

The Land Rights Standard¹

Principles for recognizing and respecting Indigenous Peoples', local communities', and Afro-descendant Peoples' land and resource rights in Climate, Conservation and Development Actions and Investments

BACKGROUND AND PURPOSE

There is now growing recognition that to sustainably manage, use and conserve the world's forests, landscapes and natural resources, actions and investments must be pursued in a manner that recognizes and respects the land, territorial and resource rights of Indigenous Peoples, local communities,² and Afro-descendant Peoples.³ While a wide range of social and environmental frameworks, standards, and certification systems have been developed to support such ends, efforts to date have largely been uncoordinated and absent from these is a common set of globally recognized principles, grounded in international human rights law and the aspirations of Indigenous Peoples, local communities, Afro-descendant Peoples, and women within these groups.

To address this shortcoming and trigger a race to the top, the Indigenous Peoples Major Group (IPMG) for Sustainable Development and the Rights and Resources Initiative (RRI) instigated a process to develop a comprehensive set of principles, in consultation with Indigenous, local community, and Afro-descendant organizations from across the world and the dedicated support of the Global Landscapes Forum (GLF). These principles are aimed at guiding all current and future landscape-level interventions.

¹ An initiative instigated and developed by the Indigenous Peoples Major Group for Sustainable Development (IPMG) and the Rights and Resources Initiative (RRI), with the support of the Forest Peoples Programme (FPP) and the Global Landscapes Forum (GLF)

² There is no formal definition of "local communities" under international law, and social movements of local communities are often regionally specific and diverse. For the purpose of this Standard, we do not advance a specific singular definition. Further guidance on how this term is understood and expressed can be found in regional processes, such as the recent [Criteria to Identify and Protect Local Communities](#) developed in Latin America, and in the diverse regional and national experiences shared within the [Report of the Expert Group Meeting of Local Community Representatives within the Context of Article 8\(j\) and Related Provisions of the Convention on Biological Diversity \(UNEP/CBD/WG8J/7/8/Add.1\)](#). In the latter report, see specifically paragraphs 17-21 and the list of common characteristics presented in Advice and recommendations arising from the Expert Group Meeting (pp. 12-13).

³ The term 'Afro-descendant Peoples' refers to individuals, groups of individuals or people descended from African persons—most commonly in the context of post-slavery populations in Central and South America but not restricted to there—who traditionally and primarily hold resource rights at the community-level. The UN human rights system has elaborated on the rights of these individuals, groups, and peoples through a dedicated [Working Group on Persons of African Descent](#), among other processes.

Goals of the Standard

- Establish a rights-holder driven and determined framework for guiding rights-based climate, biodiversity and sustainable development actions and investments in the world's lands, forests and other natural ecosystems;
- Strengthen respect, recognition and protection of: the distinct and differentiated rights of Indigenous Peoples, as affirmed by the UN Declaration on the Rights of Indigenous Peoples and ILO Indigenous and Tribal Peoples Convention, 1989 (No.169);⁴ the rights of local communities and Afro-descendant Peoples; and the equal roles and rights of women within these peoples and communities;
- Encourage all organizations to improve their own standards, certification systems and commitments for rights-based approaches to sustainable landscapes;
- Help deliver on global goals and commitments, including the Paris Climate Agreement, the Sustainable Development Goals, and the post-2020 global biodiversity framework;
- Pave the way for a more sustainable, equitable, and just future for all by strengthening partnerships with Indigenous Peoples, local communities, and Afro-descendant Peoples via the adoption of rights-based approaches to landscape restoration, conservation, and sustainable land and resource use.

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

⁴ The International Labor Organization (ILO) [Convention No. 169](#) recognizes the inherent rights of Indigenous and Tribal Peoples. ILO Convention No. 169 is credited for the recognition of many non-indigenous ethnic groups across Latin America, Africa, and Asia, including the territorial and FPIC rights of Afro-descendant Peoples in Latin America (e.g., Colombia, Brazil, Honduras).

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**⁵ 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 women within these groups,⁶ 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.⁷
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.⁸
3. To **plan, implement, and monitor all landscape-level** projects, programs, and initiatives⁹ **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 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** and particularly Indigenous women, 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 women within these groups, to**

⁵ 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.

⁶ 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](#).

⁷ 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.

⁸ 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.

⁹ 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.

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.

ENDORISING ORGANIZATIONS