

# 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

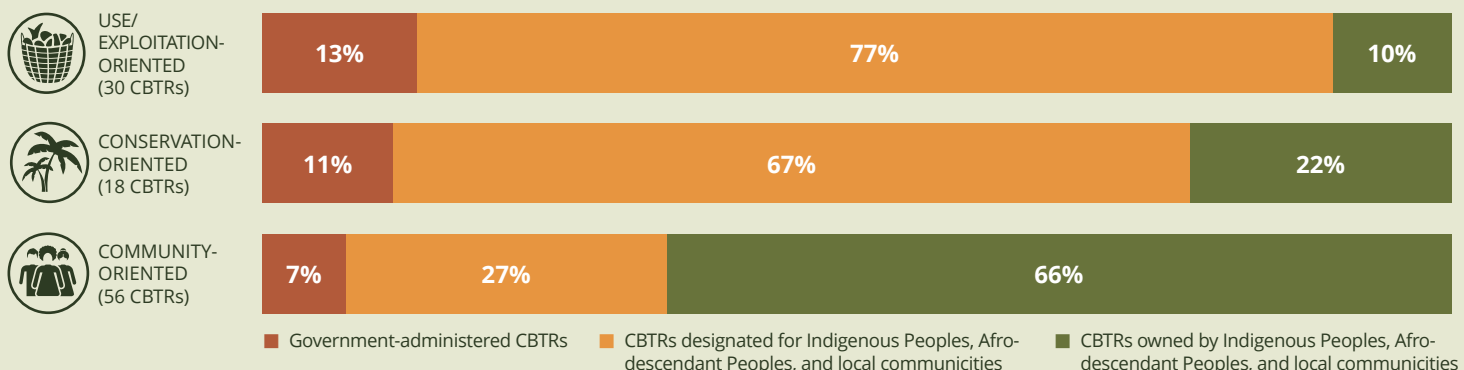


CULTURAL/RELIGIOUS USE



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.



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## GLOBAL AND LATIN AMERICA FINDINGS

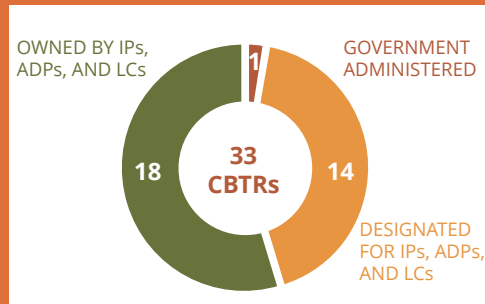
SEPTEMBER 2025

### 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.

**Latin America** shows the highest recognition of communities' ownership rights.



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



- ☐ In **Latin America**, **28 of 33 CBTRs (85%)** protect management rights, and **16 (30%)** do so based on customary rights, the highest proportion across the 3 regions.
- ☐ Nevertheless, overlap with conservation areas can restrict management rights, even where ownership is recognized. This is the case in **Nicaragua**, where Communal Authorities must jointly manage Communal Land that overlaps with protected areas with the Ministry of the Environment.

### FREE, PRIOR, AND INFORMED CONSENT

**Latin America** is the region with the most protection of FPIC rights, with **85% of CBTRs** guaranteeing these rights for at least some communities.

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



### LATIN AMERICA IS THE REGION WITH THE LEAST LEGAL DEVELOPMENTS

- ☐ No new CBTRs were created in **Latin America** in 2016–2024.
- ☐ **21% of CBTRs** globally that underwent legal changes were in **Latin America**.
  - While no rollbacks were observed, just **2 of 23 CBTRs** experienced progressive reforms.
- ☐ The region is at a stalemate for legislative reform despite the need for improvement. The only two reforms are a result of judicial decisions (**Brazil and Panama**).

### DUE PROCESS AND COMPENSATION

- ☐ Globally, **82% of all 104 CBTRs** recognize rights to due process and compensation.
- ☐ In **Latin America**, **91% of CBTRs** recognize the right to due process and compensation.



### EXCLUSION AND DURATION ARE THE LEAST RECOGNIZED RIGHTS



- ☐ **65% of 104 CBTRs** recognize exclusion rights.
- ☐ **66% of 104 CBTRs** recognize rights in perpetuity.
- ☐ In **Latin America**, **10 of 11 countries** include language in national laws recognizing collective rights as “inalienable” and “imprescriptible.”

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

In **Latin America**, **32 of 33 CBTRs** recognize rights to withdraw timber or non-timber forest products, and **30 of 33 CBTRs** allow use of forest resources for religious/cultural purposes.



### LIVED REALITIES VS. REFORMS ON PAPER

In **Venezuela**, communities' ownership rights are recognized, but the government fails to title land for Indigenous Peoples and ethnic communities. As of 2021, **85%** of all processes of titling and demarcation of Indigenous territories had been delayed for more than 16 years.

### CALL TO ACTION

- ☐ **Governments** ➔ Recognize and harmonize tenure rights—including the rights of **Afro-descendant Peoples**—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.