

CARBON RIGHTS CODING PROTOCOL

The 2025 report “The Carbon Rights of Indigenous Peoples, Afro-descendant Peoples, and Local Communities in Tropical and Subtropical Lands and Forests,” provides a systematic assessment of whether, how, and to what extent carbon rights have been recognized by national-level laws and policies that address the rights of Indigenous Peoples (IPs), local communities (LCs), and Afro-descendant Peoples (ADPs). It analyzes the administration and management of land and forest tenure, and the governance of climate mitigation, REDD+, and carbon trading.

To complete this analysis, RRI and McGill University developed an analytical framework of 35 national-level indicators concerning the strength of the carbon rights held by legally recognized communities. These indicators were coded through an in-depth legal analysis of an original dataset of national laws and policies adopted by the 33 countries included in this study, as well as RRI’s existing dataset of the depth of rights¹ that govern 99 community-based tenure regimes (CBTRs)² identified in these countries.

The study’s Coding Methodology is presented below:

1. GENERAL RECOGNITION OF RIGHTS TO FOREST TERRITORIES, LANDS AND RESOURCES

1.1 Does this state provide overarching legal protection of the collective rights of Indigenous Peoples, Afro-descendant Peoples or Local Communities to forest lands, territories, or resources?	<p>0. No legal protection of the rights of Indigenous Peoples, Afro-descendant Peoples, or local communities.</p> <p>1. A judicial decision protects the rights of Indigenous Peoples, Afro-descendant Peoples, or local communities.</p> <p>2. The constitution protects the rights of Indigenous Peoples, Afro-descendant Peoples, or local communities.</p>
1.2 Does this state provide laws for securing community tenure to forests?	<p>0. No legal protection.</p> <p>1. A statute or law establishes at least one CBTR.</p>
1.3 What year was each of this state’s CBTRs established?	[year]
1.4a What is the Tenure Regime Name for each CBTR established in the country?	[name of regime]
1.4b What is the Tenure Regime Classification for each CBTR established in the country?	<p>0. Not applicable – there is no specific forest tenure regime.</p> <p>1. Government administered.</p> <p>2. Designated for IPs, ADPs, or LCs.</p> <p>3. Owned by IPs, ADPs, or LCs.</p>

1.5 Does this state legally require that all land tenure claims be included in a national registry?	<p>0. No national registry of land tenure claims.</p> <p>1. All land tenure claims must be included in a national registry.</p> <p>2. All land tenure claims must be included in a national registry and must be publicly available.</p>
1.6 Is the right to free, prior, and informed consent of Indigenous Peoples, Afro-descendant Peoples, or local communities guaranteed by a general law or the constitution?	<p>0. Not legally recognized.</p> <p>1. Explicitly recognized but not defined or enforceable.</p> <p>2. Explicitly recognized, defined and enforceable.</p>
1.7 Is the right to FPIC held by the representative institutions of these groups or by a body appointed or created by the government?	<p>0. Unclear.</p> <p>1. Body appointed or created by the government.</p> <p>2. Representative institutions of the IP, ADP or LC.</p>
1.8 Are the rights to prior consultations and full information of Indigenous Peoples guaranteed by law?	<p>0. Not guaranteed.</p> <p>1. Guaranteed but not defined.</p> <p>2. Guaranteed and defined.</p>
1.9 Are the rights to prior consultations and full information of Afro-descendant Peoples guaranteed by law?	<p>0. Not guaranteed.</p> <p>1. Guaranteed but not defined.</p> <p>2. Guaranteed and defined.</p>
1.10 Are the requirements of prior consultation and full information of local communities guaranteed by law?	<p>0. Not guaranteed.</p> <p>1. Guaranteed but not defined.</p> <p>2. Guaranteed and defined.</p>

2. REGULATION OF CARBON TRADING

2.1 Does this state regulate carbon trading?	<p>0. Unregulated.</p> <p>1. Jurisdictional Reducing Emissions from Deforestation and Forest Degradation (J-REDD+) is regulated.</p> <p>2. Voluntary Carbon Market and J-REDD+ are regulated.</p>
2.2 Are rights to carbon or ecosystem services defined in laws?	<p>0. Prohibition</p> <p>1. Inconclusive/ Undefined</p> <p>2. Draft law</p> <p>3. Inferred</p> <p>4. Clearly defined in law.</p>

2.2.1 Are rights to carbon or ecosystem services defined in non-binding guidelines or policies?	<ul style="list-style-type: none"> 0. Prohibition 1. Inconclusive/ Undefined 2. Inferred rights 3. Clearly defined in law, guideline or policy.
2.3 Do communities have rights to control, manage or benefit from carbon?	<ul style="list-style-type: none"> 0. No/ Inconclusive/ Undefined 1. Carbon rights are owned by the state. 2. Inferred carbon rights. --> 3. Explicit recognition of community rights to carbon.
	<p>If 2 [Inferred carbon rights]:</p> <ul style="list-style-type: none"> A. Ambiguous legal framework that could be interpreted to recognize community carbon rights. B. Carbon rights tied to land / forest ownership, which includes lands legally owned by communities.
2.4 Are rights to carbon assets, services or tradable carbon credits linked to a property interest in land or a resource (biophysical asset)?	<ul style="list-style-type: none"> 0. Undefined /Inconclusive 1. Carbon credits are treated as a separate proprietary interest. 2. Carbon credits are tied to land rights or resource pool (e.g. trees, soil). 3. Carbon is public property.
2.5 Are rights to to control, manage or benefit from carbon contingent upon meeting a procedural and/or other administrative requirement?	<ul style="list-style-type: none"> 0. No 1. Yes
2.6 Does this state have a national registry of carbon projects / J-REDD+?	<ul style="list-style-type: none"> 0. No registry. 1. A registry exists but it is not publicly accessible. 2. There is an accessible public registry with some information.
2.6.1 Does the registry provide public access to proposals and approvals?	<ul style="list-style-type: none"> 0. No 1. Yes
2.6.2 Does the registry provide public access to agreements with communities?	<ul style="list-style-type: none"> 0. No 1. Yes
2.6.3 Does the registry provide public access to earnings in carbon sales?	<ul style="list-style-type: none"> 0. No 1. Yes

3. SAFEGUARDS, BENEFIT-SHARING, AND TENURE IN THE CONTEXT OF REDD+ AND CARBON TRADING

<p>3.1 What is the status of the development and operationalization of the safeguards information system?</p>	<p>0. There is no safeguards information system.</p> <p>1. There are policies, laws and regulations that clarify the objectives and requirements to address the specific risks and benefits of REDD+.</p> <p>2. A safeguard information system has been designed to collect and provide information on addressing and respecting safeguards.</p> <p>3. A safeguard information system has been operationalized to collect and provide information on addressing and respecting safeguards.</p>
<p>3.2 Does this state have a national benefit-sharing mechanism or does it have a law or policy that specifies minimum allocations of benefits generated by carbon trading to affected communities?</p>	<p>0. No or unclear / ambiguous policy or mechanism for benefit-sharing.</p> <p>1. Benefit-sharing mechanism defined in law or policy, but does not include an established minimum allocation requirement of benefits to affected communities.</p> <p>2. Benefit-sharing mechanism defined in law and operational, but does not include an established minimum allocation requirement of benefits to affected communities.</p> <p>3. Benefit-sharing mechanism defined in law or policy, and includes an established minimum allocation requirement of benefits to affected communities, but is not operational.</p> <p>4. Benefit-sharing mechanism defined in law or policy and fully operational and includes an established minimum allocation requirement of benefits to affected communities.</p>
<p>3.3 Does this state have a national grievance redress mechanism (GRM) that applies to carbon trading projects?</p>	<p>0. No/unclear</p> <p>1. A GRM has been designed, but it is not operational.</p> <p>2. A GRM has been designed, but it is operational.</p>
<p>3.3.1 To what activities does the GRM coded in 3.3 apply?</p>	<p>0. No/unclear</p> <p>1. Governmental REDD+ activities only.</p> <p>2. Carbon trading projects only.</p> <p>3. Governmental REDD+ activities and carbon trading projects.</p>

3.4 Is clarification of forest tenure for Indigenous Peoples, Afro-descendant Peoples or local communities a component of this state's national REDD+ strategy?	0. No/unclear 1. Yes
3.5 Does the state party's nationally determined contribution include a clear commitment to strengthen or expand the tenure or natural resource management rights of Indigenous Peoples, Afro-descendant Peoples or local communities?	0. No/unclear 1. Yes, explicitly discusses the strengthening or expansion of tenure rights. 2. Yes, continuation of an existing national program addressing community tenure or natural resource management. 3. Yes, otherwise made a clear commitment to community-based management of natural resources.
3.6 Is clarification of the rights of women or gender a component of this state's national REDD+ strategy?	0. No/unclear 1. Only general reference to gender. 2. Specific reference to the rights of community women, Indigenous women, or Afrodescendant women.
3.7 Is clarification of the rights of women or gender a component of this state's national determined contribution?	0. No/unclear 1. Only general reference to gender. 2. Specific reference to the rights of community women, Indigenous women, or Afrodescendant women.

4. DUE PROCESS, FAIRNESS, AND COMPENSATION

4.1 Does the CBTR or an applicable national law or regulation provide communities with the right to judicially or otherwise challenge a government's efforts to extinguish, alienate, or revoke one, several, or all of the communities' rights?	0. No/unclear 1. Communities are guaranteed a right to challenge government's efforts. 2. Communities are guaranteed a right to challenge, explicitly including the right to challenge carbon projects.
--	---

<p>4.2 Does the CBTR or an applicable national law or regulation require compensation where governments extinguish, alienate, or revoke one, several, or all of the communities' rights?</p>	<p>0. No/unclear</p> <p>1. Yes</p> <p>1A. Yes, there is a general right to compensation in national law.</p> <p>1B. Yes, the CBTR-specific laws require compensation for at least one CBTR.</p>
<p>4.3 Is there a requirement for remedies or compensation over harms to community rights due to carbon trading?</p>	<p>0. No</p> <p>1. Communities don't have rights to carbon but carbon legislation recognizes a right to compensation for general population.</p> <p>2. Yes, an implicit recognition of the right to compensation in carbon context can be found if:</p> <p>2A. Communities have explicit carbon rights (2.3) AND a general requirement to compensate them for harms exists (4.2).</p> <p>2B. Communities have inferred carbon rights (2.3) AND a general requirement to compensate for harms to land exists (4.2).</p> <p>3. Yes, explicit recognition of communities' carbon rights AND the right to access compensation in carbon trading context.</p>
<p>4.4 Does the applicable national law or regulation on carbon trading provide that carbon trading projects are subject to periodic audits and reviews by independent 3rd parties?</p>	<p>0. No/unclear</p> <p>1. General requirement of periodic audits and reviews by independent 3rd parties.</p> <p>2. Specific and well-defined requirement of periodic audits and reviews by independent 3rd parties.</p>
<p>4.5 Does the applicable national law or regulation on carbon trading require that communities be provided with access to independent legal support and funding?</p>	<p>0. No/unclear</p> <p>1. General requirement to provide communities with access to independent legal support and funding.</p> <p>2. Specific and well-defined requirement to provide communities with access to independent legal support and funding.</p>
<p>4.6 Does the applicable national law or regulation on carbon trading require that project developers provide communities with accessible information on project activities, risks, revenue from carbon credit sales, and GRMs?</p>	<p>0. No requirement/unclear</p> <p>1. General requirement for developers to provide some of this information.</p> <p>2. Requirement for developers to provide all this information.</p>