

Seeds for Reform

INTERNATIONAL OBLIGATIONS AND STATUS OF INDIGENOUS PEOPLES', AFRO-DESCENDANT PEOPLES', AND LOCAL COMMUNITIES' FOREST TENURE RIGHTS IN NATIONAL LAW

GLOBAL FINDINGS | SEPTEMBER 2025

- Following decades of national and international advocacy by rightsholders and their allies, **land tenure security** for Indigenous Peoples, Afro-descendant Peoples, local communities, and the women within those communities **is now recognized as an integral component of international human rights law**, but **national legislation still requires significant reform** to ensure protection for communities' tenure rights.

The report offers an updated assessment as of 2024 of the status and strength of Indigenous Peoples', Afro-descendant Peoples', and local communities' statutory forest tenure rights across **104 legal frameworks (CBTRs) in 35 countries**, covering about **80 percent of forests in Africa, Asia, and Latin America**.



WHAT IS A COMMUNITY-BASED TENURE REGIME (CBTR)?

A distinguishable set of national, state-issued laws and regulations governing all situations under which the right to own or manage terrestrial natural resources is held at the community level.

RRI uses the CBTR as a unit of analysis to identify and compare the distinct legal frameworks by which communities' tenure rights are recognized under national law.

RRI's Depth of Rights Methodology employs a **bundle of rights** approach to assess the strength of communities' collective forest rights. This report also assesses **two contextual indicators** that provide additional nuance regarding community rights.



Category 1: Government-Administered

At least 1

Category 2: Designated for Indigenous Peoples, Afro-descendant Peoples, and local communities

Category 3: Owned by Indigenous Peoples, Afro-descendant Peoples, and local communities

Note: Alienation rights (to sell, lease, or use lands as collateral) are not required.

104 CBTRs, by category

10%

48%

42%

Contextual Indicators

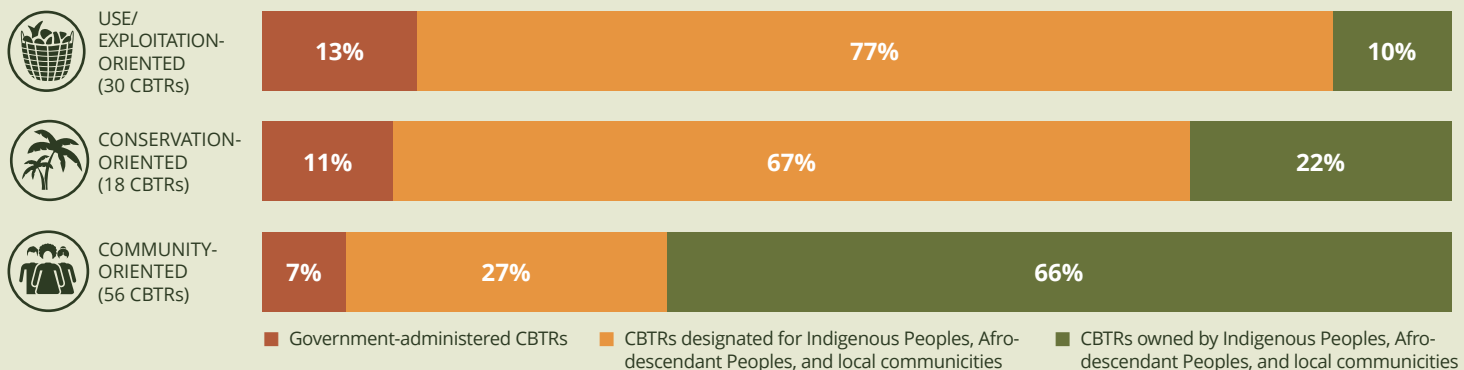


CULTURAL/RELIGIOUS USE



FREE, PRIOR, & INFORMED CONSENT (FPIC)

CBTRs aimed at recognizing customary or community-based rights provide the most robust protection of the bundle of rights, followed by use/exploitation-oriented CBTRs and conservation-oriented CBTRs.



Seeds for Reform

GLOBAL AND ASIA FINDINGS

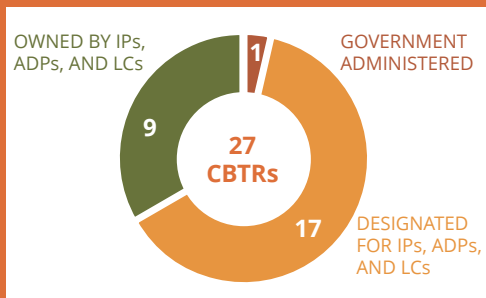
SEPTEMBER 2025

NEW DEVELOPMENTS BY THE NUMBERS

11 new CBTRs have been established globally since 2016 in **7 of the 35 countries** analyzed.

54% of all 104 CBTRs underwent some reform in 2016–2024, but these reforms resulted in both rollbacks and improvements.

Asia is the region with the **highest proportion of CBTRs** classified as designated for—not owned by—communities



71% of global CBTRs recognize management rights, but these are frequently subject to state approval of management plans.



- ☐ In **Asia**, **22 of 27 CBTRs** protect management rights, but only **9** do so based on customary rights.
- ☐ Kemitraan (**Indonesia**) is the only CBTR where management rights are case-by-case, dependant on contract language.
- ☐ Under the recent **2017 Forestry Law and 2024 Land Law of Viet Nam**, community institutions manage allocated land, and compliance with local community rules is required.

FREE, PRIOR, AND INFORMED CONSENT

FPIC rights are more frequently recognized in **Asia** than in Africa, but **under half of CBTRs in Asia (41%)** guarantee these rights for at least some communities.

In comparison, half of CBTRs globally recognize FPIC rights for at least some types of communities.



DUE PROCESS AND COMPENSATION

- ☐ Globally, **82% of all 104 CBTRs** recognize rights to due process and compensation.
- ☐ In **Asia**, **81% of CBTRs** recognize the right to due process and compensation.



IN ASIA, REFORMS RESULTED IN NEARLY AS MANY ROLLBACKS AS IMPROVEMENTS

- ☐ **2 of 11** new global CBTRs are in **Asia**:
 - **Indonesia**: 2024 ➔ Hak Ulayat established in place of previous CBTR Hak Komunal.
 - **Thailand**: Community Forest ownership recognized by the 2017 Constitution and 2019 Community Forests Act.
- ☐ **35% of CBTRs** that underwent legal changes globally are in **Asia**, including:
 - 8 of 23 resulting in progressive reforms
 - 4 of 15 rollbacks
 - Classification of 1 CBTR improved

1 CBTR **Cat. 2** ➔ **Cat. 3** Nepal

EXCLUSION AND DURATION ARE THE LEAST RECOGNIZED RIGHTS



- ☐ **65% of 104 CBTRs** recognize exclusion rights.
- ☐ **66% of 104 CBTRs** recognize rights in perpetuity.
- ☐ In **Asia**, nearly **50% (13 of 27) CBTRs** are based on time-limited agreements.

Across regions, nearly all CBTRs (**97 of 104**) allow at least some form of forest resource use.

In **Asia**, **24 of 27 CBTRs** recognize rights to withdraw timber or non-timber forest products, and a different set of **24 CBTRs** allow use of forest resources for religious/cultural purposes.



LIVED REALITIES VS. REFORMS ON PAPER

In **India**, despite due process protections, the Constitution allows the President to revoke recognition of a Scheduled Tribe and other traditional forest dwellers at any time, with no judicial or administrative recourse available.

CALL TO ACTION

- ☐ **Governments** ➔ Recognize tenure rights and ensure consistency across sectors, guarantee FPIC, and ensure meaningful community participation in law and policy making.
- ☐ **Donors and allies** ➔ Provide technical assistance to ensure respect for communities' tenure and governance rights. Develop direct, flexible, accessible, and long-term funding mechanisms.
- ☐ **Private sector** ➔ Ensure all investments respect and advance communities' tenure rights, uphold FPIC, and comply with the highest international human rights and environmental due diligence standards.