

A photograph of a man in a small, narrow boat on a river. The man is shirtless and wearing a striped cloth around his waist. He is holding a long wooden pole and is looking towards the right. The river is surrounded by dense tropical forest with many palm trees and other green plants. On the right side of the river, there is a small wooden structure with a thatched roof. The water is calm and reflects the surrounding greenery.

Reconciling Conservation and Global Biodiversity Goals with Community Land Rights in Asia

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*Reconciling Conservation and Global Biodiversity
Goals with Community Land Rights in Asia*

Co-authors



Land Conflict Watch



CIPA



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Abbreviations and Acronyms

AMAN	Aliansi Masyarakat Adat Nusantara
BRWA	Badan Registrasi Wilayah Adat
CBD	Convention on Biological Diversity
CBTR	Community-Based Forest Tenure Regimes
CEESP	Commission on Environmental, Economic and Social Policy
CIPRED	Center for Indigenous Peoples' Research and Development
CLT	Community Land Tenure
CFUGs	Community Forestry User Groups
COP	Conference of the Parties
FECOFUN	Federation of Community Forestry Users, Nepal
FUGs	Forestry User Groups
FPIC	Free, Prior and Informed Consent
GBF	Global Biodiversity Framework
ICCA	Territories of Life, or "Indigenous Territories, Indigenous Protected Areas, and Community Conserved Areas"
IIED	International Institute for Environment and Development
ILO 169	the International Labour Organization Convention 169, or the Indigenous and Tribal Peoples Convention
IMN	Indigenous Media Network
IPCC	Intergovernmental Panel on Climate Change
IUCN	International Union for Conservation of Nature
JKPP	Jaringan Kerja Pemetaan Partisipatif
LGOA	Local Government Operational Act
mHa	Million hectares
NBS	Nature-Based Solutions

NGO	Non-governmental Organization
NIPT	Network of Indigenous Peoples in Thailand
NTFP	Non-timber Forest Products
OECD	Other Effective Conservation Mechanisms
REDD+	Reducing Emissions from Deforestation and forest Degradation
SDG	Sustainable Development Goals
UN Decade	United Nations Decade on Ecosystem Restoration
UNDP	United Nations Development Programme
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNEP-WCMC	UN Environment Programme - World Conservation Monitoring Centre
UNESCO	The United Nations Educational, Scientific and Cultural Organization
WWF	World Wildlife Fund
WGII	Working Group ICCAs Indonesia

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Executive Summary

In October 2021, government leaders from around the world initiated the 15th Conference of the Parties (COP15) to the Convention on Biological Diversity (CBD) to define the future of global conservation action. It is expected that in May 2022, as the process ends, parties will adopt the post-2020 Global Biodiversity Framework (GBF). Spatial targets, such as the ambitious 30x30 target to place 30 percent of the world's land and water under formal protection by 2030, have been the predominant empirical standard for measuring conservation success within the GBF.

This simplistic take on conservation has raised serious human rights concerns within global Indigenous and local community rights discourse. In an environment where identity and territorial rights are either not recognized or ignored, spatial conservation targets are largely met with skepticism and concern by Indigenous and community leaders. Understanding how global environmental targets such as 30x30 have and continue to be developed and implemented around the world requires a critical look at the political and economic history of conservation itself. The use of spatial targets to exert power and control over rural spaces or advance public and private interests at the expense of protecting the human rights of those who bear the brunt of its costs,¹ needs to be addressed.

In Asia, as of October 2021, protected areas cover circa 15.37 percent² of the region (478.5 mHa).³ **Together, over one billion people either currently live in these protected areas or in areas of high importance for biodiversity conservation in the region.**⁴ One hundred fifty million people live within protected areas while a further 859.2 million live in non-protected biodiverse areas covering an additional 23.8 percent of the region.⁵ This accounts for 23.3 percent of the region's population and highlights the extent to which people and biodiversity overlap. While exclusionary protected areas are often the most celebrated approach to meeting global conservation goals, evidence shows that when taken together, **the territories and areas governed, managed, and conserved by Indigenous Peoples and local communities are the dominant form of conserving and sustainably governing commons.**⁶ These communities invest an average of USD \$3.57 per hectare - globally representing nearly USD \$5 billion annually and equivalent to one quarter of the combined worldwide conservation spending by governments, donors, foundations, and NGOs - in the management, restoration and preservation of the natural resource systems that they rely on.⁷ This makes Indigenous Peoples and local communities conservation leaders in their own right, even as they fight for space at the decision-making table.

This report argues that to effectively and equitably mitigate climate change and biodiversity loss, new conservation modalities are needed to end exclusionary approaches, embrace human rights-based strategies, and advance the recognition of the land, forest, water, and territorial rights of Indigenous Peoples⁸ and local communities⁹ who customarily own over half of the world's lands.¹⁰ We further demonstrate that the CBD Vision 2050 of harmony with nature will not be realized by excluding people from it. Instead, harmony with nature ultimately hinges on the recognition of human rights and intergenerational equity in all land-use decisions. To achieve such ends in the post-2020 conservation agenda, future actions and investments must recognize

the conservation leadership of grassroots communities and prioritize the advancement of their land rights and cultural identities as a measurement of success.¹¹

The importance of Indigenous Peoples and local communities in conservation

Globally, Indigenous Peoples and local communities have long been custodians of biodiversity.¹² Their customary territories are estimated to contain 36 percent of the world's remaining intact forest landscapes¹³ and 80 percent of remaining biodiversity.¹⁴ The prevalence of biodiversity within these territories is linked to effective governance by customary rightsholders' communities.¹⁵ **Global data demonstrates that Indigenous and community rightsholders' lands have lower rates of deforestation,¹⁶ store more carbon,¹⁷ and hold more biodiversity¹⁸ than lands managed by either government or private entities.**

According to the International Labor Organization, 476 million Indigenous Peoples—or 6.2 percent of the global population¹⁹—live in more than 90 countries. According to regional Indigenous organizations who also conduct demographic analyses, there could be as many as 411 million Indigenous Peoples in Asia alone.²⁰ This figure does not represent non-Indigenous local and traditional communities. The diversity across these societies is not effectively recognized in national laws in Asia, nor are protections adequately enforced when they do exist. The lack of legal recognition of Indigenous customary institutions and self-governance systems is underpinned by insecure tenure rights over ancestral customary territories. **According to RRI, only 8.7 percent of the region's territories held by Indigenous Peoples and local communities are legally recognized.**²¹

Indigenous Peoples' valuable contributions protecting biodiversity are directly linked to their plurality of world views, cosmovisions, time-tested practices, and relational values expressed through their intergenerational knowledge systems.²² Each community interacts with its local environment through a different set of rules, traditional institutions, and sustainable practices. These will be side-lined if national governments continue to favor top-down exclusionary and Western conservation modalities,²³ an extension of the colonial history of much of the region.²⁴ Even the more egalitarian IUCN-protected area categories (categories IV, V, and VI which provide avenues for resource use or management) are predominantly governed by state actors rather than the communities who customarily steward these territories.

Grassroots conservation leadership is under threat

According to a 2021 technical review by major conservation organizations, **over 25 percent of customary territories are now threatened by commodity-driven development globally.**²⁵ Much of the carbon stored within these lands, once lost to large-scale logging, agriculture, mining, and other processes leading to forest loss and land use and land cover changes,²⁶ will not be recoverable on timescales needed for avoiding dangerous climate and biodiversity impacts.²⁷

Communities demonstrate conservation leadership through their political struggles that aim to preserve ancestral knowledge and customary institutions, enable gender-sensitive and inclusive processes, and mobilize wide-scale advocacy for reforms or laws recognizing their fundamental

human rights and identities.²⁸ In Asia, **standing up for their rights has repeatedly endangered grassroots leaders** who are disproportionately targeted by authorities and industry-linked actors for defending their rights and the integrity of their ecosystems.²⁹

Overall, the region epitomizes the type of political environment that favors businesses at the expense of human rights. Governments often use protected areas to gain strategic control over rural landscapes³⁰ while offsetting environmental exploitation elsewhere.³¹ Environmental safeguards and human rights are seen as detrimental to economic development and are overlooked when business interests are favored.³² These challenges have been exacerbated throughout COVID-19, even as communities continue to show immense resilience.³³

The way forward

Addressing the dual climate and biodiversity crises hinges on the full recognition and security of Indigenous Peoples and local communities' rights. This recognition of rights is a means to empower agency, autonomy, traditional practices, and ancestral knowledge that are central to their adaptive environmental contributions.³⁴ Promoting Indigenous and community governance over biodiverse lands will cost a fraction of the financial burden of mainstream approaches. Indigenous Peoples and local communities are already actively involved in conserving their ancestral and traditional territories, making both direct and in-kind investments in the management, restoration, and preservation of natural resource systems that they and others depend on.³⁵ The notional cost of resettling and compensating communities, and replacing existing community conservation practices in the event of displacement, could be anywhere between 100 to more than 1,000 times the cost of recognizing their tenure rights, which is estimated to cost USD \$312.6 million in **India**, USD \$200 million in **Indonesia**, and USD \$23.1 million in **Nepal**.³⁶

While a range of safeguards have been developed to ensure that conservation actors respect the land and resource rights of Indigenous Peoples and local communities, the world lacks a common set of globally recognized principles grounded in international human rights laws and developed in collaboration with rightsholders themselves. One key remedy may be adapting the Land Rights Standard (Annex 1)³⁷ for conservation efforts. The Land Rights Standard provides clear and actionable best practices for recognizing and respecting Indigenous Peoples' and local communities' land and resource rights in landscape restoration, management, conservation, climate action, and development projects and programs.

Introduction

Over one billion people live in important areas for biodiversity conservation across Asia

(Table 1).³⁸ One hundred fifty million people currently live within formally protected areas while a further 859.2 million people live in non-protected biodiverse areas covering an additional 23.8 percent of the continent. Together, these biodiverse spaces cover over 37 percent of the region and are likely to be targeted to meet global environmental goals.

This report explores modern-day conservation modalities in Asia and their implications for the millions of people who live in, steward, and govern the landscapes that the world now seeks to protect. We call into question the historical, ethical, and scientific basis for modern-day conservation strategies. **Our objective is to support the international community in fulfilling its environmental commitments by respecting and heeding Indigenous Peoples' and local communities' leadership within the global conservation agenda.** There is an urgent need to move beyond rhetoric and apply human rights-based approaches to support the integration of diverse worldviews in conservation agendas.

Some of the current major impediments to effective conservation action in Asia are: (1) a lack of secure or customary land tenure systems; (2) lack of recognition of Indigenous Peoples as a distinct group and their diverse identities; (3) exclusion of Indigenous and local systems of traditional governance, knowledge, stewardship, and sustainable practices while favoring Western forms of conservation; (4) biased and colonial perceptions of Indigenous Peoples and local communities as adjuncts to external forms of conservation rather than leaders and owners of a conservation agenda in their own right on their customary territories; (5) lack of political will to implement customary institutional reforms; and (6) lack of financing for Indigenous and local organizations doing critical work to secure tenure rights, advocate for reforms, and build the enabling conditions for transformative change.

Human rights are broad, have varying expressions (international, national, and customary), and are recognized and implemented according to existing legislative tools at national scales. In this report, co-authors from across the region emphasize the right to self-determination and self-governance in human rights-based approaches to conservation. We also emphasize the importance of secure and culturally-appropriate forms of tenure as a prerequisite to ensuring the enjoyment of these human rights.³⁹ The basis for this analysis derives from three reports by the Rights and Resources Initiative (RRI) that analyze the area estimate of Indigenous and community lands in Asia;⁴⁰ the implications of spatial conservation on the rights of Indigenous Peoples and local communities;⁴¹ and the opportunities to invest in large, medium, or small-scale projects to advance tenure rights in select countries.⁴² Cases from across the region provide essential context.

Table 1: People and Biodiversity within Asia

Lands considered to be of high conservation importance are inhabited. The people inhabiting these spaces represent more than a numerical population value. As collectives, these communities have institutions and governance regimes that focus on the preservation and promotion of a healthy relationship with their environments. Exclusionary or foreign forms of conservation may be detrimental to both wellbeing and conservation outcomes if they fail to recognize or acknowledge the practices and governance strategies already being enacted throughout these spaces. **To explore the methodology of this analysis, please refer to RRI's publication [‘Rights-Based Conservation: The path to preserving Earth’s biological and cultural diversity?’ \(2020\).](#)**

Country	Country area (mHa)	PA coverage (mHa)	PA coverage (%)	Non-protected biodiverse areas (mHa)	Non-protected biodiverse areas (%)	Population (millions)	People in PAs (millions)	People in PAs (%)	People in non-protected biodiverse areas (millions)	People in non-protected biodiverse areas (%)
Afghanistan	64.6	0.13	0.2	13.213	20.5	29.3	0.019	0.1	6.8	23.2
Bangladesh	14	0.571	4.1	2.894	20.7	180.2	0.803	0.4	26.9	14.9
Bhutan	3.9	1.923	49.4	0.706	18.2	0.8	0.059	7.1	0.3	37.2
Brunei	0.6	0.248	42.6	0.142	24.4	0.5	0.022	4.1	0.2	36.9
Cambodia	18.2	4.724	25.9	4.493	24.6	19.8	0.722	3.6	4.8	24.4
China	943.9	160.709	17.0	194.746	20.6	1,466.2	74.132	5.1	238.7	16.3
India	316.7	18.168	5.7	60.393	19.1	1,468.2	30.894	2.1	241.2	16.4
Indonesia	190.3	22.573	11.9	67.562	35.5	318.2	2.903	0.9	94.3	29.7
Japan	37.3	10.501	28.1	5.214	14.0	124.5	19.612	15.8	6.7	5.4
Laos PDR	23.1	3.864	16.7	7.746	33.5	8.6	0.249	2.9	3.2	36.8
Malaysia	33.2	6.034	18.2	14.517	43.8	38.7	1.687	4.4	9.7	25.1
Mongolia	156.6	27.667	17.7	23.084	14.7	2.5	0.086	3.4	0.2	6.6
Myanmar	67.3	4.249	6.3	20.506	30.5	63.5	0.396	0.6	18.5	29.1
Nepal	14.8	3.494	23.6	3.935	26.5	32.5	1.765	5.4	9.6	29.7
Pakistan	87.7	9.698	11.1	13.284	15.1	220.5	9.809	4.4	37	16.8
Papua New Guinea	46.7	1.707	3.7	24.395	52.3	8.2	0.119	1.5	5.3	65.0
Philippines	29.8	4.452	15.0	14.229	47.8	124	4.628	3.7	45.6	36.7
Sri Lanka	6.6	1.991	30.0	3.081	46.5	27.2	1.235	4.5	14.6	53.6
Thailand	51.7	9.669	18.7	16.31	31.5	81.8	1.125	1.4	42	51.3
Timor-Leste	1.5	0.234	15.6	0.589	39.2	1.6	0.073	4.7	0.7	42.2
Viet Nam	33.1	2.456	7.4	17.875	54.0	114.2	1.516	1.3	51.9	45.5
Regional Total	2,141.7	295.1	13.8	508.9	23.8	4,338.3	151.9	3.5	859.2	19.8

The report has six sections. Section 1 focuses on global multilateral targets, spatial conservation and restoration targets, and the people who live within these spaces. Section 2 explores realities on the ground, current gaps in tenure recognition, bottlenecks, opportunities, and lack of funding. Section 3 highlights Indigenous Peoples' and local communities' leadership, their strategies to generate change, success stories from the ground, and current threats confronting them. Section 4 reviews current conservation paradigms, conflicts, costs, and implications in Asia. Section 5 reviews some of the tools available for protecting Indigenous Peoples' and local communities' rights including their right to self-determination and international safeguards. The conclusion looks at the scientific and ethical implications of the draft text for the Global Biodiversity Framework (GBF) and shares recommendations and guiding principles for the future of conversation in Asia.

“We believe that if we take care of our land, our land will take care of us. We bring wisdom from the past for the present and future of our next generations. We believe in the spirit of the unseen. This allows us to maintain a balance with nature and the ecosystem, and it influences our values. It is all about relationship with nature. It is not about economic values, but about our spirituality and our cultural development.”

Thingreiphi Lungharwo,

*Global Indigenous Fellow for Biodiversity under GEF SGP
and member of the Naga Women Union, India*

Section 1: Global Environmental Goals from a Human Rights Perspective

After a year of delays due to COVID-19, the 15th Conference of Parties to the UN Convention on Biological Diversity (CBD), commonly referred to as COP15, will be held in-person in 2022, a follow-up to the high-level virtual conference that took place in October 2021. Parties are expected to adopt the GBF and galvanize transformative environmental action for the next three decades. COP15 and GBF are projected to build on the Strategic Plan for Biodiversity 2011–2020 with an ambitious framework for "living in harmony with nature [where] by 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people."⁴³

The first draft of the post-2020 GBF delineates targets and milestones for 2030 that will guide party members towards 2050. Eight of the 21 2030 Action Targets focus on *reducing threats to biodiversity*. They cover a broad range of issues including invasive species, pollution, harvesting, trade and use of wild species, conservation management, and conservation spatial planning. The GBF also proposes percentage-based **spatial targets** for both conservation and restoration initiatives.

Box 1: What are spatial targets?

In the context of conservation planning, spatial targets quantify the amount of land needed to achieve a desired conservation action or policy. Most South and Southeast Asian governments have spatial targets for forest cover ranging from 30 to 70 percent of their landmasses, to be achieved between 2020 and 2036.⁴⁴

Global spatial targets identify terrestrial or marine areas that should be conserved without addressing how such spaces should be conserved and by whom.⁴⁵ These decisions are made by powerful actors in accordance with national legislation. The protection of biodiversity in the form of strictly-managed protected spatial targets can be used to legitimize the extraction of raw materials in environmentally destructive ways in non-protected ecosystems.⁴⁶ For this reason, the effectiveness, ethics, and financial cost of spatial models have been critiqued.⁴⁷ Furthermore, spatial targets often fail to recognize that high-priority spaces are in fact inhabited by large numbers of people (see Table 1).

India's decades-old spatial target of achieving forest cover on 33 percent of its area originated from colonial forestry practices.⁴⁸ Today, this drives perverse incentives to forcibly afforest tenure-insecure commons with commercial species to offset deforestation elsewhere.⁴⁹

The 2010 Aichi Biodiversity Targets, while only partially achieved by 2020,⁵⁰ included a spatial target (Target 11), that read: "At least 17 percent of terrestrial and inland water... conserved through effectively and equitably managed, ecologically representative and well-connected

systems of protected areas and **other effective area-based conservation measures**" by 2020 (see below). Targets 2 and 3 of the GBF's first draft can be viewed as an extension of these efforts:

Draft Target 2

Ensure that at least 20 percent of degraded freshwater, marine, and terrestrial ecosystems are under restoration, ensuring connectivity among them and focusing on priority ecosystems.

Draft Target 3

Ensure that at least 30 percent globally of land areas and of sea areas, especially areas of particular importance for biodiversity and its contributions to people, are conserved through effectively and equitably managed, ecologically representative, and well-connected systems of protected areas and other effective area-based conservation measures, integrated into the wider landscapes and seascapes.

→ See the [first draft](#) of the GBF.

→ [Learn more](#) about equity and human rights in the GBF.

Other Effective Area-Based Conservation Measures (OECMs) and Indigenous Territories, Indigenous Protected Areas and Community-Conserved Areas (ICCAs)

OECMs (Target 3 in the GBF's first draft) are increasingly being popularized in Asia and around the world but most countries have yet to adequately promote them within their conservation strategies. There are only five registered OECMs in Asia—all of which are in the **Philippines**, totalling only 40,000 hectares.⁵¹ While protected area categories are generally well defined, accepted, and incorporated in most countries, OECMs are not because they lack specificity or qualifying categorization, resulting in them being less likely to be used to achieve national commitments or invite bottom-up requests for recognition.

Some interpret Target 3's reference to OECMs to mean that ICCAs, and Indigenous territories more broadly, can and should be meaningfully recognized. Although ICCAs are already recognized as a conservation measure under Decision IX/18 from COP9 held in Bonn, Germany in 2008, the omission of any explicit reference to Indigenous territories in Target 3 is troubling.

Equitable management or governance?

The GBF and national conservation strategies position Indigenous Peoples and local communities as barriers or adjuncts to centralized or formal conservation actions rather than as conservation leaders actively involved in conserving over 30 percent of the Earth's terrestrial area. This implies that inclusion and participation are a responsibility provided to rightsholders, ensured only by institutionalized and foreign forms of conservation. A human rights-based approach requires a reversal of this phenomenon: only with the consent of communities, should scientific and Western conservation actors participate and be included in the legitimate conservation actions of rightsholders, contributing where advised with technical and analytical inputs. There can be no fair, impartial, or equitable form of conservation if the actors delimiting

and controlling participation and inclusion are not the traditional inalienable rightsholders of the territories in question.

To achieve just forms of conservation, a shift in language is required to replace *equitable management*—currently presented in Target 3—with *equitable governance*. The implementation and achievement of the GBF and its targets is first and foremost a question of governance rather than management.⁵² Equitable governance helps ascertain who has the power to set the agenda and make decisions regarding appropriate actions, how these decisions are made, in what authority and with what responsibility, and who is accountable for these actions.⁵³ Contrarily, management involves the actions taken to complete the objectives decided by those setting the agenda.

In 2014, the COP defined three components of equity: Recognition, Procedure and Distribution.⁵⁴ Recognition implies the “acknowledgement of and respect for the rights and the diversity of identities, values, knowledge systems and institutions of rightsholders and stakeholders;” Procedure ensures the “inclusiveness of rule- and decision-making;” and finally, Distribution refers to the sharing of costs and benefits.⁵⁵ Equity moves beyond inclusion and is sensitive to a wider range of social dimensions such as historical marginalization and the needs and rights of various social groups.

Human rights and conservation targets

“Rights-based approaches to conservation, sustainable use and benefit-sharing mean, in simple terms, that biodiversity policies, governance and management do not violate human rights and that those implementing such policies actively seek ways to support and promote human rights in their design and implementation.”⁵⁶

Human rights-based approaches to conservation are not new and have been promoted for over a quarter of a century with little institutional progress.⁵⁷ There continues to be a gap between rhetoric and the realization of rights-based practices on the ground.⁵⁸ While the draft text of the GBF includes the necessity of human-rights based approaches for framework implementation,⁵⁹ there is no measurable target within its current draft framework that would monitor or facilitate mainstreaming of human rights-based approaches globally. In fact, the GBF fails to include any commitment to respecting or protecting human rights as defined in international law, referring instead to national laws.⁶⁰

A human rights-based approach to conservation will require accompanying due diligence and monitoring frameworks to aid accountability and the achievement of measurable human rights targets.⁶¹ Any absence of these demotes Indigenous Peoples and local communities from self-determined owners and decision-makers as recognized under international law and instrumentalizes them for external conservation agents without the autonomy or authority to define what actions are taken or the form in which decisions are made. Target 21 is a new target in the first draft of the GBF that partially attempts to address this shortfall:

Target 21

Ensure equitable and effective participation in decision-making related to biodiversity by Indigenous Peoples and local communities, and respect their rights over lands, territories and resources, as well as by women and girls, and youth.

Target 21 is a notable and welcome addition to the GBF. However, ensuring the integration and mainstreaming of human rights throughout all targets with sufficient reference to customary practices and territories is still needed. In its current form, the GBF risks legitimizing national conservation practices and laws that centralize management as opposed to fully supporting the agency of local governance systems through the devolution of authority.⁶²

→ [Learn more](#) about the human rights-based paradigm shift needed within conservation, and what the GBF needs to do to facilitate this shift.

Ambitious and wide-scale ecosystem restoration

Target 2 of the GBF aims to “ensure that at least 20 percent of... terrestrial ecosystems are under restoration.” This echoes calls from the United Nations Decade on Ecosystem Restoration (2021-2030).⁶³ Many spatial targets for restoration have been suggested to date, such as the 350-million-hectare target under the Bonn Challenge. Other campaigns from local to global scales have emerged, such as the Trillion Trees Campaign by the World Economic Forum. In Asia, **India** continues to break world records year after year for mass tree planting, an agenda that brings together government, civil society, and spiritual leaders.

Despite international and national commitments to holistic restoration that balances social and ecological impacts, forest restoration efforts are generally used to expand low-diversity commercial tree plantations with equally low socio-ecological value and resilience, with adverse outcomes. For instance, commercial tree plantations are linked with negative socio-economic impacts, with the highest number of reports globally occurring in Southeast Asia.⁶⁴ Commercial tree plantations often face mass resistance from affected communities⁶⁵ while also achieving lower rates of carbon capture.⁶⁶ Approaches to forest restoration often lack tenure-sensitivity despite restoration areas being inhabited.⁶⁷ For example, the World Resources Institute estimates that in Asia, of the 485 mHa suitable for restoration, two-thirds are in areas with more than 10 people per square kilometer.⁶⁸ According to recent research, 269 million people live on these 485 mHa of high value restoration land in Asia, and therefore may be impacted by wide-scale, top-down efforts.⁶⁹ There is currently no global consensus on how restoration should be defined nor what is to be restored, to what degree, where, how, and by whom.

→ [Learn more](#) about civil society demands for rights-based restoration.

Financing green actions at scale

A cumulative total of USD \$8.1 trillion and a future annual investment of USD \$536 billion are estimated to be needed if the world is to meet its climate change, biodiversity, and ecosystem restoration targets.⁷⁰ Rather than raising finances by directly taxing or penalizing land, resource, and carbon-intensive activities, key global actors—including many environmental NGOs—have pushed for market-based solutions based on the financialization of nature. Within this rubric, financial assets are exchanged so environmental harm in one area of the planet can be compensated through an offset in another area deemed equivalent. This forms the basis of net zero commitments and the potentially lucrative carbon market that is growing at an unprecedented pace.⁷¹

Many countries are now poised to implement national programs to reduce emissions from deforestation and forest degradation (REDD+),⁷² as well as other land-based emissions reductions, bilateral agreements, or results-based payment schemes.⁷³ Collectively, these initiatives are raising concerns over the quantification, valuation, and materialization of nature into forms of capital that can be leveraged, traded, and commodified through market-based schemes, offsets, and compensation mechanisms.⁷⁴ The practicalities of carbon financing will unfold at the national level, dependent on each country's legal system and governing bodies. This raises the question of control over decision-making and benefit-sharing linked to climate financing and how a lack of recognized rights will likely facilitate land grabs and elite capture (Box 2).⁷⁵ In the past, climate finance initiatives such as those under REDD+ have had limited success in addressing the drivers of deforestation and have led to social conflicts⁷⁶ and human rights violations.⁷⁷ There is also little to suggest agreements between countries will be respected. Most recently, the **Indonesian** government terminated a 2010 USD \$1 billion REDD+ agreement with **Norway**⁷⁸ due to **Norway's** failure to provide payments on internationally verified avoided carbon dioxide emissions linked to decreasing deforestation rates and unreasonable conditionalities, as perceived by the **Indonesian** government.

The lands and territories of Indigenous Peoples and local communities overlap with important carbon reserves,⁷⁹ yet carbon rights are not recognized in any country across Asia. Only three countries have the legal provisions, though ambiguous, that could lead to a transfer of carbon rights to Indigenous Peoples and local communities (**Lao PDR**, **Nepal**, and **Viet Nam**).⁸⁰ Recognizing tenure and supporting community-led conservation would provide substantial gains in avoided carbon emissions⁸¹ and may also provide avenues that support a proliferation of local non-market-based or spiritual valuations of nature such as those within Indigenous and local societies.⁸² The pervasive lack of secure tenure rights globally, viewed in parallel with the carbon-commodity industry, raises concerns that climate financing “solutions” may advance neocolonialism, state territorialization, and aggressive security policies that aim to secure rents from emerging climate actions, triggering further inequalities and insecurities for affected communities.⁸³

Box 2. Elite Capture of Indigenous Territories in Borneo

According to Mongabay, in October 2021, a Singaporean firm, Hoch Standard Pte. Ltd., and an Australian management consultancy, Tierra Australia, signed a nature conservation agreement with authorities in the **Malaysian** state of Sabah. The deal gave Hoch Standard Pte. Ltd the right to sell carbon credits and ecosystem services linked to over 2 mHa of forest lands for at least 100 years.⁸⁴ The deal came as a surprise to the state's Indigenous Peoples and their allies who were excluded from the negotiations.⁸⁵ Parts of Indigenous ancestral territories were affected by this deal, legitimized by their classification as Class I (totally protected). Currently, Hoch Standard Pte. Ltd., Tierra Australia and partners will receive 30 percent of the revenue from the natural capital sold for potentially two centuries.⁸⁶ The remaining 70 percent would go to the state government of Sabah.

Ten Indigenous and local conservation organizations raised a set of issues, including: 1) lack of consent and participation by Indigenous Peoples and local communities as required in international laws; and 2) lack of an equitable benefit-sharing mechanism for customary rightsholders and the communities who have historically stewarded and maintained the biodiverse areas the deal targets.⁸⁷ This raises concerns of the legality of the deal and represents a neocolonial pattern.⁸⁸ By ignoring international human rights laws and the rights of Indigenous Peoples, the deal failed to acknowledge the historical and current contributions they provide to biodiversity and climate change agendas as well as their role as conservation leaders able to make self-determined decisions. This oversight signifies how the creation of formally protected areas can be used to undermine the fundamental rights of Indigenous Peoples regarding potential future deals for the resources within their territories. In Borneo, the state applied procedures resembling consent during the demarcation of the protected area so that all future requirements for consent were deemed unnecessary.⁸⁹

Public outrage may cause this deal to fail. This further highlights the need to respect and enforce international human rights obligations concerning Indigenous Peoples and their ancestral territories.

→ [Learn more](#) about the deal and subsequent [reactions](#) by Indigenous leaders.

This current conservation narrative promotes Nature-based Solutions (NbS), or “the sustainable management and use of nature for tackling socio-environmental challenges.” Indigenous Peoples in Asia have tried to reclaim the rhetoric of NbS, asserting that they personify these solutions. Meanwhile, certain human rights-based approaches to conservation are being appropriated by conservation organizations⁹⁰ that promote inclusive or participatory initiatives in conservation management rather than devolving control and governance of a territory to a

community through secure rights.⁹¹ This trend emerged as “donor agencies had begun moving away from biodiversity conservation in favor of funding efforts to alleviate poverty.”⁹² For example, the Conservation Initiative on Human Rights is a consortium of eight international conservation organizations⁹³ that promotes rights-based approaches as a strategy to build partnerships with donor agencies. As likely mediators of biodiversity conservation funding, it is not yet clear which rights the consortium will prioritize if human rights-based approaches are indeed promoted in conservation narratives and resource mobilization.

→ [Learn more](#) about climate financing and carbon rights in RRI’s 2021 report.

Section 2: Indigenous and Community Tenure Rights in Asia

Multilateral agreements, such as the GBF, aim to be implemented at local and national scales. As a result, implementation will largely depend on existing legal structures, judicial environments, and each country’s governing body. In many countries, communities lack secure tenure rights over their customary territories upon which external forms of conservation attention may be executed. Indigenous Peoples and local communities have been self-advocating for decades that these spaces are also homes to communities who have existing forms of natural resource management that cannot be overlooked.

This section is an overview of the tenure rights gap in select Asian countries, bottlenecks, existing laws and opportunities, and the pervasive lack of funding available to Indigenous and locally led organizations. This section should be viewed in connection with Section 3, which highlights the leadership of Indigenous Peoples and local communities in conserving biodiversity and the environment more broadly.

The Tenure Rights Gap

The conservation debate is contextualized by a systemic lack of tenure rights recognition in areas likely to be considered as a priority for achieving biodiversity targets. There is a clear tenure rights gap in Asia. Indigenous Peoples and local communities customarily own and control nearly 40 percent of Asia.⁹⁴ When excluding data from **China**, only 1.8 percent of the region’s area - or 8.7 percent of all Indigenous and local community lands and territories in Asia - are legally recognized (see Table 2).⁹⁵

Securing tenure rights represents an important step in decolonizing land governance and building the enabling conditions for the effective stewardship of forests and territories.⁹⁶ Effective land tenure reforms may facilitate the devolution of control over landscapes from the state to Indigenous Peoples and local communities and the individuals within them, by recognizing customary territories and a diversity of land use strategies. Complete devolution of tenure involves the recognition of a full bundle of rights—access, withdrawal, management, exclusion, due process, and compensation—for an unlimited duration.⁹⁷

In nine South and Southeast Asian countries alone, the area of unrecognized Indigenous and community lands is approximately 140.3 mHa.⁹⁸ This represents an area larger than the combined territories of **Cambodia, Thailand, Lao PDR**, and the **Philippines**.⁹⁹ In **Timor-Leste**, the unrecognized lands of Indigenous Peoples and local communities extend across 88.2 percent of the country's area. In both **Nepal** and **Myanmar**, over 30 percent of the country's area remain unrecognized customarily managed lands. In **India, Indonesia**, and **Lao PDR**, over 20 percent of the terrestrial area remain unrecognized while in the **Philippines**, 14.4 percent of the country remains unrecognized.¹⁰⁰ These areas are likely underestimates.

Table 2: Estimate of Asia's recognized and unrecognized Indigenous and local community territories

Country	Total country area (mHa) ¹⁰¹	Area where Indigenous Peoples' or local communities' tenure rights are legally recognized		Area where Indigenous Peoples' or local communities' tenure rights are not legally recognized		Total land held by Indigenous Peoples or local communities (%)
		Area (mHa) ¹⁰²	Percentage of country area (%)	Area (mHa)	Percentage of country area (%)	
Cambodia	17.7	0.6 ¹⁰³	3.3	0.3 ¹⁰⁴	1.9	5.3
China	942.5	465.7 ¹⁰⁵	49.4	3.7 ¹⁰⁶	0.4	49.8
India	297.3	1.1 ¹⁰⁷	0.4	62.5 ¹⁰⁸	21.0	21.4
Indonesia	181.2	4.46 ¹⁰⁹	2.5	40.0 ¹¹⁰	22.1	24.5
Iraq	43.4	0.0	0.0	2.0 ¹¹¹	4.6	4.6
Lao PDR	23.1	0.0 ¹¹²	0.1	5 ¹¹³	21.7	21.8
Myanmar	65.3	0.2 ¹¹⁴	0.2	20.7 ¹¹⁵	31.7	31.9
Nepal	14.3	2.1 ¹¹⁶	14.4	4.6 ¹¹⁷	32.3	46.7
Philippines	29.8	6.4	21.3	4.3 ¹¹⁸	14.4	35.8
Thailand	51.1	0.5	0.9	1.6 ¹¹⁹	3.1	4.1
Timor-Leste	1.5	0.0	0.0	1.3 ¹²⁰	88.2	88.2
Regional Total	1667.2	481.06	28.9	146	8.76	37.61

Tenure Bottlenecks

While securing rights on paper is itself an achievement, legal recognition does not suggest that these tenure systems are secure, inalienable, recognized in culturally appropriate forms, or enforced by governments. National tenure systems may favor individual rights over collective rights, government agencies may prioritize individual titles over collective ones, or may even reverse collective rights for individual rights to facilitate land appropriation.¹²¹ There are often financial and technical obstacles in navigating the lengthy bureaucratic processes to gain full ownership.

Rights on paper can also be subverted. For example, many of the documented afforestation land conflicts in **India** are related to violations of rights post-recognition,¹²² including disturbing reports of forcible plantations on rightsholders' lands in Telangana and Odisha during the 2020 COVID-19 lockdown in **India**.¹²³ Patriarchal norms can also influence or subvert rights. In 90 countries throughout the world, women do not share equal access to land ownership as men.¹²⁴ Furthermore, recognition of women's rights over land and resources does not always translate to decision-making power or inclusion in governance.¹²⁵

Box 3. Cambodia's slow Community Land Tenure process (CIPA and AIPP)

The Royal Government of **Cambodia's** Forest Law 2002 and Land Law 2001 both recognize Indigenous Peoples' traditional land use and creates an avenue to acquire land ownership through community land titles (CLT).¹²⁶ According to some Indigenous organizations, there are over 600 Indigenous communities in **Cambodia** that are eligible for CLT. However, only 34 communities have successfully gained their CLT to date. The CLT is a complex, costly, and lengthy process involving the creation of a community commission to formulate community by-laws, become a legal entity, and navigate five ministries all before being approved by the Ministry of Environment. These ministries are inefficiently coordinated amongst themselves.¹²⁷ The Ministry of Environment has final approval of CLT rights and when these requests for titles overlap with protected areas or important biodiverse areas, there is often contention. Moreover, economic land concessions from agro-industrial or mining companies have failed to fulfil the FPIC requirement, leading to forced evictions of people from their territories before they can even formally submit their territorial claims.¹²⁸

Tenure Opportunities

RRI took stock of 26 community-based tenure regimes (CBTRs)¹²⁹ across ten densely forested Asian countries (**Cambodia, China, India, Indonesia, Malaysia, Myanmar, Nepal, Papua New Guinea, Thailand, and Viet Nam**).¹³⁰ Six of the 26 CBTRs analyzed provide legal avenues for Indigenous Peoples and local communities to gain full ownership over forestlands while the remaining 20 CBTRs are designated for Indigenous Peoples and local communities (18) or remain administered by the government (2). Only 11 of the 26 CBTRs recognize communities' tenure rights for an unlimited duration of time, ten are renewable or extendable, and those remaining provide limited duration of rights. In 17 of the 26 CBTRs, communities have the right to exclude others from using their forest resources.¹³¹ Importantly, much work remains to ensure both the full implementation of these legal frameworks and the realization of recognized rights in practice. Moreover, while communities' management rights are recognized in 21 of 26 CBTRs,¹³² just 6 of these CBTRs specifically recognize women's rights to vote or take equivalent action in community governance bodies and 5 CBTRs require a quota or quorum of women be present for communities' executive leadership bodies to take binding actions, pointing to a need for gender-sensitive reforms.¹³³

In 2020 and 2021, RRI published the Opportunity Framework and an expanded supplement of the Opportunity Framework.¹³⁴ RRI's rubric for transformative potential of each national opportunity assesses countries' legal and regulatory frameworks, political will and environment, sub-national government willingness to engage in change, the operational capacities across all layers of government (national/sub-national), the operational capacities within rightsholder organizations as well as sufficient and appropriate forms of financial support (Table 3). By this analysis, the two countries that have *satisfactory enabling conditions* are **India** and **Nepal**.¹³⁵ **Cambodia, China, and Indonesia** also have national laws that could facilitate the implementation of wide-scale ownership over collective customary lands, were political will and government capacity to implement manifested.¹³⁶

Resourcing Tenure Rights Recognition

In comparison to the United Nation's Development Programme's (UNDP) USD \$8.1 trillion estimate for global transformation, only USD \$8 billion would be needed for the recognition of tenure rights in 24 countries with satisfactory enabling conditions for large-scale and medium-scale projects around the world.¹³⁷ This estimate includes the cost of mapping, delimitating, and titling Indigenous and community lands. Of the 10 countries with satisfactory conditions for national-scale projects, three are in Asia: **India, Indonesia, and Nepal**.¹³⁸ On average, it would cost USD \$535 million to map, delimitate, and title all Indigenous and community lands in these three countries.¹³⁹

In contrast, since 2008, USD \$4 billion has been pledged to multilateral climate funds to finance REDD+. ¹⁴⁰ One percent of Official Development Assistance (ODA) for climate change mitigation and adaptation from 2011-2020 were directed to tenure recognition globally, an average of USD \$27 million per year. To date, only USD \$2.7 billion has been disbursed to advance the tenure and forest management rights of Indigenous Peoples and local communities. Of which, only 11 percent (3 percent of what is required) went towards advancing tenure security in the Global South, notably Latin America, Asia, and Africa.¹⁴¹ Asia received the least amount of support for the tenure and forest management of Indigenous Peoples and local communities.¹⁴²

Funding a human rights-based approach to conservation would require redistributing current conservation funding and tenure funding to rightsholder organizations on the ground. These funds would support securing customary and traditional lands, protecting and monitoring of rights, and contribute towards building the technical capacities of communities as well as local, provincial, national, and regional rightsholder organizations. Practically, it would also require genuine partnership with Indigenous Peoples and local communities. Not even one in five project descriptions in the ODA review included the name of an Indigenous or local community-led organization.

Table 3: Opportunities to Invest in Securing Collective Tenure Rights in Forest Areas

Below is a limited discussion of laws providing both opportunities and obstacles for advancing Indigenous Peoples' and local communities' tenure rights in national contexts through existing legislation or reforms. In addition to a review of national legal frameworks, overall enabling condition assessments under the Opportunity Framework also consider national and subnational government willingness, government capacity, and capacity of rightsholder and civil society organizations.

Readiness level	Country	Highlight of key laws and context
Satisfactory	India	India's Forest Rights Act 2006 provides the legal framework for drastically scaling-up forest rights recognition in India . With this legislative tool, and growing support from key ministries such as the Ministry of Tribal Affairs and the Ministry of Environment and Forests and high potential states like Odisha, Chhattisgarh, Madhya Pradesh, and Jharkhand, strategic funding should focus on building the technical capacity of local NGOs and their ability to form autonomous alliances with supportive local government actors.
	Nepal	In Nepal , the Forest Act 2019, the Environment Protection Act 2019, the 5 th Amendment of the National Park and Wildlife Conservation Act (1973) 2017, and the Local Government Operation Act 2017 regulate legal frameworks, such as Community Forestry, that recognize communities' forest tenure rights and can enable continued movement towards conservation leadership and the ability to generate culturally appropriate legal reforms by rightsholder organizations. However, national law does not recognize Indigenous Peoples' territorial rights. Indigenous and local organizations are working on building community awareness and engagement in reforming laws through Nepal's three-tiered government.
Partially Satisfactory	Cambodia	In Cambodia , the final decision for recognizing rights lies in government officials who often do not recognize the full extent of lands customarily managed and owned. ¹⁴³ Without being consulted, Indigenous Peoples were opted into a communal land registration mechanism in 2005 which they hoped would provide them with legal title to their traditional lands. Due to a lack of commitment by the government, the communal land registration process has been very slow. ¹⁴⁴ Some Indigenous communities have been reluctant to continue requesting land titles because of its long and costly process. Provincial government representatives have also pushed for individual titles as opposed to collective titles which makes communities vulnerable to external forces that pressure individuals to sell their lands.
	China	China contains almost one quarter (24 percent) of the world's lands formally recognized as owned or managed by communities. In the 1950s, China integrated rural forests and grasslands into collectives but does not recognize Indigenous Peoples in law.
	Indonesia	In certain jurisdictions of Indonesia where Indigenous Peoples and local communities have mobilized and influenced local representatives, there is interest to recognize <i>adat</i> rights. The ability to influence local government is in part due to the strong movement,

technical land mapping capabilities (as seen in Box 6), and solidarity between Indigenous Peoples, local communities, and CSOs. An Indigenous Rights Bill has been stalled in **Indonesian** Parliament since 2012 while pro-industry deregulation bills that make it easier for public and private sector actors to grab Indigenous and local lands have seen rapid passage through the floor.¹⁴⁵

Undetermined	Thailand	In Thailand , despite documented positive outcomes of Indigenous forest management, the lack of legal recognition, public awareness, and no representative Indigenous body within government institutions obstructs the collective advancement of Thailand's Indigenous groups. In December 2020, the Network of Indigenous Peoples in Thailand (NIPT) released their draft bill (the Council of Indigenous Peoples in Thailand Bill) ¹⁴⁶ which it hopes can gain widespread public support in order for it to be proposed to parliament. In a country that does not recognize Indigenous Peoples within its citizenry, the creation of a formal Indigenous council may be the first step in resolving widespread conflicts across the country.
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Bridging climate goals and equity through tenure rights

A human rights-based approach to conservation is a powerful strategy to promote equitable governance.¹⁴⁷ Secure tenure is an enabling condition for autonomy of internal governance institutions where decision-making and control over conservation governance regimes are in the hands of rightsholders. The expansion of conservation on tenure-insecure commons represents a real threat to Indigenous Peoples' and local communities' safety, human rights, culture, and intergenerational continuity. Overlooking tenure rights will ensure the marginalization of millions of people by disrupting livelihoods and exacerbating socio-economic hardships, potentially pushing communities to illicit activities, and undermining future conservation initiatives.¹⁴⁸ Embedding local institutions in conservation governance leads to both enhanced well-being and positive conservation outcomes.¹⁴⁹

Section 3: Learning from Indigenous and Local Community Leadership

The relationships Indigenous Peoples and local communities have with ecosystems ground the cultural practices that benefit biodiversity and in turn mitigate climate change.¹⁵⁰ While only representing 6.2 percent of the global population, the territories of Indigenous Peoples contain 36 percent of remaining intact forest landscapes¹⁵¹ and safeguard 80 percent of the world's remaining biodiversity.¹⁵² The prevalence of biodiversity within these territories correlates with their effective governance.¹⁵³ Global data demonstrates that Indigenous and community rightsholders' lands have lower rates of deforestation,¹⁵⁴ store more carbon,¹⁵⁵ and hold more biodiversity¹⁵⁶ than lands managed by either public or private entities. It also shows that traditional practices suppress fires¹⁵⁷ and resist forest loss.¹⁵⁸ A global meta-analysis of 169 case studies found that conservation governance regimes controlled externally by the state, private

actors, or NGOs were found to be 10 times more likely to provide negative outcomes on both wellbeing and conservation than community-led initiatives.¹⁵⁹ In contrast, the co-occurrence of positive conservation and wellbeing was more likely in initiatives governed and led by communities. This evidence positions local peoples as key conservation actors in their own right.¹⁶⁰

The international community often looks to **Nepal** as a success story in community forestry where grassroots governance has translated into ecological regeneration, economic resilience, and women's empowerment. Since its inception in 1995, the Federation of Community Forestry Users **Nepal** (FECOFUN) has registered more than 22,000 Community Forestry User Groups (CFUGs). A longitudinal analysis of this community-forest management movement showed a 37 percent relative reduction in deforestation and a 4.3 percent relative reduction in poverty.¹⁶¹ In the last decade, FECOFUN has reshaped the community forestry movement in **Nepal**, supporting women activists as they rose in the ranks to become grassroots organizers and community forest leaders.¹⁶² In this context, and with the support of FECOFUN, 1,976 community forestry activists were elected to local government in 2017. A total of 632 of them were women, translating their leadership on the front lines of the grassroots community forestry movement into electoral success.¹⁶³ Despite this progress, Indigenous Peoples' and Indigenous women's leadership has not been visible. On the one hand, forest department policies still define rules of play, and on the other, Indigenous Peoples customary tenure regimes are not legally protected (Box 4).

The successes of Indigenous Peoples' and local communities' actions are embedded in the collective struggle for rights and resilience within and across communities through solidarity networks and mutual aid. **Myanmar** is a strong example. An ongoing military coup funded by military backed extractive mining and agribusiness companies began in February 2021 and since then, Indigenous Peoples have continued to sustain their territories, forests, and biodiversity.¹⁶⁴ The Salween Peace Park, a 546,000 ha area of forest and rich biodiversity in Karen State is just one example of how a local vision of peace and harmony based on self-determination, environmental integrity, and cultural survival can thrive despite more than seven decades of civil war.¹⁶⁵

Indigenous Peoples' valuable contributions in protecting biodiversity are directly linked to their plurality of worldviews, cosmovisions, time-tested practices, and relational values expressed through intergenerational knowledge systems.¹⁶⁶ The rules that often guide communities are variable and their governance systems adaptive, resulting in resilient communities who mitigate environmental stresses through active forms of stewardship.¹⁶⁷ This is in part due to the inseparable and interconnected nature of social and ecological dimensions.¹⁶⁸

→ [Learn more](#) about the effectiveness of Indigenous governance for conservation and how to generate progressive governance in conservation policy.

Box 4. Indigenous Rights and Community Forestry in Nepal

In **Nepal**, community forests are national forests provided to CFUGs on five-year concessions to be utilized and conserved for their collective interest. Prior to the popularization of community forests, **Nepal's** forests were nationalized via the 1957 Private Forest Nationalization Act. This act led to Indigenous Peoples' customary forests being expropriated without due compensation and in complete disregard for their customary rights.¹⁶⁹ By failing to recognize or restitute the de facto ownership of territories by Indigenous groups, community forests imposed another arbitrary boundary and management system on customarily governed territories.¹⁷⁰ High altitude nomadic pastoralist communities experienced the most drastic socio-cultural, economic and ecological consequences due to imposed limitations on grazing, trans-boundary herding, and other livelihood practices essential to their culture.¹⁷¹ While positive outcomes for biodiversity and community are possible and common for CFUGs, community forests may also replicate the systemic and structural marginalization of Indigenous Peoples. This is most visible in decision-making spaces where non-Indigenous persons often hold important positions, such as the Chair of a CFUG, even in areas where Indigenous Peoples represent a majority of the population.¹⁷²

Nepal's community forestry practices show that the success of strategies deemed 'traditional' are still complicated by the remnants of structures created through colonial thought processes, even leading to allies being positioned against each other rather than working in solidarity. FECOFUN and other Indigenous organizations in **Nepal** are mitigating these conflicting systems by promoting equity amongst themselves and with government and private sector actors holding decision-making power. For example, alliances between Indigenous and local communities have formed to advocate for a paradigm shift from *Scientific* Forest Management to Sustainable Forest Management, which will shape the policies affecting community forestry and associated enterprises. In 2021, the former was officially repealed, and allies work to shape the new paradigm together.

Women and youth leading grassroots conservation

The global conservation puzzle must be solved irrespective of gender or generation. Supporting women and youth-led organizations, strengthening trans-regional solidarity, and closing the gender and generational gaps in decision-making processes all help create the enabling conditions for the recognition of rights as well as their positive contributions to biodiversity conservation.¹⁷³ Within movements, leaders recognize that their organizations must intentionally cultivate the next generation of leaders to defend hard-won rights and protect against emerging threats. Elders recognize that youth interest in land-based livelihoods is crucial to their collective futures.¹⁷⁴ Furthermore, women are knowledge holders, primary food producers, healers,

parents, and guardians of natural resources: conservation of the world's remaining biodiversity requires a holistic approach held in their ancestral knowledge.¹⁷⁵ Unfortunately, COVID-19 has exacerbated gender inequalities making their contributions more invisible while violence against Indigenous women and girls has increased since the start of the pandemic in March 2020.¹⁷⁶

In Misamis Oriental, **Philippines**, organized Higaunon women are fighting bias, inequality, and environmental issues in their community by protecting forests within their ancestral territories.¹⁷⁷ A joint social media post by NTFP-EP and MAMACILA highlighted their actions. The community established a nursery to raise coffee, lawaan (*Shorea genus*), and *kalingag* (a local cinnamon tree). Once the seedlings have matured, they are planted in a one-hectare buffer zone shielding sacred sites (*pina*) from illegal activities such as poaching and firewood collection. The Higaunon women believe that the forest is an integral part of their lives, from pharmacy and marketplace to sacred worship area, and they monitor and protect the area via foot patrols. Once this part of their ancestral domain disappears, so too will Higaonon culture. It is through these activities that women become united in their collaborative efforts to secure a cultural future for their community, acquire a better understanding of themselves, and promote gender equality with their presence at the decision-making table at the community level.

A forthcoming study coordinated by Rimbawan Muda in **Indonesia** compares community forest pre- and post-rights recognition in Sulawesi, Kalimantan, Java, and Sumatra. While all sites are under different forest management typologies (state conservation areas, state production forests, or outside state-run forests), in all cases, access to community forest rights increased gender and youth parity.¹⁷⁸ For example, women in Kasepuhan Karang used to be excluded from public decision-making processes. However, after their customary forest was formally recognized, they were appointed managers of a cooperative overseeing forest-gardens and paddy fields within their customary boundary. Similarly, the youth of Kasepuhan Karang have been actively cataloging biodiversity for forest restoration, reconnecting with their cultural roots at self-run schools and developing community-based ecotourism enterprises with their community forest at the center. Similar examples can also be found in other sites, such as women's participation in organizational leadership initiatives and documentation of Indigenous knowledge.

Customary institutions and governance

The customary institutions and laws of Indigenous Peoples and local communities play a vital role in promoting a healthy coexistence with biodiversity, even within existing protected areas. This vital role comes through the application of traditional Indigenous and local knowledge systems and their ability to resist and address threats to the integrity of their territories.¹⁷⁹ One key aspect of successful national Indigenous and local grassroots actions in Asia as well as elsewhere can be found in their diversity, enabling flexibility and adaptability.

Indigenous Peoples have worked hard to get traditional governance bodies formally recognized. One example can be observed in Sabah, a **Malaysian** state on the island of Borneo. In Sabah, a Dusun Indigenous inland fish and river management system known as the *Tagal* system was adopted by the Sabah Fisheries Department (2001) and incorporated into national policy on

biodiversity. The *Tagal* system is a resilient and adaptive gender-sensitive natural resource management system whereby the Dusun realized the extent to which the impacts of new technologies such as poisoning and polluting the local rivers caused fish stocks to dwindle. In Dusun, *Tagal* means “no” or “prohibition,” and the practice requires collective decision-making over open and closed seasons, equal benefit sharing of resources, allocating responsibility of rule enforcement and monitoring, and appropriate zoning of *Tagal* system including both men and women of a community. The intricacies of these rules may differ from village to village as each one is responsible for determining a strategy that best suits the needs of both the community and the surrounding biodiversity they steward. The triumph of this strategy led to the Sabah Fisheries Department supporting the implementation of over 350 *Tagal* systems state-wide, and the neighboring state of Sarawak has since adopted its own system, the *Tagang* system, inspired by the success in Sabah. Partners of Community Organizations in Sabah (PACOS) Trust and JOAS have been actively documenting and supporting this process. The adaptation of the *Tagal* system into policy provides an avenue for other Indigenous natural resource management practices for areas such as forests, watersheds and wildlife to be integrated into national or provincial strategies.

In **Nepal**, nonviolent traditions are shaping local conservation practices and policies at the foothills of the Himalayan mountains. Based on their *Shagya* (non-violence) customary institution with self-governance systems, Tumba and Nubriba Indigenous groups in the Gorkha district have declared their entire valley a violence-free zone.¹⁸⁰ The *Shagya* customary institution is run by a 33-person committee from about 10 villages to ensure seven principles of non-violence: no killing; no hunting; no harvesting of wild honey; no forest fires; no flesh trading; no sale and trapping of animals; and no trading of domestic animals. Each village’s members are responsible for ensuring that the communities follow these rules. They collectively determine punishment for violators and organize rituals for collective wellbeing. Although the Manaslu Conservation Area Project in the Tsum and Nubri valleys has informally acknowledged *Shagya*, formal support remains low amongst members of the bureaucracy for the legal recognition of the *Shagya*. A source of hope is the growing awareness amongst Indigenous leaders that customary governance traditions can be passed on to future generations through legal recognition along with a feeling of ownership and responsibility. Indigenous leaders have realized that one pathway for protecting *Shagya* is through the provisions of the 2017 Local Government Operation Act (LGOA) and by ensuring local forest and biodiversity laws recognize *Shagya*.¹⁸¹

Devolving governance over natural resources by recognizing and enforcing Indigenous Peoples’ and local communities’ tenure rights is imperative for supporting locally defined priorities and inter-community diversity. Government support is vital for promoting the autonomy of customary institutions, but the desire to standardize, replicate, and achieve government-defined targets risks overregulating traditional practices through formal legal structures that disempower and assimilate customary legal systems. Once rights are recognized, a government’s role should be to provide systematized technical support to each community committee or village unit.¹⁸² Indigenous world views, practices, and relationships should be integrated into regional and state laws to create diverse and holistic strategies.

For Indigenous and local communities, conservation is reciprocal and interconnected

When displaced from their traditional territories in the name of conservation, Indigenous Peoples and local communities are disproportionately affected as their connection to the land forms the basis of their cultural integrity, livelihood security, food sovereignty, and overall wellbeing.¹⁸³ Furthermore, the values and relationships communities have with their territories—often based on reciprocity as demonstrated in Box 5—provide observable benefits to the conservation of biodiversity. This concept of reciprocity, or of “living well together”, is observed across the Indigenous world.¹⁸⁴ Displacing Indigenous Peoples and local communities from their traditional territories erases the diverse utilitarian and biocultural contributions to conservation these societies provide and replaces them with foreign, and often less effective, strategies and imposed external valuations.¹⁸⁵

Box 5. Tied to the Forest (AIPP)

The Karen are a matrilineal society, yet the traditional spiritual leader (*Hee Khou*) is held only by a male member of the community and the title is inherited. For the Pgakenyaw (or Sgaw) Karen peoples of Huay Hin Lad Nai in **Thailand** – and forest dwelling Indigenous Peoples in general - everything begins with the forest and ends with the forest. The forest is the home of their spirits and of their ancestors and every Karen is physically, spiritually, and metaphysically tied to the forest. After childbirth, the newborn’s father selects a healthy fruit-bearing tree and ties to the tree a bamboo container with the umbilical cord of the newborn inside. This forest is a sacred forest, a *paw de pwa*—or umbilical cord forest—and the practice plays an important role in the conservation of various tree species. The spirit of the newborn lives in the tree where the umbilical cord is hung, and when the individual eventually dies, their spirit rests in peace in the forest. Even after death, these trees are preserved because it is believed that the spirit continues to live there. If the forest is destroyed, not only will material resources disappear, but the spirits will also be gone and this will mark the end of all life.¹⁸⁶

The Pgakenyaw tribe “seek permission from the forest for using the water from the stream or river... thank[ing] the forest for the same.”¹⁸⁷ Giving thanks through offerings are fulfilled collectively in a ceremony called *Ta lue kaw*. This offering to the Guardian spirits is performed by the *Hee Khou* to renew the community’s symbiotic relationship by giving something back to the forest in an act of reciprocity. In *Ta lue kaw*, a chicken provided by the entire community is divided and offered to the forest spirit, eaten by the *Hee Khou*, and, upon his return to the village, shared with members of his household. The reciprocal nature of this ceremony, mirrored in their beliefs, determines the moral grounding of their social institutions and customary practices, including core values and principles that guide their customary rules and practices, land use, and resource management.

In **North-eastern India**, the Tangkhul Naga community is another example of a community embodying a reciprocal relationship with the environment and the ways this relationship supports biodiversity. The community actively encourage pollinators, such as honeybees, to enter their gardens and homes and believe that they are messengers connecting plants and animals with the entire ecosystem.¹⁸⁸ The Tangkhul Naga community give equal importance to all pollinators and do not give preferential treatment to one pollinator over another. In turn, the Tangkhul Nagas can be considered pollinators of biodiversity themselves through their holistic and harmonizing approach to life.¹⁸⁹ This practice ensures the collective health of the community—human and non-human alike—and is an explicit example of how Indigenous ancestral knowledge can help protect biodiversity for years to come. Expanding current and recognizing new human-rights based approaches to conservation can help nourish these types of pluralistic strategies.

Who implements rights-based strategies?

Recognizing the collective customary lands of Indigenous Peoples and local communities is a cost-effective solution.¹⁹⁰ In many instances, Indigenous and community organizations take matters into their own hands by mapping their territories and using these maps to push for the legal recognition of their lands by decree or official government certificates (Box 6). Self-reliance became more evident during COVID-19, when rightsholders stepped-in as para-state authorities in the absence of state-issued emergency relief.¹⁹¹

Environmental Defenders

A 2020 global analysis of 2,743 environmental conflicts found that the success of grassroots mobilizations increased when socio-political strategies were implemented to confront potentially destructive initiatives.¹⁹² Indigenous Peoples and local communities enact a variety of strategies to protect their rights, mobilize resources, and demand change. Their actions form an integral part of Indigenous and local conservation efforts and, when successful, ultimately lead to preventing environmentally destructive activities. Resistance and mobilization are both a demonstration of solidarity with the natural world and between communities.

In the North Kendang mountains of Java, **Indonesia**, a group of women cemented their feet in protest against a limestone mine that planned to destroy a sacred mountain that provides clean water to the community and their rice paddies.¹⁹³ Women Environmental Human Rights Defenders in the **Philippines** and **Nepal** have fought against the construction of dams in their territories.¹⁹⁴ In **Cambodia**, **India**, and the **Philippines**, Indigenous and local women are fighting against local and multinational mining corporations that are deforesting their lands and polluting their rivers. For the Indigenous communities of West Papua, oil palm plantations and mining are destroying natural resources, assimilating cultural practices, and fracturing solidarity between tribes.¹⁹⁵

Box 6. Mapping Self-Determined Territories in Indonesia

Rightsholder organizations actively work to build awareness and technical capacities that aid their rights claims.

In **Indonesia**, a territorial map is a useful tool for claiming rights and ownership of traditional territories. As of the date of publication of this report, 1,034 maps of Indigenous territories covering approximately 12.4 mHa have been registered in *Badan Registrasi Wilayah Adat* (BRWA, the Indigenous Territory Registration Body) and submitted to local governments for review. There are two types of local regulations: they can either approve the request and legally establish the Indigenous territory (stipulation) or begin the procedure for recognition (regulation), in which case a Regent decree is usually required to complete the local recognition process. So far, out of 1,034 registered maps, 154 Indigenous territories in **Indonesia** have been legally recognized or stipulated by local policies covering 2.46 mHa.¹⁹⁶ Mapping the additional 617 Indigenous territories covering 7.66 mHa received recognition that required further stipulation from local decree (regulation), and other 263 Indigenous territories covering 2.31 mHa are waiting to receive recognition from local government.

BRWA and the Working Group of ICCAs **Indonesia** (WGII) have been using territory maps to register communities as ICCAs for conservation purposes. So far, 104 ICCAs covering 462,650 ha have been registered, but only 25 are legally recognized.¹⁹⁷ Preliminary research suggests there are an additional 2.9 mHa that could be classified as ICCAs in the country. Some locations have not yet been included into this analysis, signifying that potential ICCAs could exceed this initial estimate.

Through participatory processes that engage youth and women, Indigenous and local community organizations are leading the way mapping their territories as a means to inform regional regulations and applications and give credence to the legal recognition of their territories.¹⁹⁸ Indigenous organizations and CSOs, such as BRWA, provide technical assistance throughout this process. A gender-sensitive approach called Engendering Participatory Mapping is currently being piloted to ensure maps reflect the land use and priorities of all genders,¹⁹⁹ serving as an entry point to political education and women's leadership.

“Mother earth has given, Mother earth has been hurt, Mother earth will seek justice”

Sukinah, Kendang, West Java, Indonesia

Standing up for rights and the environment can be deadly. According to Global Witness, a total of 1,539 land and environmental rights defenders have been killed since 2012 globally. More than one quarter—396 to be exact—of these killings have occurred in Asia. One third of the 396 assassinations are linked to the mining and extractive sectors and nearly two-thirds of the killings have taken place in the **Philippines**.²⁰⁰ Each loss is a personal tragedy with cascading collective and political impacts. Lack of accountability is pervasive, and perpetrators of these crimes are rarely brought to justice. Defending communities and the individuals within them who are advocating for their rights must be a prerogative of all stakeholders in biodiversity conservation. These data are certainly an underrepresentation.

As the following section will explore, the consequences of formal conservation regimes often mirror extraction-related conflicts: evictions, violence, harassment, criminalization, and killing.²⁰¹ In low-income countries, conservation accounts for 52 percent of all conflicts in the global Environmental Justice Atlas.²⁰² Expanding spatial conservation via the same mechanisms used to create existing protected areas will likely perpetuate similar conflicts.

- For more on land and environmental human rights defenders, see the IUCN Commission on Environmental, Economic and Social Policy’s [Policy Matters 22—Special Issue on Environmental Defenders](#).
- To learn more about environmental conflicts, see the dynamic [Environmental Justice Atlas](#), [Land Conflict Watch](#), and Tanakhita portals.

Section 4: Threats to Rights-Based Conservation in Asia

South and Southeast Asia are particularly vulnerable to the impacts of climate change. According to a climate risk index, seven of the top 10 countries²⁰³ most exposed and vulnerable to extreme events between 1999-2018 were South and Southeast Asian countries.²⁰⁴ Simultaneously, the region’s exceptional biodiversity is also in danger.²⁰⁵ Since 2001, over 67 mHa of tree cover has been lost in 14 South and Southeast Asian countries alone (Table 3).²⁰⁶ This loss represents almost 26 percent of the region’s total forest area and is the equivalent of losing an area of forest greater than the size of **Myanmar** in less than two decades.²⁰⁷ One quarter of the 17 mHa of lost forest consisted of primary forest.

Forests play a central role in global environmental agendas. They are important carbon sinks²⁰⁸ whereby their destruction generates carbon emissions²⁰⁹ fosters biodiversity loss. Forests also provide vital ecosystem services essential for local livelihoods, societal wellbeing, and the maintenance of planetary boundaries. The protection of forests is also enshrined in the UN’s Sustainable Development Goal (SDG) 15.2, which commits to halting deforestation and forest

degradation in 100 percent of all forests. This target is not being achieved through current strategies. Deforestation continues to rise globally, as demonstrated by the increase in forest loss in 2020 when COVID-19 ravaged the world.²¹⁰ While anthropogenic climate emissions are a cause for concern, the poorest half of the world is responsible for less than 10 percent of the global total.²¹¹ It can be argued that current deforestation rates and ecosystem degradation may be predominantly caused by the appropriation and colonization of Indigenous and local community lands and not as a result of traditional practices and livelihoods as sometimes believed.²¹²

Table 4: Deforestation in Asia since 2001²¹³

Country	Primary forest loss between 2002 - 2020 (mHa)	Total decrease of humid primary forest (%)	Tree cover loss 2001 - 2020 (mHa)	Total tree cover loss 2000 - 2020 (%)
Bangladesh	0.007	7.3	0.20	10.0
Cambodia	1.28	30.0	2.45	28.0
China	0.08	4.4	10.3	6.4
India	0.35	3.4	1.93	5.0
Indonesia	9.75	10.0	27.7	17.0
Laos PDR	0.86	10.0	3.73	19.0
Malaysia	2.7	17.0	8.39	29.0
Myanmar	0.62	4.4	4.00	9.3
Nepal	0.004	0.5	0.05	0.94
Papua New Guinea	0.78	2.4	1.57	3.7
Philippines	0.151	3.3	1.29	6.9
Sri Lanka	0.01	1.7	0.19	4.8
Thailand	0.13	2.1	2.17	11.0
Viet Nam	0.69	10.0	3.07	19.0
Total	17.39	N/A	67.03	25.95

Indonesia, which is the third most megadiverse country in the world, has lost more than 27.7 mHa of tree cover since 2001, an area equivalent to the area of the **Philippines**.²¹⁴ Similarly, commodity-driven deforestation contributed to 93 percent of all deforestation in **Indonesia** between 2001 and 2019.²¹⁵ In October 2020, the **Indonesian** government passed the Job Creation Law No. 11, or Omnibus Bill, which put forward a sweeping set of amendments to 79 laws deregulating environmentally destructive extractive industries across the country. This suggests that environmental safeguards in Asia, like elsewhere, are being phased out. A recent Greenpeace case study from West Papua shows how even with a permanent moratorium on issuing permits in primary forests and peatlands, permitting regulations are often systematically subverted to promote extractive interests.²¹⁶ There is high military presence in Papua which often facilitates these extractive interests, with a ratio of one security personnel for every 97 Papuans compared to a ratio of 296:1 in other parts of the archipelago.²¹⁷

Protected Areas in Asia

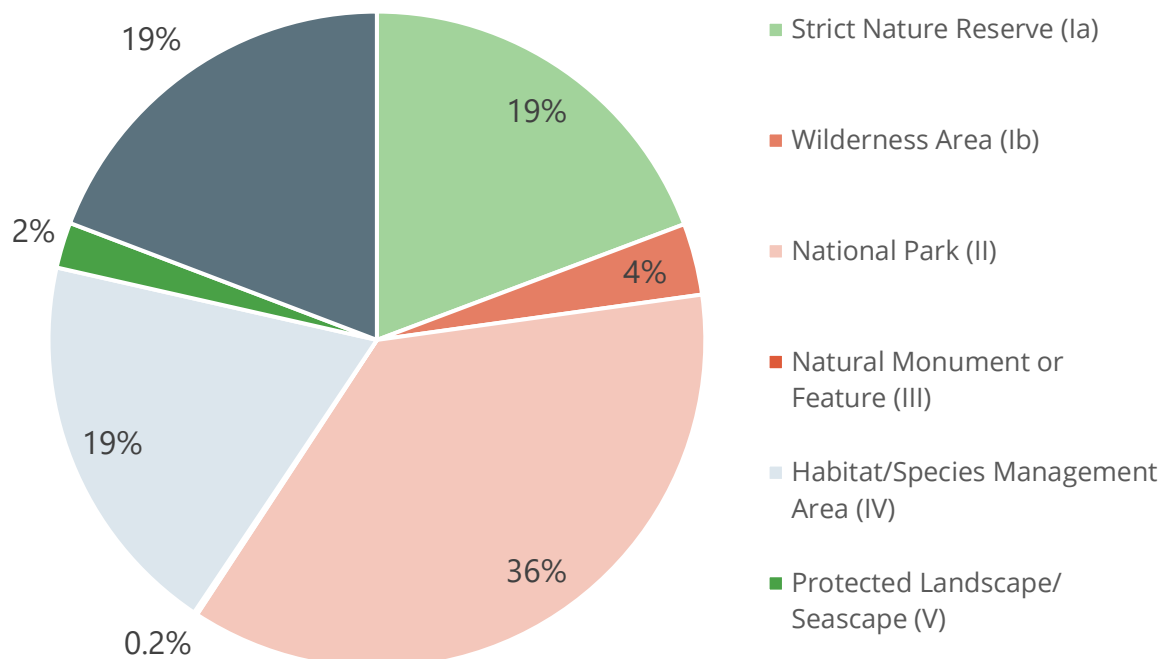
Protected area categories were defined by the International Union for the Conservation of Nature (IUCN) in 1978.²¹⁸ Human interventions such as land use and the modification of

environmental goods and services are allowed under categories IV through VI: (IV) Habitat/Species Management Area; (V) Protected Landscape/ Seascape Area; and (VI) Sustainable use of Natural Resources. However, they are restricted under categories I(b) through III: I(b) Wilderness Area; (II) National Park; and (III) Natural Monument or Feature, and banned altogether under category I(a) Strict Nature Reserve²¹⁹ By establishing a limited number of management categories, the resulting typology determines an area's ecological value as well as social norms at the expense of the traditional practices of communities residing within these areas.²²⁰

In Asia as of October 2021, protected areas cover circa 15.37 percent²²¹ of the region at 478.5 mHa (see Figure 1).²²² These distributions vary at scale and depend on national agendas, policies, and strategies. For example, in **Thailand**, all protected areas fall in either one of two categories: they restrict (64 percent are under category III) or ban (34 percent are under category I(a)) human activities for the 1.1 million people who reside within these areas.²²³

Figure 1: Distribution of documented IUCN categories across South and Southeast Asia

Figure 1 shows the distribution of protected area type across 14 South and Southeast Asian countries. The 14 countries included in Figure 1 are **Bangladesh, Cambodia, China, India, Indonesia, Lao PDR, Malaysia, Myanmar, Nepal, Papua New Guinea, the Philippines, Sri Lanka, Thailand, and Viet Nam**.²²⁴ Almost two fifths of the protected areas in Asia that appear in the Protected Planet Database are categorized as either not applicable or not reported. It is not possible to infer the management categories for these protected areas without further research.



Governance in IUCN Protected Areas

Since the inception of IUCN's protected area categories, governments have tended to favor the creation of national parks (category II). However, Strict Nature Reserves, Habitat/Species Management Areas, and protected areas with Sustainable use of Natural Resources each make up 19 percent of protected areas in the region (Figure 2). While there are a multitude of management categories within these protected areas, a closer look into who governs these spaces paints a different picture as to who is in control of decisions and agenda setting. For IUCN categories IV – VI, often regarded as more egalitarian in terms of management and use permission, 73 percent of these areas are governed by federal or national ministries or agencies (Figure 3).

Figure 2: Accumulative Growth of Protected Areas in Asia and Their Reported IUCN Category

Data obtained from the Protected Planet website in October 2021 for 14 South and Southeast Asian Countries: **Bangladesh; Cambodia; China; India; Indonesia; Lao PDR; Malaysia; Myanmar; Nepal; Papua New Guinea; the Philippines; Sri Lanka; Thailand; and Viet Nam.**²²⁵ Only protected areas with a status of adopted, designated, established, inscribed, and not reported were used and subsequently filtered to include only the protected areas with a corresponding IUCN category (between Ia – VI). Cumulative land area (km²) for each category was subsequently plotted against time.

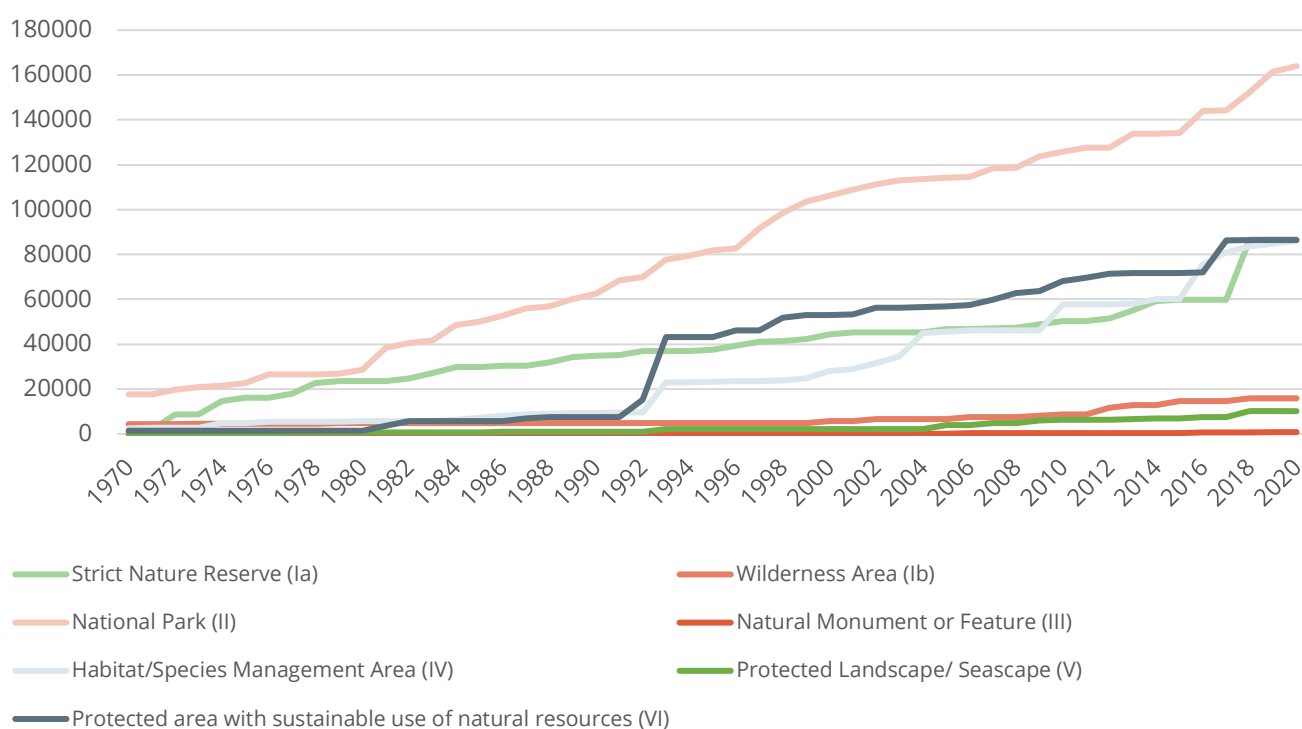
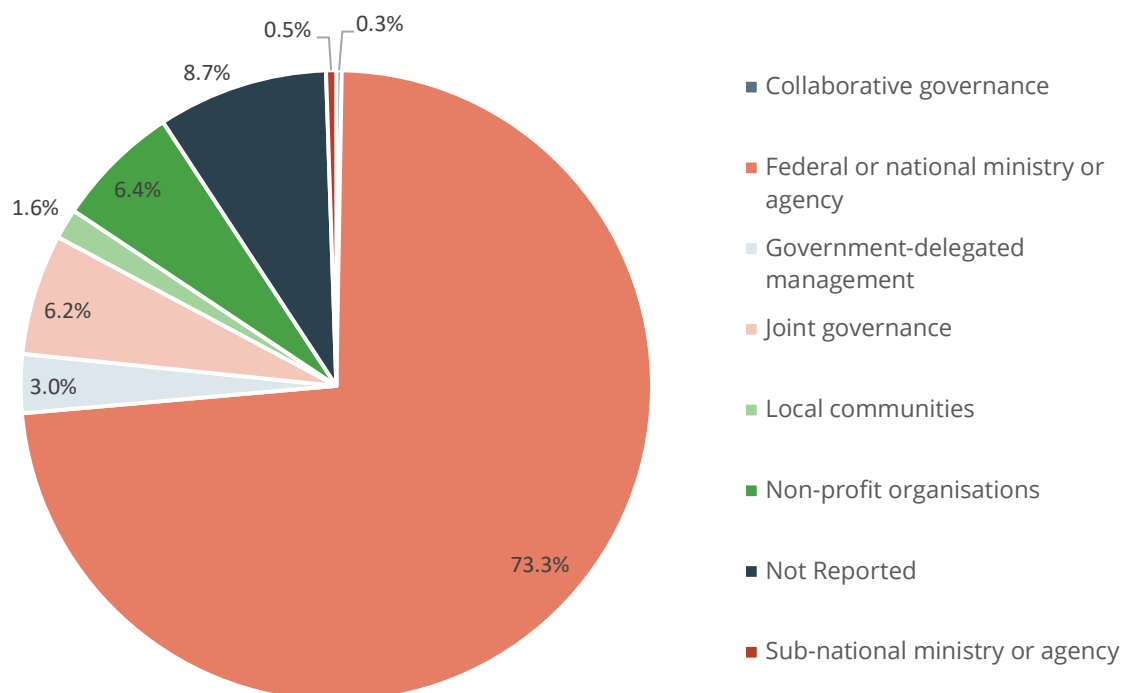


Figure 3: Governments control IUCN categories IV-VI in Asia



Most protected areas are governed and controlled by national or subnational government actors. This raises questions and concerns on the implications for accelerating the expansion of this model of conservation in the lands customarily held by Indigenous Peoples and local communities. Expansion into high-priority areas for conservation and biodiversity will likely have serious adverse impacts for inhabitants. There are 860 million people living within 23.8 percent of Asia deemed high-value, biodiverse areas not yet protected²²⁶ which accounts for 20 percent of the region's total population (Table 1). Furthermore, according to a November 2020 inventory of pledges, 15 Asian governments have pledged to afforest approximately 200 mHa.²²⁷ **India** currently has the largest Bonn challenge commitment globally, at 26 mHa.²²⁸

Box 7: What makes a forest?

People have shaped the environments they call home for millennia.²²⁹ How did the idea of “wilderness” emerge? In the 19th century, the concept of wilderness became popular in the United States among white, upper-class leisure-seekers. They used wealth and power to influence government decision-makers who appropriated vast areas of Native lands and turned them into formally protected areas. This concept of enclosure, state ownership, and imagined wilderness has since been exported around the world and remains the goalpost of most conservation policies across Asia today. Yet, these conservation areas are not empty spaces (see Table 1) and in most cases, original inhabitants have merely been replaced with foresters, tourists, and extractive industry employees.²³⁰ Decision-makers therefore have the power to determine and prescribe their form of interacting with the environment at the detriment of other relationships. This dominant notion of pristine wilderness, and the exclusion of original inhabitants such as Indigenous and local communities from these spaces, is leading to the demise of high value biodiverse landscapes.²³¹ The wilderness paradigm is dehumanizing and counterproductive to the conservation of the world’s remaining biodiversity.²³²

For example, **Nepal** currently has 49 protected areas in the country but only one is documented as being fully governed by local communities.²³³ Over 70 percent (36 protected areas) are governed by a federal or national ministry or agency, three are governed by a non-profit organization, and the remaining nine have not reported their governance type. In total, protected areas make up 24 percent of **Nepal**, home to 1.8 million people, and these sites are often riddled with social conflicts and human rights abuses (Box 9).

Nepal’s CFUGs are global leaders when it comes to sustainably managing forested territories and often referred to as an example of successful democratized forest management practices.²³⁴ Even though Indigenous Peoples and local communities in **Nepal** traditionally own and manage 46.7 percent of the country’s land area, they have historically promoted and managed these resources without tenure security. The creation of traditional governance institutions, rules, practices and investments (material and non-material) into the management of territories have established longstanding sustainable relationships.²³⁵ Recognizing their rights to these lands is estimated to cost USD \$23.13 million while resettling those currently live in or near important biodiversity areas is estimated to cost USD \$30 billion.²³⁶ However, this financial cost estimate does not consider the implications for replacing already established practices with an alternative form of strict management which protected areas often represent.

Displacement and violence

India is one example of the legacy and potential impacts of state-led conservation initiatives. According to government data, **India's** Forest Department displaced 18,493 families in 215 villages living in protected areas between 1973 and 2020,²³⁷ likely a gross underestimate. Land Conflict Watch has documented 24 active land conflicts in protected areas as of 2021 affecting at least 142,000 people covering 14,000 ha of land.²³⁸ Across these cases, the demands of people are common: recognition of land rights; payment of promised compensation or rehabilitation (Box 7); an end to forced evictions and dispossessions; and compliance with the Forest Rights Act, 2006. Communities are even being displaced from tiger reserves under the pretense that people and tigers cannot coexist, when rigorous scientific research suggests otherwise²³⁹ (Box 8).

Box 8: India's Tiger Reserves and forced displacement

India's Wildlife (Protection) Act (WLPA), 1972, provides legal provisions for “voluntary” relocation in exchange for cash compensation and other benefits, including free or cheap housing in towns. In three conflicts documented by Land Conflict Watch, communities assert that Forest Department officials coerced them into moving out of their villages. At least 3,000 families were displaced in the creation of tiger reserves in Ranthambore,²⁴⁰ Mukundra Hills,²⁴¹ and Sasrika,²⁴² in the state of Rajasthan. Together, these tiger reserves cover 2,411 square kilometers of forest area, and conflicts date back to 1973. Hundreds of families who were relocated throughout the process have yet to receive land titles. The new settlements are not only far from their ancestral lands, but also lack basic amenities such as water, roads, electricity, schools, and hospitals. Local communities have urged authorities to include them in the workforce within the reserves, but their requests have been ignored or rejected on alleged suspicion of poaching activities.

While strict conservation areas are being promoted globally, tiger reserves are likely to expand in the future. Palamu Tiger Reserve²⁴³ in Jharkhand state, proposed an expansion in May 2017 to facilitate tiger breeding. Eight villages²⁴⁴ lived in the areas including Gopakhar village, home to the Nagesia tribe who are classified as a Particularly Vulnerable Tribal Group. This would be the second time the group is displaced since the 1950s when the government built a reservoir, and a residential school in the Netarhat hills – their ancestral home.

While displaced communities may be compensated for relocation, both in lawful and unlawful ways, this is not a viable strategy. A recent RRI analysis calculated the comparative cost of compensation for displacement and tenure rights.²⁴⁵ The notional cost of resettling and compensating Indigenous Peoples and local communities in the event of displacement could be anywhere between 100 or more than 1,000 times larger than the cost of recognizing their tenure rights,²⁴⁶ which is estimated to cost USD \$312.6 million in **India**, USD \$200 million in **Indonesia**,

and USD \$23.1 million in **Nepal**.²⁴⁷ This estimated calculation takes into consideration the costs of creating the enabling conditions for securing tenure rights by implementing projects and conducting accompanying technical analyses needed to secure rights in each country.²⁴⁸ The high costs of compensation indicate that governments may be incentivized to dismantle environmental and human rights safeguards in the interest of continuing business as usual.

The displacement of communities to favor external forms of conservation disregards the existence of locally led conservation activities and their investments. Data collected from 29 case studies in 14 countries found that Indigenous Peoples and local communities invest an average of USD \$3.57/ha on conservation practices in their territories.²⁴⁹ In **Indonesia** the total expenditure on protected areas is estimated to be USD \$9.21/ha. In low- and lower-middle-income countries, contributions by Indigenous Peoples and local communities likely constitute the majority of total countrywide conservation spending.²⁵⁰ Displacement of communities replaces efficient and cost-effective localized conservation regimes with a foreign and more expensive substitute. The high per hectare cost for maintaining protected areas where communities have been displaced could jeopardize future conservation outcomes because of limited staff, resources, and funding. The physical displacement of communities from their customary lands may lead to their encroachment on these same lands which they have a proven track record of conserving long-term, including reversing deforestation and halting biodiversity loss. The creation of exclusionary protected areas alienates those actively involved in the conservation of biodiversity and criminalizes them for continuing their traditional lives and sustaining a relationship with their territories.

Displacement is not the only form of violence experienced by Indigenous Peoples and local communities in protected areas. Those who are not evicted or who reside in border spaces often experience everyday violence as they interact with traditionally Western policies that predominantly define how humans interact with nature today.²⁵¹ The premise that agriculture and forestry are separate—ecologically, scientifically, institutionally—undergirds much of this.²⁵² For example, COVID-19 restrictions and state-wide lockdown measures in **India** disproportionately affected tribal youth.²⁵³ Restrictions on hunting, kitchen gardens, harvesting forest products, and building homes and infrastructure within protected areas have adverse impacts on local livelihoods and intergenerational resilience.²⁵⁴ Exclusionary conservation also hinders women's access to fuelwood, fodder for animals, forest foods,²⁵⁵ and can lead to their disproportionate criminalization for collecting the same.²⁵⁶ Restrictions on access and use, imposed by protected areas, can erode women's contributions to their community's food security which may weaken their participation in community decision-making processes.

In Asia, conservation and biodiverse areas often overlap with lands that are of great interest to public and private extractive companies such as mining or to state actors proposing national security interests. That which may at first appear primarily environmental quickly becomes deeply political.²⁵⁷ In **Nepal**, 6,778 army personnel are currently stationed in 13 protected areas across the country²⁵⁸ under the guise of quelling the potential of armed dissidence.²⁵⁹ This has created an environment of surveillance, punishment for practicing traditional harvesting of Non-Timber Forest Products (NTFPs), and violent repercussions for interfering in the experiences of tourists who expect to see wild areas free from the influences of people.²⁶⁰ Indigenous Peoples

and local communities hide from caravans of jeeps carrying tourists while collecting or harvesting wild produce or risk being punished by conservation-linked army personnel.²⁶¹ Beyond everyday violence, assault and murder have been documented (Box 9).

Box 9: Killings in Chitwan National Park and widespread violence in Nepal's protected areas

On July 16, 2020, Raj Kumar Chepang and six other Chepang Indigenous Peoples were collecting *ghongi* (a species of snail eaten as a delicacy) in the river within Chitwan National Park when they were captured and tortured by a Nepali soldier. Raj died six days later due to his injuries.²⁶² In Bardiya National Park, both the army and the national park officials were actively involved in obstructing justice for the murder of three women and a 12-year-old child.²⁶³ Most human rights abuses documented in **Nepal** have occurred in Chitwan National Park, a UNESCO World Heritage Site. Arun Shrestha, a **Nepal** army Chief in the unit stationed in Chitwan National Park has claimed that the army arrests approximately 400 people in the park every month.²⁶⁴

Indigenous Peoples are drastically overrepresented in the incarcerations for wildlife crimes.²⁶⁵ According to an independent report, the World Wildlife Fund (WWF) financed and provided technical support to conservation projects with pervasive human rights abuses including intimidation, displacement, torture, rape, and murder.²⁶⁶ In many instances in both **Nepal** and **India**, WWF staff failed to act on reports of human rights violations, investigate atrocities, nor take any action to hold parties accountable. A systemic lack of accountability and transparency within the organization has fueled a culture of silence to maintain positive relationships with governments.

→ A 2021 [report](#) by Amnesty International and Community Self-Reliance Center explores the travesty of these crimes in detail.

Section 5: Protecting Indigenous Peoples' and local communities' rights

Protecting the rights of Indigenous Peoples and local communities is an obligation under international law.²⁶⁷ Existing international instruments, while non-binding, present a framework for devolving conservation leadership to Indigenous Peoples and local communities.²⁶⁸ These instruments can facilitate Indigenous and local advocacy initiatives such as creating culturally appropriate reforms within municipal and national legislative bodies (Box 10).

Self-determination and agency

Two international instruments recognize Indigenous Peoples' agency and self-determination²⁶⁹ to conserve biodiversity through their customary governance systems. In 1989, the Indigenous and Tribal Peoples Convention (ILO 169), Articles 13 – 19, enshrined Indigenous Peoples with a

diverse range of rights pertaining to their lands and territories. These rights include the right to ownership; collective relationships; and spiritual values in connection to territories (occupied or used). The 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) expands these rights to land and territories (Art. 10, 25-17), and the resources within them (Art. 23 & 26), as well as the specific right to “the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination” (Art. 29).

Box 10. Cultural self-determination

Cases from **Nepal** and **Thailand** highlight stories of grassroots mobilization for the right to self-determination, driving legal advancements that support equitable natural resource governance.

On the outskirts of Kathmandu, **Nepal's** capital city, Kirtipur Municipality is home to Newa Indigenous communities. In August 2020, a local governing body declared their ancient settlements a “cultural protected area” based on ILO 169.²⁷⁰ The community spent more than two years demanding that Kirtipur be declared a culturally protected area so that they could exercise their rights to self determination. UNDRIP, Article 18 of the Constitution, and section 102 and 9 (3) of the LGOA all provide avenues through which Indigenous Peoples can claim their rights in **Nepal**. The LGOA has provisioned a protection committee made up of leaders from the Newa's customary institutions, national Indigenous leaders, and cultural experts to govern the protected area. This is one example, provided the legal frameworks exist and technical capacities are available, that shows how Indigenous Peoples and local communities are initiating positive transformations by their own will and initiative to conserve their territories.

In 2010, the community of Hin Lad Nai located in the Northern province of Chiang Rai, **Thailand**, became one of four Thai villages identified as a “special cultural zone.” This recognition came three decades after government logging concessions decimated their forests, resulting in a total ban in 1989. In the years since, 80 percent (3,000 ha) of forest have regenerated, hundreds of hectares are now sustainably cultivated by the village, and the community has over 200 edible plant species at their disposal. This regeneration is a direct result of the communities' determination to practice their traditional knowledge systems, including rotational agriculture, even when prohibited.²⁷¹ Rotational agriculture has since become protected in the Ministry of Culture's list of Cultural Heritage. Yet, these wins must continuously be defended: the Ministry of Environment still considers the practice illegal, and renewed efforts to extend the neighboring national park foreshadows increasing threats, enhanced regulations, and evictions.²⁷²

The current GBF does not sufficiently address these rights. Although Target 21 “ensures equitable and effective participation in decision-making,” it still does not encapsulate the full extent to which human rights are enshrined under ILO 169 and UNDRIP. Indigenous Peoples’ and local communities’ rights also extend to autonomy and self-governance when pursuing their own development and conservation agendas. Indigenous Peoples have the right to give or withhold Free, Prior and Informed Consent (FPIC) (UNDRIP, Art. 19). FPIC is a key self-determined choice that extends to local communities. Private and state actors often interpret FPIC as a mechanism for manufacturing consent rather than as an instrument with the ability to reject formal conservation agendas by withholding consent altogether.²⁷³ For example, in **India**, a mining company manufactured FPIC documents required under the Forest Rights Act, including lists of signatures of Indigenous elders who do not write.²⁷⁴ In its vagueness, Target 21 fails to recognize the full extent of human rights as obligations of state and private actors.²⁷⁵

→ A training manual for Indigenous Peoples on FPIC, created by AIPP, is available [online](#).

Rights and International Safeguards in Protected Areas

The IUCN recognizes states, multilateral agencies, business entities, organizations, and individuals as “duty bearers” with the responsibility to respect, protect, and fulfil rights.²⁷⁶ Yet, they are often the same actors upholding the institutional frameworks that enable human rights abuses to unfold with impunity.²⁷⁷ The same conservation organizations, financed by international donors, can play a role in legitimizing protected areas that have caused known and heinous human rights abuses (Box 11). To access poverty alleviation funding, some conservation actors have also adopted rights-based approaches, but failure to adhere to rights-based frameworks meaningfully and in good faith has undermined their effectiveness.²⁷⁸

There also exists a convoluted interpretation of “rights” within rights-based approaches to conservation. Human rights can be expressed through international, national, and even customary standards and there are multiple forms of rights such as: procedural rights (right to participate in decision making, acquire information, and access justice); substantive rights (right to life, personal security, health, water, adequate standard of living, education, freedom to practice culture, and freedom from all forms of discrimination); and recognitional rights (right over “diverse identities, ways of knowing, and experiences”).²⁷⁹ While diversity in human rights is supported in international law, not all rights are recognized within national laws. Human rights-based approaches to conservation are a question of autonomy, sovereignty, self-determination, and restitution for Indigenous Peoples and local communities who have been disproportionately impacted by strict formal forms of conservation.²⁸⁰ If national laws do not grant culturally appropriate forms of rights as recognized in international laws, what responsibilities do conservation actors have in supporting local efforts to reform such laws? A key precondition for the effective realization of rights-based approaches is to secure culturally appropriate forms of tenure rights and institutional reforms.

International conservation bodies (such as the IUCN and UNESCO) often play a role in legitimizing the creation of protected areas that have caused known human rights abuses (Box 11). Respecting Indigenous and local knowledge and the cultural practices of these groups that link to conservation are stated in Articles 8(j) and 10(c) of the CBD, respectively. A number of judicial and non-judicial non-state-based redress mechanisms are available for Indigenous Peoples and local communities to use when confronted with violations of their human rights.²⁸¹ IIED have summarized these in a comprehensive analytical series²⁸² but none have been successful at deterring against continuing injustices.²⁸³ The requirement for a due diligence and an independent accountability mechanism focused entirely on human rights-based conservation within the GBF may greatly support existing redress mechanisms in addressing the historical and ongoing injustices facing Indigenous Peoples and local communities linked to conservation.²⁸⁴ WWF's new Social Policies and Safeguard Standards were created in response to clear evidence of ongoing human rights abuses in parks managed by the organization.²⁸⁵ Yet there have been both procedural and substantive issues in their development and adoption.

- This IIED series explores the [wide range](#) of international instruments, CBD decisions, and IUCN resolutions that apply to state, private, and institutional conservation actors.
- [Read](#) a public letter critiquing the WWF's new Social Policies by the former Special Rapporteur on Human Rights and the Environment, John H. Knox.

Box 11: Thailand's Kaeng Krachan National Park and UNESCO World Heritage Site

In July 2021, the UNESCO World Heritage committee had an opportunity to enforce its obligations and uphold the rights of Indigenous Peoples in a country where their identities and lands have not been adequately recognized nor respected. This precedent-setting case was an opportunity to send a message that would have ensured the equitable and just outcomes needed for future cases.

Thailand's Kaeng Krachan National Park is situated on ancestral Karen territory.²⁸⁶ Since it was granted National Park Status in 1981, Karen communities have been repeatedly and forcibly evicted, with park officials even burning their homes. In 2014, an environmental human rights defender, Porlajee "Billy" Rakchongcharoen, disappeared after being detained by park officials. In 2021, harassment against the Karen escalated. Over 80 community members were arrested, of which, 28—including seven women and one child—were criminally charged for encroachment on lands they have been inhabiting for more than 100 years.²⁸⁷

On July 26, 2021, the World Heritage Committee voted 12-9 to enlist Kaeng Krachan Forest Complex as a World Heritage Site,²⁸⁸ against the recommendations of UN experts.

- [Read](#) the recommendations of José Francisco Cali-Tzay (Special Rapporteur on the rights of Indigenous Peoples), David R. Boyd (Special Rapporteur on Human Rights and the Environment), and Mary Lawlor (Special Rapporteur on the Situation of Human Rights Defenders).

The Land Rights Standard

The Land Rights Standard (Annex 1) was developed through a unique and broad consultation process involving Indigenous Peoples, local communities, Afro-descendant Peoples,²⁸⁹ women, and youth from around the world. Produced as a collaboration between the Global Landscapes Forum (GLF), the Indigenous Peoples Major Group (IPMG) for Sustainable Development, and RRI, the Land Rights Standard is built on the understanding that Indigenous Peoples and local communities are a central pillar in ensuring sustainable land governance practices. Its emerging principles are reviewed and updated periodically by the Indigenous, community and Afro-descendent constituencies, and promote the development of innovative collective actions and solutions to climate change, biodiversity loss, and sustainable development. Importantly, they provide governments, financial institutions, conservation organizations, and the private sector an opportunity to strengthen their partnerships with communities via the adoption of human rights-based approaches to landscape restoration, conservation, and sustainable land and resource use.

While a broad range of social and environmental frameworks, standards, and certification systems have been developed to ensure that conservation respects the land and resource rights of Indigenous Peoples and local communities, efforts to date have largely been uncoordinated and lack a common set of globally recognized principles grounded in international human rights laws and developed in collaboration with rights-holders themselves. To address this gap, the Land Rights Standard can be adapted to conservation efforts providing clear and actionable best practices for recognizing and respecting Indigenous Peoples' and local communities' land and resource rights in landscape restoration, management, conservation, climate action, and development projects and programs.²⁹⁰

→ The Land Rights Standard principles (Annex 1) can be accessed and endorsed [online](#).

Conclusion and Recommendations

Conservation outcomes are stronger when Indigenous Peoples and local communities have the autonomy to make decisions and when customary institutions can regulate tenure as a part of their governance.²⁹¹ Redefining conservation requires redefining who the agents of conservation action are and, in turn, who are the agents of implementing human rights-based conservation at local levels. It also requires a clear understanding of existing national struggles for rights recognition, engaging with these struggles, and building alliances—or risk further entrenching injustices and marginalization. Rightsholders be the ones determining how human rights-based approaches are implemented within their customary territories.

Operationalizing human rights-based approaches requires strengthening the governance regimes of Indigenous Peoples and local communities by reinforcing and recognizing rights and ownership over territories. This also requires the recognition of Indigenous Peoples within nation states more broadly. In Asia, Indigenous Peoples are recognized—or at least identified as—distinct peoples within constitutions (**India**, **Nepal** and the **Philippines**), certain laws

(**Cambodia, Indonesia and Taiwan**), policies (**Thailand**) or Agreement/Treaty (**Bangladesh**).²⁹² However, this does not imply that these treaties or constitutional laws are being enforced.²⁹³ While UNDRIP may have widespread support in the region, only **Nepal** has taken measures to ratify ILO 169. Securing tenure rights in a form that is culturally appropriate (collective, customary, communal) is a foundation for enabling self-determined conservation strategies.²⁹⁴

Some state and private conservation actors have misappropriated²⁹⁵ rights-based approaches and likely benefited financially by using rights-based discourses.²⁹⁶ When organizations originating from outside of the community attempt to alter local practices or supersede customary institutions, they risk generating negative social and ecological outcomes at the detriment to conservation.²⁹⁷ The appropriation of human rights-based approaches by conservation organizations risks undermining the agency and existing strategies of rightsholders. Human rights-based approaches to conservation should be controlled and defined by rights holder groups. As demonstrated, the actions of rights-holder communities and their allied organizations are both economically viable and effective as a conservation strategy. In order to be successful, funding to Indigenous Peoples' and local communities' tenure and forest governance requires drastic scaling up.

The GBF and post-2020 agenda represent an opportunity to galvanize institutional change that could operationalize a transformation of global understandings regarding conservation and who agents of conservation are or should be. Conserving the Earth's terrestrial area is more than a question of effectively managing conservation areas. It requires incorporating the political and grassroots struggles for human rights taking place at varying stages across countries. Without these reforms, current conservation practices will prevail as the status quo and structural arrangements of power will remain unchanged and unaccountable to their actions.

We recommend the following to stakeholders in rights-based conservation in Asia:

Recommendations for all stakeholders:

- **Adopt the [Land Rights Standard](#)** and ensure its effective implementation through appropriate accountability mechanisms (i.e., organization-specific criteria, indicators, trainings, transparent monitoring, and reporting).
- **Ensure the safety of land and environmental rights defenders** and their communities.
- Facilitate inclusive dialogues and partnerships with **strong representation and active participation of Indigenous Peoples' and local communities' organizations** in designing strategies and actions on climate and biodiversity.
- Uphold the distinct and differentiated rights of Indigenous Peoples and local communities, including their **right to self-determination**, locally adapted governance institutions, and culturally appropriate land use priorities.
- **Prioritize and accelerate the legal recognition of the land, forest, freshwater, and other tenure rights** held by Indigenous Peoples, local communities, peasants, rural women, and youth within these groups in important biodiversity conservation areas.

- Support Indigenous Peoples and local communities and the pursuit of territories of life²⁹⁸ to facilitate **inclusive conservation initiatives**²⁹⁹ while respecting their agency, self-determined priorities, and FPIC rights in all externally funded initiatives.
- Increase **direct funding** to Indigenous Peoples and local communities for climate, conservation, and biodiversity programs, including those funded bilaterally, through multilateral development banks, or private sector actors.
- Establish **accountability and redress mechanisms** to address past and present human rights violations.

Recommendations for the UN's Biodiversity Conservation Processes:

- **Distinguish between rightsholders, duty bearers, and business actors** in multi-stakeholders' processes and initiatives facilitated under the UN.
- Ensure that **Indigenous Peoples and local communities are strongly represented** as rightsholders in global governance structures in UN Biodiversity and Conservation processes, so that actions result from a transparent and inclusive deliberation process.
- Adopt **human rights-based approaches** instead of rights-based approaches, in all actions to conserve, restore, and share the benefits of biodiversity, including conservation financing.³⁰⁰
- Establish **independent grievance redress, accountability, and due diligence mechanisms**—with the support of regional Indigenous federations, the UN Special Rapporteur on the Rights of Indigenous Peoples, the UN High Commissioner for Human Rights, the CBD Secretariat, and IUCN—to strengthen accountability of conservation efforts, redress infringements of human rights, and enforce compliance.

Recommendations for integration into GBF:

- Elevate human rights-based approaches to the beginning of the Enabling Conditions section of the GBF, paragraph 14, and insert additional text and references to indicate that they apply to human and civil rights.³⁰¹
- Change **Target 2** to include the appropriate territories of Indigenous Peoples and local communities and their right to FPIC as follows: "Ensure that at least 20 percent of degraded freshwater, marine and terrestrial ecosystems are under restoration, ensuring connectivity among them and focusing on priority ecosystems **governed and/or managed by Indigenous Peoples and local communities. Free, prior and informed consent and human rights-based approach must be sought to avoid unintended negative impacts.**"
- Change **Target 3** to include the appropriate territories of Indigenous Peoples and local communities, the equitable governance of these territories and resources, and their appropriate legal recognition within the target as follows: "Ensure that at least 30 percent of land and sea areas globally are conserved effectively and that they are equitably-governed and managed, ecologically representative, and well-connected systems of protected areas, especially for areas that are of high importance for biodiversity and its contributions to people. Indigenous territories, community

conserved areas, and other effective area-based conservation measures should be formally recognized as effective strategies and integrated into global conservation landscapes and seascapes.”

- Include the “devolution of authority and broad-based alliances with Indigenous Peoples and local communities” within the GBF’s enabling conditions, paragraph 17.³⁰²

Recommendations for Governments:

- **Bring an immediate end to killings and the criminalization** of Indigenous Peoples and local communities defending their territories and its natural environment and prosecute the actual perpetrators of violence and human rights violations.
- Countries **recognize Indigenous Peoples as distinct self-determined and self-identified peoples** within their constitutions and laws.
- Work with organizations representing Indigenous Peoples and local communities, and the women among them, to **develop culturally appropriate institutional and regulatory frameworks for human rights-based conservation regimes**.
- **Effectively implement these frameworks** to recognize and protect the customary land and resource rights of Indigenous Peoples and local communities, and the women among them, over existing protected areas, and in important biodiversity conservation areas.
- Commit national and ODA funds reserved for nature protection and conservation and reallocate it towards **funding effective conservation efforts led by Indigenous Peoples and local communities** and for the recognition of their tenure rights.
- Establish and finance **national accountability and reparation mechanisms** to address past and present human rights violations in state-sanctioned protected areas as well as privately managed conservation areas.

Recommendations for Donors:

- Engage in **strategic partnerships with Indigenous and community-led organizations** and institutions and ensure **strong representation of rightsholders** in any multi-stakeholder processes and initiatives.
- **Redirect and scale-up funding** to Indigenous Peoples’ and local communities’ tenure and forest management as part of emerging climate and biodiversity initiatives,³⁰³ and align with existing national, local and community programs aimed at supporting Indigenous Peoples’ and local communities’ tenure, management, and sustainable livelihoods.
- Identify and remove administrative barriers and **develop aid modalities suitable to** accommodate **direct funding** to rightsholders’ organizations and communities.
- Provide support for the **institutional development** of grassroots organizations and respect **their ownership** over data, maps, and documentation produced.
- Ensure **predictable, multiyear, and flexible funding** to rightsholders’ organizations, with an emphasis on funding women- and youth-led efforts to build new grassroots leaders.

Recommendations for Conservation organizations:

- **Prioritize actions and investments that advance the legal recognition and protection of tenure rights, the right to self-determination, and valuation of traditional ecological knowledge** held by Indigenous Peoples and local communities, empowering them to engage in long-term, sustainable biodiversity conservation based on traditional knowledge, customary laws, and local stewardship systems.³⁰⁴
- **Strengthen the customary institutions and organizations of Indigenous Peoples** for robust ecosystem, policy advocacy for tenure rights recognition, protection of self-governance systems by relevant laws and policies in all levels of the government.
- Support **local governance institutions and decision-making platforms** to strengthen joint learning, resolve conflicts, redress grievances, and develop life plans as well as equitable benefit-sharing approaches.
- Support **existing initiatives led by Indigenous Peoples and local communities** as a central strategy for achieving inclusive and culturally appropriate human rights-based approaches.
- Support the **flow of funding and capacity building resources** to Indigenous and local community organizations to facilitate the recognition and securing of rights and governance of their lands and territories.
- **Grievance and redress mechanisms** are set-up to address current and past abuses.

Recommendations for Private sector and Investors:

- Whenever participating in a multi-stakeholder initiative or process, **acknowledge power asymmetries**, help prevent conflict of interests, and ensure that communities' rights are not confused with corporate interests.
- Refrain from mobilizing **state or private security personnel** in addressing conflicts with communities.
- **Compliance to Land Rights Standard principles**, including FPIC, are adhered to at all levels from those in leadership positions to the personnel working at the community level, and assessed using community-based monitoring findings wherever available.
- **Community-led conservation** is favored and supported through direct allocations of resources to communities.
- **Grievance and redress mechanisms** are set-up to address current and past abuses.

About the Co-Authors (in alphabetical order)

Asia Indigenous Peoples Pact (AIPP)

The Asia Indigenous Peoples Pact (AIPP) is a regional organization founded in 1992 by indigenous peoples' movements. AIPP is committed to the cause of promoting and defending indigenous peoples' rights and human rights and articulating issues of relevance to indigenous peoples. At present, AIPP has 46 members from 14 countries in Asia with 18 indigenous peoples' national alliances/networks (national formations), 30 local and sub-national organizations. Of this number, 16 are ethnic based organizations, six indigenous women and four are indigenous youth organizations and one organization of indigenous persons with disabilities.

<https://aippnet.org/>

The Ancestral Domain Registration Agency (BRWA)

Established in 2010 by The Alliance of Indigenous Peoples of the Archipelago (AMAN), the Participatory Mapping Network (JKPP), Forest Watch Indonesia (FWI), Sawit Watch and the Consortium on Community Forestry Systems (KpSHK), the Ancestral Domain Registration Agency (BRWA) provides registration services for ancestral domains in Indonesia. BRWA's work has included: setting-up the Ancestral Domain Registration System (SIWA) and a procedure covering steps of registration, verification, and granting of Ancestral Domain certificate; acting as a reference information body for the government to influence policy related to indigenous peoples' forests and territories' recognition. BRWA has mapped over 1,034 indigenous territories covering approximately 12.4 mHa. www.brwa.or.id

Center for Orang Asli Concerns (COAC)

COAC was established in 1989 to advance the cause of the Orang Asli -- whether via the greater dissemination of Orang Asli news and views, assisting in court cases involving Orang Asli rights, or in developing arguments for lobbying and advocacy work. <https://www.coac.org.my/>

Cambodia Indigenous Peoples Alliance (CIPA)

CIPA is an alliance of indigenous communities and peoples' organisations, associations, and networks. It serves as a platform for solidarity, cooperation and coordination of actions for the promotion and assertion of the collective rights of indigenous peoples in Cambodia.

<https://www.facebook.com/profile.php?id=100008481934118>

Cambodia Indigenous Peoples Organization (CIPO)

CIPO was established in 2014 to change the destiny of the Cambodian Indigenous Peoples Society to take charge of their culture and tradition and their customary rights to land and natural resources in their community as well as in Cambodia. CIPO has a strong belief that the indigenous peoples (IP), who have an in-depth understanding of the local context, can work effectively (with relevant partners/stakeholders) to make real and sustainable changes to the IPs society. CIPO is a totally IP-led and managed organization that combines the best knowledge of

IPs (locally and internationally) and Cambodian society with the ability to creatively respond to the needs for support from the IPs in Cambodia. <https://cipocambodia.org/>

Center for Indigenous Peoples' Research and Development (CIPRED)

CIPRED is a non-profit, non-governmental organization established in 2011 in Kathmandu, Nepal. CIPRED is registered with the District Administration Office of Kathmandu (Regd. No.54/2011) and affiliated with the Social Welfare Council (Affiliation No. 33087). We are devoted to serve the needs of the Indigenous peoples, local communities, women and youth of Nepal for ensuring for the recognition of Indigenous Peoples' Customary Institutions and self-governance systems that contributed for the sustainable management of the natural resources, ecosystems, biodiversity and climate change resilience. We also aim for Indigenous Peoples' Sustainable Self Determined Development (IPSSDD) through research, education and development initiatives in Nepal. <https://www.cipred.org.np>

Federation of Community Forestry Users Nepal (FECOFUN)

FECOFUN emerged from the idea that forest users from all parts of the country should be linked to strengthen the role of Users in policy making processes. Since its inception in 1995, FECOFUN has grown into a social movement organization with about 8.5 million people represented across 77 districts, all of whom are forest users. Forest User Groups (FUGs) organized under the Forest Act 1993 of Nepal are eligible to become general members of this federation and any other user group based on forest resources at grassroots level are qualified to become elementary member. Of more than 22,266 Community Forestry Users Groups (CFUGs) and other Community Based Forest Management Groups (such as leasehold forestry groups, religious forestry groups, buffer zone and traditional forest management groups) in Nepal approximately 16,186 are affiliated with FECOFUN. <http://fecofun.org.np/>

Indigenous Media Network (IMN)

IMN is an Indigenous Peoples initiated media outlet. It was formed in 2013 and officially launched on March 23rd, 2014, at Faculty of Mass Communication, Chiang Mai University, Thailand. IMN was co-founded by Indigenous Leaders who associated with different organization such as Inter Mountain People Education and Culture in Thailand Association – IMPECT. Wisdom of Ethnic Foundation – WISE, and Indigenous Peoples Foundation for Education and Environment – IPF.

IMN aims to amplify the voices of Indigenous Peoples in the country which previously muted, to provide the space from local people to voicing out their voices and concern as well as to correct some dismiss information that told by non-indigenous. As well as to establish collaboration with mainstream media in Thailand. Throughout 7 years since it has formed, IMN trained more than 300 indigenous journalists to promote their stories. www.imnvoices.com

Indigenous Peoples Foundation for Education and the Environment (IPF)

IPF is an indigenous peoples' organisation founded on in 2005 in Thailand by indigenous leaders with support from local academia. Its main aim is to promote indigenous peoples' rights on various issues. These include, but are not limited to, indigenous peoples' education, self-determined development and customary land use and natural resource management. IPF works with Karen, Hmong, Mien, Lisu, Lahu, and Akha and other indigenous peoples in Thailand. Experiences gained by indigenous peoples in Thailand are being shared with other indigenous groups in the Greater Mekong Sub-region (GMS); such as Laos, Cambodia, and Viet Nam.

<http://www.thai-ips.org/>

Indigenous Peoples Partnership (IPP)

IPP is working with Indigenous Peoples in Myanmar on the issue of self-determination; human rights; rights to land, territories, and natural resources; promoting Free, Prior, and Informed Consent process; and capacity building of Indigenous Peoples organizations in Myanmar.

<https://www.ipppartnership.org/>

Inter Mountain Peoples Education and Culture in Thailand Association (IMPECT)

IMPECT is an indigenous non-governmental development organisation founded and staffed entirely by representatives of the indigenous groups and networks involved in the Association. Since 1993, the Association focuses on development work within the populations of ten indigenous groups residing in the highlands of the northern provinces of Thailand: the Akha, Dara-ang, Hmong, Kachin, Lahu, Lisu, Lua, Karen, Mien and Shan peoples. The Association works with a variety of Indigenous Peoples sharing similar situations and experiences, applying traditional knowledge and practices to all aspects of development work. IMPECT works as an association, providing opportunities for participation and ownership of development activities to representatives of the different indigenous groups. The four main areas of action are: Cultural Revival and Alternative Education, Promotion of the Environment and Natural Resource Management, Enhancement of Indigenous Peoples' Movements and Networks and Indigenous Peoples' Rights. <https://impect.or.th/>

Jaringan Kerja Pemetaan Partisipatif (JKPP)

JKPP was established in 1996 and is a consortium with more than 178 members consists of NGOs, people's organizations, peasant's organization, and individuals who are concerned in participatory mapping movement and spatial community management issues. Its goal is to assert people's control (kedaulatan) over space. JKPP has 29 Simpul Layanan Pemetaan Partisipatif (SLPP) / Participatory Mapping Service Centre scattered in 25 provinces around Indonesia. Until now, JKPP together with networks and its members have carried out participative mapping covering a total area of 17.1 mHa. <https://jkpp.org/>

Land Conflict Watch (LCW)

LCW is a data research agency that tracks disputes on natural resources to facilitate better decision-making on investments and governance. Their network of interdisciplinary researchers, spread across the country, collects data that answers questions about natural resource governance and its impact on investments, environment and people. They have built India's first and only database of ongoing land and resource conflicts. Their research aims to facilitate decision-making that helps in resolving and minimising such conflicts.

www.landconflictwatch.org

Nepal Federation of Indigenous Nationalities (NEFIN)

NEFIN is the autonomous and only representative umbrella organization of the 59 indigenous nationalities or peoples, recognized by the government of Nepal. It was established in 1991 and currently consists of 56 distinct indigenous member organization widely distributed across Nepal. NEFIN's key objective is to fight for indigenous peoples' rights and identity. **NEFIN** aims to contribute to building equal, equitable and democratic society. <https://www.nefin.org.np/en/>

Network of Indigenous Peoples of Thailand (NIPT)

NIPT is an alliance of twenty-six indigenous organizations in Thailand. NIPT works for the promotion of indigenous peoples' rights and issues such as identity, citizenship and natural resources management.

Non-Timber Forest Products- Exchange Programme (NTFP-EP)

The NTFP-EP is a network organization with 25 members and over 100 non-governmental organizations (NGOs) and community-based organizations (CBOs) partners across South and Southeast Asia. NTFP-EP works with forest-based communities and advocates multi-stakeholders regionally and nationally in the Philippines, India, Indonesia, Malaysia Viet Nam and Cambodia, to strengthen indigenous peoples and local communities' capacity in the sustainable management of natural resources and enable these communities with the women and youth to be resilient and respected stewards of healthy forests and living securely in their territories and customary lands. NTFP-EP sprung from a need for organizations working with forest communities to come together to push for and promote the NTFP concept for forest conservation and livelihood enhancement. NTFP-EP was informally formed in 1998 and formalized in 2003. <https://ntfp.org>

Partners of Community Organizations in Sabah (PACOS) Trust

PACOS Trust is a community-based organization dedicated to supporting indigenous communities in Sabah which has been actively involved with communities since 1987. PACOS Trust strives to empower indigenous communities through systematic building and strengthening of community organizations, which can act collectively on their own. PACOS Trust supports community organizations in 14 districts involving 23 geographical areas, with each organization determining and implementing its own area plan and work programme. They

are planning a 4-year land campaign, to continue their effort to ensure active participants in regulating and protecting access to biological diversity and indigenous knowledge, to participate and contribute actively in the Malaysia and Asia network, and provide input into development-related issues faced by indigenous communities. <https://pacostrust.com>

Promotion of Indigenous and Nature Together (POINT)

POINT was established in March 2012 in response to the lack of organization led by Indigenous Peoples working for Indigenous Peoples' issues in Myanmar. After 2010 election, with the new government's development plan for the country, most of indigenous peoples' land once the civil war areas are marked for special economic zones, mega dam, mono cropping such as rubber plantation, Gold Mining, Coal, Highways, Deep Sea Port, etc. Thus, indigenous communities are those who will have either positive or negative impacts from the development projects that come along with peace process in Myanmar. Hence, POINT is working together with indigenous communities to fulfil rapidly for the awareness raising to Indigenous communities on UNDRIP and FPIC and other right based approach to development mechanism as well as to advocate and raise the concern of people to the government in relation to sustainable development and natural resource management. <https://www.pointmyanmar.org/>

Rimbawan Muda Indonesia/The Indonesian Institute for Forest and Environment (RMI)

RMI is a non-governmental organization established in 1992 in Bogor, West Java. Their vision is the manifestation of people's—women and men—sovereignty on land and other natural resources toward sustainable livelihoods. RMI works to: empower farmer groups to strengthen their struggle for their rights on land and other natural resources for sustainable livelihood, with focus on Women and Youth Leadership; Oversee policy making processes toward inclusive land and natural resources management policies that ensure justice and sustainable livelihoods for poor people, women and men; Mobilize collective action for the recognition of peoples' rights - men and women - over their land and natural resources realizing gender equality; Develop knowledge management system through intensive learning processes. <http://rmibogor.id/>

Working Group ICCAs Indonesia (WGII)

WGII is a working group formed in 2011, following the ICCAs symposium in Indonesia. This working group consists of 10 CSOs including AMAN, BRWA, Walhi, Kiara, Pusaka, WWF-Indonesia, JKPP, Sawit Watch, NTFP-EP Indonesia and Huma. WGII is also a member of the ICCA Consortium. This working group is engaged in supporting inclusive and sustainable conservation practices and advocating for the recognition of indigenous and local community conserved territories and areas (ICCAs) in Indonesia through the ICCA documentation and registration process at national and international levels. <http://iccas.or.id>

Rights and Resources Initiative (RRI)

The Rights and Resources Initiative is a global Coalition of more than 150 organizations dedicated to advancing the forest, land, and resource rights of Indigenous Peoples, Afro-descendant Peoples, local communities, and the women within these groups. Members

capitalize on each other's strengths, expertise, and geographic reach to achieve solutions more effectively and efficiently. RRI leverages the power of its global Coalition to amplify the voices of local peoples and proactively engage governments, multilateral institutions, and private sector actors to adopt institutional and market reforms that support the realization of rights. By advancing a strategic understanding of the global threats and opportunities resulting from insecure land and resource rights, RRI develops and promotes rights-based approaches to business and development and catalyzes effective solutions to scale rural tenure reform and enhance sustainable resource governance.

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.

Partners



Annex 1: The Land Rights Standard

Preamble

Respect for human rights is key to protecting the environment and the realization of healthy, sustainable, and productive landscapes. The corresponding rights and obligations must be given effect without discrimination, and with effective remedies provided, recognizing that due to specific conditions, characteristics and needs, certain persons or groups have distinct and specific sets of rights. Building on the rights affirmed in international human rights instruments and the aspirations of Indigenous Peoples, local communities, Afro-descendant Peoples, and women within these groups, the following Standard was developed to ensure that all programs, projects, and initiatives in landscapes are undertaken in partnership and solidarity with the aforementioned rightsholders, taking into account and respecting their distinct and differentiated rights.

Advancing this Standard will enable and encourage the development of innovative collective actions and solutions to climate change, biodiversity loss and sustainable development. And to ensure consistency with developments in international human rights law, emerging best practice and the very aspirations of the undersigned Indigenous, community and Afro-descendant constituencies, the Principles outlined herein will be periodically reviewed and updated, as appropriate and applicable.

The Standard

All organizations and entities engaged in promoting climate, conservation, or development actions commit to respect and uphold human rights, both individual and collective, and therefore undertake the following:

1. To **acknowledge, respect and protect the full bundle of rights**³⁰⁵ of Indigenous Peoples as affirmed by the UN Declaration on the Rights of Indigenous Peoples, and the rights of local communities, of Afro-descendant Peoples, and particularly of the women within these groups,³⁰⁶ as affirmed by ILO 169, including their community-based rights to the lands, territories, and resources they customarily own or use, regardless of whether such rights are legally recognized by a state.³⁰⁷
2. To **promote effective legal recognition** of these community-based rights to lands, territories and resources, and their associated customary tenure systems, governance structures and customary laws.³⁰⁸
3. To **plan, implement, and monitor all landscape-level** projects, programs, and initiatives³⁰⁹ **in full collaboration** with Indigenous Peoples, local communities, Afro-descendant Peoples, and women within these groups, taking into account their self-determined priorities and locally defined approaches.
4. To **respect rights to cultural heritage and traditional knowledge**, recognizing that cultural heritage is perceived and defined by the owners of that heritage, with Indigenous Peoples, local communities, Afro-descendant Peoples, and particularly of the women within these

groups having the right to control, protect and develop an inclusive cultural heritage, including their local ecological knowledge and governance institutions.

5. To **respect the free prior and informed consent of Indigenous Peoples**, particularly the women within them, their right to self-determination, including to fully respect and prohibit any contact with Indigenous Peoples in voluntary isolation. Likewise, the **rights of local communities and Afro-descendant Peoples, and particularly the women within those these groups, to free, prior, informed and substantive participation in consultative processes and decisions that may impact their lands, resources or livelihoods** should be fully respected and upheld.
6. To ensure that the terms and execution of partnerships and agreements with Indigenous Peoples, local communities, Afro-descendant Peoples, and women within these groups concerning activities impacting their lands, resources, and territories provide for: (i) **Mutually agreed and equitable sharing of benefits**; (ii) **Respect for traditional knowledge**; (iii) **An independent, accessible, fair and mutually acceptable grievance and redress mechanism** to address potential and actual harms; (iv) **Fair compensation for any current and future impacts** on their lands, territories and resources; and (v) **The preservation of locally-defined livelihoods and priorities**. All negotiations of such partnerships and agreements should include the substantive and effective engagement of Indigenous, Local Community, and Afro-descendant representatives, including women within these groups.
7. To establish written agreements prior to parties' participation in any interventions that ensure **prompt, fair and effective remedies** for harms or potential harms caused by interventions, and that guarantee independent, accessible, fair and mutually acceptable **grievance and redress mechanisms** that include procedures to address **historic harms and legacy issues** as well as their **ongoing impacts**.
8. To secure and promote the **equal rights of Indigenous, Afro-descendant and local women** to lands, territories and resources, including women's equal participation and inclusion in the governance of such areas, and to ensure zero tolerance for violence, harassment or intimidation against women in all project operations.
9. To respect, promote and protect the fundamental rights and freedoms of Indigenous Peoples, Afro-descendant Peoples and local communities and particularly environment defenders, provide support for access to justice to victims and their families, and actively support initiatives to prevent criminalization, threats and violence against them.
10. To **promote the adoption of these Land Rights Standard principles** by private sector actors, investors, civil society organizations, multilateral agencies, and donors, and to encourage these actors to commit to transparency in these principles' implementation, the adoption of participatory assessments, full and effective cooperation with independent monitoring mechanisms involving Indigenous Peoples', local communities' and Afro-descendants' representatives, and reporting on the effectiveness of implementing measures.

Endnotes

¹ Indigenous Peoples and local communities have paid a disproportionate cost for western conservation practices. These costs include social, political, and cultural disruption; lost access to local, ecological, and cultural resources; non-monetizable assets (i.e., traditional ecological knowledge, historical roots, sacred sites, spiritual connections); and the multigenerational trauma of evicting communities whose identities are inextricably linked to their traditional territories.

² This percentage differs from the information catalogued in Table 1. The data presented in Table 1 derives from RRI's 2020 report on rights-based conservation, but this number is inclusive of data up to October 2021. Protected areas increased in Asia between these two periods of time.

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⁹ Recognizing that local communities are not formally defined under international law, RRI considers that they encompass communities that do not self-identify as Indigenous but who share similar characteristics of social, cultural, and economic conditions that distinguish them from other sections of a national community, whose status is regulated wholly or partially by their own customs or traditions, who have long-standing, culturally constitutive relations to lands and resources, and whose rights are held collectively.

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⁹⁴ Rights and Resources Initiative, 2020b.

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⁹⁶ Blackman, A., Leonardo Corral, Eirivelthon Santos Lima, and Gregory P. Asner. 2017. Titling indigenous communities protects forests in the Peruvian Amazon. *Proceedings of the National Academy of Sciences of the United States of America* 114 (16): 4123-28. <https://doi.org/10.1073/pnas.1603290114>; Miteva, D. A., Peter W. Ellis, Edward A. Ellis, and Bronson W. Griscom. 2019. The role of property rights in shaping the effectiveness of protected areas and resisting forest loss in the Yucatan Peninsula. *PLOS ONE* 14 (5).

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¹⁰³ Cambodia: For the explanation of the area estimate of 0.59 mHa where Indigenous Peoples' and local communities' rights are already recognized in Cambodia, please refer to page 26 and endnotes 30 and 31 in: Rights and Resources Initiative 2015.

¹⁰⁴ Cambodia: A conservative estimate of 0.338 mHa for unrecognized rights in Cambodia is based on the official extent of community forests and community protected areas that are in the process of being recognized but have not yet received formal government recognition. (Sokchea, Tol. 2020. Personal communication). This estimate is presented in the table. However, it is likely to be an underestimate and needs to be upwardly revised. Try and Hindley (2017) estimate that the areas used and claimed by Indigenous communities is up to 5 mHa but provide no data to support the estimate. In absence of clear data, this estimate has not been included. In 2010, the Government of Cambodia issued a National Forest Program stating that 2 mHa would be managed as Community Forests (Ministry of Forestry, Cambodia. 2010). Only 0.35 mHa of forests have been designated as community forestry to date, implying that 1.65 mHa of community forests remain unrecognized. However, it is not clear how the government reached this estimate of 2 mHa and is therefore not considered here. As no clear data on the extent of larger land and forest claims are available, the more conservative estimate of 0.338 mHa is being presented in this current estimate. Ministry of Forestry, Cambodia. 2010. National Forest Program 2010-2029. Available at: http://www.cdc-crdb.gov.kh/cdc/documents/Sector_Strategy/6_Forestry_Reform/National_Forest_Programme_2010_2029_Eng.pdf; Try, T., and David Hindley. 2017. Using open data and digital mapping to aggregate evidence for identifying and protecting indigenous peoples' lands and resources in Cambodia. Paper presented at the 2017 World Bank Conference on Land and Poverty, Washington, DC, March 20-24. Available at:

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¹⁰⁵ China: For an explanation of the area estimate of 465.70 mHa where Indigenous Peoples' and local communities' rights are recognized in China, see page 26 and endnote 32 in: Rights and Resources Initiative 2015.

¹⁰⁶ China: An estimate for the whole country is currently not available. The estimate of 3.68 mHa is from Sichuan and Yunnan provinces only and is based on survey questionnaires about state forest areas (2013, 2015); survey notes taken by leaders of the survey team (2013); and an investigation report written by SFA Natural Forest Protection Program leader (2007, published on the SFA's website). (Jintao, H. Personal communication). Similar community rights are present in other provinces for which data is also not available. Therefore, this is likely to be an underestimate for China.

¹⁰⁷ India: Figure reflects the forest area recognized for communities as of 2017. For additional explanation, see page 42 and endnote 123 in: Rights and Resources Initiative 2018c.

¹⁰⁸ India: Two sources of data have been used to arrive at the estimate of 62.65 mHa claimed by Indigenous Peoples and local communities in India. The estimate for forest land claimed by Indigenous Peoples and local communities refers to claims submitted under the Forest Rights Act, 2006. Two experts referred to the RRI et al (2015) estimate of collective rights on forests at 40 mHa (Personal Communications, Tushar Dash; Almeida, 2019). The cited RRI et al (2015) estimate in turn depends on data from India's Census, 2011 (GOI, 2011) to make the estimate about forest area eligible for collective rights under FRA, 2006.; Rights and Resources Initiative, Vasundhara and NRMCC. 2015. Potential for Recognition of Community Forest Resource Rights Under India's Forest Rights Act. RRI, Washington DC. Non-Forest Commons claimed by IPLCs: The 2nd estimate is referred to by Almeida (2019) citing personal communication from Foundation for Ecological Security (FES) and pertains to the non-forest commons consisting of "Pastures and Grazing Lands" and "Culturable Wastelands" (Almeida, 2019 citing Jagdeesh Rao, 2019. Personal Communication). FES has based its analysis on government data (Land Use statistics Ministry of Agriculture, GOI, 2013-14) which provides state wise estimates for these lands.

¹⁰⁹ Indonesia: This figure includes the area recognized through five legal frameworks through which land is owned by or designated for Indigenous Peoples and local communities in Indonesia. It includes 2.418926 mHa of adat territory recognized by decree at the sub-national level (including 59,500 ha recognized at the national level by decree of the Ministry of Environment and Forestry), 1.252352 mHa of land redistributed under Agrarian Reform (Data from Agrarian Affairs Ministry), and 0.78559565 mHa cumulatively recognized as Hutan Kemasyarakatan, Hutan Tanaman Rakyat, and Hutan Desa (Rights and Resources Initiative 2018). Hak Komunal is also classified as designated for Indigenous Peoples and local communities, but no data on recognized area was available. Notably, although RRI's Land and Forest Tenure databases only capture data on community lands and forests legally recognized at the national level, the area of Adat territories recognized through subnational decree is included here to reflect the partial legal protection afforded by this status. Adat communities continue to advocate for full recognition of these territories at the national level through decree of the Ministry of Environment and Forestry.

¹¹⁰ Indonesia: This figure is an estimate for territories claimed by Indigenous Peoples.

¹¹¹ Iraq: Approximately 0.5 Marsh Arabs claim over 2 mHa of marshlands in the three states of Basrah, Thi-Qar, and Missan. Moumin, M. A. 2007. Mesopotamian Marshlands: An Ecocide Case. Georgetown International Environmental Law Review 20: 499.

¹¹² Lao PDR: Unrounded figure of land area recognized in Lao PDR is 0.02 mha.

¹¹³ Lao PDR: Jeremy Ironside (2017) estimated in 2017 that 5 mHa. of rural areas need to be titled for rural communities. This data has been accepted and recommended by Almeida (2019).

¹¹⁴ Myanmar: Figure reflects the forest area recognized for communities as of 2017. For additional explanation, see page 46 and endnote 172 in: Rights and Resources Initiative 2018c.

¹¹⁵ Myanmar: The estimate of 20.7 mHa is based on data from the Department of Agricultural Land Management and Statistics (2018) with interpretation of this data by Paul De Wit (2019, Personal communication). In Myanmar, vacant, fallow and virgin (VfV) land area statistics are available. Common knowledge indicates that a significant area of these lands may be claimed and De Wit assumes that all VfV lands are claimed, a likely overestimation. On the other hand, communities may claim land that falls under the permanent forest estate, which could - as per De Wit - compensate for the overestimation on VfV land. Much of these lands are in the ethnic upland states, including Kachin, Shan, Kayah, Kayin, Chin, Mon, Rakhine, and Tanintharyi region.

¹¹⁶ Nepal: Figure reflects the forest area recognized for communities as of 2017. For additional explanation, see page 47 and endnote 176 in: Rights and Resources Initiative 2018c.

¹¹⁷ Nepal: The area claimed by Indigenous Peoples and local communities is estimated to be 4.626 mHa, including the 1.32 mHa that is to be recognized as community forestry and an additional 3.326 mHa of rangelands and high-altitude pastures which can be claimed by Indigenous Peoples and local communities. Community Forests: The original estimate of forests to be transferred to communities was 3.52 mHa from the Master Plan for Forests in 1989 prepared by the MOFE, Government of Nepal (Tamrakar and Nelson, 1991). Of this area, only 2.2 mHa have already been recognized as community forests, implying that 1.32 mHa of community forests are still unrecognized (Khanal, 2019). Rangelands and Pasturelands: Approximately 22.6 percent of the land area of Nepal (3.326 mHa) is considered to be either rangeland or pastureland. Indigenous Peoples and local communities have been using rangelands and pasturelands in a sustainable way since time immemorial for the grazing of domestic yak, sheep, goats, and cows; the collection of non-timber forest products (NTFPs), herbs, medicinal and aromatic plants, and fresh water. Although Indigenous Peoples and local communities use rangelands and pasturelands on a customary basis, their claims have not yet been legally recognized by the government. In 1974, the government nationalized rangelands and pasturelands through the passing of the Rangelands/Pasturelands Nationalization Act 1974. However, Indigenous Peoples and local communities were not satisfied with that Nationalization Act, claiming that they also have rights over the rangelands and pasturelands for collective use. (Khanal, 2019).

¹¹⁸ Philippines: The estimate of 4.307 mHa is based on official government data from the National Commission on Indigenous People (NCIP) (NCIP, 2017). This data is likely an underestimate as it does not include claimed areas of Community-Based Forest Management Agreements (CBFMAs) and Protected Area Community Based Resource Management Agreements (PACBRMAs) (Almeida, 2019).

¹¹⁹ Thailand: In the absence of any estimate for the areas claimed by Indigenous Peoples and local communities as customary lands, the only estimate available is that of forests proposed to be brought under community forestry. As per RECOFTC (2017), the government has set a target of bringing 1.6 mHa under community forestry. As of August 31, 2016, approximately 0.75 mHa was under the jurisdiction of community forestry, but no substantive rights have been recognized in these forest lands. Consequently, 1.6 mHa are minimum claims for rights recognition used in this estimate. This number is likely an underestimate since the upland tribes practice customary tenure in several areas.

¹²⁰ Timor-Leste: The 2017 Revised National Forest Policy of Timor-Leste reports that more than 35 ethnic groups claim more than 90 percent of the country's rural lands (Ministry of Agriculture and Fisheries, 2017). As the total rural area of Timor-Leste is 1.45 mHa, the total area claimed as community-owned land is estimated to be 1.31 mHa.

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- ¹²⁹ A community-based tenure regime 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.
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- ¹³⁵ Ibid.
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- ²²¹ This percentage differs from the information catalogued in Table 1. The data presented in Table 1 derives from RRI's 2020 report on rights-based conservation, but this number is inclusive of data up to October 2021. Protected areas increased in Asia between these two periods of time.
- ²²² United Nations Environment Programme – World Conservation Monitoring Centre and the International Union for Conservation of Nature 2021.
- ²²³ United Nations Environment Programme – World Conservation Monitoring Center. 2021. "Protected Area Profile for Thailand." Protected Planet World Database of Protected Areas. Accessed September 2021. Available at: <https://www.protectedplanet.net/country/THA>.
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- ²²⁵ United Nations Environment Programme – World Conservation Monitoring Center 2021.
- ²²⁶ Allan et al. 2021.
- ²²⁷ Sewell A., Stefan van der Esch, and Hannah Löwenhardt. 2020. Goals and Commitments for the Restoration Decade: A global overview of countries' restoration commitments under the Rio Conventions and other pledges. PBL Netherlands Environmental Assessment Agency, The Hague. Available at: <https://www.pbl.nl/sites/default/files/downloads/pbl-2020-goals-and-commitments-for-the-restoration-decade-3906.pdf>; <https://www.pbl.nl/sites/default/files/downloads/pbl-2021-global-restoration-commitments-database-4680.ods>.
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- ²³⁵ Tauli-Corpuz et al. 2018.
- ²³⁶ Rights and Resources Initiative. 2020a.; Rights and Resources Initiative and The Tenure Facility 2021.
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- ²⁴⁸ Ibid.
- ²⁴⁹ Tauli-Corpuz et al. 2018.
- ²⁵⁰ Investments were calculated based on the labor and cash invested by communities, from their resources, that were spent on conservation activities such as fire protection and management, restoration and

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²⁵⁶ Asia Indigenous Peoples Pact 2015b.

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²⁵⁸ Nepali Army. *Nepali Army Beyond Primary Duties*. Available at: www.nepalarmy.mil.np/page/bpd and <https://www.nepalarmy.mil.np/viewnews/143>. There has been a small reduction in the total number of army personnel deployed compared to 2014 when 7,627 army personnel [were] deployed in 138 outposts in 10 national parks, three conservation areas, and six protected forests. See also: Amnesty International. 2021. *Nepal: Violations in the name of conservation*. London: Amnesty International. Available at: <https://www.amnesty.org/en/documents/asa31/4536/2021/en/>.

²⁵⁹ Dongol and Neumann 2021.

²⁶⁰ Ibid.

²⁶¹ Ibid.

²⁶² Amnesty International 2021.

²⁶³ Human Rights Watch and Advocacy Forum. 2020. *No Law, No Justice, No State for Victims: The Culture of Impunity in Post-Conflict Nepal*. Washington, DC: Human Rights Watch. Available at: https://www.hrw.org/sites/default/files/media_2020/11/nepal1120_web_1.pdf.

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²⁶⁵ Bhuju, U.R., Ravi Sharma Aryal, and Prakash Chandra Aryal. 2009. *Facts and Issues on Poaching of Mega Species and Illegal Trade in Their Parts in Nepal*. Transparency International Nepal, Kathmandu. Available at: https://www.researchgate.net/publication/310951682_Facts_and_Issues_on_Poaching_of_Mega_Species_and_Illegal_Trade_in_Their_Parts_in_Nepal; Sedhai, R. 2017. "Three generations of rhino poaching, Prajas dirt poor still."

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²⁶⁷ Boyd and Keene 2021.

²⁶⁸ Alden Wily, Liz. 2021. "Challenging the State: Devolutionary Tenure Transitions for Saving and Expanding Forests." *Human Ecology* 49, no. 3 (2021/06/01 2021): 285-95. <https://doi.org/10.1007/s10745-021-00231-2>.

²⁶⁹ The right to self-determination intersects with Indigenous Peoples' right to autonomy and self-governance (Art. 4), right to strengthen their institutions (Art. 5), right to participation (Art. 18), right to education (Art. 14), the right to strengthen their institutions (Art. 11), revitalize and practice their traditions (Art. 13), and the right to their spiritual and religious traditions, customs, and ceremonies (Art. 12), to name just a few. The decision to give or withhold free, prior and informed consent (FPIC) (Art. 19) is a key self-determination choice that Indigenous Peoples enjoy in choosing their destiny.

²⁷⁰ Lawyers' Association for Human Rights of Nepalese Indigenous Peoples. 2021. "Newa Indigenous Peoples Secured Rights to Cultural Self-determination." Lawyers' Association for Human Rights of Nepalese Indigenous Peoples. Available at: www.lahurnip.org/news/110.

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²⁷² Mellegård, V. 2018. Hta: How Karen Farming Saved a Forest in Thailand and its Poetry Changed International Policy. *Langscape Magazine* 6 (2). Available at: <https://medium.com/langscape-magazine/hta-how-karen-farming-saved-a-forest-in-thailand-and-its-poetry-change-international-policy-3f214d973bc9>.

²⁷³ Doyle, C., Biviany Rojas Garzon, Vivane Weitzner, and Tami Okamoto. 2019. Free Prior Informed Consent Protocols as Instruments of Autonomy: Laying Foundations for Rights based Engagement. Cologne, Germany: European Network on Indigenous Peoples. Available at: <https://enip.eu/FPIC/FPIC.pdf>.

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²⁷⁷ Kashwan, P. 2013. The politics of rights-based approaches in conservation. *Land Use Policy* 31: 613-26. <https://doi.org/10.1016/j.landusepol.2012.09.009>.

²⁷⁸ Witter and Satterfield 2019.

²⁷⁹ Suisseea, K.R.M. 2014. Negotiating the Nagoya Protocol: Indigenous Demands for Justice. *Global Environmental Politics* 14 (3): 102-124. https://doi.org/10.1162/GLEP_a_00241.

²⁸⁰ Witter and Satterfield 2019.

²⁸¹ Makagon, J. E. 2014. Human Rights Standards for Conservation, Part III: Which redress mechanisms are available to peoples and communities affected by conservation initiatives? London: International Institute for Environment and Development. Available at: <http://pubs.iied.org/14646IIED>. ISBN 978-1-78431-115-5

²⁸² Jonas, H., Dilys Roe, and Jael E. Makagon. 2014. Human Rights Standards for Conservation: an analysis of responsibilities, rights and redress for just conservation. London: International Institute for Environment and Development. Available at: <http://pubs.iied.org/14644IIED>.

²⁸³ Makagon 2014.

²⁸⁴ Boyd and Keene 2021.

²⁸⁵ World Wildlife Fund. 2021. "Public Consultation: WWF Social Policies & Safeguards." World Wildlife Fund. Available at: <https://consultation.panda.org/>.

²⁸⁶ Indigenous Media Network. 2021. "Karen community in Kaengkrachan is reclaiming their ancestral territory – Land of Heart." Indigenous Media Network. Available at: www.imnvoices.com/karen-community-in-kaengkrachan-is-reclaiming-their-ancestral-territory-land-of-heart/.

²⁸⁷ Cali Tzay, J. F., David R. Boyd, and Mary Lawlor. 2021. "Thailand: UN experts warn against heritage status for Kaeng Krachan national park." Geneva: UN Human Rights Office of the High Commissioner. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27333&LangID=E>.

²⁸⁸ The Nation. 2021. "Kaeng Krachan Forest Complex finally gets the nod as World Heritage Site." The Nation. Available at: <https://www.nationthailand.com/in-focus/40003806>.

²⁸⁹ As per the Declaration of Santiago of 2000, the States of the Americas defined Afro-descendant as "the person of African origin who lives in the Americas and in the region of the African Diaspora as a result of slavery, who have been denied the exercise of their fundamental rights." See: The Durban Conference and Program of Action. 2001. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance: Declaration. Available at: https://www.un.org/en/durbanreview2009/pdf/DDPA_full_text.pdf. In Latin America and the Caribbean, constitutional and legal recognition of Afro-descendants' collective tenure rights is based on their special cultural, ethnic, and spiritual relationship with land. Colombia, Brazil, Ecuador, Nicaragua, Honduras and many other countries have such legislation.

²⁹⁰ Rights and Resources Initiative 2020c.

²⁹¹ Dawson et al. 2021.

²⁹² International Work Group for Indigenous Affairs. 2021. The Indigenous World 2021. 35th Edition. Copenhagen: International Work Group for Indigenous Affairs. Available at: <https://www.iwgia.org/en/resources/indigenous-world>.

²⁹³ Ibid.

²⁹⁴ Errico, S. 2017. The rights of indigenous peoples in Asia: Human rights-based overview of national legal and policy frameworks against the backdrop of country strategies for development and poverty reduction. Geneva: International Labour Organization. Available at: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_545487.pdf.

²⁹⁵ Witter and Satterfield 2019.

²⁹⁶ The [Durban] Congress convened protected area managers and agencies, NGOs, governments, donors, scientists, and – importantly – Indigenous Peoples and local community representatives from around the world, to discuss the situation and challenges of protected areas and outline the way forward. Examples of ineffective and inequitable management had come to light, and political and financial constraints in countries had limited the development of protected area networks and undermined efforts to improve management capacities. Many donor agencies had begun moving away from biodiversity conservation in favor of funding efforts to alleviate poverty. Participants at the V World Parks Congress also faced growing public opinion that conventional protected area models often wrongly excluded or marginalized Indigenous, mobile, and local peoples and communities from their traditional governance and management practices. Taken together, these issues

challenged conservationists at the Durban Congress to create a new approach to protected area governance and management. This new approach sought, inter alia, to strengthen and build partnerships with local communities and Indigenous Peoples based on explicit recognition of and respect for their rights to strengthen their role in the stewardship of their lands and resources, generate greater benefits for them, and promote the conservation and sustainable use of biodiversity and natural ecosystems beyond recognized protected area boundaries. As cited in: The Conservation Initiative on Human Rights. 2014. Human Rights in Conservation: Progress Since Durban. White Paper. Conservation Initiative on Human Rights. Available at: https://static1.squarespace.com/static/57add7399f745649fc9e41a6/t/57c07f022e69cfa0761dcc94/1472233221310/CIHR_HRs+since+Durban_2014.pdf.

²⁹⁷ Dawson et al. 2021.

²⁹⁸ Sajeva, G., Grazia Borrini-Feyerabend, and Thomas Niederberger. 2019. Meanings and more... Policy Brief of the ICCA Consortium no. 7. Available at: <https://www.iccaconsortium.org/wp-content/uploads/2019/11/ICCA-Briefing-Note-7-Final-for-websites.pdf>.

²⁹⁹ Farvar, M. T., Grazia Borrini-Feyerabend, Jessica Campese, Tilman Jaeger, Holly Jonas, and Stan Stevens. 2018. Whose 'Inclusive Conservation'? Policy Brief of the ICCA Consortium no. 5. Available at: <https://www.iccaconsortium.org/wp-content/uploads/2018/10/Consortium-Policy-Brief-no-5-Whose-inclusive-conservation.pdf>.

³⁰⁰ Boyd and Keene 2021.

³⁰¹ Franks 2021.

³⁰² Ibid.

³⁰³ Rainforest Foundation Norway 2021.

³⁰⁴ Boyd and Keene 2021.

³⁰⁵ This includes community-based resource rights concerning access, use or withdrawal, governance, exclusion, due process, compensation and alienation (where demanded by rightsholders), as well as their duration.

³⁰⁶ While gender norms and women's forest tenure security vary widely across community-based tenure systems, national regulations on their rights to inheritance, community membership and governance, and dispute resolution consistently fall below international standards. They also fail to reflect existing gender-equitable practices and enable other community practices that discriminate against women. See Convention on the Elimination of Discrimination Against Women.

³⁰⁷ Execution of this Standard includes identifying, in collaboration with Indigenous Peoples, local communities, Afro-descendant Peoples, women within these groups, and other rights-holder groups, the extent of those rights through Human Rights Impact Assessments that explicitly include cultural rights (and that are conducted in addition to environmental and social impact assessments). All activities contributing to the realization of this Standard should be grounded in the understanding that land, territorial, and resource rights are defined by customary use and ownership for Indigenous Peoples, and many Afro-descendant Peoples and local communities.

³⁰⁸ This includes simple and low-cost procedures to support implementation and eliminate administrative burdens that hinder communities' abilities to govern, manage, use or otherwise uphold their land, territorial, and resource rights.

³⁰⁹ The word "landscape" is used herein to denote all lands and resources that are customarily owned, managed or otherwise used and occupied by Indigenous Peoples, local communities and Afro-descendant Peoples, inclusive of connected fresh waters and coastal marine systems.