. 2016. Women, Business and the Law 2016. Washington, DC. Available at: wbl.worldbank.org/~media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf.

ANNEXES

- i **Regarding the Leadership Indicator for Territorio Indígena Originario Campesino (Original Peasant Indigenous Territory):** In some instances, communities in Bolivia have adopted a quorum requirement for women into their internal rules. (Personal correspondence with Ivan Bascope, 2016).
- ii **Regarding the Membership Indicator for Terras Indígenas (Indigenous Lands):** Because the definition of “Indio or Silvicola” pertains to ethnicity, rather than defining the composition of the “Indigenous Community or Tribal Group,” the Membership Indicator for Indigenous Lands received “no credit” (see Article 3 of Lei No. 6.001 de 19 de dezembro de 1973 - Estatuto do Índio).
- iii **Regarding the Voting and Leadership Indicators for Terres des Populations Autochtones (Indigenous Populations’ Lands) and Des forêts des communes et autres collectivités locales dans laquelle les droits d’usage sont reconnue (Forests of Communities and Other Local Collectives with Recognized Use Right):** According to Article 17 of the Constitution of 2015, women have the same rights as men. The law guarantees parity and assures the promotion as well as the representation of women in all political, administrative, and elected functions. However, constitutional provisions concerning absolute gender parity are outside the applicable scope of this study’s governance indicators.
- iv **Regarding the Voting and Leadership Indicators for Concessions Forestières Communautaires (Local Community Forest Concessions):** Article 14 of the Constitution establishes that women are entitled to “equitable representation” in local institutions. Article 4 of Loi No. 15/013 du 01 août 2015 portant modalités d’application des droits de la femme et de la parité reiterates that “women are equitably represented in all nominative and elective positions within...local institutions,” where “equity” is defined as “a sense of natural justice based on recognition of the rights of all.” Because “equity” is not defined in terms of numerical equality, and because women’s right to vote or take equivalent action in local institutions is not otherwise specified, the Voting Indicator received a “no credit” assessment. Furthermore, because there is no quota or quorum requirement for women’s participation in Local Management Committees, Local Committees on Control, Monitoring, and Evaluation, or in the Council of Elders (Arts. 9-18 of Arrêté ministériel No. 025 du 09 février 2016 portant dispositions spécifiques relatives à la gestion et à l’exploitation de la concession forestière des communautés locales), the Leadership Indicator also received “no credit.”
- v **Regarding Scheduled Tribes and Other Traditional Forest Dwellers’ Land:** The Wild Life (Protection) Act 1972 (as amended in 1993, 2002, and 2006) permits Scheduled Tribes and other traditional forest dwellers to voluntarily establish Community Reserves on land to which they already possess rights. As such, this study does not consider Community Reserves to be a separate community-based tenure regime.

Regarding India’s Constitutional Equal Protection Indicator: India’s Constitution (2015) prohibits discrimination based on sex, guarantees all persons’ equal protection under the law, and requires customary law to conform to the Constitution. (Articles 13-15). However, some lower courts in India have reportedly denied women equal property rights based on customary practices, interpreting tribal communities’ customary laws as superseding the Constitution’s equal protection and non-discrimination provisions (Personal correspondence with Madhu Sarin, September 29-30, 2016). Despite these decisions, other Indian courts have reportedly used the Constitution’s equal protection and non-discrimination provisions to override discriminatory customary and personal laws (Personal correspondence with C.R. Bijoy, October 4, 2016). In light of these cases—and because the Supreme Court has not ruled that Articles 14 and 15 are invalid—India’s Constitutional Equal Protection Indicator received a “full credit” assessment in this analysis.
- vi **Regarding the Tenure Categorization of Hak Komunal (Communal Rights):** Hak Komunal has been interpreted as “designated for Indigenous Peoples and local communities” despite the fact that management rights have not yet been determined, in light of the 2013 ruling by Indonesia’s Constitutional Court ruling (Constitutional Court, PUTUSAN - Nomor 35/PUU-X/2012) and the likelihood that management rights will be outlined by further regulations.
- vii **Regarding Kenya’s Constitutional Equal Protection Indicator:** Kenya’s Constitutional Equal Protection Indicator received a full credit assessment because the Kenyan Constitution of 2010 guarantees women and men equal protection (Art. 27(3)), affirmatively recognizes customary laws (Art. 2(4)), and requires customary laws to conform to the constitution (Art 2(4)). However, under the Constitution’s Bill of Rights Article 24(4): “The provisions of this Chapter on equality shall be qualified to the extent strictly necessary [emphasis added] for the application of Muslim law before the Kadhis’ courts, to persons who profess the Muslim religion, in matters relating to personal status, marriage, divorce and inheritance.” Article 24(4)’s restriction on constitutional equality does not alter the full credit assessment for Kenya’s Constitutional Equal Protection Indicator because it relates specifically to persons that *voluntarily* “profess” the Muslim religion, and because under Article 170(5) of the Constitution, the jurisdiction of a Kadhis’ court is limited to “proceedings in which all the parties profess the Muslim religion and submit to the jurisdiction [emphasis added] of the Kadhi’s courts.”

Regarding Registered Community Lands: The Wildlife Conservation and Management Act (WCMA) of 2014 allows communities to establish wildlife conservancies and sanctuaries on community lands, as established by the Community Land Act (CLA) of 2016 (see WCMA Arts. 11, 39, 40-41, and 44). The establishment of a wildlife conservation area on community land does not alter the community's ownership of community lands, and the provisions of the CLA remain applicable.

Regarding the Dispute Resolution Indicator for Registered Community Lands: Section 39 of the Community Land Act (CLA) grants communities the right to use traditional dispute resolution mechanisms to resolve community land conflicts and prioritizes alternative methods of dispute resolution. Notably, CLA Section 39 does not consider women. However, the Dispute Resolution Indicator has received “full credit” due to constitutional provisions that prohibit gender-based discrimination and regulate the actions of traditional dispute resolution forums. Article 27(3) of Kenya's 2010 Constitution states that “women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres,” and Article 27(5) prohibits persons from discriminating against women. Under Article 159(3) of the Constitution, traditional dispute resolution mechanisms are prohibited from being used in a way that “(a) contravenes the Bill of Rights; (b) is repugnant to justice and morality or results in outcomes that are repugnant to justice or morality; or (c) is inconsistent with this Constitution or any written law.” Thus, Kenya's constitution prohibits traditional adjudicatory bodies from discriminating against women, or taking any action that results in a discriminatory outcome for women. The “full credit” assessment accorded to the Dispute Resolution indicator also reflects the fact that under Section 30(4) of the CLA: “A registered community shall not directly or indirectly discriminate against any member of the community on any ground including ... gender [or] marital status...”

- viii **Regarding Community Forests:** This tenure regime includes Aboriginal Land Grant Deeds and Public Land Sale Deeds. These fee simple deeds, like others issued under laws passed prior to 1956, were issued to chiefs in the name of a particular community or people (Personal correspondence with Caleb Stevens, September 27, 2016.) See also De Wit and Stevens 2014; Wily 2007; and Namati 2012. Pursuant to Chapter 1, Section 2.3 of the Community Rights Law of 2009 with Respect to Forest Lands, forested land subject to Aboriginal Land Grant Deeds and Public Land Sale Deeds are classified as Community Forests. Consequently, this study considers both deeds to fall within the larger purview of Community Forests.

Regarding the Legislative Pathway categorization of Community Forests: Community Forests are categorized as a “community-oriented” CBTR, pursuant to adjustments to the methodology first established in *Legislative Pathways*.

Regarding Liberia's Overarching Inheritance Indicator: Sec. 25.3 of the Civil Procedure Law establishes that persons living together as husband and wife who “hold themselves out as such are presumed to be married” under the law. However, no laws address the inheritance rights of these parties, and the Supreme Court has reportedly been hesitant to apply the marriage presumption. See Dolo-Barbu 2015 and Scalise and Hannay 2013. As a result, this analysis has not interpreted partners in consensual unions as having recognized intestate inheritance rights in Liberia, and the Overarching Inheritance Indicator has received “partial credit.”

- ix **Regarding Uncertified and Certified Community DUATs:** This refers to the CBTR previously referred to in RRI (2014) as “Community DUATs within Multiple Use Areas.”

Regarding Mozambique's Overarching Inheritance Indicator: Articles 66 and 2133 of the Código de Registo Civil (2004) provide inheritance rights for legally registered spouses and children. De facto unions are recognized in Article 203 of the Family Law of 2004, and surviving partners in such unions lasting more than 5 years are entitled to 1/8 of the deceased's assets, to be used for subsistence purposes according to Article 424. Mozambique's Overarching Inheritance indicator received “partial credit” because the rights afforded to partners in consensual unions do not amount to a substantial inheritance right—they are neither equivalent nor comparable to those of surviving spouses. Under this analysis, where only one or two categories of women (daughters, widows, and women in consensual unions) possess equal rights to inherit with respect to their male counterparts, the Inheritance in Overarching Laws indicator receives a “partial credit” assessment.

- x **Regarding Village-Owned Firewood Plantations on Reserved Forests or Protected Public Forests:** Based upon Article 15 of the Forest Law of 1992, the Forest Department issued the initial version of the Community Forestry Instructions (CFI) in 1995 (Personal Correspondence with Dr. Maung Maung, December 16, 2016). This tenure regime is included in this analysis because it permits communities to exercise forest rights in situations where they have received permission from the Forest Department to establish village-owned firewood plantations, but have not formed a User Group under the CFI.

Regarding Forest Lands Managed by Organizations: A small number of indigenous and local communities in Myanmar have reportedly utilized the provisions of the 2014 Association Law to incorporate as “organizations” in order to assert their forest rights. Such approaches have also been supported by researchers in the context of the Farmland Law, Pyidaungsu Hluttaw Law No. II of 2012. See Study of Upland Customary Communal Tenure in Chin and Shan States, Kirsten Ewers Andersen, September 2015. However, research and data received from peer reviewers indicate that very few communities have utilized the Associations Law in order to incorporate as associations and exercise their statutory rights to forests (Personal correspondence with Sue Mark, U Shwe Thein, and Kirsten Ewers, 2016).

- xi **Regarding the Membership Indicator for Community Forests:** The 2014 Community Forest Development Program Guidelines define membership at a household level, but also require that a woman member of each household participate in the community forest user group management committee. While the provisions do not permit every adult to participate in the community forest user group (CFUG) management committee, the provisions requiring both sexes to do so implies that membership—a prerequisite of CFUG management committee participation—is afforded to all/any adults within the community. As a result, this indicator has received “partial credit.”

- xii **Regarding Territorios de los Pueblos Indígenas (Indigenous Peoples' Territories):** Prior to 2008, federal laws recognized five indigenous districts of Panama: Gunayala, Emberá and Wuonaa, Kuna de Madungandí, Kuna de Wargandí and Ngäbe-Buglé (known as "Comarcas"). Ley 72 de 23 de diciembre de 2008 que establece el procedimiento especial para adjudicación de la propiedad colectiva de tierras de los pueblos indígenas que no están dentro de las comarcas establishes a special, unified procedure for the free adjudication of properties collectively inhabited by Indigenous Peoples and communities, which had not previously been incorporated by any of the five Comarcas mentioned above. The intent of the law was to clarify and unify the specific procedures for the recognition of the new collective land rights, in contrast to the ad hoc legislation enacted to that point. In light of this unifying legislation, Indigenous Peoples' Territories have been considered to be inclusive of the Comarcas for the purposes of this analysis.
- Regarding the Tenure Categorization of Territorios de los Pueblos Indígenas (Indigenous Peoples' Territories):** Although the right to exclude, particularly in the context of natural resource exploration and exploitation concessions, may vary across the Comarcas, we have determined that the consultation procedures outlined in Article 12 of Ley 72 de 23 de diciembre de 2008 que establece el procedimiento especial para adjudicación de la propiedad colectiva de tierras de los pueblos indígenas que no están dentro de las comarcas, Articles 96-105 of Ley No. 41 de 1 de julio de 1998, and Article 44 of the Ley No. 1 de 3 de febrero de 1994 (Legislación Forestal de la República de Panamá) are sufficient to consider Indigenous People's Territories as "owned by Indigenous Peoples and local communities."
- xiii **Regarding Common Customary Land:** This CBTR was referred to as "Tribal Land" in *Who Owns the World's Land*.
- Regarding the Voting Indicator for Common Customary Land:** Notably, voting procedures are addressed in Section 14D of the Land Groups Incorporation (Amendment) Act 2009, which states that "all members of an incorporated land group shall be entitled to attend the meeting of the group and vote" and that "no business shall be transacted at a meeting of the members unless at least sixty percent of the members of the group are present at the meeting, out of which, at least 10% are of the other gender." However, as customary communities are not required to incorporate their lands and customary governance procedures are not defined in the legislation regulating Common Customary Land, the Voting Indicator is assessed as "not applicable."
- Regarding the Leadership Indicator for Common Customary Land:** Notably, the Land Groups Incorporation (Amendment) Act 2009, Schedule 5, (16) states that "The management committee of the group shall consist of a chairman, vice-chairman, secretary, treasurer, and three other members, of whom not less than two shall be elected from amongst the group members of the other gender," although no quorum of women is required in order for actions taken by the management committee to be valid. However, as customary communities are not required to incorporate their lands and customary governance procedures are not defined in the legislation regulating Common Customary Land, the Leadership Indicator is assessed as "not applicable."
- Regarding the Dispute Resolution Indicator for Common Customary Land:** Notably, the Land Groups Incorporation (Amendment) Act 2009 contains provisions regarding dispute resolution (see Articles 7, 20-25). However, as customary communities are not required to incorporate their lands, these provisions have not factored into the assessment of the Dispute Resolution Indicator.
- xiv **Regarding Tierras de Comunidades Nativas con Aptitud Forestal (Native Community Forest Lands Suitable for Forestry):** Please see endnote 65 of RRI 2015a for more information regarding the classification of Tierras de Comunidades Nativas con Aptitud Forestal.
- Tenure Category (Reservas Indígenas):** Please note that in previous publications, RRI has indicated that Reservas Indígenas were granted rights for an unlimited duration based on Articles 28 and 31 of Decreto Supremo MIMDES No. 008/2007. However, consultations with local experts in 2015 revealed that the creation of Indigenous Reserves was an effort to establish conditions that rendered Indigenous Peoples' land rights temporary and contingent upon certain prerequisites, including the maintenance of isolation. Ley No. 28736, 2006 (Ley para la protección de pueblos indígenas u originarios en situación de aislamiento y en situación de contacto inicial) and endnote 64 of RRI 2015a for more information.
- xv **Regarding the Overarching Inheritance Indicator in the Philippines:** Rule IV, Section 15 of the Implementing Rules and Regulations of Republic Act No. 9710 states that "the executive-legislative body shall prioritize bills that will amend or repeal discriminatory provisions of existing laws, inter alia [within 3 years of this Act]:...5. [including the] Code of Muslim Personal Laws."
- xvi **Regarding the Membership Indicator for Community Forest Reserves:** Notably, "where a [community forest management] Group is to be formed for purposes of managing a community forest reserve, that Group shall be guided by the following principles: (a) all persons within the neighbourhood or living in close proximity to or deriving their livelihood from or otherwise having strong traditional ties to the forest in respect of which it is proposed to apply to manage as a community forest reserve shall be given an opportunity to join the Group (Art. 42(2)(a) Forest Act 2002)." However, because this is only a guiding principle, rather than a necessary process, this analysis has determined that Community Forest Reserves do not meet the criteria for "partial credit."
- Regarding the Voting Indicator for Joint Forest Management:** This assessment is applicable where at least one party to the Joint Forest Management Agreement is a Village Council.
- Regarding the Leadership Indicator for Joint Forest Management:** It is unclear whether Joint Forest Management Agreements are formed in circumstances where neither party to the agreement is a Village Council.

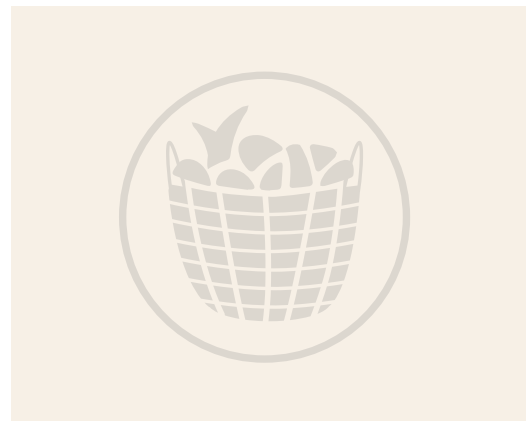
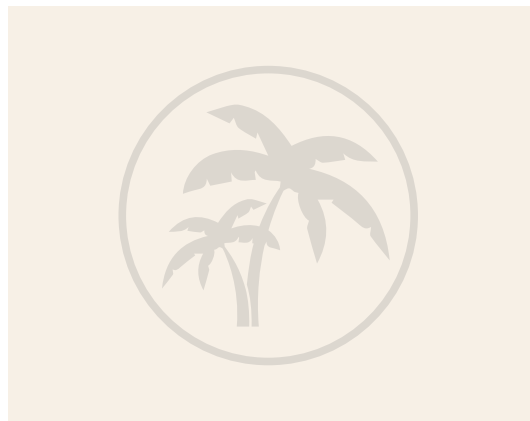
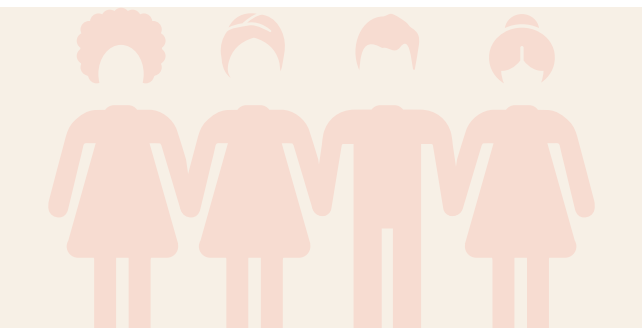
xvii **Regarding Thailand's Constitution:** Given the approval of Thailand's Interim Constitution of 2014, the community rights granted in the 2007 Constitution are no longer considered to be in force. Therefore, we have not included the tenure regime "Constitutional Community Rights" (previously published in RRI 2012 and RRI 2014) in this analysis. Notably, in August 2016 a draft constitution was approved by referendum which includes provisions guaranteeing equal rights to both men and women, as well as prohibiting discrimination on the basis of sex. However, as of February 2017, the new Constitution has not come into force (see <http://www.reuters.com/article/us-thailand-king-constitution-idUSKBN14X0IF>).

Regarding Community Land Title Deeds: This CBTR was previously referred to as "Community Land Use Permits" in RRI (2014). Based on peer reviewer comments for RRI (2015) and this analysis, this tenure regime has been retitled "Community Land Title Deeds" to be consistent with the Regulation of the Prime Minister's Office on the Issuance of Community Land Title Deeds.

xviii **Regarding Hábitat y tierras de los pueblos y comunidades indígenas (Habitat and Land of Indigenous Peoples and Communities within Forest Lands):** This CBTR was formerly published as "Tierras Indígenas en Áreas Bajo Régimen de Administración Especial (ABRAE) (Indigenous in Special Administration Regime)," and was updated in 2016 based on peer review responses.

xix **Regarding the Membership Indicator for Forestland Allocated to Communities:** Article 3 of the Law on Forest Protection and Development (No. 29/2004/QH11) defines "Village Population Community" as "all households and individuals living in the same village, hamlet, or unit." This indicator has received a "partial credit" assessment because it recognizes the community membership rights of all individuals.

xx **Regarding Community Forests:** In previous analyses, we have considered the Local Forest (Control and Management) Regulations, Statutory Instrument N° 47/2006; Forest Act N° 39/1973; Forest Act N° 7/1999 (non-operational); and Joint Forest Management Guidelines, Republic of Zambia, 2005. Given the new Forests Act, No. 4 of 2015, we have restricted our data to this new legislation and determined that these laws are no longer valid.





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