



RIGHTS AND RESOURCES INITIATIVE | AUGUST 2020

The Opportunity Framework 2020

*Identifying Opportunities to Invest in Securing
Collective Tenure Rights in the Forest Areas of
Low- and Middle-Income Countries*

Technical Report

About the Rights and Resources Initiative

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-descendants, 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



Sponsors



The views presented here are not necessarily shared by the agencies that have generously supported this work.

This work is licensed under a Creative Commons Attribution License CC BY 4.0.

Acknowledgments

This report is a product of collaborative efforts of members of the Rights and Resources Initiative (RRI) coalition, RRI Fellows, the staff of the Rights and Resources Group, and independent experts from across the world. Data collection and analysis was led by Fangyi Xu, consultant. Kundan Kumar, Omaira Bolaños, and Patrick Kipalu provided insights and assessments for Asia, Latin America, and Africa respectively. Kundan Kumar was responsible for overall analysis and triangulation of results with the existing literature and available data in public domain as well as verification by country experts. Andy White and Alain Frechette advised the study and provided valuable insights. Shannon Johnson, Peter Oesterling, Sandra Leon, and Rachel MacFarland provided valuable assistance in communicating with experts.

The study would not have been possible without the support, guidance, and expert advice from representatives of AIPP (Asian Indigenous People's Pact), COICA (Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica), AMAN (Aliansi Masyarakat Adat Nusantara) and FECOFUN (Federation of Community Forestry Users Nepal), federations of rightsholders and members of the RRI coalition who are actively engaged in promoting and implementing tenure reforms in their lands and territories. We are grateful for their participation and support, and for the input and review by representatives of CIFOR, Forest Peoples Programme, Forest Trends, and RECOFTC, also members of the RRI coalition. We are grateful to Liz Alden Wily, Paul de Wit, Margarita Florez, and Jintao Xu, RRI Fellows who provided valuable insights and source material for multiple countries as well as advice on the method and findings.

We are also indebted to the following experts who gave their time as members of the Global Expert Review Group who provided independent review of the findings and recommendations by the country and regional experts: Leonardo Crippa (Indian Law Resource Center); Nicholas Meitaki Soikan (The World Bank); Peter Veit (World Resources Institute); Juan Antonio Martinez Legaria (Inter-American Development Bank); and Malcolm Childress (The Land Alliance).

The following experts contributed time, energy, and knowledge regarding the adequacy of legal frameworks, government willingness to implement legal frameworks to secure collective land rights, and organizational capacities of government and civil societies to implement investment projects to recognize the forest rights recognition of local communities, Indigenous Peoples, and Afro-descendants: Abdunassar Olekwa, Alfred Brownell, Ali Kaba, Arttu Malkamäki, Bertram Turner, Bharati Pathak, Bounyadeth Phouangmala, Brent Hierman, C.R. Bijoy, Caleb Stevens, Carolina Gil Sánchez, David Balgley, David Bray, David Ganz, Dil Raj Khanal, Farid W. Franck Ndjimbi, Gam Shimray, Guy Moussele Diseke, Illiana Monterroso, Jaana Korhonen, Jean Jacques Mathamale, Jean Mananga Rakotonirina, Jian Wang, José Heder Benatti, Keikabile Mogodu, Kirsten Ewers, Lars-Ove Sjajn, Laureano del Castillo Pinto, Leif Jougda, Lilian Looloitai, Matthias vom Hau, Than Maung Maung, Max Ooft, Minu Parahoe, Mirzkhid, Mishkat Al Moumin, Musingo Tito E. Mbuvi, Nancy Hudson-Rodd, Natalie Campbell, Pasang Dolma Sherpa, Paul Kerkhof, Peter Cronkleton, Per

Sandström, Philippe Karpe, Ravna Øyvind, Robert K. Hitchcock, Rod Nixon, Sa Majesté Bruno Mvondo, Samuel Dieval, Silvana Baldovino Beas, Silvel Elías, Simon Counsell, Théophile Gata Dikulukila, Tol Sokchea, Tushar Dash, Vanda Radzik, Victor Kawanga, Vladimir Aguilar Castro, Xiufang Sun, Xuemei Jiang, Yazid Ben Hounet, and Ykhanbai Hijaba.

Any omissions of contributors are unintentional, and any errors are the authors' own.

Table of Contents

Report

1. Introduction	6
2. Methodology.....	7
3. Findings	10
4. Analysis of Parameters Across Countries	14
5. Analysis of Member Countries of the Forest Carbon Partnership Facility and the Carbon Fund..	16
Annex I.....	22
Bibliography.....	75
Endnotes.....	84

Figures

Figure 1: Potential for Investments in Countries Analyzed (Regionwise)	14
Figure 2: Parameter Performance in 29 Countries Analyzed	15
Figure 3: Potential for Investments in 23 FCPF Countries.....	16
Figure 4: Parameter Performance in 23 FCPF Countries Analyzed	17

Maps

Map 1: Opportunity Framework: Status of Countries.....	11
Map 2: Opportunity Framework for 23 FCPF Countries	18

Tables

Table 1: Scoring System for Each Readiness Parameter	9
Table 2: Scoring System to Determine Category of Country Readiness	10
Table 3. Opportunity Framework Findings	11
Table 4: Opportunities to Invest in Securing Collective Tenure Rights in the Forest Areas of 23 FCPF Countries.....	18
Table 5. Scope of opportunity in FCPF countries	21

1. Introduction

Indigenous Peoples,¹ local communities,² and Afro-Descendants³ (IP, LC & AD) — roughly 2.5 billion people — customarily manage over 50% of the global land mass, but governments currently recognize their legal ownership to just 10% (RRI, 2015). Fortunately, there has been progress in addressing this historic injustice in recent years as governments have begun to pass legislation and achieve court decisions to recognize the historic and customary use and ownership of these lands. A recent stock-taking finds that since 2002, at least 14 additional countries have passed legislation that require governments to recognize these rights. Similarly, there have been positive national and regional level court decisions in numerous countries supporting the formal recognition of the collective land and forest rights of Indigenous Peoples, local communities, and Afro-descendants. RRI research demonstrates that if only 7 countries implemented these new laws, policies, and court decisions, over 176 million hectares would be transferred from government to Indigenous, local community, and Afro-descendant ownership, benefitting over 200 million people (RRI, 2018).

The progress on the legal front demonstrates the exceptional opportunity for countries and the global community to address this long-standing abuse of human rights. Unfortunately, legal frameworks for recognition of collective tenure rights are often not implemented, as governments and their societies often lack the financial resources, organizational capacities, or political interest to implement these laws and court decisions. This agenda has also never been a high priority of the international development community – though there is a history of investment by some multi-and bilateral donors in collaboration with governments and local communities that has generated important experience and lessons.

Increased understanding and appreciation in recent years of the role of secure Indigenous and community land rights in protecting forests and ecosystems has generated new interest, and new possibility, to make progress on this long-standing human rights crisis. Research shows that legally recognized Indigenous and community lands and territories store more carbon, have lower emissions,⁴ and have significantly lower deforestation rates than lands owned by other actors⁵ and cost less to establish and maintain than conventional protected areas.⁶ It is now well recognized by the global scientific as well as climate and biodiversity conservation sectors that insecure, contested, and unjust land and forest tenure undermines international efforts to protect, sustainably manage, and restore ecosystems essential to the realization of climate, conservation, and sustainable development goals.⁷

For these reasons, a growing number of governments and development organizations are increasingly interested in identifying opportunities to accelerate and scale-up the recognition and strengthening of Indigenous Peoples', Afro-descendants', and local communities' rights over their forests, lands, territories, and resources.

The purpose of this report is to facilitate greater investment by governments, development, climate, and conservation organizations in projects to formally recognize the land and forest rights of local communities, Afro-descendants, and Indigenous Peoples. This report is an independent, and expert, high-level scan of the status of country readiness for investments to secure these rights, prioritizing countries that are members of the Forest Carbon Partnership Facility (FCPF), an international initiative to help governments reduce deforestation and thereby mitigate climate change. This report is designed to facilitate awareness and identify potential opportunities for investment by these and other governments, the supporters of the FCPF, and other potential donors, and provide a simple framework for monitoring the status of readiness for such investments over time. This “Opportunity Framework” enables an open access tracking of country and global progress on the global imperative of recognizing local peoples’ collective land rights. The assessments are intentionally independent to increase the objectivity and candidness of the analysis and judgements, and thereby give an unvarnished view of the current situation in each country.

The logic of this report, and the Opportunity Framework tool itself, is that the results of this scan are indicative rather than deterministic. It is hoped that, depending on the interest of the potential donor or government, they would invest greater effort in conducting further due diligence before choosing to invest. Following this same logic, this report is followed by a second, deeper and more operational, analysis of these same questions in collaboration with the FCPF, for a selected set of FCPF member countries. The results of this work will be posted on a website and regularly updated to continue to provide information to those interested in investing in securing Indigenous Peoples’, local communities’, and Afro-descendants’ forest and land rights.

The focus of this report, and the Framework itself, is limited to formal recognition of land and forest rights (i.e. delimitation, mapping, registry, etc.). It does not assess the important and subsequent steps of strengthening community or territorial governance, the enforcement of these rights by governments, or the capacities necessary to enable Indigenous, local community, and Afro-descendant organizations to manage or exploit their resources or engage in enterprises or economic development activities – all of which are essential for sustained and self-determined conservation and development. This Framework focuses on the first step in this longer process.

2. Methodology

This study assesses the status of opportunities in 29 countries, including 23 countries that are members of the FCPF. Eleven of these countries have also been selected to participate in the Carbon Fund.

The study assesses the readiness of a country to undertake tenure reform projects to formally recognize Indigenous Peoples’, local communities’, and Afro-descendants’ rights to their lands, territories, and resources. The assessment is based on the following five parameters:

- i. Adequacy of legal and regulatory frameworks to formally recognize Indigenous Peoples', local communities', and Afro-descendants' claims to their collective forest rights;
- ii. National government willingness and interest to support scaling-up implementation of projects for recognition of Indigenous Peoples', local communities', and Afro-descendants' collective forest rights;
- iii. Sub-national government willingness and interest to support scaling-up implementation of projects for recognition of Indigenous Peoples', local communities', and Afro-descendants' collective forest rights;
- iv. The operational capacities within governments at national or sub-national levels to implement projects at scale as per international standards, including the quality of their relationship with Indigenous, local community, and Afro-descendant organizations and civil society regarding the implementation of projects to recognize collective forest rights; and
- v. The operational capacities within the rights-holding Indigenous Peoples', local communities', and Afro-descendants' organizations and their allied civil society organizations to implement projects at scale as per international standards.

The data for making this assessment was collected from three different sources. First, a survey questionnaire was sent to experts in an RRI database of Indigenous, local community, and Afro-descendant organizations, RRI coalition members, and RRI Fellows. Second, the data collected for the previous RRI assessments of forest and land tenure, where relevant, was used to complement the information collected from the survey. Third, RRI staff reviewed the collected data, consulted in-country experts, and provided additional information and data points for completing the assessment. The final assessments for each parameter and country were presented to the Global Expert Review group for their review and advice.

A scoring system was developed, with a total possible score of 15 points. Among the five parameters described above for assessing the readiness, the adequacy of the legal framework was treated as the most important requirement and given a total weight of 33 percent (or 5 points) in the scoring system. The willingness of the national governments to carry out tenure reforms projects was judged to be the second most important parameter and was given a weight of 26.6 percent (or 4 points). Slightly lower weight was given to the other three parameters at 2 points each. The reason for the lower weights of the remaining parameters was the assumptions that: 1) the willingness at subnational levels is often subsumed by the national-level willingness; and 2) if limited, the organizational capacities of governments or CSOs could be mitigated by additional financial and technical support.

Each of the five parameters were evaluated as being either: 1) adequate; 2) somewhat adequate; or 3) inadequate. The scoring system is presented in Table 1.

Table 1: Scoring System for Each Readiness Parameter

	Adequate	Somewhat Adequate	Inadequate
Indicative Color			
Legal framework	5	3	0
Federal/Central government willingness	4	2	0
Subnational government willingness	2	1	0
Government capacity	2	1	0
Civil society capacity	2	1	0

The scores on the performance of the five parameters were summed to a total score for each country – and ranged from 0 to 15. Finally, three different types of opportunity for investment were identified.

The first type includes opportunities to build or strengthen the enabling environment for the implementation of projects to secure community forest rights. In this type the conditions in the country are assessed to be unfavorable for major investments in implementing laws to recognize forest rights – either because the legal framework, political interest, or capacity is inadequate. In this case critical investments are necessary to develop trust, capacity, or legal or institutional frameworks. Possibilities of undertaking experimental rights recognition pilots or proof of concept projects to build and strengthen enabling environments could be explored.

The second type includes countries where there are opportunities for medium scale projects – estimated to be around US\$1 million/year with either rightsholder organizations or their allies, often at a sub-national level. The Tenure Facility was used as the prototype investor for opportunities of this type.

The third type includes countries where the legal frameworks, willingness, trust, and capacity was assessed to be adequate for large sub-national or national-level projects, with an understanding that national government support would be necessary for this type. It is assumed that seizing opportunities of this type would require either large direct government investment by the central government, or major investments by bilateral or multilateral donors. The prototype investor for this type would be the World Bank or the regional development banks such as the IADB. These categories are presented in Table 2 below.

Table 2: Scoring System to Determine Category of Country Readiness

Score achieved	Color	Readiness Status
If total score is 12 - 15		Ready for large, national, or sub-national projects to implement forest tenure reforms
If total score is 8 - 11		Ready for medium projects to implement forest tenure reforms
If total score is 0 - 7		Ready for small projects to build or strengthen the enabling environment

It is important to recall the key caveats before proceeding to the results. This analysis: 1) does not claim to be a comprehensive assessment of a country's potential for reforms and is a snapshot of existing conditions; 2) the score given to each country is not for comparison with other countries; 3) the scores are based on the independent judgment of global and country experts that include representatives of Indigenous, local community, and Afro-descendant organizations; and 4) while the scores rely heavily on various legal documents, survey responses, and correspondence with the independent country experts, the overall responsibility for country assessments is solely of the authors.

It is also important to note that being ready for large national or subnational projects to implement forest tenure reforms does not preclude support for medium scale projects or enabling actions and reforms. All countries considered in the study would benefit substantively from investments that would build up the capacity of civil society and governments, reforms in legal procedures, and regulations and improved political acceptance of collective forest tenure reforms.

3. Findings

The compiled result for the countries for which adequate data was available is presented in Table 3 below. References and explanations regarding the scoring and overall assessment are presented in Annex 1.

Table 3. Opportunity Framework Findings

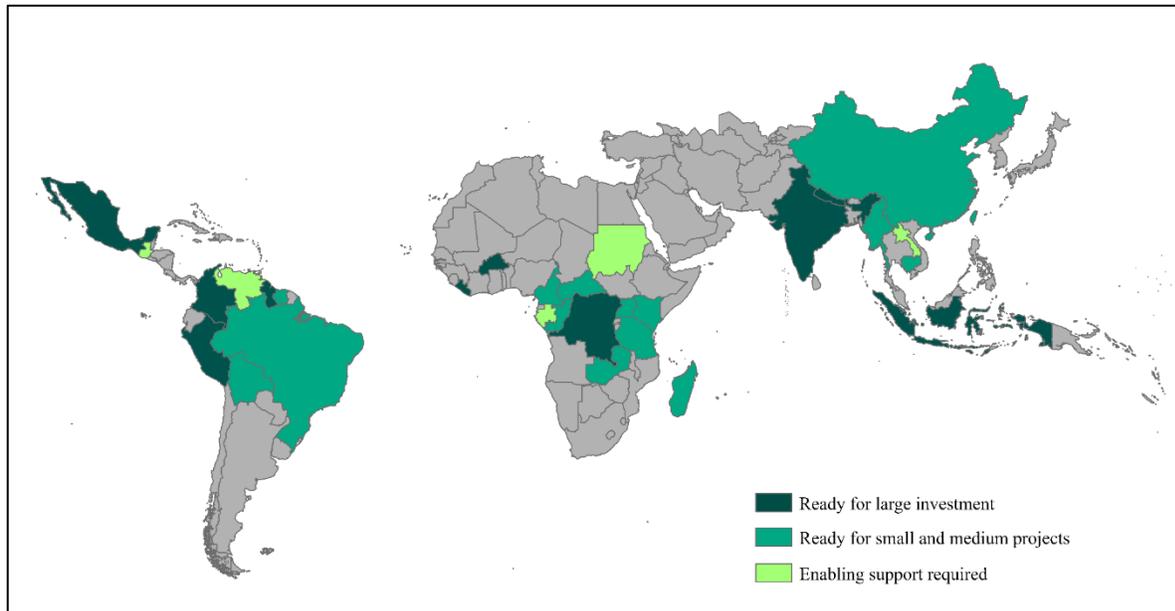
Country	Legal	Willingness: National	Willingness: Subnational	Capacity: Govt	Capacity: NGOs	Overall/ Score	Assessment
ASIA							
Cambodia						10	Ready for medium projects to implement tenure reforms
China						10	Ready for medium projects to implement tenure reforms
Indonesia						12	Ready for large, national, or sub-national projects to implement tenure reforms
India						13	Ready for large, national, or sub-national projects to implement tenure reforms
Lao PDR						7	Ready for small projects to build or strengthen the enabling environment
Myanmar						8	Ready for medium projects to implement tenure reforms
Nepal						13	Ready for large, national, or sub-national projects to implement tenure reforms
LATIN AMERICA							
Bolivia						9	Ready for medium projects to implement tenure reforms
Brazil						10	Ready for medium projects to implement tenure reforms
Colombia						12	Ready for large, national, or sub-national projects to implement tenure reforms
Guatemala						6	Ready for small projects to build or strengthen the enabling environment
Guyana						13	Ready for large, national, or sub-national projects to implement tenure reforms
Mexico						15	No investments needed for scaling up
Peru						13	Ready for large, national, or sub-national projects to implement tenure reforms

Suriname						9	Ready for medium projects to implement tenure reforms
Venezuela						6	Ready for small projects to build or strengthen the enabling environment

AFRICA

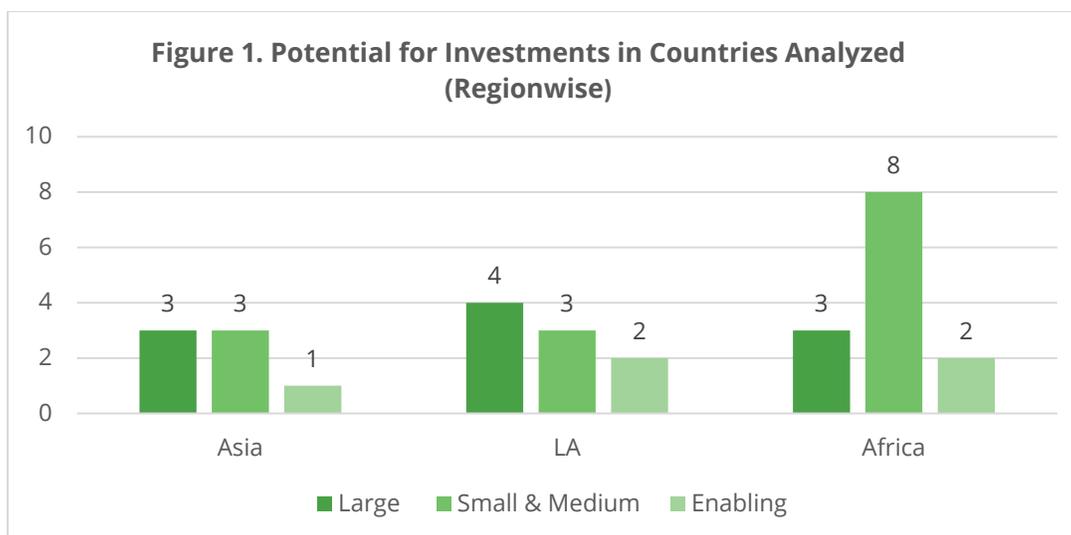
Burkina Faso						13	Ready for large, national, or sub-national projects to implement tenure reforms
Cameroon						9	Ready for medium projects to implement tenure reforms
CAR						10	Ready for medium projects to implement tenure reforms
DRC						12	Ready for large, national, or sub-national projects to implement tenure reforms
Gabon						4	Ready for small projects to build or strengthen the enabling environment
Kenya						11	Ready for medium projects to implement tenure reforms
Liberia						13	Ready for large, national, or sub-national projects to implement tenure reforms
Madagascar						11	Ready for medium projects to implement tenure reform
Congo, Rep.						11	Ready for medium projects to implement tenure reform
Sudan						3	Ready for small projects to build or strengthen the enabling environment
Tanzania						11	Ready for medium projects to implement tenure reform
Uganda						8	Ready for medium projects to implement tenure reforms
Zambia						8	Ready for medium projects to implement tenure reforms

Map 1: Opportunity Framework: Status of Countries



The major findings are:

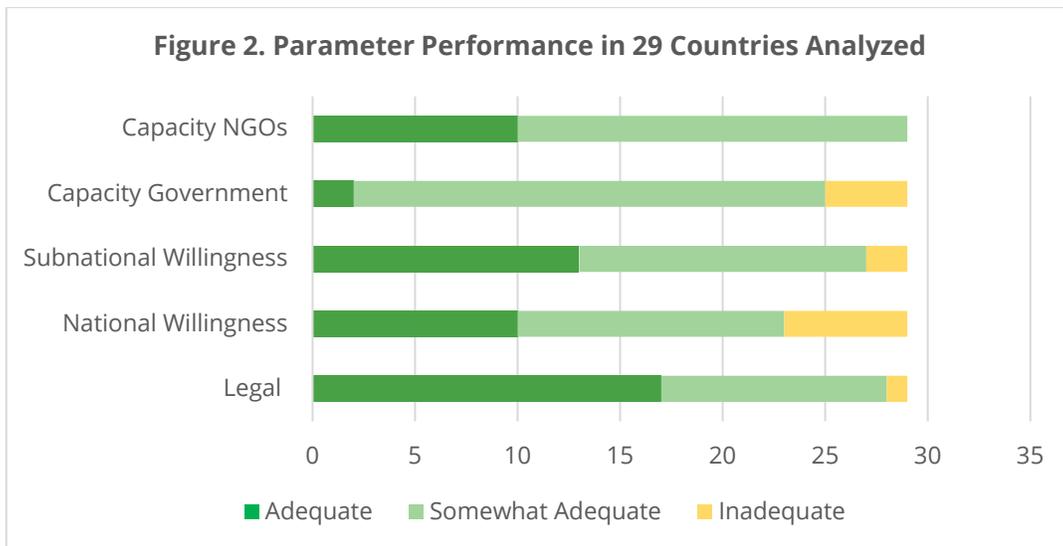
- Ten countries have been assessed to be ready for large, national, or sub-national projects to implement forest tenure reforms. All but one of these ten countries are Forest Carbon Partnership Fund countries. The largest potential is in Latin America, where four countries out of nine studied are assessed to be able to absorb large investments for scaling up forest tenure recognition.
- Fourteen countries are assessed to be ready for medium projects to implement forest tenure reforms. Ten of these are FPCF countries.
- **Five** countries do not meet the criteria needed for investments in scaling up the formal recognition of forest rights. These countries would benefit from small projects to establish the enabling conditions for the formal recognition of land rights, including interventions to strengthen civil society, Indigenous, local community, Afro-descendant, or government organizational capacities; create more favorable political environments; or establish new legal or regulatory frameworks to formally recognize collective forest rights.



4. Analysis of Parameters Across Countries

Patterns emerge across the different parameters used for the assessment which provide pointers towards the form of investments that need to be made. The main patterns are as follows:

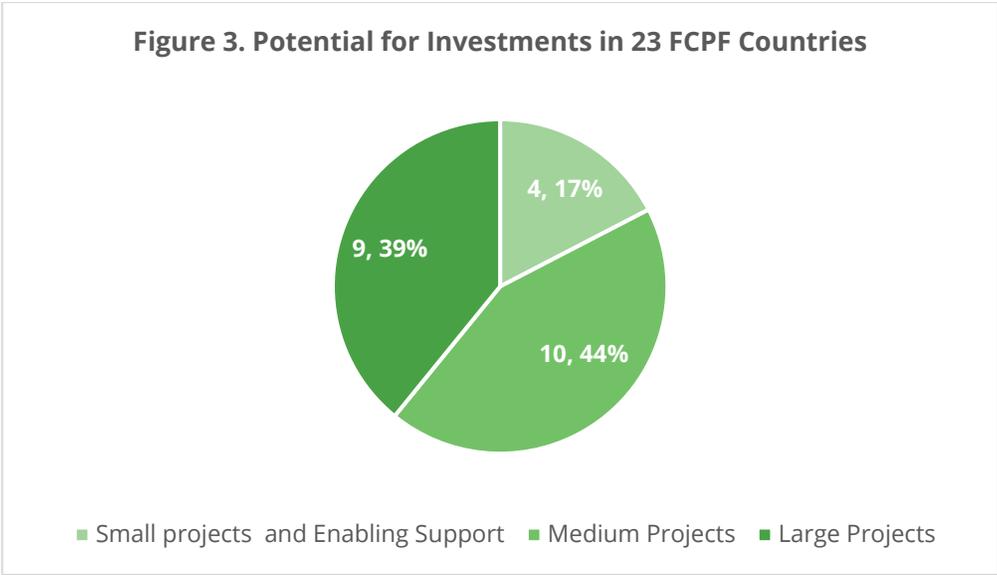
- Adequacy of legal frameworks for recognizing collective forest rights:** In most of the countries studied, the legal frameworks seem to be adequate (59 percent) or somewhat adequate (38 percent) for rights recognition, and only one country has an inadequate legal framework. One of the implications is that many countries have developed legal frameworks for recognizing collective forest tenure, but these tend to remain unimplemented. It also implies that in countries with less than adequate legal frameworks, investments need to be made in reforms of laws on collective rights. Out of 17 countries which have adequate legal frameworks, only 12 provide opportunities for large investments. In the remaining 5, despite having adequate legal frameworks, the lack of political willingness or capacity has led to lower rankings. This category includes countries such as Brazil, Bolivia, and Venezuela in Latin America where the current national governments are deeply unsympathetic to Indigenous or local community rights.



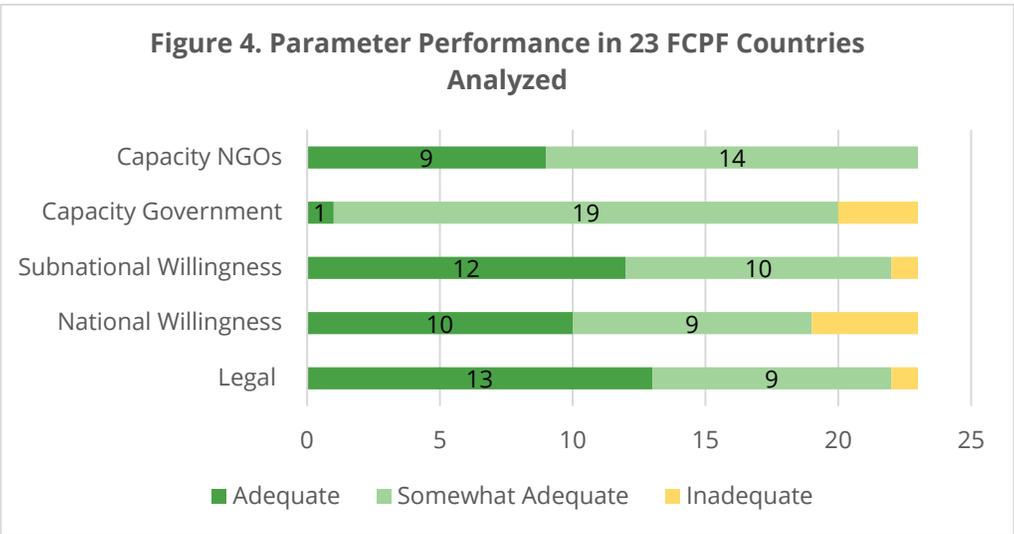
- Willingness of governments to implement recognition of collective forest rights:** The assessment concluded that the level of willingness was adequate in the case of governments for 10 countries, somewhat adequate for 13 countries, and inadequate in 6 countries. Four out of six countries with inadequate willingness are in Latin America, including Brazil and Bolivia, where changes in governments have been deeply unfavorable to Indigenous, local community, and Afro-descendant rights. It was also interesting to note that in Brazil and Bolivia, where national governments are uninterested in recognizing collective forest rights, sub-national governments have shown more willingness, opening opportunities for at least small and medium projects for rights recognition. Similarly, in countries such as Indonesia, where national governments are somewhat willing, some sub-national governments are strongly in favor of recognizing Indigenous, local community, and Afro-descendant rights, opening possibilities for large investments in collaboration with state governments.
- Capacity of governments to scale up recognition of collective forest rights:** This is one area where most governments, both national and subnational, currently do not have adequate capacity. In effect, the limited capacity of governments and their agencies represents a major gap even in countries where other conditions are present and would need to be established in situations where major investments in rights recognition are proposed.
- Capacity of civil society, NGOs, and Indigenous, local community, and Afro-descendant organizations:** The capacity of civil society actors in all countries was assessed to be adequate or somewhat adequate for supporting collective rights recognition. However, investments in civil society to undertake advocacy for legal reforms and for supporting government agencies would likely be needed in all countries. Civil society will likely be the major conduit of support for countries where conditions for major investments in rights reforms are not yet available.

5. Analysis of Member Countries of the Forest Carbon Partnership Facility and the Carbon Fund

A separate analysis of the opportunity framework has been carried out for 23 FCPF countries covered under the study (see Table 2 and Map 2). 9 FCPF countries out of 23 studied are assessed to have conditions ready for **large, national, or sub-national projects** to implement forest tenure reforms. 10 FCPF countries are assessed to be ready for **medium projects** to implement tenure reforms and four require enabling support or could carry out small projects.



- Analysis of parameters across FCPF countries:** The following patterns emerge across the different parameters used for the assessment which provide pointers towards the form of investments that need to be made.



- **Adequacy of legal frameworks for recognizing collective forest rights:** Out of 23 FCPF countries studied, except one country, legal frameworks are assessed as adequate (13) or somewhat adequate (9) in 22 countries. Out of 13 FCPF countries which have adequate legal frameworks, 8 provide opportunities for large investments. In the remaining 5 countries (Cambodia, Bolivia, Kenya, Rep. of Congo, and Tanzania), lack of political willingness or government capacity has led to lower rankings, implying a need for greater advocacy with governments and investments in building government capacity for collective tenure reforms.
- **Willingness of governments to implement recognition of collective forest rights:** The assessment concluded that the level of willingness was adequate in the case of governments for 10 out of 23 FCPF countries, somewhat adequate for 9 countries, and inadequate in 4 countries. The FCPF countries assessed to have inadequate national level political willingness are Bolivia, Guatemala, Gabon and Sudan.
- **Capacity of governments to scale up recognition of collective forest rights:** Most governments in FCPF countries, both national and subnational, do not have adequate capacity to implement collective tenure reforms. The limited capacity of governments and their agencies represents a major constraint even in countries where other conditions are present, and would need to be supported in case investments in the recognition of collective tenure rights are proposed.
- **Capacity of civil society, NGOs, and Indigenous, local community, and Afro-descendant organizations:** The capacity of civil society actors in all countries was assessed to be adequate or somewhat adequate for supporting collective rights recognition. However, investments in civil society to undertake advocacy for legal reforms and to support government agencies would likely be needed in all countries. Civil society will likely be the major conduit of support for countries where conditions for major investments in rights reforms are not yet available.

Map 2: Opportunity Framework for 23 FCPF Countries

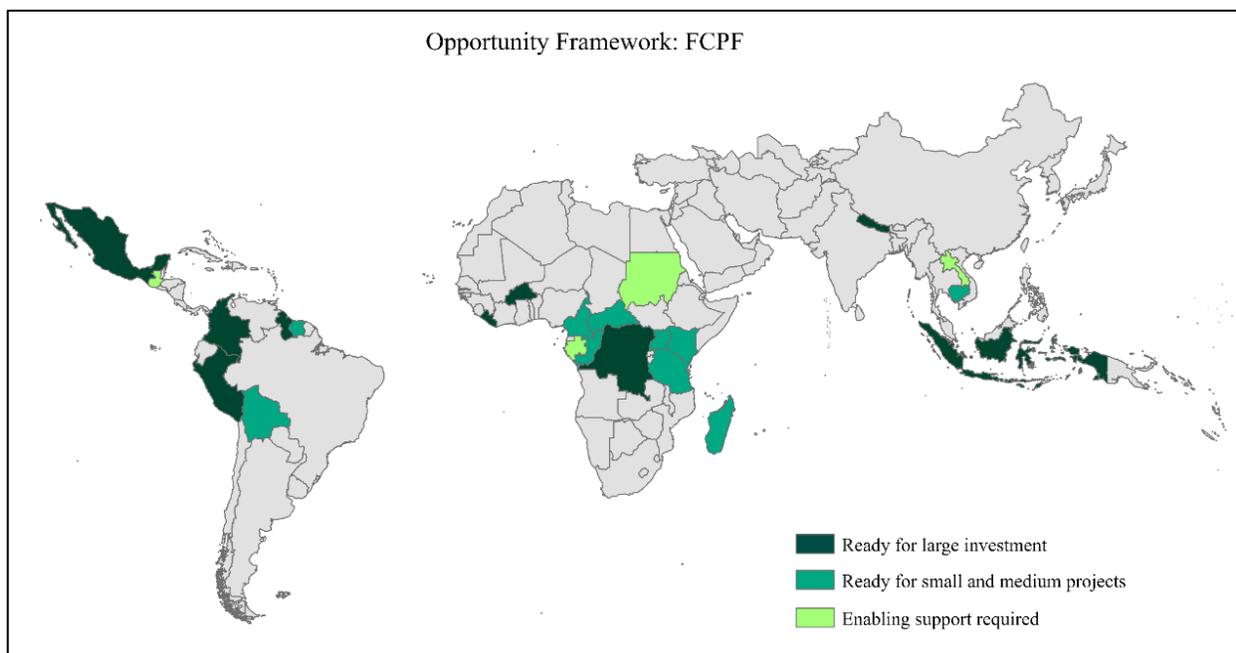


Table 4: Opportunities to Invest in Securing Collective Tenure Rights in the Forest Areas of 23 FCPF Countries

Country	Legal	Willingness: National	Willingness: Subnational	Capacity: Govt	Capacity: NGOs	Overall/ Score	Recommendations
ASIA							
Cambodia	Medium Green	Light Green	Light Green	Light Green	Light Green	10	Ready for medium projects to implement tenure reforms
Indonesia	Dark Green	Light Green	Dark Green	Light Green	Dark Green	12	Ready for large, national, or sub-national projects to implement tenure reforms
Lao PDR	Light Green	Light Green	Light Green	Yellow	Light Green	7	Ready for small projects to build or strengthen the enabling environment
Nepal	Dark Green	Dark Green	Dark Green	Light Green	Light Green	13	Ready for large, national, or sub-national projects to implement tenure reforms
Latin America							
Bolivia	Dark Green	Yellow	Light Green	Light Green	Dark Green	9	Ready for medium projects to implement tenure reforms

Colombia						12	Ready for large, national, or sub-national projects to implement tenure reforms
Guatemala						6	Ready for small projects to build or strengthen the enabling environment
Guyana						13	Ready for large, national, or sub-national projects to implement tenure reforms
Mexico						15	No investments needed for scaling up
Peru						13	Ready for large, national, or sub-national projects to implement tenure reforms
Suriname						9	Ready for medium projects to implement tenure reforms

AFRICA

Burkina Faso						13	Ready for large, national, or sub-national projects to implement tenure reforms
Cameroon						9	Ready for medium projects to implement tenure reforms
CAR						10	Ready for medium projects to implement tenure reforms
DRC						12	Ready for large, national, or sub-national projects to implement tenure reforms
Gabon						4	Ready for small projects to build or strengthen the enabling environment
Kenya						11	Ready for medium projects to implement tenure reforms
Liberia						13	Ready for large, national, or sub-national projects to implement tenure reforms
Madagascar						11	Ready for medium projects to implement tenure reforms
Congo, Rep.						11	Ready for medium projects to implement tenure reforms

Sudan						3	Ready for small projects to build or strengthen the enabling environment
Tanzania						11	Ready for medium projects to implement tenure reforms
Uganda						8	Ready for medium projects to implement tenure reforms

Drawing on data from RRI's forthcoming report⁸ which offers an estimate on the extent of the area which Indigenous Peoples, local communities, and Afro-descendants customarily hold, but where their rights are not recognized, gives a sense of the scale of the opportunity to secure rights in these FCPF countries. The 9 FCPF countries ready for large-scale investments are home, at a minimum, to 289.59 mha of territories to which Indigenous Peoples, local communities and Afro-descendants have claimed but unrecognized rights. The 9 FCPF countries that are ready for medium-scale projects are home, at a minimum, to another 152.78 mha of unrecognized lands.

Using average carbon density values per hectare, developed by the Woodwell Climate Research Center⁹ for different biomes in the selected countries, estimates of carbon stored in legally recognized and unrecognized community lands were developed, following methods used in the 2018 Global Baseline Assessment developed by RRI and colleagues. Accordingly, for the 22 FCPF countries for which data are available, over 153 billion tonnes of carbon are stored in lands which are traditionally held by Indigenous Peoples, local communities, and Afro-Descendants, but to which they do not have formally recognized rights.

Table 5. Scope of opportunity in FCPF countries

Country	Total Country Area (mha)	Area where IP, LC, and AD rights are legally recognized	Area where IP, LC, and AD rights are not legally recognized	Opportunity Framework Status	Carbon stock within communities' recognized lands ¹⁰ (million tonnes)	Carbon stock within communities' unrecognized lands (million tonnes)	Total carbon stock within lands held by IP, LC, and AD (million tonnes)
Bolivia	108.33	39.39	16.88		9,337.29	4,001.36	13,338.65
Burkina Faso	27.36	N.D	N.D		N.D	N.D	N.D
Cambodia	17.65	0.59	0.34		134.22	77.35	211.57
Cameroon	47.27	4.26	34.05		1,328.97	10,622.38	11,951.35
Colombia	110.95	37.58	4.76		14,358.06	1,818.64	16,176.69
Congo, Rep.	34.15	0.44	28.99		148.04	9,753.87	9,901.91
Congo, Dem. Rep.	226.71	1.20	196.57		327.34	53620.43	53947.77
Gabon	25.77	0.07	21.73		28.22	8,760.17	8,788.39
Guatemala	10.72	1.78	1.42		597.86	476.95	1,074.81
Guyana	19.69	3.8	11.94		1,349.73	4,240.98	5,590.71
Indonesia	181.16	0.80	40.00		421.47	21,073.36	21,494.83
Kenya	56.91	38.50	0.83		6303.72	135.90	6439.62
Lao PDR	23.08	0.02	5.00		6.87	1,717.14	1,724.01
Liberia	9.63	3.06	3.94		1,004.85	1,293.83	2,298.68
Madagascar	58.18	N.D.	37.7		N.D	11,329.21	11,329.21
Mexico	194.4	101.13	0.88		20,301.43	176.66	20,478.08
Nepal	14.34	2.07	4.63		720.74	1,612.10	2,332.84
Peru	128	44.56	26.87		16,474.23	9,934.08	26,408.31
Sudan	186.15	0.20	51.38		17.18	4414.18	4431.36
Suriname	15.6	0.00	10.52		0.00	4,102.73	4,102.73
Tanzania	88.58	66.51	20.47		13065.65	4021.26	17086.91
Uganda	20.05	13.45	3.00		3066.96	684.08	3751.04
TOTAL	1,604.68	359.410248	521.9		88,992.83	153,866.64	242,859.46

Annex I

Table of Country Level Analysis: References and Explanations

Cambodia	1	Legal	<p>Cambodia has three main tenure regimes for recognition of collective rights over forests. These are Indigenous Community Lands, Community Forests, and Community Protected areas.</p> <p>Indigenous Community Lands</p> <p>Cambodia Land Law (2001) allows indigenous people to apply for collective land title (communal land title) which allows them to claim collective ownership over their ancestral land domain through three stages: 1) register with Ministry of Rural development to get Indigenous People/Community Status; 2) register with Ministry of Interior to get Community Structure (committee); and 3) register with Ministry of Land Management, Urban Planning and Construction to get communal land title.</p> <p>Government of Cambodia. 2001. Land Law of 2001, Chapter 3, Part 2. August 13. Available at: http://faolex.fao.org/docs/texts/cam27478.doc ; Government of Cambodia. 2009. Sub Decree on Procedures of Registration of Land of Indigenous Communities of 2009. June 9. Available at: http://theredddesk.org/sites/default/files/sub-decree_on_procedures_of_registration_of_land_of_indigenous_communities.pdf</p> <p>Community Forests</p> <p>Forest Law (2002) recognizes customary right of local community and indigenous people to access, use and manage forest resources. The law spells out Community Forestry (CF) as a formal modality for local community and indigenous people to formally claim their right. CF sub-decree (2003) and CF guideline (2006) further spell out detail steps and procedures for CF establishment and management.</p> <p>Government of Cambodia. 2002. Law on Forestry of 2002, Chapter 9. August 15. Available at: http://www.forestry.gov.kh/Documents/Forestry%20Law_Eng.pdf;</p> <p>Government of Cambodia. 2003. Sub-Decree on Community Forestry Management of 2003. Available at: http://www.forestry.gov.kh/Documents/CF-Sub%20Decree-Eng.pdf</p> <p>Community Protected Areas</p> <p>Protected Area Law (2008) recognizes the right of local community and indigenous people, who live inside or near protected area, to claim their customary right to access, use, and manage protected area. The Ministry Guideline on CPA establishment (2017) further details process and procedure for Community Protected Area establishment and development.</p>
----------	---	-------	---

		<p>Government of Cambodia. 2008. Protected Area Law of 2008, Chapter 6. February 15. Available at: faolex.fao.org/docs/texts/cam81966.doc</p> <p>MoE, 2017. Guideline on Procedure and Process for Community Protected Area Establishment</p> <p>All the above three collective tenure regimes should provide opportunities for investments in scaling up. The difficult r implementation procedures of these laws have impeded effective recognition of customary rights. The recognition process is long and cumbersome. The main decision making is vested with government officials and thus the finalized claims often do not reflect the community claims or their ancestral domains. Because the legal frameworks exist for collective rights, from purposes of project investment, Cambodia's legal framework is ranked as adequate, though reforms in processes and procedures can make them more effective. (Tol Sokchea, 2020).</p> <p>Indicative Rating: Adequate</p>
2	Willingness: National	<p>There are three Ministries in charge of different categories of lands and land uses: i) Ministry of Agriculture, Forestry, and Fisheries in charge of production forest (approximately 1.4M ha) ii) Ministry of Environment managing protected area (approximately 7.5M ha) and iii) Ministry of Land Management, Urban Planning and Construction managing all other state land included indigenous peoples ancestral land domain.</p> <p>Notwithstanding that each of these ministries have defined plans and budgets for formalizing community forestry customary rights and development of community protection areas, there are departments within the same Ministries which have conflicting mandates, thus diluting the apparent willingness of the government for the recognition of rights of communities and IPs. In addition, other ministries such as the Ministry of Mining and Energy, Ministry of Public Work and Transport, etc. may have different priorities for land use and management over forest areas claimed by local community and indigenous people for their customary use. (Tol Sokchea, 2020).</p> <p>Indicative Rating: Somewhat Adequate</p>
3	Willingness: Subnational	<p>At the provincial level, technical departments in charge of forest land, namely the respective provincial Department of Environment and Department of Agriculture, Forestry and Fisheries, have priorities/activities to promote development of community forestry and community protected areas. Technical officials who are experienced and capable to work in community forestry and community protected area development are based at these departments. Provincial departments' works would contribute to national level strategic plan and program. It is likely that the departments responsible directly for forest land at provincial/sub-national level are interested and willing to promote recognition of customary right for local community and indigenous people. (Tol Sokchea, 2020)</p>

			Indicative rating: Somewhat Adequate
	4	Capacity: Govt	<p>The Ministry of Agriculture, Forestry and Fisheries (MAFF) has a program for monitoring of national level progress in community forest expansion or formalization of customary right of local community and indigenous people through community forestry. In addition, the Department of Forest and community forestry under the Forestry Administration has established a national coordination mechanism at national level (National CF Coordination Committee) and sub-national level (Provincial CF Coordination Committees). Thus, the information management and coordination mechanism is in place but there is severe limitation in financial and human resource, which compromises the ability to scale up rights recognition. Similar limitations exist at sub-national level and in other national level ministries in charge of land, for example Ministry of Environment (MoE) entrusted with Community Protected Area recognition. (Tol Sokchea, 2020)</p> <p>Indicative Rating: Somewhat Adequate</p>
	5	Capacity: NGOs	<p>Local NGOs have capacity to work directly with local communities on formalizing community forestry and community protected areas. But to some extent their capacity to coordinate with national level ministries is limited. They either focus on their target areas (provincial or district level) or do not have capacity to link up with other similar initiatives in the country – this would contribute significantly to successful implementation of project (policy change). International organizations continue to play key roles in coordinating/linking different local NGOs from different geographical areas in the country as well as connecting with national government ministries such MAFF and MoE. The technical capacity of local organizations is also somewhat limited in facilitating multiple stakeholder process, mapping, management planning for CF and CPA. There is also often a trust deficit between local NGOs/CSOs and government, indicating the need for a trust-broker, which is currently played by international organizations. (Tol Sokchea, 2020)</p> <p>Indicative Rating: Somewhat adequate</p>
China	1	Legal	<p>The main collective forest tenure regime for China is the collective Ownership with Individual Property Rights in Forestlands. The main elements of legal and policy framework supporting forest rights are the <i>Resolution on Collective Forest Tenure Reform 2008</i> by Central Party Committee and the State Council (to establish household-based management system in collective forest areas) and the <i>Resolution to enhance collective forest tenure 2016</i> by the State Council (to make improvement in collective forest areas in terms of farmer households’ rights to forests under their management). These resolutions provide rights to all members of the community in which the collective is formed (Dr.Jintao Xu, 2019). The resolutions apply to all communities and the majority of eligible forests have been brought under the regime. However, not all ethnic minority groups who lack forest rights have been recognized. In some majority Han areas, large areas of collectively owned forestland are still under the</p>

			<p>control of state forest enterprises and still plan to be returned to the collectives (Dr.Jintao Xu, 2019).</p> <p>Article 10 of the Constitution of the People's Republic of China (PRC) of 1982 (as amended in 2004);Forest Law of 1984 (1998);</p> <p><i>Resolution on Collective Forest Tenure Reform 2008</i> by Central Party Committee and the State Council (to establish household-based management system in collective forest areas)</p> <p>the <i>Resolution to enhance collective forest tenure 2016</i> by the State Council (to make improvement in collective forest areas in terms of farmer households' rights to forests under their management).</p> <p>Indicative Rating: Adequate</p>
	2	Willingness: National	<p>In general, the national government is willing to carry out forest reforms, although there may be some reluctance on part of the State Forest Administration to recognize local communities and ethnic groups rights on forest land, especially when it comes to supporting expanding collective forests in the expense of state forests. (Dr.Jintao Xu, 2019)</p> <p>Indicative Rating: Somewhat adequate</p>
	3	Willingness: Subnational	<p>Provincial governments in general are interested in giving collectives and rural communities greater forest rights from the state sector. Forestry bureaus in many provinces have supported transfer of forest tenure from state forests to the collectives (ex. Sichuan, Yunnan, etc.) (Dr.Jintao Xu, 2019).</p> <p>Indicative Rating: Somewhat Adequate</p>
	4	Capacity: Govt	<p>The capacity of governments to recognizee collective rights exists, although there is potential for greater rights recognition. There are examples of positive collaborative efforts between government and collectives in Sichuan (Ping Wu County) and Gansu (Baishuijiang National Park), where tenure conflicts have been resolved and joint conservation initiatives established. (Dr.Jintao Xu, 2019,)</p> <p>Indicative Rating: Somewhat adequate</p>
	5	Capacity: NGOs	<p>The capacity of civil society in China remains limited. However, there are examples of conservation-oriented NGOs working with communities to develop community-based conservation projects which have also helped to clarify community rights. In recent years, trust between NGOs and governments has been improving, especially in the field of conservation (Dr.Jintao Xu, 2019,)</p> <p>Indicative Rating: Somewhat adequate</p>
Indonesia	1	Legal	<p>A number of Community-Based Forest Tenure Regimes (CBTR) provide opportunities for scaling up forest rights in Indonesia. The strongest CBTR is the Adat forests, which provide ownership rights. A constitutional court ruled that adat (customary forests) belong to customary communities and need to be taken out of state forests. Various regulations and constitutional court rulings provide enough ground for recognition of territorial and collective rights on forests.</p>

	<p>Numerous other tenure regimes promoted as government programs provide limited rights on forest lands.</p> <p>Adat Forest (Customary Law Forest): Adat Forests are forest located within traditional jurisdictions (Art. 1(6), Basic Forestry Law N° 41/1999, Constitutional Court Decision, Nomor 35/PUU-X/2012). Art. 1(6) of the Basic Forestry Law defines Adat Forest as state forest, however, in a review of this law, Indonesia's Constitutional Court ruled that Adat Forests should not be classified as "State Forest Areas" (PUTUSAN - Nomor 35/PUU-X/2012). Communities have the right to utilize the forest and forest products in accordance with prevailing laws and regulations (Art. 68, Basic Forestry Law N° 41/1999). Adat forests are being currently recognized on a small scale through a long, tortuous process which includes local government recognition followed by central government recognition. One of the main demands of the Indigenous People of Indonesia is the enactment of a long pending National Adat Law which would provide for recognition of adat territorial rights through an easier and more systematic process.</p> <p>Government of Indonesia. 2002. The Constitution of the Republic of Indonesia, Article 18B.</p> <p>Basic Forestry Law N° 41/1999).</p> <p>Government of Indonesia. 2012.</p> <p>Constitutional Court Decision, PUTUSAN - Nomor 35/ PUU-X/2012.</p> <p>Hutan Kemasyarakatan (Rural or Community Forest): Rights allocated to communities to manage and use forests for limited period of time (renewable)</p> <p>Government of Indonesia. 1999. Act No. 41 of 1999 on Forestry Affairs. Available at: http://faolex.fao.org/docs/pdf/ins36649.pdf ;</p> <p>Government of Indonesia. 2007a. Government Regulation No. 6/2007 on forest arrangement and formulation of forest management plan as well as forest exploitation. January 8. Available at: http://faolex.fao.org/docs/pdf/ins75584.pdf ;</p> <p>Hutan Tanaman Rakyat (People Plantation or People Plant Forest): Limited term contract based rights provided to cooperatives formed by communities for taking up plantations on degraded production forests.</p> <p>Government of Indonesia 2007a; Government of Indonesia. 2007b. Ministry of Forestry Regulation No. 23/2007; Government of Indonesia. 2008. Government Regulation No. 3/2008 on the amendment to Government Regulation No. 6/2007 on forest arrangement and formulation of forest management plan as well as forest exploitation. February 4. Available at: http://faolex.fao.org/docs/pdf/ins82068.pdf</p> <p>Indicative Rating: Adequate for undertaking project investments, given the multiple CBTRs and the large extent of forests which can potentially be brought under the CBTRs, including the adat forests which provide ownership rights to indigenous people.</p> <p>Indicative Rating: Adequate</p>
--	--

	2	Willingness: National	<p>Though the Government has expressed strong willingness to recognize collective as well as territorial rights of IPs and local communities and set ambitious targets for the same, the actual implementation has been quite poor, partially due to opposition from powerful concessionaires and other powerful entities who have been able to control the land illegally. The inability to pass a national law recognizing adat territorial rights over forests for many years is a manifestation of the inability of the government to muster the required political will.</p> <p>Indicative Rating: Somewhat adequate</p>
	3	Willingness: Subnational	<p>The sub-national willingness for tenure reforms is high in certain sub-national jurisdictions where IPs or local communities are well mobilized and able to influence their local representatives.</p> <p>Indicative Rating: Adequate because there is strong interest in recognizing adat rights and other CBTRs in selected provincial and district level governments.</p>
	4	Capacity: Govt	<p>The capacity of government agencies to implement the necessary complex procedures for recognition of collective and customary land rights is not adequate. This is true both at the federal and at local government levels. They would require support in capacity building and in simplification of the procedures.</p> <p>Indicative Rating: Somewhat adequate</p>
	5	Capacity: NGOs	<p>Indonesia has one of the strongest and well-organized IP movements in the world, supported by numerous members of civil societies. Adequate mapping capacities exist and with little support to build additional capacities, the IP organizations can implement medium as well as large projects.</p> <p>Indicative Rating: Adequate</p>
India	1	Legal	<p>Forest Rights Act 2006:</p> <p>The “Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA 2006) has legal provisions to recognize collective forest tenure rights including community usufructuary rights, rights over customary habitats, conservation and management rights. FRA empowers right holders and their institutions (Gram Sabhas or village councils) with authorities for governance and decision making, and management of forests.</p> <p>GOI. 2006. Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006.</p> <p>GOI (2008, 2012): Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules 2008(2012).</p> <p>Ministry of Environment and Forests, Circular, F. No. 11-9/1998-FC</p> <p>Indicative Rating: Adequate</p>
	2	Willingness: National	<p>There has been a change in the response of the government at the central level and in the ministries in view of the larger concerns raised by tribal organizations and forest rights campaign. Both the</p>

			<p>Ministry of Tribal Affairs and Ministry of Environment and Forests have taken steps which show a renewed commitment of the government to implement FRA 2006 and take up projects to scale up efforts for recognition of forest rights. While there have been concerns about the obstructions caused by the forest administration and the Ministry of Environment, Forests and Climate Change (MOEFCC) in implementation of FRA 2006, the MoEF has responded to some of these queries in view of the opposition by the tribal organizations and forest rights campaign. The MoEFCC has recently made the important decision to withdraw amendments proposed to the Indian Forest Act which are in direct violation of FRA. While making the announcement, the MOEFCC minister has conveyed that the ministry is committed to protect the rights of tribals and forest dwellers. https://pib.gov.in/Pressreleaseshare.aspx?PRID=1591814 (Tushar Dash, 2019)</p> <p>Indicative Rating: Adequate</p>
	3	Willingness: Subnational	<p>The scope for scaling up efforts for recognition of forest rights has opened in many states after a collective mobilization by tribal organizations and forest rights campaign. Scope is particularly visible in the high potential states like Odisha, Chhattisgarh, Madhya Pradesh, Jharkhand. (Tushar Dash, 2019)</p> <p>Indicative Rating: Adequate</p>
	4	Capacity: Govt	<p>Lack of capacity is a major gap observed in implementation of FRA in case of both government agencies and the Non-Government organizations. The government agencies and administrations in some of the states have made efforts to bring in reforms and to create enabling administrative mechanisms to support recognition of collective forest rights. (Tushar Dash, 2019)</p> <p>Indicative Rating: Somewhat adequate</p>
	5	Capacity: NGOs	<p>There is an adequate network of NGOs who have been involved in the forest rights issues and campaign for a long time and have the experience of undertaking projects for collective forest rights recognition. There are quite a few successful examples of effective collaboration between govt and non govt organizations resulting in greater recognition of collective rights as in the case of Odisha and Maharashtra. Non-government organizations have set up many successful models of recognition of collective forest rights and of management of community forests (which include innovative use of technology for mapping of community forests) which are of international standards. However, the capacity of the CSOs to support national level scaling up of forest rights recognition remains limited and they need both technical and financial support to create these capacities (Tushar Dash, 2019)</p> <p>Indicative Rating: Somewhat adequate</p>
Lao PDR	1	Legal	<p>Revised Forest Law and Land Law were recently passed by the National Assembly in June 2019 and are expected to be fully enacted shortly. Under the Forest Law, 'village forest area' is considered an area of all forest categories under village management area including</p>

		<p>village use forest, Conservation Forests or protected forest. The revised Land law also mentions the recognition of land rights within forest lands. While the revised Forest Law has been enacted, relevant sub-regulations related to village forest area identification and formalization, management planning and implementation, and forest production utilization and commercialization need to still be developed, piloted, and demonstrated. These legal instrument gaps currently impede villages from fully exercising their rights under the revised Forest Law and need to be addressed for effective implementation of projects for rights recognition.</p> <p>Lao People's Democratic Republic. 2003. Land Law No. 04/NA. November 5. Available at: http://faolex.fao.org/docs/pdf/lao77471.pdf;</p> <p>Lao People's Democratic Republic. 2007. Forestry Law No. 6/NA. December 24. Available at: http://faolex.fao.org/docs/pdf/lao89474.pdf;</p> <p>Lao People's Democratic Republic. 2008. Decree on the Implementation of the Land Law No. 88/PM. June 3. Available at: http://rightslinklao.org/wp-content/uploads/downloads/2014/05/2008-Decree-on-Implementation-of-the-Land-Law-No-88-PM.pdf</p> <p>Indicative Rating: Somewhat adequate</p>
2	Willingness: National	<p>The new Forest and Land Laws express the willingness of the national government to support rights recognition. This is also evidenced for example in the target of developing and implementing 1,500 Village Forest Management Plans in the National Forest Strategy 2020 under review/revision. However, there are other Ministries with sectoral jurisdictions over land, with each competing to ensure they meet and manage their sector targets, which can provide obstacles to scaling up recognition of collective forest tenure rights.</p> <p>Indicative Rating: Somewhat adequate</p>
3	Willingness: Subnational	<p>Same as the National Government</p> <p>Indicative Rating: Somewhat adequate</p>
4	Capacity: Govt	<p>The main responsibility of land and forest tenure recognition rests with the MAF/Department of Forestry through the implementation of the village forestry under the forest land; and with MONRE/Department of Lands through recognition of land rights and issuance of land tenure instrument(s). The capacity of the government agencies remains largely inadequate to implement rights recognition projects without the assistance of international development organizations/partners, especially on a large/national scale. Trust between government agencies and local communities is quite weak, with government agencies being top-down and pursuing an enforcement approach for land and forest management. Knowledge and experience in participatory forest management and formalization of collective land tenure rights in forest lands is extremely limited.</p>

			Indicative Rating: Inadequate
	5	Capacity: NGOs	<p>The capacity of civil society and NGOs to support rights recognition projects remains limited as CSOs/NGOs work in a very constricted space in Lao PDR, given the political governance structures in the country. Those who have good working relationships with the government are constrained and must work carefully within restrictions imposed by the government. Most local NGOs/CSOs have limited knowledge and experience in forest tenure rights formalization and implementation. The support of international development organizations and partners would be needed for successful implementation of medium or large-scale projects</p> <p>Indicative Rating: Somewhat adequate</p>
Myanmar	1	Legal	<p>Myanmar legal and policy framework provides for two Community based Tenure Regimes.</p> <p>Community Forest Lands:</p> <p>The Community Forestry Instruction is a policy framework which permits community participation in the statutory forest management regime through formation of self-identified "users' groups" and their management and local use of 'community forests' (typically degraded) within the 'Permanent Forest Estate' according to agreed 30-year plans, at the discretion of the government field staff. The incentive on the communities is the right to restore and use the 'community forest', both for NTFP and some timbers (although not teak, the most lucrative). The incentive on the FD is free labor from the community to regenerate their forests. Forest Department of Myanmar (FD) issued Community Forestry Instructions (CFI) in December 1995. The CFI was revised in 2016 and 2019 to update some provisions, and again in 2019 to align it to some extent with the National Land Use Policy in 2016 and the revised Forest Law 2018. The revised 2016 CFI included enterprise development as a legitimate activity, allowing forest product extraction for commercial purposes. It encourages women's involvement in CF management committees, a slightly wider bundle of rights, and promotes Community forestry establishment in protected area buffer zones. Apart from being applicable to the permanent forest estate, administered by MONREC, the Ministry of Natural Resources and Environmental Conservation, the CFI can be applied over the anomalous category of 'Virgin Fallows and Vacant land' (VFW which is administered by VFW Committee). However, there have been only a very few Community forestry initiatives on VFW. (Maung, 2019). The 'VFW' land category, hitherto 'Land at Government Disposal' is a residual category of all rural land under neither private farmland tenure nor gazettes under the government Permanent Forest estate. As such it applies to most ethnic customary forests (perhaps one third of the country, criminalizing their continuous customary use.)</p> <p>The CFI remains the only instrument for formal recognition of collective forest tenure rights, albeit extremely limited and conditional.</p>

		<p>CF is implemented by the centralized Union government, in the context of ongoing civil wars, and struggle for federal and outside of ethnic Bamar lowland areas it has proved an unpopular proposition, and is often experienced as an extension of central Union government statutory jurisdiction into ethnic customary resource management systems (Springate-Baginski 2019) and often an impediment to integrated forest management by those communities (Springate-Baginski, 2020)</p> <p>Laws linked to CFI:</p> <p>Government of Myanmar. 1992. Forest Law, Government of Myanmar 1995. Forest Policy Government of Myanmar 1995. Community Forestry Instructions (CFI). Government of Myanmar 2012. Vacant, Fallow and Virgin Lands Management Law Government of Myanmar, 2016. the Community Forestry Instruction [CFI; 2016 Government of Myanmar, 2017. Community Forestry Strategy 2017-2020 Government of Myanmar, 2018. Forest Law 2018</p> <p>Community Protected Areas: The “Conservation of Biodiversity and Protected Areas Law”, Section 8, recognizes “Community Protected Areas” as a category of protected area. The Forestry Department is responsible for technical coordination and management support for Community Protected Areas, to maintain the habitats of wild species and to protect wildlife conservation using the traditional customs of indigenous peoples. There is no information available to us for the status of Community Protected Areas. These provisions were developed with limited participation of ethnic civil society, and so have been greeted with disappointment and disinterest as again they appear to represent an extension of jurisdiction of the centralized Union government, formalizing and restricting customary use (Springate-Baginski, 2020)</p> <p>Government of Myanmar 2018. Conservation of Biodiversity and Protected Areas Law</p> <p>Thus, even though policy guidelines exist which provide some degree of access to local communities, they remain largely inadequate and any major investment in collective land reforms requires clear legal reforms. A National Land Law is now under development, which promises to bring in more substantive forest and land tenure reforms (Springate-Baginsky)</p> <p>Indicative Rating: Somewhat Adequate</p>
2	Willingness: National	<p>There is support for recognition of forest rights in most high-level branches of the Government. In Myanmar, MoNREC and MoALI (Ministry of Agriculture, Livestock and Irrigation) are the main Ministries managing lands belong to the State. The MONREC has been supportive of forest rights recognition and the Forest Department has formulated a Community Forest Strategy 2018-2020</p>

		<p>that aims for a CF expansion target of 119,433 ha and 50 CFEs established per year. Community forestry is also seen as a strategy in the Myanmar Climate Change Strategy and Master Plan (2018-2030). The Ministry of Ethnic Affairs also supports rights recognition but doesn't have the mandate for land management (Maung, 2019). The National Land Use Policy (NLUP) recognizes the existence and importance of customary tenure systems in ethnic areas, and endorses their legal recognition (Springate-Baginsky)</p> <p>The MoALI is overall in charge of Vacant, Fallow and Virgin-VFV land and is reluctant to allow communities to claim community forestry rights over these lands, specially since these lands could also be handed out as concessions for plantations and agribusiness (Maung, 2019).</p> <p>Indicative Rating: Somewhat Adequate</p>
3	Willingness: Subnational	<p>State/Regional governments are usually willing to support rights recognition, with relevant departments like FD are supportive of rights recognition through CFI. Other supporting government agencies at sub-national levels are Department of Ethnic Affair and Department of Rural Development for the project implementation. Other departments including the Agricultural Departments willingness and interest in forest and land rights recognition is hindered by sectorial targets, lack of mandates, land conflicts and complicated procedures.</p> <p>Parliamentarians, especially those from ethnic communities, at the State/Region level are also supportive of land and forest tenure reforms for the benefit of local people and ethnic communities as many of these members come from ethnic groups themselves (Maung)</p> <p>Indicative Rating: Somewhat Adequate</p>
4	Capacity: Govt	<p>Several pilots but no large-scale interventions. The World Bank is exploring a \$200 million investment in the forest sector with a focus on community forestry, but there have been no reports of substantive progress. The rate of implementation of the Community Forest Instructions (CFR) is very low.</p> <p>Capacity of the government and most national/local non-government organizations is still largely inadequate to implement such project without the assistance of international development organizations/partners, especially on a large/national scale. Generally, most of the staff from these organizations have limited knowledge of right/tenure management.</p> <p>As most of the government staff behave as regulator, but not facilitator in dealing with local communities, trust between government staff and LCs is still weak in Myanmar. Working relationship is not participatory, but top-down in most cases. Experience in collective tenure management is still limited among relevant government staff. Hence the role of CSOs and NGOs (local/national and international) is key here.</p> <p>Indicative Rating: Somewhat Adequate</p>

	5	Capacity: NGOs	<p>There are a limited number of NGOs that have previous experience in undertaking projects for collective forest rights recognition. Many of the more successful projects have been undertaken with the support of international development partners and NGOs. As rights-based approaches were very sensitive in military regime period, some NGOs used the word “Issues-based approach” even in the case of Community Forestry project.</p> <p>After 2011, political landscape of Myanmar was to a great extent changed and there has been increased collaboration between government and NGOs in every sector. Cooperation between both organizations increased trust and good relationship. Given that CSOs in Myanmar have limited knowledge and experiences in this area, they need to improve their capacity and to work together with international experts or organizations so that projects can be successfully implemented.</p> <p>Indicative Rating: Somewhat Adequate</p>
Nepal		Legal	<p>There are adequate provisions in the various laws in Nepal for recognition of rights over forest lands, though a clear legal provision for recognition of indigenous territories doesn't exist at present. Forest Act 2019, Sec 8, provides for handing over the national forest to local communities as a community forest or other community-based forest management systems (such as pro-poor leasehold forest, religious forest) as per the capacity and interest of local communities. The Forest Act 2019 provides space to the project-based intervention for recognizing collective forest rights, as the community forest groups can mobilize funding support from any projects after approval of the concern government agencies (sec. 33).</p> <p>The new Environment Protection Act 2019 also has a provision to handover an environmental protection area to local communities, if they are interested to manage it.</p> <p>The 5th Amendment of National Park and Wildlife Conservation Act (1973), 2017 has a provision to recognize the customary rights of IPLCs and collective forest tenure rights in the forest areas of Buffer Zone and Conservation areas.</p> <p>The Local Government Operation Act, 2017 has given facilitating rights to the local government for the promotion of community forest and other collective forest tenure rights at local level. The Local Government Operation Act 2017 also provides for the mobilization of project support with the coordination of concerned local governments.</p> <p>Indicative Rating: Adequate</p>
		Willingness: National	<p>The Government of Nepal has approved the new five years periodic national development plan (2019-2023) which makes a clear policy commitment to increase the areas of community forest 45% of Nepal's total forest lands. The Government of Nepal has also set a target under SDGs national plan to increase the area of community forest for sustainable forest management. The Ministry of Forest and Environment is responsible to implement the community forest and</p>

			<p>community-based forest management systems as envisioned in the new Forest Act 2019, Environment Protection Act 2019 and National Park & Wildlife Conservation Act 1973 (5th amendment 2017). This agency is generally supportive for the implementation of project for the strengthening of collective forest tenure rights.</p> <p>Indicative Rating: Adequate</p>
		Willingness: Subnational	<p>The Provincial governments and their relevant ministry and departments are in general supportive of collective forest tenure rights. In general, the Local governments have good relationships with community forest groups and their federation at local levels, with many local governments elected officials having been involved in community forestry. Most local governments are supportive of securing the tenure rights of IPLCs.</p> <p>Indicative Rating: Adequate</p>
		Capacity: Govt	<p>The government agencies have experience in identifying communities and their collective rights claims, mapping and recording collective rights, and scaling up forest rights recognition. The mapping and recording of forest rights recognition is an integral part of the activities of government agencies as per the legal requirement defined by the Forest Act 2019. Most government agencies and local governments have good experience, trust, and working relationships with IPLCs at local levels.</p> <p>Indicative Rating: Somewhat Adequate</p>
		Capacity: NGOs	<p>Many NGOs have experience with collective forest tenure right recognition as they have been working with community forestry groups for the implementation of various community forestry projects. The working relation between NGOs and the relevant government agencies is good and fair. Nepal has enacted a specific legal instrument for the facilitation of NGOs in development sector. As per the Local Government Operation Act 2017 and the decision of Social Welfare Council, each NGO needs to take approval from the local government to work at local level. It has created coordination between NGOs and local. Many NGOs partners with INGOs and bilateral agencies to implement various projects at different levels and also have the capacity to meet international standards during the implementation of projects for scaling up rights.</p> <p>Indicative Rating: Somewhat Adequate</p>
Brazil	1	Legal	<p>Brazil has an adequate legal framework for recognition of Indigenous, Afro-descendent and local communities lands and territories. There are multiple tenure regimes which recognize different forms of collective rights over lands, forests and territories. These derive from the 1988 Constitution, various laws and regulations.</p> <p>Terras Indígenas (Indigenous Lands): Indigenous Land is a statutory recognition of the land traditionally occupied and used by indigenous peoples in Brazil. Indigenous people live there on a permanent basis and are considered an indispensable part of the preservation of environmental resources. Indigenous or aboriginal</p>

	<p>people with permanent possession of the lands they inhabit have exclusive usufruct rights concerning natural resources and all existing utilities within those lands (Art. 22, Law N° 6.001/1973). It also includes the products of economic exploitation of such natural resources and utilities (Art. 22-24, Law N° 6.001/1973). Commercial exploration of forest resources is dependent upon the terms of a Forest Management Plan and must be approved by FUNAI. Indigenous Lands are inalienable and untransferable, and the rights thereto imprescriptible (Art 231(4), Brazilian Constitution, 1998). Article 231(1) of the Brazilian Constitution of 1988; Law N° 6.001/1973 (Indigenous Peoples Statute); Decree N° 1.775/96;</p> <p>Territórios Quilombolas (Quilombola Communities): Quilombos are communities in remote forest areas formed by runaway slaves during the period of slavery. The constitutional recognition of Quilombola Territory (Art. 68, Transitory Provisions, Brazilian Constitution, 1988) is implemented (after a long process) through an indivisible collective land title. Once this title is granted, access rights are guaranteed. A Quilombola community property title must have an inalienability, imprescriptibility and unseizability (impenhorabilidade) clause (Art. 17, Decree N° 4.887/2003). Once this title is granted, the State must comply with due process and provide compensation in order to expropriate land from Quilombola communities. Article 68 of the Transitory Provisions of the Brazilian Constitution of 1988; Decree N° 4.887/2003; INCRA Normative Instruction N° 56/2009;</p> <p>Reserva Extrativista (RESEX) Extractiva Reserve: The RESEX is an area of public domain where usufruct rights are granted to extractive populations (Art. 18, SNUC Law N° 9985/2000). There are no restrictions on the use of forest resources for subsistence (Art 32, Law No. 12.651/2012, Art. 26, ICMBio Normative Instructive N°16/2011). The commercial use of timber is only permitted in special situations, must be complementary to other activities developed within the RESEX, (Art. 18(7), SNUC Law N° 9985/2000). The RESEX is managed by a Conselho Deliberativo (Advisory Board). Traditional populations have a seat on the Conselho, but cannot unilaterally decide on how the resources are managed (Art. 18(2), SNUC Law N° 9985/2000). Article 18 of National Conservation Units (SNUC) Law N° 9985/2000; Decree N° 4340/2002; ICMBio Normative Instruction N° 3/2007; ICMBio Normative Instructive N°16/2011</p> <p>Reserva de Desenvolvimento Sustentável (RDS) (Sustainable Development Reserves): RDS are natural reserve areas within the public domain inside of which live traditional populations whose existence is based on sustainable systems of natural resources</p>
--	--

	<p>exploration, developed over generations and adapted to local ecological conditions. An association of families within this traditional population collectively holds usufruct rights according to the conditions determined by the law as well as the terms of the CDRU (Concession Contract for Real Right of Use). There are no restrictions on the use of forest resources for subsistence (Art 32, Law No. 12.651/2012, Art. 26, ICMBio Normative Instructive N°16/2011). The rights of traditional populations within a RDS are granted by the CDRU (Art. 23, SNUC Law N° 9985/2000). This type of contract requires due-process of law in order to be terminated by the State. Communities have the right to be compensated if termination did not occur due to contractual violation by the communities. (See also Decree-Law N° 271/1967).</p> <p>Article 20 of the SNUC Law N° 9985/2000; Decree N° 4340/2002; ICMBio Normative Instruction N° 3/2007; ICMBio Normative Instructive N°16/2011; New Forest Code, Law No. 12.651/2012 - Novo Código Forestal;</p> <p>Florestas Nacionais (FLONA)(National Forests): FLONAs are areas of public domain and ownership with predominately native species forest coverage. Traditional populations who were living in a National Forest at the moment of its creation have been allowed to remain (Art. 17, SNUC Law N° 9985/2000). An association of families within the traditional population collectively holds usufruct rights. Traditional populations may use forest resources for subsistence and traditional purposes (Art 32, Law No. 12.651/2012). National Forests are managed by a Conselho Consultivo (Consulting Board) (Art. 17(5), SNUC Law N° 9985/2000). Traditional populations are consulted but do not have the right to make management decisions. The rights of communities within a National Forest are recognized by a Termo de Uso (Art. 18, Decree N° 6063/2007). This type of contract requires due process of law in order to be terminated by the State. Communities have the right to receive compensation unless termination occurred because of a contractual violation by the community.</p> <p>Article 17 of SNUC Law N° 9985/2000; Law N° 11284/2006; Decree N° 6063/2007; ICMBio Normative Instructive N°16/2011;</p> <p>Projetos de Assentamento Florestal (Forest Settlement Projects): Forest settlements are based on the exploitation of timber, edible and combustible oil extraction, and plantations of fruit-bearing trees and medicinal herbs. Settled communities may also manage wild species and hydrological resources. An association of families within the traditional population collectively holds usufruct rights. A Contrato de Direito Real de Uso (CDRU)(Contract of Real Right to Use) determines the right to access. The contract guarantees sustainable,</p>
--	---

	<p>common and family forestry production (Art. 1-2, INCRA Ordinance N° 1.141/2003).</p> <p>Article 189 of the Brazilian Constitution of 1988; Law N° 4.504/1964; Law N° 8.629/1993; Decree-Law N° 59.428/1966; INCRA Ordinance N° 1.141/2003; INCRA Normative Instruction N° 15/2004; INCRA Normative Instruction N° 65 /2010; INCRA Ordinance n° 981/2003; INCRA Normative Instruction n° 38/2007; Decree n° 6.992/2009;</p> <p>Projeto de Assentamento Agro-Extrativista (PAAE)(Agro-Extractive Settlement Project): PAAEs are established to allow traditional populations to explore areas rich in extractive resources through economically viable, socially just and ecologically sustainable activities (Art. I, INCRA Ordinance N° 268/1996). The land is held under a common property regime by an association of families within the traditional population. A Contrato de Direito Real de Uso (CDRU)(Contract of Real Right of Use) determines the right to access. The right is granted in a communal regime (Art. 1 and 2, INCRA Ordinance N° 268/1996). Communities may practice subsistence agriculture (Art. 1, INCRA Ordinance N° 268/1996). The commercial use of natural resources is dependent upon the terms of the CDRU, Management Plan and Forest Management Plan (INCRA Normative Instructions N° 65/2010).</p> <p>Article 189 of the Brazilian Constitution of 1988; Law N° 4.504/1964; Law N° 8.629/1993; Decree-Law N° 59.428/1966; INCRA Ordinance N° 268/1996; INCRA Ordinance N° 269/1996; INCRA Normative Instruction N° 65/2010; INCRA Normative Instruction n° 38/2007; Decree n° 6.992/2009.</p> <p>Projetos de Desenvolvimento Sustentavel (Sustainable Development Projects): Sustainable Development Projects are settlements intended for people who base their livelihood on extractive activities, family farming, and other low-impact environmental activities. All Sustainable Development Projects are established with a collective title held by an association of families within the traditional population. A Contrato de Direito Real de Uso (CDRU)(Contract of Real Right of Use) determines the right to access. The right is granted in a communal regime (Art. 1- 2, INCRA Ordinance N° 477/1999). Contract conditions allow for subsistence extractive activities, family agriculture and other low-impact activities (Art. 1- 2, INCRA Ordinance N° 477/1999). This type of contract does not grant alienation rights. (See also Decree-Law N° 271/1967).</p> <p>Article 189 of the Brazilian Constitution of 1988;</p>
--	--

		<p>Law N° 4.504/ 1964; Law N° 8.629/1993; Decree-Law N° 59.428/1966, INCRA Ordinance N°477/1999; INCRA Normative Instruction N° 15/2004; INCRA Normative Instruction N° 65/2010</p> <p>Indicative Rating: Adequate</p>
	2	<p>Willingness: National</p> <p>In the current federal government there isn't enough willingness and interest within relevant agencies at the national level to effectively implement successful projects for collective forest rights recognition (Prof. José Heder Benatti).</p> <p>Indicative Rating: Inadequate</p>
	3	<p>Willingness: Subnational</p> <p>The indigenous lands are under federal jurisdiction, while Quilombola lands is under concurrent jurisdiction of federal and state governments.</p> <p>Municipalities have no competence to legislate and recognize land rights for Indigenous People, Afro-descendant People and local communities.</p> <p>Indicative Rating: Somewhat Adequate</p>
	4	<p>Capacity: Govt</p> <p>Brazilian Governments have undertaken several tenure reforms over the decades, but the new federal government has undermined federal agencies and inhibited state agencies (subnational levels). At present there is no dialogue between federal government and NGOs.</p> <p>Indicative Rating: Adequate</p>
	5	<p>Capacity: NGOs</p> <p>Some Non-Government Organizations have previous experience of undertaking projects for collective forest rights recognition. But at present, there is no dialogue between federal government, NGOs and social movement.</p> <p>Indicative Rating: Adequate</p>
Bolivia		<p>Legal</p> <p>There are four major Community Based Tenure Regimes in Bolivia, with two providing strong territorial rights to indigenous people.</p> <p>Territorio Indígena Originario Campesino (TIOC: Original Peasant Indigenous Territory)</p> <p>TIOC is defined as an ancestral territory where common lands or a community of origin was constituted. Indigenous people have the exclusive right to benefit from forest resources within TIOCs. TIOC are indivisible, imprescriptible, indefeasible, inalienable and irreversible. There are no restrictions on the use of forest resources for subsistence (Art. 32, Forest Law, 1996). The commercial use of natural resources in forest land is subject to the conditions set forth in a management plan (Art. 111, Supreme Decree N° 29.215/2007)</p> <p>Bolivian Constitution of 2009; National Service of Agrarian Reform Law N° 1.715/1996; Law N° 3545/2006;</p>

	<p>Forestry Law N° 1700/1996; Supreme Decree N° 0726/2010; Supreme Decree N° 29.215/2007; Supreme Decree N°27572/2004</p> <p>Propiedades Comunitarias</p> <p>Communal Properties are properties collectively entitled to peasant communities and ex-haciendas that constitute the subsistence source for their owners. They are inalienable, indivisible, not reversible, collective, cannot be used as collateral, and are free from taxation (Art. 41(6), Law N° 1.715/1996). Peasant communities include: extractive communities, communities of farm wage workers in all forms of relationships that do dependency work, and settler communities (Art. 100, Supreme Decree N° 29.215/2007). There are no restrictions on using forest resources for subsistence (Art. 32, Forest Law, 1996). The commercial use of natural resources in forest land is subject to the conditions set forth in a management plan (Art. 111, Supreme Decree N° 29.215/2007)</p> <p>Law N° 1.715/1996 Supreme Decree N° 29.215/2007 Forest Law, 1996 Supreme Decree N° 29.215/2007</p> <p>Títulos Comunes para Comunidades Agro-Extractivas (Norte Amazónico) (Communal Titles for Agro-Extractive Communities in the Northern Amazonian Region)</p> <p>Communal Titles for Agro-Extractive Communities refers to properties collectively entitled to peasant communities of the Northern Amazonian Region. These properties are inalienable, indivisible, irreversible, collective, tax-exempt and cannot be used as collateral. This regime applies only to agro-extractive families in the Northern Amazonian Region. In other parts of Bolivia, where people live on Communal Properties, the area does not exceed 50 ha per family. But in the Northern Amazonian Region communal titles extend over at least 500 ha per family.</p> <p>Article 394 of the Bolivian Constitution of 2009; National Service of Agrarian Reform Law N° 1.715/1996; Law N° 3545/2006; Forestry Law N° 1700/1996; Supreme Decree N° 29.215/2007; Supreme Decree N° 27572/2004</p> <p>Agrupaciones Sociales del Lugar (ASL) (Location-Based Social Association) (0.72 million ha)</p> <p>Agrupaciones Sociales del Lugar (ASL)(Location-Based Social Associations) are collectives of people with legal personality, composed of traditional users, peasant communities, indigenous peoples and other users who use forest resources (...), formed and qualified according to the Law and regulations in order to be beneficiaries of concessions in areas designated for such purposes"</p>
--	---

			<p>(Art. 1, Supreme Decree 24453/1996). ASL are formed to benefit from forest concessions. In order to receive a forest concession, the ASL must present Management Plans. A forest concession is the administrative act by which the Forest Superintendent gives individuals or groups the exclusive right of exploitation of forest resources in a specifically defined area of public land (Art. 29, Forest Law, 1996).</p> <p>Supreme Decree 24453/1996 Forestry Law N° 1700/1996.</p> <p>Indicative Rating: Adequate</p>
		Willingness: National	<p>The current government is hostile to indigenous land claims. Given the current instability in the country, property rights will most likely not be a priority, although competing groups might use the issue to win popular support. Once the situation in the country calms down, there will likely be local pressure to resolve conflicts, which is likely to influence national willingness (Peter Cronkleton, 2020)</p> <p>Indicative Rating: Inadequate</p>
		Willingness: Subnational	<p>Some of the provincial governments are more supportive than the federal government and may be willing to engage constructively with collective rights recognition processes.</p> <p>Indicative Rating: Somewhat adequate</p>
		Capacity: Govt	<p>Government agencies involved with collective property rights have capacity, but the current political situation has impacted them negatively. They need both technical and financial support to effectively address collective rights recognition at scale (Omaira Bolanos, 2019).</p> <p>Indicative Rating: Somewhat Adequate</p>
		Capacity: NGOs	<p>Social movements, indigenous organizations, and allied civil society have historically been very active in Bolivia and indigenous property rights has been a strong catalyst for collective action (Peter Cronkleton, 2020).</p> <p>Indicative Rating: Adequate</p>
Colombia	1	Legal	<p>The 1991 National Political Constitution, NPC, recognizes the country's cultural diversity and Indigenous and Afro-descendant peoples as the subject of collective rights, including their rights to their ancestral territories.</p> <p>Resguardos Indigenas (Indigenous Reserves): Indigenous Reserves are legal, social and political institutions, comprised of one or more indigenous, or partially indigenous, communities that with a common property land title, own and manage their territory according to their traditional laws. Indigenous communities have all private property rights guaranteed (Art. 21, Decree N° 2164/1995). Decree N° 1791/1996 regulates the ecological function of private property regarding the exploration of forest resources. This decree states that in the case of indigenous and Afro-Colombian communities, "the aspects that are not expressly provided in specific rules are subject to compliance with the terms of this decree" (Art. 44, Decree N°</p>

	<p>1791/1996). The legislation determines that the Indigenous Reserves will be managed and administered by the respective Cabildo (traditional authority) according to traditional customs. Indigenous Reserves are imprescriptible (Art. 63, Colombian Constitution, 1991; Art. 21, Decree N° 2164/1995). Indigenous Reserves are imprescriptible (Art. 63, Colombian Constitution, 1991; Art. 21, Decree N° 2164/1995).</p> <p>Articles 63 of the Colombian Constitution of 1991; Law N° 21/1991; Law 99/93; Chapter XIV of Law N° 160/1994; Decree N° 2164/1995; Decree N° 1791/1996</p> <p>Tierras de las Comunidades Negras (Afro-Colombian Community Lands): Afro-Colombian Community Lands are a result of the recognition of the right to collective ownership by the Afro-Colombian communities who have been occupying uncultivated land in rural areas adjoining the rivers of the Pacific Rim, according to traditional production practices. An Afro-Colombian community is “a group of Afro-Colombian families who have their own culture and share traditions and customs (...), and who demonstrate and maintain awareness of identity that distinguishes them from other ethnic groups" (Art. 2(5), Law N° 70/1993). The Afro-Colombian community must form a Community Council in order to have their rights recognized (Art. 5, Law N° 70/1993). The community will be granted a land title (Art. 3, Decree N° 1745/1995). Individual property rights may also be recognized within Afro-Colombian Community Lands (Art. 19, Decree N° 1745/1995). Commercial exploitation of forest resources on Afro-Colombian Community Lands located in forested areas is conditional to sustainable practices (Art. 5 and 14, Law N° 70/1993). There are no restrictions on subsistence use (Art. 19-20, Law N° 70/1993; Art. 22, Decree N° 1791/1996). Afro-Colombian Community Land is inalienable (Art. 63, Colombian Constitution, 1991; Art. 7, Law N° 70/1993).</p> <p>Article 55 of the Colombia Constitution of 1991; Law N° 70/1993; Decree N° 1745/1995; Law N° 99/1993</p> <p>Zonas de Reserva Campesinas (Peasant Reserves Zones): Chapter XIII of Law 160 of 1994 instituted Peasant Reserve Zones (Zonas de Reserva Campesina -ZRC) aimed at the creation of, a figure designed to stop the spreading of big landholdings by assigning collective and individual titles to peasant communities in certain marginal areas of the countryside. Article 80 of law 160/94 authorizes ZRC to be formed by natural or legal persons (which could include organization of settlers (colonos) and peasant communities), in common or undivided (común y proindiviso) regime. The organizations representing peasant interests can request the creation of a ZRC (Art</p>
--	--

		<p>4, Accord 024/96, Incoder). The right to access is implied by the presence of withdrawal rights, and on the fact that this regime accords private ownership rights. ZRCs are private property once the adjudication process is completed (see for example, Art. 80 of Law 160/94) and therefore subject to the corresponding restrictions regarding private property and its social and ecological functions (Art. 43, Decree N° 2811/1974). Those ZRCs created on areas under the National Park System are also required to follow specific buffer zones regulation. Furthermore, ZRCs shall also respect the terms of sustainable development plans established by relevant municipality and Incoder with the participation of peasant communities' associations (Articles 7-9, Accord 024/96).</p> <p>Chapter XIII of Law N° 160/1994; Decree 1777 of 1996; Accord 024 of 1996 from Incoder (current National Agency for Land); Peace Accord of 2016;</p> <p>Indicative Rating: Adequate</p>
2	Willingness: National	<p>The recognition and titling of indigenous and Afro-descendant communities' functions via a centralized system under the power of the Ministry of Agriculture through the National Land Agency, ANT. In addition, land titling needs to be coordinated with the Ministry of Interior, Ministry of Environment; and the IGAC (Colombian Institute of Geography), and others according to the case of the community claims (Ministry of Mining, others)</p> <p>The Ministry of Interior through the Vice-ministry of Participation and Equal Rights (Directorate of IP and Directorate of Afro communities) oversees public policy to securing the recognition and respect of rights of Afro-descendant peoples. It recognizes the Community Councils as representatives of Afro-descendant communities and promote the respect of their rights; and regulated and promote the implementation of their the FPIC rights of IP-Afro communities (https://siic.mininterior.gov.co/content/nuestra-direccion) (https://www.mininterior.gov.co/mision/direccion-de-asuntos-para-comunidades-negras-afrocolombianas-razales-y-palenqueras/funciones-de-la-direccion-de-asuntos-para-comunidades-negras-afrocolombianas-razales-y-palenqueras).</p> <p>Despite the progressive overarching and legal framework, the advances in recognition of IP land are limited. In fact, most indigenous lands titled were done under the legal framework previous to the 1991 NPC. Of the current 31,569,990 hectares recognized to IP, 22,946,285 ha. were titled before 1991; and, only 8,623,709 hectares were titled in 29 years after the enactment of the NPC (Bolaños 2020 -forthcoming; CNTI 2019; DNP 2017). Before the ANT, there were more than 900 claims for indigenous community titling: some claims awaiting between 20-40 years for administrative process for titling (CNTI 2019). The delay in recognition proves the lack of willingness of the national governments to fully implement the rights of IP.</p>

		<p>The CNTI identified several ways by which the national government frequently violates the rights of IP and their obligation to secure their land-territorial rights:</p> <p>The ANT Action plan does not address the total long-standing claims, only 7.5 % of the claims were part of the 2019 Pan for titling.</p> <p>The national government reduce the annual budget of the ANT to attend IP and Afro land rights claims.</p> <p>CNTI estimates that according to the current Action Plan and budget allocation, it would take almost 100 years to resolve all pending land claims.</p> <p>The ANT has not issued any protection measure for ancestral territories lacking legal titles as ordered by CC ruling and Decree 2333 of 2014.</p> <p>The ANT has continually changed the administrative process for titling subordinating the power of the PNC and Laws to the new administrative procedures that goes against the collective rights of IP.</p> <p>The National Government has allocated limited funds to implement the Rural Agrarian reform and has not assign fund to implement the Ethnic Chapter (Safeguard mechanism for IP-Afro lands) of the Peace agreement.</p> <p>The ANT and the National government lack compliance with the more than 500 national/sub-regional agreement signed with IP organization for the protection and titling of IP lands.</p> <p>The government has withdrawn administrative process for titling Afro-descendant communities, violating not only the rights of Afro-descendant but the administrative process itself. Advances in the implementation of the TF project are as well limited, demanding adjustment to the Collaborate agreement between the ANT-PCn-Hileros. ANT has as well change administrative procedures for titling, delaying the process for securing land rights.</p> <p>Indicative Rating: Somewhat adequate</p>
3	Willingness: Subnational	<p>Depending of the political affiliation, at the sub regional level there have been some willingness to secure land rights. That is the case of agreement established between the Antioquia governor and the IP organization OIA the NGO ACT, and the ANT for titling 549,13 hectares. <u>"En el caso subnacional, se resalta el compromiso del Departamento de Antioquia quien en los últimos 4 años a través de la Gerencia Indígena de Antioquia se ha apoyado con recursos técnicos y financieros el impulso de los expedientes para la constitución y ampliación de resguardos priorizados en el Departamento, logrando en alianza con Amazon Conservation Team y la Agencia Nacional de Tierras la constitución de 7 nuevos resguardos y 1 ampliación.; para un total de 549,13 Ha legalizadas. Fuente: Amazon Conservation Team (2019).</u></p> <p>However, the technical and financial capacity at the sub-regional level is limited, especially when the land recognition is centralized in the ANT-Ministry of Agriculture.</p>

			Indicative Rating: Adequate
	4	Capacity: Govt	<p>The national government has the institutional capacity in place to respond to land rights and titling claims of both IP and Afro communities. However, it lack personnel and budget allocation to resolve of pending claims. The collective land rights agenda is not a priority in the government budget planning and distribution.</p> <p>Indicative Rating: Somewhat adequate</p>
	5	Capacity: NGOs	<p>Local NGOs including IP and Afro organizations have capacity to work directly with local communities on formalizing community land rights. Some organizations like ACT has been working with the government in the titling of IP communities. Several other national NGOs work with IP and Afro community supporting their claims for land rights, advocacy and advising in legal cases to protect or restore their rights.</p> <p>Under decree 1397 of 1996 was created the CNTI, which is a unique space for direct dialogue between the National government and The Indigenous Government on issues related to resolving the security of Indigenous Territorial Rights. The CNTI is constitute by tow set of Secretariats: the Government secretariat integrated by Ministry of Agriculture and ANT, Ministry of Interior, Finances Ministry; and, the Indigenous Secretariat integrated by nine indigenous organizations (National and sub-regional level) and indigenous senators.</p> <p>Indicative Rating: Adequate</p>
Guatemala	1	Legal	<p>Article 67 of the Political Constitution of the Republic of Guatemala (1985) establishes the obligation of the State to protect the lands of indigenous communities. The Law of the Registry of Cadastral Information (Decree 41-2005) in its article 23 subsection (and) recognizes that communal lands are those lands owned by indigenous or peasant communities as collective entities, with or without legal personality</p> <p>These constitutional and legal provisions could provide the basis for recognition of collective rights but in absence of enabling regulations/ subordinate laws, they prove to be less than adequate.</p> <p>Concesiones Comunitarias (Community Concessions): Organized communities with legal status may be granted a forest concession. A forest concession is a power granted by the State to Guatemalan citizens, individuals or legal entities that by their own risk conduct forestry activities in state-owned forests (Art. 4, Forest Act, 1996). Indigenous communities can only apply for concessions once they have acquired legal status. The law does not recognize traditional ways of managing the natural resources practiced by indigenous peoples. Concessions are granted for commercial purposes with the goal of conducting sustainable forest management. Each concession requires a Management Plan, an explanation of which must be presented during the tender offer. The community prepares the Management Plan and the Instituto Nacional de Bosques (INAB)(National Forest Institute) oversees its approval (Art. 30, Forest Law, 1996. The rights provided under a concession contract are</p>

		<p>exclusive. The term of a concession can last up to 50 years, depending on the time needed for forest regeneration.</p> <p>Forest Law of 1996; National Forest Registry Regulations, Resolution N° 1/43/2005; Regulation of the Forest Law, Resolution N° 4/23/1997; Protected Areas Law, Decree N° 4/1989;</p> <p>Tierras Comunales (Communal Lands): Communal Lands are lands owned or possessed by indigenous or peasant communities as collective entities, with or without legal personality. Additionally, these lands are part of those lands registered in the name of the State or municipalities, but which have traditionally been owned or held under communal regime (Art. 23, Land Registry Act, 2005). Indigenous communities are forms of communal organization, particular to indigenous peoples regardless of their formal legal status, with internal administration governed under its own rules, values, procedures and systems of legitimate authority (Art. 1(c), Specific Regulations, 2009). Peasant communities are forms of organization of indigenous or non-indigenous people, identified by their common necessities and organized to implement common projects and programs, ensuring their tenure rights, possession or ownership of the land (Art. 1(d), Special Regulations, 2009). Subsistence consumption is allowed with a Family Consumption Permit. Commercial use is dependent upon the acquisition of a license and the terms of the Management Plan. The owners of the land develop a Management Plan and INAB has the authority to approve it. Communal tenure can be defined in principle as equivalent to individual private property.</p> <p>Article 67 of the Guatemalan Constitution of 1985; Forest Law, 1996; Regulation of the Forest Law, Resolution N° 4/23/1997; National Forest Registry Regulations, Resolution N° 1/43/2005; Law of Supplementary Titling, Decree N° 49/1979; Specific Rules for the Recognition and Declaration of Communal Land, Resolution N° 123-001/2009;</p> <p>Indicative Rating: Somewhat adequate</p>
2	Willingness: National	<p>The agencies responsible for forestry and protected areas have not expressed interest in supporting the recognition of the rights of indigenous peoples. The government and its ministries promote extractive projects (mining, oil, dams, extensive monocultures), on indigenous territories, in a clear violation and denial of the rights to the lands and territories of indigenous peoples (Elias, 2020).</p> <p>Indicative Rating: Inadequate</p>
3	Willingness: Subnational	<p>There is some interest at provincial level, as evidenced by the ongoing negotiations for renewal of community concessions in Peten</p> <p>Indicative Rating: Somewhat adequate</p>

	4	Capacity: Govt	<p>A mechanism called the Community Land Promoter Group has been created, which seeks to position the rights of indigenous peoples in natural resource management and conservation initiatives, where middle cadres of government entities responsible for forestry, protected areas and environment participate. This mechanism has proposed various measures to strengthen the rights of indigenous peoples, but these have not been implemented due to the lack of political will of the highest-ranking officials.</p> <p>Indicative Rating: Somewhat adequate</p>
	5	Capacity: NGOs	<p>Most non-governmental organizations related to forestry and protected areas are conservation oriented, more interested in the protection of natural resources and biological diversity and not so much in the rights of indigenous peoples. In 2018, a space called a new Management Model was formed, which sought to lay the foundations for a new relationship with the communities, but despite its efforts it failed to make progress on the issue of collective forest rights. Today it works only as a group in the social network.</p> <p>Indicative Rating: Somewhat adequate</p>
Guyana	1	Legal	<p>Amerindians IPs are entitled to collectively own lands (forest and savannah) under the law. Amerindian Lands are considered to be “owned” by Indigenous Peoples in the national context; however, villages recognized under this tenure regime do not have the “right to exclude” outsiders from their lands. Specifically, the government retains the ability to grant permission to third parties to enter Amerindian lands.</p> <p>Community Forest Management Agreement (CFMA): The purpose of a Community Forest Management Agreement (CFMA) “is to provide communities with a means of acquiring clear and secure rights to manage and benefit from their local forests on a sustainable basis in order to help meet local needs, stimulate income generation and economic development, and enhance environmental stability. “Community group’ means persons living within and having strong ties to the community and includes: (a) a registered community forestry organization; (b) a registered society as defined by section 2 of the Cooperative Societies Act; or (c) a registered society as defined by section 2 of the Friendly Societies Act”(Section 11(1), Forest Act, 2009). Community groups not registered and are not allowed to enter into a Community Forest Management Agreement. At present the Forest Act does not state that communities have the right to withdraw forest resources under the terms of a CFMA (Sections 11(3) and 81, Forest Act, 2009). “Unless sooner surrendered or revoked under this Act, a community forest management agreement expires on the earlier of (a) the expiry date specified in the agreement; or (b) the second anniversary of its granting” (Section 11(5), Forest Act, 2009).</p> <p>Section 11, Forests Act 2009 (entered in force in October 2010); State Land Act, 1910 (1997);</p>

		<p>Titled Amerindian Village Land: The President of Guyana, under a special power of the State Lands Act, may issue land titles to Amerindian communities. Amerindians own the land collectively and for an unlimited period of time. Once title is transferred to an Amerindian community, the community owns the forest resources therein. Amerindian communities can veto mining activities on their land, but the State has the power to override the veto in the public's interest. Titles may be revoked in the public interest, or if Amerindians transfer rights to their titled lands or parts thereof. Section 60 of the Amerindian Act defines an Amerindian community as "a group of Amerindians organised as a traditional community with a common culture and occupying or using the State lands which they have traditionally occupied or used... 'Village or Amerindian Village' means a group of Amerindians occupying or using Village lands; 'Village lands' means lands owned communally by a Village under title granted to a Village Council to hold for the benefit of the Village" (Section 2, Amerindian Act, 2006). Members of the village are allowed to enter Village Land. All other people must apply for and obtain permission from the Village Council. Once a title is transferred to an Amerindian community the community owns the forest resources therein (Guyana Government Information Agency 2005), 15.) Land titles are granted for an unlimited period of time.</p> <p>Amerindian Act of 2006 (entered in force 2010); State Land Act of 1910(1997); Guyanese Constitution of 1980 (2001);</p> <p>Indicative Rating: Adequate</p>
2	Willingness: National	<p>It is the Ministry of Indigenous Peoples Affairs that is the part of national government supporting rights recognition. The current Minister, Mr Sydney Allcock, is a former Toshao and a strong, community-based/ sub-regional Indigenous leader in his own right. The current President of Guyana, Mr David Granger, has publicly expressed his support of and recognition of IP rights as has a former President, Mr Bharat Jagdeo. The current Director-General of the Ministry and the newly appointed Minister of State, Ms Dawn Hastings (an Amerindian) are also favorable. The bureaucracy and administration are not as keen. The newly launched "Tenure Project" in Guyana with the South Rupununi District Council (SRDC), Amerindian Peoples Association (APA) and in partnership with the current Ministry of Indigenous Peoples Affairs led by Sydney Allcock is a hopeful initiative, because from the inception it is inclusive of IP NGOs and IP Government Ministry. This augurs well for a cohesive approach and offers a safeguard against conflict in its implementation. There may be some resistance from departments and agencies espousing large-scale, industrial style agriculture and mining. Right now there is a political opportunity to undertake large scale land reforms projects in Guyana and their success will depend on Government capacity to resist the mining interest</p> <p>Indicative Rating: Adequate</p>

	3	Willingness: Subnational	<p>At some sub-national levels, the Regional Democratic Councils (RDCs) are supportive (e.g. in Region 9 (Rupununi) and in Region 8). Additionally, the IP District Councils (which are intended to be gazetted / statutory independent authorities) are expected to play a major role in scaling up rights recognition projects.</p> <p>Indicative Rating: Adequate</p>
	4	Capacity: Govt	<p>There is lack of knowledge about key international provisions for IPs as well as the legalities and jurisprudence that already exists in Guyana Constitution. Some capacity building will be required for undertaking large tenure reform projects.</p> <p>Indicative Rating: Somewhat adequate</p>
	5	Capacity: NGOs	<p>The NGOs and IP organizations have already demonstrated their capacity to implement tenure reform projects and have been internationally recognized for their work</p> <p>Indicative Rating: Somewhat adequate.</p>
Mexico	1	Legal	<p>A strong legal framework for collective rights recognition exists through the system of Ejidos and Comunidades and almost all the potential community claimed areas are already recognized as community lands. The scaling up of recognition of forest tenure rights in Mexico occurred since the 1920s at a national scale so there are few or no opportunities for further scaling up (Dr. David Bray. 2019)</p> <p>Ejidos Localizados en Tierras Forestales (Ejidos Located on Forest Land): Ejidos are a specific product of agrarian reform, informed largely by indigenous forms of social organization (Morett Sánchez 2001). When a group of families claim rights over a territory (sometimes an area to which they have migrated) and are granted new rights by the State, the resulting area is classified as an Ejido (Cobera et al. 2010, 7). There are 3 types of Ejidos: a) human settlements, b) common use land and c) parcels land (Art. 44, Agrarian Law, 2008). The only type of Ejido possible on forestland is a Common Use Land Ejido (Art. 59, Agrarian Law, 2008). The Ejidos operate in accordance with their internal rules, but are limited by existing laws and regulations (Art. 10 and 11, Agrarian Law, 2008). Management and use of forest resources must be done in accordance with the Forest Laws and Regulations. Commercial use of forest resources is dependent upon an official authorization and must adhere to the provisions of the Management Plan (Art. 62 and 63, Law of Forest Sustainable Development, 2012). There are no restrictions on subsistence use (Art. 104-106, Law of Forest Sustainable Development, 2012). Common Use Lands are inalienable, imprescriptible and inalienable with the exception of Article 75 (Art. 73, Agrarian Law, 2008).</p> <p>Article 27, VII of the Mexican Constitution of 1917 (as amended in 2010);</p> <p>Law of Forest Sustainable Development of 2003 (as amended in 2012);</p>

			<p>Agrarian Law of 2008;</p> <p>Comunidades (Communities): Agrarian Communities derive from rights recognized by the Spanish crown to original settlers; they are usually indigenous communities who have historically inhabited a region and share a common language, traditions, and governing institutions (Cobera et al. 2010, 7). All articles applicable to Ejidos are applied to Agrarian Communities when not contradicting specific legal articles. Agrarian communities operate in accordance with their internal rules but are limited by existing laws and regulations (Art. 10 and 11, Agrarian Law, 2008). Management and use of forest resources is dependent upon Forest Laws and Regulations (Art. 62 and 63, Law of Forest Sustainable Development, 2012). There are no restrictions on subsistence use (Art. 104-106, Law of Forest Sustainable Development, 2008). Common Use Lands are inalienable, imprescriptible and indefeasible, with the exception of Article 75 (Art. 73, Agrarian Law, 2008). Agrarian Communities may constitute civil or commercial companies, partner with third parties, commission the administration or temporarily lease the use and benefit of their property.</p> <p>Article 27, Section VII of the Mexican Constitution of 1917 (as amended in 2010);</p> <p>Law of Forest Sustainable Development of 2003 (as amended in 2012);</p> <p>Agrarian Law of 2008</p> <p>Indicative Rating: Adequate</p>
	2	Willingness: National	<p>There is political support.</p> <p>Indicative Rating: Adequate</p>
	3	Willingness: Subnational	<p>There is political support</p> <p>Indicative Rating: Adequate</p>
	4	Capacity: Govt	<p>Yes, capacity exists</p> <p>Indicative Rating: Adequate</p>
	5	Capacity: NGOs	<p>Yes, capacity exists</p> <p>Indicative Rating: Adequate</p>
Peru	1	Legal	<p>The legal framework does offer the opportunity to undertake interventions based on projects that aim to achieve the titling of territories (Silvana, 2019)</p> <p>Tierras de Comunidades Nativas con Aptitud Forestal (Native Community Lands Suitable for Forestry): Native Communities are legally recognized. They are autonomous in terms of their organization, communal working, use and free disposal of their land, as well as economically and administratively autonomous within the framework established by law. Their ownership of land is imprescriptible except in the case of abandonment, and the Constitution requires the government to respect the cultural identity of Native Communities (Art. 89, Peruvian Constitution, 1993). However, the Constitution also states that natural resources belong</p>

	<p>to the nation (Art. 66, Peruvian Constitution, 1993). The law classifies land as being suitable for livestock and agriculture production (aptitud agropecuaria) or suitable for forestry (aptitud forestal) (Art. 29, Law-decree N° 22175/1978). When Native Communities claim land that is suitable for forestry, they are only given the right to use and benefit (Art. 11, Law-decree N° 22175/1978). Native Communities have their origin in tribal groups in the Selva and Ceja de Selva and are constituted by sets of families linked by language or dialect, cultural and social characteristics, customary tenure and common and permanent usufruct of the same territory, with clustered or dispersed settlements (Art 8, Law-decree N° 22175/1978). There are no restrictions on subsistence use (Art. 17, Law N° 26821/1997, Art 50; 81 Law N° 29763). Commercial exploitation requires a license (art. 66; 76, 82 Law N° 29763/2011).</p> <p>Article 55, 66 and 89 of the Peruvian Constitution of 1993; Supreme Decree N° 14/2001; Law N° 26821/1997 (Law for the Sustainable Use of Natural Resources); Law-Decree N° 22175/1978 (Law of Native Communities and Agrarian Development in the Regions of Selva and Ceja de la Selva); Regulation for Forest and Fauna Management in Native and Peasant Communities (Supreme Decree N° 021/15/MINAGRI); Law n° 29763/2011 (New Forest Law), Supreme Decree n° N° 018-2015-MINAGRI (Forest Management Regulation);</p> <p>Reservas Comunales en Suelo Forestal (Communal Reserves on Forest Land): Communal Reserves are areas created for the conservation of flora and fauna and the benefit of neighboring rural populations. The use and commercialization of resources undertaken by local populations (beneficiaries) within these areas must be conducted according to the conditions of a Management Plan that the supervising authorities have approved. Communal Reserves can be established on land suitable for agriculture, livestock, forestry or conservation (Art. 22(g), Law N° 26834/1997; Art. 56, Supreme Decree AG N°038/2001). Communal Reserves are areas of direct use where the use or extraction of resources, primarily by local populations, is allowed (Art. 21 (b), Law N° 26834/1997). Communal Reserves are part of the National Patrimony (Art. 1, Resolution N° 019/2005). Communities are exempt from compliance with the conditions of a Management Plan for the subsistence, medicinal or spiritual usage of resources that are considered part of their ancestral practices, which must be specified in the Master Plan (Art. 54, Resolution N° 019/2005). The State and the representative of the beneficiaries develop and implement a plan to inspect the Communal Reserve jointly (Arts 44-47, Resolution N° 019/2005). The Administrative Contract which transfers the functions of administration and management of Communal Reserves has a permanent or undefined duration (Art. 19, Resolution N° 019/2005).</p> <p>Art. 22 of Law N° 26834/1997 (Law of Natural Protected Areas);</p>
--	--

	<p>Supreme Decree AG N°038/2001 (Regulation of the Law of Natural Protected Areas of 2005);</p> <p>Resolution N° 019/2005 from INRENA-IANP;</p> <p>Law N° 27308/2000 (Law of Forestry and Wildlife);</p> <p>Tierras de Comunidades Campesinas con Aptitud Forestal (Peasant Community Forestlands Suitable for Forestry): Peasant communities are legally recognized and have legal personality. They are autonomous in terms of their organization, communal working, use and free disposal of land, as well as economically and administratively autonomous within the framework established by law. Ownership is imprescriptible except in the case of abandonment. The Constitution orders the government to respect the cultural identity of these communities (Art. 89, Peruvian Constitution, 1993). On the other hand, the Constitution also states that all natural resources belong to the nation (Art. 66, Peruvian Constitution, 1993). Peasant communities will have priority to exploit natural resources within their land (Art. 18, Law N° 26821/1997). Article 89 of the Peruvian Constitution defines peasant communities as public interest organizations with legal existence and legal personality, composed of families that inhabit and control certain territories, linked by ancestral, social, economic and cultural rights expressed in the communal ownership of land, communal work, mutual aid, democratic governance and development of multi-sectoral activities, whose aims are directed towards the full realization of its members and the country (Art. 2, Law N° 24656/1987). There are no restrictions on subsistence use (Art. 17, Law N° 26821/1997, Art 50; 66 Law N° 29763). Peasant Communities have priority to explore natural resources within their lands (Art. 18, Law N° 26821/1997). Commercial exploitation requires a license (Art. 66, Law N° 29763).</p> <p>Article 66 and 89 of the Peruvian Constitution of 1993;</p> <p>Supreme Decree N° 14/2001;</p> <p>Law N° 26821/1997 (Law for the Sustainable Use of Natural Resources);</p> <p>Law N° 24656/1987 (General Law of Peasant communities);</p> <p>Article 11 of Law N° 26505/1995 (Law of Private Investment in the Development of Economic Activities in Homelands and Rural and Native Communities Lands);</p> <p>Law N° 27867/2002 (Law for Regional Governments);</p> <p>Regulation for Forest and Fauna Management in Native and Peasant Communities (Supreme Decree N° 021/15/MINAGRI);</p> <p>Law n° 29763/2011 (New Forest Law);</p> <p>Supreme Decree n° N° 018-2015-MINAGRI (Forest Management Regulation);</p> <p>Reservas Indigenas (Indigenous Reserves): Indigenous Reserves are lands that have been demarcated by the state through a supreme decree, which are intended to protect the rights, habitat and the conditions that ensure the existence and integrity of</p>
--	--

		<p>Indigenous Peoples in isolation and/or in an initial contact situation (Art. 2, Law N° 28736/2006; Art. 3(n), Supreme Decree N° 008/2007). Indigenous Reserves enjoy transitory intangibility for as long the Indigenous Peoples continue to live in isolation and/or an initial contact situation (Art. 3, Law N° 28736/2006). Indigenous Peoples in isolation and/or an initial contact situation benefit from all the rights provided by the Constitution and other laws that provide for Native Communities (Art. 8, Law N° 28736/2006). The new Forest Law states that such lands remain under the dispositions of Law 28736/2006, and does not regulate areas retained by indigenous people (Art. 27, d, 1). Isolation is the situation of an Indigenous People, or any part thereof, which occurs when it has not developed social relations with other members of the national society, or, having had relations with other members of the national society, has opted to interrupt them. Initial contact is the situation of an Indigenous People, or any part thereof, which occurs when it has begun a process of interrelation with the other members of the national society (Art. 2, Law N° 28736/2006). The law guarantees the right of free access and extensive use of their lands and natural resources for traditional subsistence activities to Indigenous People in isolation or a situation of initial contact. (Art. 4, Law N° 28736/2006; Art. 25 and 34, Supreme Decree N° 008/2007).</p> <p>Law N° 28736/ 2006 (Law for the Protection of Indigenous People in Situations of Isolation or Initial Contact); Supreme Decree N° 008/2007; Article 55, 66, and 89 of the Peruvian Constitution of 1993; Law N° 27308/2000 (Law of Forestry and Wildlife);</p> <p>Indicative Rating: Adequate</p>
2	Willingness: National	<p>The current president of Peru has publicly pointed out the need to complete the process of titling the native communities so that different ministries are working to determine the existing gap. There is willingness within the central government to meet the demand of indigenous peoples regarding the titling of their territories.</p> <p>Indicative Rating: Adequate</p>
3	Willingness: Subnational	<p>In the case of Peru, the forestry authorities of the Regional Governments are the competent bodies for issuing forest permits at the request of the native communities. Significant numbers of regional governments have shown willingness and executed projects for recognition of territories. Several face resistance and from outside lobbies and there is a degree of corruption and acceptance of illegal activities which affects ability to recognize rights.</p> <p>Indicative Rating: Adequate</p>
4	Capacity: Govt	<p>The titling process and the granting of forest rights is executed directly by the regional governments who need to strengthen their technical capacities to meet the demand generated by the linked projects. The lack of specialized personnel to carry out technical procedures is a major gap in capacity at provincial government levels. Peru offers opportunities for undertaking large projects for</p>

			<p>recognition of territorial rights. This success of such projects would depend on strengthening the capacity within the Government and Indigenous people and close co-ordination with IP and civil society organizations.</p> <p>Indicative Rating: Somewhat Adequate</p>
	5	Capacity: NGOs	<p>There are several NGOs that carry out projects linked to the recognition of indigenous peoples, titling of their territories and implementation of productive projects for the benefit of native or rural communities. Non-governmental organizations have the experience, technical and financial capacity to execute tenure reforms projects. Another usual form of work is reflected in the generation of consortiums which makes it possible to have several organizations with different expertise working in a coordinated manner.</p> <p>In general, there are regions in which the indigenous Peoples and the national representation organization maintain a fluid relationship (as is the case of Loreto and Madre de Dios) that allows them to execute projects for rights recognition. Indigenous organizations need substantive support to assert ownership over projects.</p> <p>Indicative Rating: Somewhat Adequate</p>
Suriname	1	Legal	<p>Suriname doesn't have a statutory or regulatory framework that recognizes local communities or IP rights to own or control land. A proposal to create a law for recognition of collective land and forest rights is being considered by the Government.</p> <p>Indicative Rating: Somewhat Adequate</p>
	2	Willingness: National	<p>There is some willingness in the national government to recognize collective forest tenure rights, and therefore discussions on creation of a legal framework to enable the same is being considered</p> <p>Indicative Rating: Adequate</p>
	3	Willingness: Subnational	<p>Not applicable</p> <p>Indicative Rating: Adequate</p>
	4	Capacity: Govt	<p>Based on two responses, our assessment is that there is some limited capacity in the Government to implement projects. However, there is no history of implementing tenure reforms projects and they may need assistance in developing capacities for such work.</p> <p>Indicative Rating: Somewhat Adequate</p>
	5	Capacity: NGOs	<p>There is a relatively strong indigenous peoples' organization namely VIDS (<i>Vereniging van Inheemse Dorpshoofden in Suriname</i> = Association of Indigenous Village Leaders in Suriname) which is not an NGO but an indigenous peoples' organization, composed of the traditional authorities of the IPs in Suriname with a supporting technical secretariat. That organization could potentially undertake such projects.</p> <p>Most NGOs interested in forest rights are the environment organizations which have environmental objectives that do not necessarily meet international standards regarding indigenous</p>

			<p>peoples' rights. For example, NGOs working on REDD+ put emphasis on carbon credits and monetary benefits but do little or nothing to secure IPs' rights (Max Ooft). Some international organisations working in Suriname have some capacity to support tenure reform projects.</p> <p>Indicative Rating: Somewhat Adequate</p>
Venezuela	1	Legal	<p>The Constitution and the laws listed below provide basis for a regulatory framework that offers opportunity for tenure reforms. There are no enabling institutions or public policies to implement these provisions.</p> <p>Habitat and Land of Indigenous Peoples and Communities within Forest Lands (Hábitat y tierras de los pueblos y comunidades indígenas): Indigenous Land are lands in which indigenous peoples and communities individually and collectively exercise their originating rights (derechos originarios) that were developed according to their traditional physical, cultural, spiritual, social, economic and political way of life. Indigenous Lands include areas of cultivation, hunting, fishing, gathering, grazing, settlements, roads, traditional and historic holy places and other areas they have occupied ancestrally or traditionally. The State may make concession allowing the exploitation of forest resources by third parties, but they need to consult the indigenous community first (Art 26, Forest Law, 2013). The land is registered under a common property title (Art. 30, Organic Law of the Indigenous People and Communities, 2002). Indigenous People have the right to determine the use, withdrawal and management rights of the land according to their traditions and customs within the limits of the Management Plan (Art. 27 - 28 and 54, Organic Law of the Indigenous People and Communities, 2005). Indigenous lands are inalienable (Art. 119, Venezuelan Constitution, 1999).</p> <p>Article 119 of the Venezuelan Constitution of 1999; Organic Law of the Indigenous People and Communities of 2005; Forests Law of 2013; Law on Demarcation and Guarantee of Habitat and Land of Indigenous Peoples, Law No. 37.118/2001;</p> <p>Indicative Rating: Adequate</p>
	2	Willingness: National	<p>There is no political will and the government's commitment is extractive projects that in themselves undermine collective forest rights. The Arco Minero del Orinoco project extending over 14% of Venezuela's land territories illustrates that extractive projects take precedence over rights of IPs and local communities.</p> <p>Indicative Rating: Inadequate</p>
	3	Willingness: Subnational	<p>NA</p> <p>Indicative Rating: Inadequate</p>
	4	Capacity: Govt	<p>In the current situation, there is no capacity in the Government to take up major tenure reforms project</p>

			Indicative Rating: Inadequate
	5	Capacity: NGOs	Some capacity exists but the government has little trust on civil society organizations. Indicative Rating: Somewhat Adequate
Burkina Faso		Legal	<p>There are sufficient legal provisions to intensify the recognition of collective forest tenure rights in Burkina Faso (Françoise Pioupare, 2020; Blaise Yoda, 2020). This recognition is provided in Law 034-2009/AN of 16 June 2009 on rural land tenure and in the National Policy for Land Tenure Security in Rural Areas. These texts enshrine the concept of "land ownership", which is the customary and/or indigenous land rights of populations over land. Land ownership is defined in legislation as the de facto power legitimately exercised over rural land with reference to local land customs and usages. The State has the obligation to secure all public forests and to develop participatory conventions with the indigenous populations to regulate/preserve their land rights over forest resources. (Blaise Yoda, 2020) The regulatory provisions of the legal framework for forest governance are strong enough to support projects for recognition of collective forest tenure rights (Françoise Pioupare, 2020).</p> <p>Relevant Laws and Regulations: Constitution of 2 June 1991; Act No. 055-2004/AN of 21 December 2004 on the General Code of Territorial Communities in Burkina Faso Law N° 0034-2009/AN of 16 June 2009 on Rural Land Regime Law No. 003-2011/AN on the Forestry Code in Burkina Faso Law n°006-2013/AN of 02 April 2013 on the Environment Code. Law No. 034-2012/year of 02 July 2012 on agrarian and land reorganization in Burkina Faso</p> <p>Indicative Rating: Adequate</p>
		Willingness: National	The President of Burkina Faso and his government support the recognition of collective land tenure through the ratification of international and regional legal instruments and the translation of these commitments through the adoption of laws at the national level, the establishment of a legal framework and the adoption of policies and institutional reforms. These illustrate the political will of the Government to facilitate the recognition of individual and collective forest rights of local communities. These policies are implemented by the various ministerial departments in charge of environment/forests, agriculture, animal resources, human rights, women and gender promotion, and national solidarity. (Françoise Pioupare, 2020). Indicative Rating: Adequate
		Willingness: Subnational	Burkina Faso is made up of 13 regions, 45 provinces and 351 communes. The public administration in charge of the management and monitoring of policies relating to forest and land governance and social protection is decentralized according to this structure. The communes have decentralised structures for forest management

			and social protection in each of the 360,351 communes (Françoise Pioupare, 2020). The sub-national units reflect the willingness of the central government to carry out collective land and forest tenure reforms Indicative Rating: Adequate
		Capacity: gov	Françoise Pioupare (2020) points out that there is a lack of awareness about policies and strategies related to forest resource governance and collective forest rights amongst local communities as well as institutional actors of Decentralized Technical Services (STD) in charge of their promotion at the central level as well as in the regions and communes. These actors also lack the financial means and technical skills to carry out their mandate and need both financial support and technical skill upgradation. The lack of resources is also is a serious issue in the functioning of the Forest Administration. (Françoise Pioupare, 2020). At the sub-national level, there is major gap in human resources capacities in the decentralized administration in regions and communes. Indicative Rating: Somewhat Adequate
		Capacity: NGOs	Organizations are working in the field of forest governance, focusing on the individual and collective forest rights of women and men in the communes of Burkina Faso, including NGOs and CSOs such as Naturama Foundation, TENFOREST, Fédération Nationale des Unions des Groupements de Gestion Forestière (FNUGGF), Réseau Femme et Environnement du Burkina (REFEN-BF) (Françoise Pioupare, 2020). Working relations of CSOs with Government is adequate, though there are gaps in the involvement of CSOs in formulation of state projects and programs for rights recognition. When it comes to defining strategies, awareness-raising and communication activities, both CSOs and communities are fairly involved (Françoise Pioupare, 2020). Indicative Rating: Somewhat Adequate
Cameroon	1	Legal	Cameroon's land and forestry legislations are characterized by a monopoly of the State in the management of space and forest resources and provides no protection for customary collective rights. Land ownership is mainly governed by Ordinance No. 74 of 1974 (the " Land Law of 1974"), which provides that all land is either private land, public land, or national lands (Article 14). The National land are any land that is not officially registered as public or private, encompass the vast majority of Cameroon and fall under the formal administration of the state (M Bruno, 2019). This includes lands under the customary regime of ownership, creating insecurity for collective tenure rights (Liz Wily, 2011) Community Forests The limited space for collective rights within the current legal framework lies in the category of community forests (Forêts Communautaires) created through the 1994 Forest Law. Community forests legally recognize a community's ownership rights to forest resources, both timber and non-timber. The land remains owned by

		<p>the Cameroonian Government. The community's rights to forest resources are renewed every five years as long as the community complies with the community forest management agreement. (M Bruno, 2019). Community Forest Management Agreements with communities entrusts them with rights of access, withdrawal, and management. Additionally, communities are entitled to free management assistance from the Forest Administration and right of first refusal for forest products and logging activities. A community may also contract with a third party to commercially harvest timber. Also, recent executive order N° 076 states that 100% of revenue sharing from exploration of forest resources allocated to communities belongs to community and should be managed by the association, cooperative, etc. and communities are entitled to receive 10% of annual forest fees, 30% exploitation revenue through infrastructure improvements, and 30% of recovery of products coming from non-communal forests as a compensation fee.</p> <p>The laws and regulations regulating Community Forest are:</p> <p>Government of Cameroon. 1994. Law No. 01/1994;</p> <p>Government of Cameroon. 1995a. Decree No. 531/1995;</p> <p>Government of Cameroon. 1995b. Decree No. 466/1995. July 20. Available at: http://laga-enforcement.org/Portals/0/Documents/Legal%20documents/Cameroon/Legal_Cameroon_Decree_Eng_Decree%20NO.%2095-466-PM%20of%2020%20July%201995.pdf;</p> <p>Government of Cameroon. 2013. Arrêté conjoint No. 076/MINFI/MINATD/MINFOF fixant les modalités de planification, d'emploi et de suivi de la gestion de revenus provenant de la exploitation des ressources forestières et fauniques, destinés aux communes et aux communautés riveraines</p> <p>Further reforms in forest legislations are expected as one of the central elements of the governance reforms promised by the bilateral treaty between the Cameroonian government and the European Union is the reform of the forest laws, implementing legislations, as well as the transposition of international laws into the national legal framework of Cameroon. (M Bruno, 2019)</p> <p>Indicative Rating: Somewhat adequate</p>
2	Willingness: national	<p>Within the larger context of the takeover of customary land, and the conversion of vast areas of customary lands into state forests, the main opportunity for communities to obtain community rights is presented through the Community Forests (Forêts Communautaires). The willingness of the government to grant and manage community forest resources has its source in the second objective of its policy to improve the participation of populations in conservation and management of forest resources, to reduce poverty and raise communities' standard of living. This approach is based on the principle of community empowerment to sustain local development (Mvonda, Bruno 2019.) At the same time the lack of will to speedily implement reforms which provide secure and effective tenurial rights to communities</p>

			<p>implies a certain amount of reluctance and lack of trust in communities (Patrick Kipalu, 2020).</p> <p>Indicative Rating: Somewhat adequate</p>
	3	Willingness: subnational	<p>Provincial legislative commission works with representatives of departments (provinces) and prefect offices to implement national policies at the provincial level – and with intervention of other actors such as NGOs, etc. encourage the recognition of rights of forest communities (Mvonda, Bruno 2019.)</p> <p>Indicative Rating: Somewhat adequate</p>
	4	Capacity: Govt	<p>The capacity of government and its agencies, namely the Ministry of the Forestry and Wildlife of Cameroon is somewhat adequate. There seems to be low trust between the communities and forest bureaucracy (Moutoni, 2019). Institutional reforms are expected in the land and forest sectors in Cameroon for many reasons, especially in the framework of the EU Action Plan on the application of forestry regulations, the governance and trade ("FLEGT"), which includes a program of legal and institutional reforms on improving forest governance. These are expected to improve the capacity of the Ministry to support scaling up community forestry (Mvonda, Bruno 2019)</p> <p>Indicative Rating: Somewhat adequate</p>
	5	Capacity: NGOs	<p>Several associations, NGOs and international organizations are involved in supporting communities in the process to apply for, obtain and manage community forests stops (Moutuni, 2019). Many of the NGOs are grouped within a consultation platform called Network of Community Forestry (RFC). Their importance for the sector and their number continues to grow. Other organizations are providing research and teaching support, which plays an important role in the training of management staff and in applied research (Mvonda, Bruno 2019. Personal Communication)</p> <p>Indicative Rating: Adequate</p>
Central African Republic	1	Legal	<p>The 2004 Constitution of the Central African Republic provides that all persons have a right to property, and the state and citizens have an obligation to protect those rights. Law No. 63 of 1964 is the primary formal law governing land rights in CAR. It recognizes customary law but limits customary land tenure to use-rights. The Central African Republic (CAR) has acceded to the United Nations Declaration on Indigenous Peoples and ratified ILO Convention 169 on the rights of indigenous and tribal peoples (Mathamale, 2019).</p> <p>Community Forests</p> <p>As per Mathamale (2019), The Central African Republic has a legal framework that can provide opportunities for project-based interventions for the recognition of collective rights over forests. CAR Forest Code, 2008 (Code Forestier de la République Centrafricaine) recognizes customary rights to forest resources, granting local communities use-rights to forest land and forest products. All use-rights recognized by the formal law are subject to state definition and control (ARD 2007). The Forest Code assigns local villages and/or</p>

			<p>indigenous communities a decision-making role in the granting of exploitation permits. The state must also consult with the local population, including indigenous communities, before granting a concession for industrial exploitation of the forest. (ARD 2007; Mathamale et al. 2009 cited in USAID Country Profile, CAR).</p> <p>Central African Republic's provisions of the Forest Code relating to community forest are up for revisions, especially concerning the issue of resource rights. The revision is aimed at improving the law considering experiences from community forest pilot projects. The revision of the land law is also in progress.</p> <p>Relevant Laws and Regulations:</p> <p>Article 136 of the Forest Code ("Code forestier")</p> <p>Decree n°15-463 of 3 December 2015 on the allocation and management of community forests in the Central African Republic (Décret n°15-463 du 3 décembre 2015 fixant les modalités d'attribution et de gestion des forêts communautaires en République Centrafricaine).</p> <p>Indicative Rating: Somewhat Adequate</p>
	2	Willingness: National	<p>There is political will from the highest level of government to the ministries / departments responsible for the social protection of indigenous peoples and / or local communities. (Karpe, Nom, 2019; Mathamale, 2019, Dieval, 2019).</p> <p>Indicative Rating: Adequate</p>
	3	Willingness: Sub-National	<p>There is a certain level of willingness at the sub-national level but the lack of technical and financial capacities, including limited political influence is a major barrier. (Dieval, 2019)</p> <p>Indicative Rating: Adequate</p>
	4	Capacity: Govt	<p>Generally, there is a lack of experience and capacity in managing projects with indigenous peoples and local communities, sometimes marked by a lack of willpower and a lack of understanding the relevance of engaging forest communities (Dieval, 2019). Capacity building within Government agencies is a strong need.</p> <p>Indicative Rating: Inadequate</p>
	5	Capacity: NGOs	<p>Several Non-governmental organizations have experience supporting indigenous peoples and local communities. They may however still need support for capacity building at different levels. (Dieval, 2019)</p> <p>Indicative Rating: Somewhat Adequate</p>
Democratic Republic of Congo	1	Legal	<p>Almost all land in DRC was historically governed as communal land subject to customary law. The 1973 General Property Law (Law No. 73-021), as amended, provides for state ownership of all land, subject to rights of use granted under state concessions. The law permits customary law to govern use-rights to unallocated land in rural areas (Vlassenroot and Huggins 2005; Reynolds and Flores 2008; Leisz 1998; GODRC 2007). Significant percentage of the land in the DRC (some estimate as much as 97%) remains subject to customary law in practice. There is no applicable legal provision for collective</p>

	<p>ownership or recognition of community lands despite in principle assurances in constitution and land laws.</p> <p>The Forest Code of 2002 does not specifically address the rights of communities in Permanent Production Forests or in areas covered by commercial concessions, but it does grant use rights to local populations in accordance with their customs and traditions (Art. 36 and 44). As for Classified Forest, rights are more restricted but there is the right to consultation before an area is designated as Classified Forest (Art. 15).</p> <p>Local Community Forest Concessions The article 22 of the Forest Code 011/2002 of August 29, 2002 provides for reform in the Legal and customary rights regime for forests. This article has instituted the community forestry process in DRC as a new mode of sustainable forest management enabling local communities and indigenous peoples to apply for and obtain a forest concession not exceeding 50,000 ha on the forests regularly possessed under customary rights. Local communities are eligible to apply for a Local Community Forest Concession (LCFC) in which local communities are defined as “a population organized on the basis of traditional customs and made cohesive by clan or kinship links... (and) characterized by an attachment to a specific territory.”</p> <p>Community Protected Areas</p> <p>Law 14/003 (2014) recognizes cultural values associated to the environment as part of the protected area definition and provides for limited participation of communities in the management and governance of protected areas in DRC. Subsequent decrees will detail which activities are allowed in each of the protected areas categories. Article 32 requires establishment of consultation processes prior to the creation of protected areas, including that communities are informed of particular projects creating a protected area and modalities of compensation in the event of expropriation or displacement. However, the law does not provide specific rights to local communities within protected areas. Article 28 stipulates that when there is overlap between community land and buffer zones, authorized activities should respect the use-right of communities to forest resources recognized in other legislation.</p> <p>Relevant Laws and Regulations:</p> <p>Democratic Republic of Congo 2011 (2006) Constitution of the Democratic Republic of Congo Amended by Law No. 11/002 of January 20, 2011 revising certain articles of the Constitution of the Democratic Republic of Congo of February 18, 2006</p> <p>Democratic Republic of Congo. 1973. Law No. 73-021 of July 1973 on the General Property Regime, Land and Real Estate Regime and Security Regime as amended and supplemented by</p> <p>Republique Democratique du Congo. 2002. Loi No. 011/2002 du 29 aout 2002 portant Code Forestier, Art. 22. 29 aout. Available at: http://www.droit-afrique.com/images/textes/RDC/RDC%20-%20Code%20forestier.pdf;</p>
--	---

		<p>Republique Democratique du Congo. 2014. Décret No. 14/018 du 02 août 2014 fixant les modalités d'attribution des concessions forestières aux communautés locales. 2 aout. Available at: http://leganet.cd/Legislation/Droit%20economique/Code%20Forestier/D.14.018.02.O8.2014.htm .</p> <p>Indicative Rating: Somewhat Adequate</p>
2	Willingness: National	<p>The National Ministry of Environment and Sustainable Development has, through its programmatic document entitled "National Environment, Forests, Water and Biodiversity Program" (PNEFEB 2) set a ten-year objective of putting under community management a total area of 2,465,000 ha of forest between 2013 and 2023. To date, a total of 64 community forest concessions are legally granted by order of Provincial Governors for an area of approximately 1,200,000 ha in 7 provinces (Patrick Kipalu, 2020)</p> <p>Indicative Rating: Adequate</p>
3	Willingness: Sub-National	<p>At the provincial level, civil society undertook important works of sensitization of politico-administrative authorities, and there is interest in certain governors of provinces to support the recognition of land rights of IP, LC & AD through community forestry. In certain other provinces there are certain level of delay because of the presence of enormous natural resources (mines and hydrocarbons, etc.) which are subject of serious land conflicts between the different users (state, private sector, and local communities). (Patrick Kipalu, 2020)</p> <p>Indicative Rating: Adequate</p>
4	Capacity: Govt	<p>Experiences of responsible government departments / agencies and the working and relationships with ILPCs are reasonably good because most of these government departments/agencies (e.g. the direction of community forestry) and provincial coordination of environment and sustainable development rely on CSOs' technical capacities (human, logistical and financial) to assume the role assigned to them by law in the community forestry process. IPLCs who are supported by the CSO actors, therefore, have a good climate of trust and work with local public administrations in charge of processing and approving Community Forest Concession applications, which once granted, confer land tenure security to IPLCs. Major investments would be needed to enhance the capacities of the government departments and agencies responsible for rights recognition (Patrick Kipalu, 2020)</p> <p>Indicative Rating: Somewhat Adequate</p>
5	Capacity: NGOs	<p>Since 2002, the recognition of collective forest and land rights has been the subject of advocacy by civil society actors. Thanks to the technical and financial support of national and international CSOs the community forestry process has progressed today, and this is also true with the ongoing land reform process (Patrick, Kipalu, 2020)</p> <p>Indicative Rating: Adequate</p>

Gabon	1	Legal	<p>Gabon has no national land policy. The nearest document to land policy remains an explanation of colonial land policy in 1911, and whose 1909-1910 legal provisions still provide basis of modern land law in Gabon. The law No. 14/63 of 1963 establishing the domain of the State is defines the land rights of ordinary citizens, given that such a tiny proportion of the country's total area is subject to private law. Virtually all of Gabon belongs to the domain of the State (Ndjimbi, 2019).</p> <p>Community Forests</p> <p>Gabons' 2001 Forest code has provided for community forestry. Community Forest is defined a portion of the Rural Forest Domain (Domaine Forestier Rural) assigned to a rural village community so that they may engage in activities or undertake dynamic processes for the sustainable management of natural resources defined in a simplified Management Plan (Art. 156, Law N° 16/2001; Art. 2, Decree N° 001028/2004). "Community forests are created (...) in rural forest domain, at the request of a village, a cluster of villages or township when it is of the general interest of the concerned rural village community" (Art. 157, Law N° 16/2001). In January 2013, Arrêté N° 018 MEF/SG/DGF/DFC defined the procedures to establish community forests. including preliminary informational meetings, participatory mapping, consultation meeting, elaboration and submission of an attribution file, signing of a provisional management convention, and signature of a management agreement between Administration of Water and Forests and community. These steps may be prohibitive because they need to be performed and financed by the community, particularly the exhaustive inventory of natural resources within a community forest. Also, the exercise of customary use rights must satisfy the personal or collective needs of rural village communities, including: as fuel, for bark, latex, mushrooms, medicinal plants and edible rocks, vines, artisanal hunting and fishing, four grazing and fodder, subsistence agriculture, and water use rights (Art. 252, Law N° 16/2001; Art. 2, Decree N° 000692/2004).</p> <p>The community forestry provisions are weak in terms of depth of rights and provide access and management of forests conditional to compliance with CF provisions. The process for allocation of community forests is complex and lengthy (FAO, 2018)</p> <p>Community Protected Areas</p> <p>A Contract for the Management of National Park Land is drafted by "the manager of a park and a rural village community in the park's peripheral area, and establishes the role of these communities in the conservation of the biological diversity of the park or its peripheral area, while promoting economic benefits for these communities" (Art. 3, Law N° 003/2007). It must be approved by the national park management body before entering into force and must include provisions for the monitoring, management, and maintenance of cultural and touristic activities in the park and its peripheral area" (Art. 19, Law N° 003/2007). There is no legal document determining how a Contract for the Management of National Park Land is to be</p>
-------	---	-------	--

		<p>implemented. Therefore, the rights under this tenure regime are not yet clearly defined and cannot be implemented in practice.</p> <p>Relevant Laws and regulations:</p> <p>Government of Gabon. 2001. Loi No. 016-01 portant code forestier en République Gabonaise, Articles 156-162. Available at: http://faolex.fao.org/docs/texts/gab29255.doc ;</p> <p>Government of Gabon. 2004. Décret No. 1028/PR/MEFEPEPN du 1er décembre 2004 fixant les conditions de création des forêts communautaires. Available at: http://faolex.fao.org/docs/pdf/gab143377.pdf;</p> <p>Government of Gabon. 2008. Ordonnance No.11/2008 du 25 juillet 2008 modifiant et complétant certaines dispositions de la loi No. 16/2001 du 31 décembre 2001. July 25. Available at: http://faolex.fao.org/docs/pdf/gab144592.pdf;</p> <p>Government of Gabon. 2013. Arrêté No. 018 MEF/SG/DGF/DFC Establishing the Procedures to Implement Community Forest Management</p> <p>Government of Gabon. 2008. Law N° 003/2007 on National Parks</p> <p>Indicative Rating: Somewhat Adequate</p>
2	Willingness: National	<p>The denial of indigenous/customary land rights as more than occupancy and use rights is deeply entrenched in Gabon and an unusually high proportion of the country is already under significant concession arrangements., reducing the political incentive to elites to recognize indigenous/ customary rights (Wily, 2012). Thus, it is not surprising that even though the Government states that recognition of community forests is a priority (FAO, 2018), there has been little movement in reforming the forest laws and procedures; and to create capacity within the administration to recognize community forest rights of communities. A National Land Use Plan (PNAT) is under development with financial support from the Central Africa Forest Initiative (CAFI) and Tropical Forest Alliance (TFA). Though these projects provide for participatory mapping, they do not seem to have incorporated pathways for community forest rights recognition as a key priority, likely reflecting government's reservations. Apart from existing concession arrangements, New push for agro-business development around oil palm may also be playing a role in this lack of interest (Ndimbi, 2019. Kipalu, 2020)</p> <p>Indicative Rating: Inadequate</p>
3	Willingness: Subnational	<p>There is no question of will at the provincial level as all the decisions are made of the national/central level.</p> <p>Indicative Rating: Inadequate</p>
4	Capacity: Govt	<p>The complex procedures for recognition of community forests and its management are inadequately supported by the administration which does not have technical and financial means to support the communities (Client Earth, 2018)</p> <p>Indicative Rating: Inadequate</p>

	5	Capacity: NGOs	<p>CSOs and NGOs have come together on platform named “Gabon Ma Terre, Mon Droit” and have been actively engaging with the state authorities for the recognition of the land and forest rights of the communities. They have helped in raising public awareness on this issue. However, they need support and capacity building to effectively advocate for the rights of the communities and for supporting them in rights recognition and post recognition governance (Ndjimbi, 2019)</p> <p>Indicative Rating: Somewhat Adequate</p>
Kenya	1	Legal	<p>Community Lands</p> <p>Articles 61 and 63 of the Kenyan Constitution provide for community lands as a lawful property regime, alongside private and public lands, and defines community lands as including land lawfully registered in the name of group representatives; transferred to a specific community; declared to be community land by an act of Parliament; held, managed, used or traditionally occupied by communities; and held as trust land by the county governments. The Community Land Act (CLA) of 2016 gave effect to Article 63 of the Constitution of 2010. . Under the Community Land Act, community land includes land held under customary land rights, including those lands held in common (Pt. II, Sec. 5(2)) and customary land rights are granted equal legal stature to freehold and leasehold rights acquired through allocation, registration or transfer (Pt II, Sec. 5(3)). Thus, both registered community lands and unregistered community lands subject to customary land rights vest in communities pursuant to the Constitution and the CLA. County governments hold unregistered community land in trust until such time as it is registered (CLA, Pt. II, Sec. 6) in accordance with the procedures laid out by the Act.</p> <p>Community Forest Association Participation in the Conservation and Management of Public Forests under Approved Forest Management Plans</p> <p>Community rights to public forests can be established under Section 48 and 49 of the Forest Conservation and Management Act in which community forest associations are registered in order to participate in the conservation and management of a public forest. Under section 49(2), community forest associations with forest management plans may withdraw forest products, including medicinal herbs, honey, timber, grass, and forest produce as well as engage in ecotourism, industry, and establish plantations. Under the Forest Act of 2005, Community Forest Associations could apply for permission to co-manage forest areas with the Kenya Forest Service. The Forest Act of 2005 was repealed by the Forest Management and Conservation Act of 2014; however, Article 77 states that “any license, contract or agreement issued under the repealed Act shall remain in force as if it were a license, contract or agreement issued under this Act” so long as they do not pertain to activities outlawed under the new Act, and that “all participatory forest management plans shall be revised to be in conformity with the provisions of this Act.”</p> <p>Laws, regulations and Policies Referred to:</p>

			<p>Government of Kenya. 2010. The Constitution of Kenya. 2010. August 27. Available at: http://faolex.fao.org/docs/pdf/ken127322.pdf;</p> <p>Government of Kenya 2016. Community Land Act 2016.</p> <p>Government of Kenya. 1968. Land (Group Representatives) Act (Cap. 287). June 28. Available at: http://faolex.fao.org/docs/pdf/ken62430.pdf;</p> <p>Government of Kenya (2005). The Kenya Forests Act (Repealed). Ministry of Environment and Natural Resources.</p> <p>Government of Kenya (2016). The Kenya Forest Act, 2016. Ministry of Environment and Natural Resources.</p> <p>Government of Kenya (2014) The Wildlife Conservation and Management Act, 2013</p> <p>Indicative Rating: Adequate</p>
	2	Willingness: national	<p>There is lack of interest in the government agencies, as evident by the fact that Ministry of Land and Urban housing has missed all legally specified deadlines for recognition of land rights. (e.g. inventory of group ranches, a sub-category of community lands; aiding inventory of all unregistered community lands) The Kenyan Forest Service has been particularly obstructive, and it has gazetted new Public Forests, often carved out of community lands without their consent. Political pressure from MPs and Senators representing communities are the trigger, along with county government demands to elicit positive response from the government agencies. (Musingo Tito E Mbuvi, 2019)</p> <p>Indicative Rating: Somewhat Adequate</p>
	3	Willingness: Sub National	<p>A big push by civil society to educate county senators, MPs, Executive Officers, Legal officers is planned by Communities acting under CLAN (Community Land Action Now movement). Several prominent NGOs working with county governments in pastoralists areas (Musingo Tito E Mbuvi, 2019)</p> <p>Indicative Rating: Somewhat Adequate</p>
	4	Capacity: Govt	<p>Ministry of Agriculture & Livestock has potential and capacity to work in Pastoral areas. The same is true about local governments which will need some nurturing and support (Musingo Tito E Mbuvi, 2019)</p> <p>Indicative Rating: Somewhat Adequate</p>
	5	Capacity: NGOs	<p>Several key NGOs like Katiba Institute, Natural Justice, Namati (now registered as a local NGO), IMPACT and DLCI are very active and engage actively with politicians, national government actors including on land rights issue. There are many community-based organizations which are very active. The formation of CLAN, a movement of community leaders, has arisen to address issues in land and natural resources sector due to frustration with the inactive NGO land and natural resource sector. (Musingo Tito E Mbuvi, 2019)</p> <p>Indicative Rating: Adequate</p>
Liberia	1	Legal	Customary Land Rights

		<p>The Land Rights Law (LRL) of 2018 protects customary land “with or without paper.” Articles 32, 33, and 34 of the LRL detail that customary land is based on long period of occupation and traditional ownership, that the community has right to stop outsiders from land use, boundaries are in line with traditional areas, and all community members have equivalent rights. A community must self-identify, conduct landscape mapping, and set up a governance system to register their land. In order to form a community, Article 35 of LRL stipulates that the community must write by-laws for management and establish a committee. (Ali Kaba, 2019)</p> <p>Forest Rights</p> <p>Community Rights Law of 2009 provides recognition to communities for conditional use of forest resources. Under Section 3.1, communities have the right to control the lawful use, protection, management and development of their forest resources. In addition, communities may enter into small-scale commercial contracts for harvesting timber and non-timber forest products on their forest lands. They may also negotiate with concessionaires licensed by the Authority using social contracts. (Ali Kaba, 2019)</p> <p>Laws, regulations and Policies Referred to:</p> <p>Government of Liberia. 2018. Land Rights Act.</p> <p>Government of Liberia. 2009. Community Rights Law, Arts. 1(3), 2(3). October 16. Monrovia, Liberia: Government of Liberia. Available at: http://faolex.fao.org/docs/pdf/lbr143892.pdf;</p> <p>Government of Liberia. 2006. National Forestry Reform (NFR) Law of 2006, Art. 1.3. Monrovia, Liberia: Government of Liberia. Available at: http://www.fao.org/forestry/16151-05fd47b845599b5d3a594a9b0240dacff.pdf</p> <p>Indicative Rating: Adequate</p>
2	Willingness: National	<p>The national government and the critical agency, prima facie, seems to be willing to address scaling up of land and forest rights. The Liberian Land Authority has been a champion of customary land rights in Liberia, working in collaboration with CSOs on research, pilot projects for formalizing customary land, and drafting guidelines and regulations on the implementation of LRL. However, it is likely that other ministries may be disinterested in projects that scales up recognition of collective forest tenure rights. Coordination between the Land Authority, Forestry Development Authority, and Ministry of Internal Affairs would be critical for securing collective land and forest rights recognition. (Ali Kaba, 2019)</p> <p>Indicative Rating: Adequate</p>
3	Willingness: Sub National	<p>Sub national authorities with a major role in land and forest recognition also seem to be willing to support scaling up. Local government officials, such as superintendents, commissioners, and chiefs, have provided legitimacy for land related pilot projects and encouraged community participation. (Ali Kaba, 2019).</p> <p>Indicative Rating: Adequate</p>

	4	Capacity: Govt	<p>Relevant government agencies like the Land Authority have high interest but low technical capacity to meet the demands for scaling up collective land rights recognition. They are also overstaffed at headquarters office and sparsely staffed outside Monrovia, making implementation of LRL a challenge. In addition, trust between government and IP/LCs has been increasing with the inclusion of traditional chiefs for national land policies. Investment in capacity building of government would be needed. (Ali Kaba, 2019).</p> <p>Indicative Rating: Somewhat Adequate</p>
	5	Capacity: NGOS	<p>Many CSOs lack capacity for implementation of LRL because prior to passage of the law, their former role was in advocacy. A group of skilled facilitators is lacking to support communities in formalizing their customary land rights. While the working relationship between government and CSOs is largely positive, there is also a reduced level of transparency and information sharing from the government. Investment in capacity building of CSOs is required to facilitate scaling up of land and forest rights recognition (Ali Kaba, 2019).</p> <p>Indicative Rating: Somewhat Adequate</p>
Madagascar	1	Legal	<p>Law n°2005-15 sets out land tenure types in Madagascar, but specifically excludes forest land and protected areas. Law n°2006-031 establishes a procedure for recognizing community rights to customarily held land under this regime. However, this regime does not apply to forests, protected areas, and lands where a GELOSE contract has been concluded (article 38 Law n°2005-019).</p> <p>State is the owner of all forests and co-management between the state and local communities was enabled by the 1996 <i>Gestion Locale Sécurisée</i> (GELOSE) Law (Law No. 96-025). <i>gestion contractualisée des forêts</i> (GCF) Decree defined the conditions for community-based management of state-owned forests. In this law, the so-called Koloala lands were regulated. Koloala lands are those area reserved for sustainable exploitation of ecosystems of indigenous or endemic species not included in Protected Areas. These areas can be co-managed by local communities and population. The legislation also authorizes community forest management within protected areas. Law No. 2015-005 amending the Code for Management of Protected Areas (COAP), which established a system of protected areas and simplified the legal process for protected area creation. Under this law, communities, nongovernmental organizations, and the private sector can manage protected areas</p> <p>Community forest management</p> <p>Community Forest Management regime applies to natural forests, public forests, and private forests under the jurisdiction of the Ministry of Forests.</p> <p>Madagascar has established a policy called Transfert de Gestion des Ressources Naturelles Renouvelables (Transfer of Natural Renewable Resources Management). Through this policy, the state delegates limited tenure and sustainable use rights to a legally recognised community (Communauté de Base). Rights are transferred by contracts</p>

		<p>concluded between the communities and the state and include usage rights (Art. 4 Decree N° 2001-122). Contracts are signed for an initial fixed term of three years. They can be renewed for a further ten years period. The state can revoke the contract. In these cases, Communities have the right to receive a compensation unless termination occurred because of a contractual violation by the community</p> <p>Fokonolona</p> <p>The Fokonolona is organized in fokontany within the Communes (art. 152 Constitution). Fokonolona is a form of administrative subdivision that applies to certain traditional communities (art.2 Decree n°2004-299). Fokonolona lack legal personality. Each Fokonolona has its own customary rules, termed "Dina". Since 2001, there have been procedures to certify Dina, giving them legal recognition within the community and in some cases involving third parties or the State. Fokonolona have delimited territories (Article 3 Decree n°2007-151). Members of the Fokonolona are allowed to exercise their traditional usage rights, if these rights are not suppressed by a contract concluded under the GELOSE law (Art.41 Law n°97-017; Art. 14 and 15 Decree n°98-782). Communities can establish rules for harvesting resources according to their Dina on their territories. (Madagascar Country Study Guide, page 47)</p> <p>Government of Madagascar: Constitution</p> <p>Government of Madagascar 2005:.Land law 2005, Law No. 1005-019</p> <p>Government of Madagascar. 2006. Law No. 2006-031 (<i>Loi No. 2006-031 de 24 Novembre 2006 fixant regime juridique de la propriete fonciere privee non titree</i>)</p> <p>Government of Madagascar.1996. <i>Gestion Locale Sécurisée</i> (GELOSE) Law (Law No. 96-025).</p> <p>Government of Madagascar. 2001. <i>gestion contractualisée des forêts</i> (GCF) Decree</p> <p>Government of Madagascar. 2015. Law No. 2015-005</p> <p>Art.2 Decree n°2004-299</p> <p>Art. 4 Decree N° 2001-122</p> <p>Art.41 Law n°97-017; Art. 14 and 15 Decree n°98-782</p> <p>Madagascar Country Study Guide, page 47</p> <p>Système des Aires Protégées de Madagascar (SAPM), available at http://41.74.23.114:8080/index.php?option=com_fabrik&Itemid=33</p> <p>Indicative Rating: Somewhat Adequate</p>
2	Willingness: National	<p>The political willingness of Madagascar Government to take steps to recognize community rights is illustrated by the commitment of the Prime Minister of Madagascar to recognize community land rights through promulgating a new law in 2019. Following this commitment a new national road map for community rights have been generated and a draft of the proposed law is being elaborated.</p> <p>Indicative Rating: Adequate</p>

	3	Willingness: Sub National	The Sub-national Governments implement the programs of the national government Indicative Rating: Adequate
	4	Capacity: Govt	Government agencies have some capacities but there are needs for the establishment of strong systems of general, technical, and institutional coordination Indicative Rating: Somewhat Adequate
	5	Capacity: NGOs	CSOs play a key role at the grassroots level and have experiences in piloting different kind of projects. However, their capacities are limited, and they need more support and resources to build up their capabilities. Indicative Rating: Somewhat Adequate
Sudan	1	Legal	The 1989 Forest Law, Natural Resource Law, and 2015 Range and Pasture Law provide existing legal framework to scale up recognition of forest tenure rights. However, they are inadequate for project-based interventions for recognizing collective forest rights because the subordinate laws are either missing or highly restrictive (Kerkof, 2019). Government of Sudan. 1989. The Forests Act No. 14 of 1989. May 10. Available at: http://faolex.fao.org/docs/pdf/sud10077.pdf . Indicative Rating: Inadequate
	2	Willingness: National	Due to the recent political changes in Sudan, government willingness is difficult to assess, particularly at the highest levels. There seems to be lack of interest in recognizing and upholding community rights over forests by the Forest National Council. Indicative Rating: Inadequate
	3	Willingness: Sub National	Some agencies within state governments demonstrate willingness to support scaling up recognition of collective forest tenure rights, but they are constrained by lack of interest of centralized FNC and the Governors (Kerkof 2019) Indicative Rating: Somewhat adequate
	4	Capacity: Govt	Capacity building for agency staff is essential. Rangeland and pasture departments have a good working relationship with IP/LCs. Forest National Council doesn't enjoy good relationships with local communities Indicative Rating: Somewhat adequate
	5	Capacity: NGOs	Sudan has been isolated institutionally. Capacity building of civil society will be necessary (Kerkhof, 2019). Indicative Rating: Somewhat adequate
Tanzania	1	Legal	The Constitution of the United Republic of Tanzania (1977 as amended in 1998) provides that every person has the right to own property and right to have his/her property protected in accordance to the law. The 1995 Land Policy reaffirmed that all land in Tanzania is considered public land vested to the president as a trustee on behalf of the citizen. The Policy recognizes rights based on long

standing occupation of land. Village Land Act 5 of 1999 classify Village Land as communal land, occupied land, and vacant land. It recognizes the rights over village land held collectively by village residents under the customary law. The Certificate of Customary Right of Occupancy (CCRO) issued by the village council to individual and villagers affirms customary occupation and use of land as owners. Customary right of occupancy can be held individually or jointly (Got Village Land Act (1999). Legal provisions in Forest Act of 2002 declare collectively owned forest reserves which include Village Land Forest Reserves or Group Forest Reserves.

Communal Lands

Communities in rural areas are divided into villages, which are managed by Village Councils. Village Councils are corporate bodies, and are answerable and accountable to Village Assemblies, which consist of all the adults older than 18 years of age living within the village area. Villages are the basic unit for making local land use and management decisions in Tanzania according to the Land Act of 1999 and Village Land Act of 1999. Importantly, land can be held and managed communally under these laws and Village Councils and Assemblies are responsible for collective land management decisions for these Village Lands. Village Councils and Assemblies provide an established statutory mechanism for local community decision-making and collective negotiation regarding land and resource uses. The Village Land Act enables villages to zone communal and individual land areas through Land Use Plans.

Community Forests

Tanzania's forest policy and legislation builds on the land tenure and local governance institutions present in the country, enabling local communities to own and manage forests. The Forest Act of 2002 calls for forests to be managed at the lowest possible level of government and provides flexible institutional arrangements for local forest management and ownership. These include: Village Land Forest Reserves (VLFRs), which are managed by villages, as well as Community Forest Reserves (CFRs) which may be managed by a sub-group of people within a village (Blomley et al. 2007). Some are managed according to customary rules and practices and others according to by-laws and other rules made by the Village Council (Section 34, Forest Act, 2002). A VLFR must, in all cases, be managed in accordance with the adopted plan (Section 14, Forest Act, 2002). Community Forest Reserves (CFRs) are parts of Village Land Forest Reserves (VLFRs) managed by a sub-group of people within the village.

A Joint Forest Management Agreement (JFMA) may be made between the Director of Forestry and community groups or other groups of persons living adjacent to and deriving the whole or a part of their livelihood from that National Forest Reserve; a District Council or a Village Council and a community group within a Local Authority Forest Reserve; a Village Council and a community group providing management within a Village Land Forest Reserve; the manager of a private forest and community groups living adjacent to and deriving

		<p>the whole or a part of their livelihood from or adjacent to the Private Forest (Section 16(1), Forest Act, 2002).</p> <p>Laws, regulations and Policies Referred to:</p> <p>United Republic of Tanzania (1999a), <i>Land Act</i>, Ministry of Lands, Housing and Human Settlements Development.</p> <p>United Republic of Tanzania (1999b), <i>Village Land Act</i>, Ministry of Lands, Housing and Human Settlements Development.</p> <p>United Republic of Tanzania 2001: Community-Based Forest Management Guidelines issued by MNRT.</p> <p>United Republic of Tanzania 2002: Forest Act No. 14.</p> <p>United Republic of Tanzania 2004: Forest Regulations</p> <p>Indicative Ranking: Adequate</p>
2	Willingness: National	<p>Some government officials support collective forest rights. The president wants to take community forests under state management. The Ministry of Natural Resources is not entirely supportive of collective forest rights. However, the Tanzania Forest Service supports community owned forests and Ministry of Lands supports village lands. Conflict of interest between ministries is possible, for example between Ministry of Land Housing and Urban Development and Ministry of Natural Resources and Tourism (Liz Alden Wily, 2019). The interest of the Government is also illustrated by the fact that the Ministry of Lands is working with the World Bank on the Land Tenure Improvement Program. The Program is reaching out to the CSOs to share experiences regarding the subject of indigenous/pastoral communities and how their land rights can be secured. The government supports idea of having land use plans to ensure no conflict among land users. Ministry of Lands has also acknowledged the work of NGOs to secure land collective land rights, particularly the National Land Use Planning Commission (Bernard Baha, 2020)</p> <p>Indicative Rating: Somewhat Adequate</p>
3	Willingness: Sub national	<p>District Councils vary in their support. The constitution of the country, the policy as well as the laws plays the same role both at the national level as well as at the sub national level hence there are no changes that may be found in the sub national level the decisions provided at the national level are the ones to be act upon at the sub national level. (Liz Alden Wily, 2019). Some local governments have welcomed NGOs to facilitate land use plans, demonstrating political will to improve community land tenure. (Bernard Baha)</p> <p>Indicative Rating: Somewhat Adequate</p>
4	Capacity: Govt	<p>District councils have more capacity for upscaling collective forest rights recognition, more than the Tanzania Forest Service. The Land Use Planning Commission has demarcated land with participation from NGOs, adding to its capacity for upscaling forest rights recognition. (Liz Alden Wily, 2019)</p> <p>Indicative Rating: Somewhat Adequate</p>

	5	Capacity: NGOs	<p>NGOs such as the Tanzania Forest Conservation Group and MJUMITA, Community Forestry Forum have some capacity, but some communities work directly with international donors. NGOs have been assisting communities to demarcate their land and organize for collective land rights recognition. NGOs have assisted government agencies with participatory methods and implementation of collective land demarcation and laws. (Liz Alden Wily, 2019)</p> <p>Indicative Ranking: Adequate</p>
Uganda	1	Legal	<p>Constitution vests the ownership and control of land in the Ugandan people and simultaneously vests in them attendant rights in accordance with four formally recognized systems of land tenure – customary, freehold, <i>mailo</i>, and leasehold. Land can be held by communities as Customary Lands under the Ugandan Constitution and Land Act which do not require communities to register community lands for their rights to be recognized. Both the Constitution (1995) and the Uganda Land Act (1998) explicitly and specifically exclude customary land tenure from the broad umbrella of protection and subject it to the registration of a certificate of ownership (Ashuken, 2019).</p> <p>In Article 237 the Constitution vests all land in Uganda in the citizens (all land belongs to the people), but forests and other natural resources are vested in the State in trust for the people (Olekwa Abdunassar, 2019). The 2003 National Forestry and Tree Planting Act (NFTPA) and its subsidiary legislation were enacted to strengthen ownership and management of forests on private land (including community and customary lands), and community participation in forest management on state forests (Nsita et al, 2017). The Act provides for three categories of community-based forest tenure regimes: Private Forests, Community Forests and Collaborative forests.</p> <p>Private Forests</p> <p>These are forests vested in individuals or communities (clans, families) who own trees and regulate tree resource use. The governance of the private forests is subject to local and national policy and legal framework.</p> <p>Community Forest</p> <p>The National Forestry and Tree Planting Act of 2003 has provisions for community forests and allows ownership of forests by cultural/traditional institutions. It enables user groups to make community forestry management (CFM) agreements with the Authority to use specific forest resources or areas. Community Forests provided for under the NFTPA (2003, Section 17) allow for the registration and declaration of CFs after consultation with the District Land Board and the local communities</p> <p>Collaborative Forest Management:</p> <p>Collaborative Forest Management (CFM) is implemented by National Forest Authority in Central Forest Reserves and is provided for in both the Uganda Forestry Policy (2001) and the NFTPA (2003).CFM</p>

			<p>refers to the involvement of communities in the management of the forest resources through a negotiated process in which the rights, roles, responsibilities and returns are defined.</p> <p>The overall assessment is that there is limited possibility of recognizing rights over forests but no protection for collective land rights.</p> <p>Government of Uganda. 1995. Constitution of the Republic of Uganda 1995, Art. 237(3)(a). Available at: http://www.politicsresources.net/docs/uganda_const_1995.pdf</p> <p>Government of Uganda. 1998. Chapter 227: The Land Act 1998, Art. 2, 3(1). Available at: http://www.ulii.org/ug/legislation/consolidated-act/227;</p> <p>Government of Uganda. 2001. Uganda Forest Policy 2001</p> <p>Government of Uganda, 2003: The National Forestry and Tree Planting Act 2003</p> <p>Indicative Ranking: Somewhat Adequate</p>
	2	Willingness: National	<p>There is no track record of government interest in implementing collective land rights recognition projects. The Government of Uganda has over time collaborated with various agencies/organizations in establishing projects aimed at forest conservation and protection of forest tenure rights.</p> <p>Indicative Ranking: Somewhat Adequate</p>
	3	Willingness: Sub national	<p>Uganda sub-national government institutions depend on decisions of the central government.</p> <p>Indicative Ranking: Somewhat Adequate</p>
	4	Capacity: Govt	<p>Government capacities exist to some extent. However additional support is needed.</p> <p>Indicative Ranking: Somewhat Adequate</p>
	5	Capacity: NGOs	<p>CSOs have contributed greatly at the local level in supporting communities' struggle for rights – but they need organizational, technical and financial capacity support.</p> <p>Indicative Ranking: Somewhat Adequate</p>
Zambia	1	Legal	<p>The Land Act vests power over land of the President, but most of the land in Zambia (62%) is practically owned and managed by customary authorities. Of the total forestland, about 30,751,000 hectares are located on customary land and only 11,824,000 hectares are located on State land. The Community based Forest Tenure regimes (CBTRs) include Community Forests, and community Joint Forest Management Area.</p> <p>Indigenous Community Lands</p> <p>Under the Land Act, people holding land under customary tenure systems are granted use rights, though they require permits for anything beyond withdrawing NTFP for subsistence use. They can</p>

		<p>also register this land and thus move from a customary to a statutory tenure system. This tenure regime applies only to individuals.</p> <p>Community Forests</p> <p>A “community forest” means a forest controlled, used and managed under an agreement between a community forest management group and the Forest Department. A “community forest management group” means a group of persons recognized by a Chief and local authority under section twenty-nine, which communally controls, uses and manages a forest in the area of the Chief and the local authority. (Section 2, Forest Act, 2015) “The Director is responsible for recognizing those Groups. According to the Forest Act, (s)he may recognize a group of persons as a community forest management group if the group of persons: (a) is recognized within the community which is within or adjacent to a local forest; and (b) derives their livelihood from the forest.” (Section 30(2), Forest Act, 2015).</p> <p>Community Joint Forest Management Areas</p> <p>With the consent of local community or owner of the forest concerned, on the recommendation of the Director, local community or owners or occupiers of an area in a forest, the Minister may, on, declare by statutory instrument, a Local Forest, botanical reserve, plantation, private forest or open area, a joint forest management area. (Section 36, Forest Act, 2015). This area shall be managed by a Forest Management Committee includes one person appointed by the Chief in that area to represent the Chief; three persons representing the local community in the area, elected by the local community and several other national and local government representatives. (Section 37, Forest Act, 2015). The functions of a joint forest management committee shall be to manage and develop the joint forest management area and distribute the benefits amongst the local communities in the area (Section 38, Forest Act, 2015).</p> <p>Government of Zambia. 1973. Forest Act No. 39/1973. September 11. Available at: http://faolex.fao.org/docs/pdf/zam3914.pdf;</p> <p>Government of Zambia. 1999. Forest Act of 1999 (Act No. 7 of 1999). October 4. Available at: http://faolex.fao.org/docs/texts/zam21483.doc; Government of Zambia. 2006. Statutory Instrument No. 47 of 2006: The Local Forests (Control and Management) Regulations of 2006. April 20. Available at: http://faolex.fao.org/docs/pdf/zam67223.pdf;</p> <p>Indicative Ranking: Somewhat Adequate</p>
2	Willingness: National	<p>The Government of Zambia has expressed a need for up-to date information on the stock and utilization of natural resources to assist in planning and sustainably managing land resources. In addition, there is currently no integrated land use database in the country which would support the use of natural resources in development planning.</p> <p>The Government’s focus of interest concerning land use is to put in place an integrated land use assessment system that will improve the management of land resources, and thus contribute to poverty allevi</p>

		ation, improved food security and sustainable economic growth. Integrated land use assessments will also encourage cross-sectoral coordination, bringing together stakeholders from diverse disciplines related to land use management. Indicative Ranking: Somewhat Adequate
3	Willingness: Sub national	Relevant ministry/department in charge of IP, LC & AD welfare are willing to encourage and support local actions, but conflicting inter-departmental interests at district and or provincial level is a challenge. Indicative Ranking: Somewhat Adequate
4	Capacity: Govt	There is a lack of technical and financial capacities Indicative Ranking: Somewhat Adequate
5	Capacity: NGOs	CSOs have limited capacities to successfully for supporting community rights recognition. Indicative Ranking: Somewhat Adequate



Bibliography

Ashukem, Jean-Claude N. 2019 "Land Grabbing and Customary Land Rights in Uganda: A Critical Reflection of the Constitutional and Legislative Right to Land." *International Journal on Minority and Group Rights* 1 (2019): 1-27.

Brown, Taylor. "Contestation, Confusion and Corruption: Market-Based Land Reform in Zambia." In *Competing Jurisdictions: Settling Land Claims in Africa*, edited by Marja Spierenburg Sandra Evers, Harry Wels, 79-102. Leiden, Netherlands: Brill Academic Publishers 2005.

Client Earth. 2018. *Analyse Du Cadre Juridique Relatif Aux Forêts Communautaires Au Gabon*. (2018).
<https://www.documents.clientearth.org/wp-content/uploads/library/2018-03-01-analyse-du-cadre-juridique-relatif-aux-forets-communautaires-au-gabon-ce-fr.pdf>.

Government of Botswana. 2011 " Botswana Land Policy of 2011."

———. 2007 "Community-Based Natural Resource Management Policy.", edited by Ministry of Environment Wildlife and Tourism. Gaborone: Government Printing and Publishing Services.

———. 1998 "National Settlement Policy of 1998."

———. 1993 "The Tribal Land (Amendment) Act.1993. Botswana Statute Law, Vol. 77, ." Gaborone: Government Printer.

- . 1985 "The Tribal Land (Amendment) Act. 1985. Botswana Statute Law, Vol. 69,." Gaborone: Government Printer.
- . 1968 "The Tribal Land Act." Gaborone: Government Printer,.
- . 1986 "Wildlife Management Policy."
- Government of Brazil. 1964 "Act No. 4.504/1964 Regulating Rights and Obligations Regarding Rural Real Estates in Order to Implement the Agricultural Reform and to Promote the Agricultural Policy."
<http://faolex.fao.org/docs/texts/bra10487.doc>.
- . 1973 "Act No. 6.001/1973 Establishing the Native Peoples Statute."
<http://faolex.fao.org/docs/texts/bra14188.doc>.
- . 1993 "Act No. 8.629/1993 Regulating Rural Land Property in Compliance with the Agrarian Reform."
- . *Constitution of the Federative Republic of Brazil*, 1988 (as amended in 2016).
- . 1996 "Decree No. 1.775 of 8 January 1996 Ruling on the Administrative Procedures for Zoning Native People's Land." <http://faolex.fao.org/docs/texts/bra48786.doc>.
- . 2002 "Decree No. 4.340/2002 Implementing Act No. 9.985 Regulating the National System for Protected Areas." (2002). <http://faolex.fao.org/docs/texts/bra48600.doc>.
- . 2003 "Decree No. 4.887/2003." (2003). http://www.planalto.gov.br/ccivil_03/decreto/2003/D4887.htm.
- . 1966 "Decree-Law No. 59.428/1966."
- . 2007 "Icmbio Normative Instruction No. 3/2007."
- . 2011 "Icmbio Normative Instructive No. 16/2011."
- . 2004 "Inkra Normative Instruction No. 15/2004."
- . 2009 " Inkra Normative Instruction No. 56/2009."
- . 2010 "Inkra Normative Instruction No. 65 /2010." (2010).
- . 2003 "Inkra Ordinance No. 1.141/2003."
- . 2000 "Law No. 9.985 Establishing the National System of Protected Areas Management - Snuc."
<https://www.ecolex.org/details/legislation/law-no-9985-establishing-the-national-system-of-protected-areas-management-snuc-lex-faoc024591/>.
- . 2012 "Law No. 12.651/2012 on the Protection of Native Forests."
<http://faolex.fao.org/docs/pdf/bra113357.pdf>.

- Government of Cambodia. 2001 "Land Law of 2001." <http://faolex.fao.org/docs/texts/cam27478.doc>.
- . 2002 "Law on Forestry of 2002." http://www.forestry.gov.kh/Documents/Forestry%20Law_Eng.pdf.
- . 2008 "Protected Area Law of 2008." faolex.fao.org/docs/texts/cam81966.doc.
- . 2009 "Sub Decree on Procedures of Registration of Land of Indigenous Communities of 2009." http://thereddesk.org/sites/default/files/sub-decree_on_procedures_of_registration_of_land_of_indigenous_communities.pdf.
- . 2003 "Sub-Decree on Community Forestry Management of 2003." <http://www.forestry.gov.kh/Documents/CF-Sub%20Decree-Eng.pdf>.
- Government of Cameroon. 2013 " Arrêté Conjoint No. 076/Minfi/Minatd/Minfof Fixant Les Modalités De Planification, D'emploi Et De Suivi De La Gestion De Revenus Provenant De La Exploitation Des Ressources Forestières Et Fauniques, Destinés Aux Communes Et Aux Communautés Riveraines."
- . 1995 "Decree No. 466/1995."
- . 1995 "Decree No. 531/1995."
- . 1994 "Law No. 01/1994."
- Government of Colombia. 1995 " Decree N° 2164/1995."
- . 2015 "Decree N° 1071 of 2015."
- . 2018 "Decreto 632 De 2018." <http://www.suin-juriscol.gov.co/viewDocument.asp?ruta=Decretos/30034960>.
- . 2017 "Decreto 902 De 2017." (2017). <http://www.suin-juriscol.gov.co/viewDocument.asp?ruta=Decretos/30031898>.
- . 2018 "Decreto 1232 De 2018." <http://www.suin-juriscol.gov.co/viewDocument.asp?ruta=Decretos/30035484>.
- . 2011 "Decreto Ley N° 4633 - Medidas De Asistencia, Atención, Reparación Integral Y De Restitución De Derechos Territoriales a Las Víctimas Pertenecientes a Los Pueblos Y Comunidades Indígenas." <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC107998/>.
- . 1991 "Ley N° 21 - Aprueba El Convenio 69 De La Oit Sobre Pueblos Indígenas Y Tribales En Países Independientes." <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC137355/>.
- . 2011 "Ley N° 1448 - Medidas De Atención, Asistencia Y Reparación Integral a Las Víctimas Del Conflicto Armado Interno." (2011).

- . 1991 (as amended in 2016) "National Political Constitution."
<http://extwprlegs1.fao.org/docs/pdf/col127440.pdf>.
- Government of Gabon. 2013 "Arrêté No. 018 Mef/Sg/Dgf/Dfc Establishing the Procedures to Implement Community Forest Management."
- . 2004 "Décret No. 1028/Pr/Mefepepn Du 1er Décembre 2004 Fixant Les Conditions De Création Des Forêts Communautaires." <http://faolex.fao.org/docs/pdf/gab143377.pdf>.
- . 2008 "Law N° 003/2007 on National Parks."
- . 2001 "Loi No. 016-01 Portant Code Forestier En République Gabonaise."
<http://faolex.fao.org/docs/texts/gab29255.doc>.
- . 2008 "Ordonnance No.11/2008 Du 25 Juillet 2008 Modifiant Et Complétant Certaines Dispositions De La Loi No. 16/2001 Du 31 Décembre 2001." <http://faolex.fao.org/docs/pdf/gab144592.pdf>.
- Government of Guatemala. 1989 "Decreto No. 4/89: Ley De Áreas Protegidas."
<http://faolex.fao.org/docs/texts/gua60538.doc>.
- . 1996 "Decreto No. 101/96: Ley Forestal. ." <http://faolex.fao.org/docs/texts/gua10056.doc>.
- . 1979 "Law of Supplementary Titling, Decree No. 49/1979."
- . 2005 "National Forest Registry Regulations, Resolution No. 1/43/2005."
- . 1985 "Political Constitution of the Republic of Guatemala."
<http://www.fao.org/faolex/results/details/en/c/LEX-FAOC126743>.
- . 1997 "Regulation of the Forest Law, Resolution No. 4/23/1997." (1997).
- . 2009 "Specific Rules for the Recognition and Declaration of Communal Land, Resolution No. 123-001/2009."
- Government of Guyana. 2006 "Amerindian Act 2006." (2006). <https://moipa.gov.gy/wp-content/uploads/2015/02/AMERINDIAN-ACT-2006.pdf>.
- . 2009 "Forests Act, Act No. 6 of 2009." <http://extwprlegs1.fao.org/docs/pdf/guy141900.pdf>.
- . 1980 (as amended in 2001) "Guyanese Constitution of 1980." (1980 (as amended in 2001)).
<http://parliament.gov.gy/constitution.pdf>.
- . 1997 "State Land Act of 1910 (1997)."
- Government of India. 2006 "Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006." <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC077867>.

———. 2012 "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012."
https://www.fra.org.in/document/FRA%20Rule_2012_complied%20version.pdf.

Government of India Ministry of Environment and Forests. 2009 "F. No. 11-9/1998-Fc (Pt)."

Government of Indonesia. 1945 (as amended in 2002) "The Constitution of the Republic of Indonesia."
https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174556.pdf.

———. 1999 "Forestry Law No. 41/1999."
<http://www.flevin.com/id/lgso/translations/Laws/Law%20No.%2041%20of%201999%20on%20Forestry.pdf>.

———. 2008 "Government Regulation No. 3/2008 on the Amendment to Government Regulation No. 6/2007 on Forest Arrangement and Formulation of Forest Management Plan as Well as Forest Exploitation."

———. 2007 "Government Regulation No. 6/2007 on Forest Arrangement and Formulation of Forest Management Plan as Well as Forest Exploitation." In <http://extwprlegs1.fao.org/docs/pdf/ins75584.pdf>.

Government of Kenya. 2016 "Community Land Act, 2016."

———. 2010 "The Constitution of Kenya, 2010." <http://faolex.fao.org/docs/pdf/ken127322.pdf>.

———. 2016 "The Forest Conservation and Management Act, 2016."
<http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/ForestConservationandManagementActNo34of2016.pdf>.

———. 2005 "The Kenya Forests Act 2005."

———. 1968 "Land (Group Representatives) Act." <http://extwprlegs1.fao.org/docs/pdf/ken62430.pdf>.

———. 2013 "The Wildlife Conservation and Management Act, 2013."

Government of Liberia. 2006 "An Act Adopting the National Forestry Reform Law of 2006".
<http://extwprlegs1.fao.org/docs/pdf/lbr67626.pdf>.

———. 2009 "An Act to Establish the Community Rights Law of 2009 with Respect to Forest Lands".
<http://extwprlegs1.fao.org/docs/pdf/lbr143892.pdf>.

———. 2018 "Land Rights Act."

Government of Madagascar. 2010 "Constitution of Republic of Madagascar."
<http://extwprlegs1.fao.org/docs/pdf/mad128141.pdf>.

———. 2002 "Decree No. 12/2002 Approving the Regulation on Forestry and Wildlife."
<http://extwprlegs1.fao.org/docs/pdf/moz61589.pdf>.

- . 2001 "Decret N°2001-122 Fixant Les Conditions De Mise En Euvre De La Gestion Contractualisée Des Forêts."
- . 2015 "Loi N°2015-005 Portant Refonte Du Code De Gestion D Es Aires Protégées." <http://extwprlegs1.fao.org/docs/pdf/mad146122.pdf>.
- . 2005 "Loi N° 2005-019 Du 17 Octobre 2005 Fixant Les Principes Régissant Les Statuts Des Terres." http://edbm.mg/wp-content/uploads/2017/12/loi-2005-019_statuts_des_terres.pdf.
- . 1996 "Loi N° 96-025 Relative À La Gestion Locale Des Ressources Naturelles Renouvelables." <http://extwprlegs1.fao.org/docs/pdf/mad16686.pdf>.
- . 2006 "Loi No. 2006-031 De 24 Novembre 2006 Fixant Regime Juridique De La Propriete Fonciere Privee Non Titree." <http://www.justice.mg/wp-content/uploads/textes/1TEXTES%20NATIONAUX/DROIT%20PRIVE/Textes%20sur%20le%20foncier/lois%20et%20ordonnances/6.pdf>.
- Government of Mexico. 2008 "Agrarian Law of 2008."
- . 2012 "Decreto Por El Que Se Reforma El Párrafo Tercero Del Artículo 131 De La Ley General De Desarrollo Forestal Sustentable." <http://faolex.fao.org/docs/texts/mex111891.doc>.
- . 2010 "Mexican Constitution of 1917 (as Amended in 2016)." (2010). <http://faolex.fao.org/docs/pdf/mex126640.pdf>.
- Government of Mozambique. 1997 "Land Law."
- . 1999 "Law No. 10/99 on Forest and Wildlife Act." <http://faolex.fao.org/docs/pdf/moz20106.pdf>.
- . 2007 "Law No. 19/2007 on Land Use Management."
- Government of Myanmar. 2016 "Community Forestry Instruction." (2016).
- . 1995 "Community Forestry Instructions."
- . 2017 "Community Forestry Strategy 2017-2020." (2017).
- . 1992 "Forest Law (State Law and Order Restoration Council Law No. 8/92)." <https://www.ecolex.org/fr/details/legislation/forest-law-state-law-and-order-restoration-council-law-no-892-lex-faoc003290/>.
- . 1995 "Myanmar Forest Policy." (1995). <http://extwprlegs1.fao.org/docs/pdf/mya180769.pdf>.
- . 2012 "Vacant, Fallow and Virgin Lands Management Law." https://www.burmalibrary.org/docs14/VFVM_Rules-en.pdf.

Government of Peru. 1978 "Decreto Ley No. 22.175 - Ley De Comunidades Nativas Y De Desarrollo Agrario De La Selva Y Ceja De Selva." <http://extwprlegs1.fao.org/docs/pdf/per124297.pdf>.

———. 2007 "Decreto Supremo No. 008/07/Mimdes - Reglamento De La Ley Para La Protección De Pueblos Indígenas U Originarios En Situación De Aislamiento Y En Situación De Contacto Inicial." <http://faolex.fao.org/docs/pdf/per74870.pdf>.

———. 2001 "Decreto Supremo No. 038/01/Ag - Reglamento De La Ley De Áreas Naturales Protegidas." <http://faolex.fao.org/docs/texts/per31350.doc>.

———. 2000 "Law N° 27308/2000 (Law of Forestry and Wildlife)."

———. 2003 "Law No. 27867/2003."

———. 1995 "Ley No. 26.505 - Ley De La Inversión Privada En El Desarrollo De Las Actividades Económicas En Las Tierras Del Territorio Nacional Y De Las Comunidades Campesinas Y Nativas." <http://extwprlegs1.fao.org/docs/html/per4901.htm>.

———. 1997 "Ley No. 26.821: Ley Orgánica Para El Aprovechamiento Sostenible De Los Recursos Naturales." <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC009287>.

———. 1997 "Ley No. 26.834: Ley De Áreas Naturales Protegidas." <http://extwprlegs1.fao.org/docs/pdf/per9258.pdf>.

———. 2002 "Ley No. 27.867: Ley Orgánica De Gobiernos Regionales." <http://faolex.fao.org/docs/pdf/per128977.pdf>.

———. 2006 "Ley No. 28.736: Ley Para La Protección De Pueblos Indígenas U Originarios En Situación De Aislamiento Y En Situación De Contacto Inicial." (2006). <http://faolex.fao.org/docs/pdf/per64175.pdf>.

———. 1993 "Peruvian Constitution of 1993." <http://faolex.fao.org/docs/pdf/per127779.pdf>.

———. 2001 "Supreme Decree No. 14/2001."

Government of Sudan. 1989 "The Forests Act 1989." <http://extwprlegs1.fao.org/docs/pdf/sud10077.pdf>.

Government of Tanzania. *Community Based Forest Management Guidelines*, 2007.

———. 2002 "The Forest Act, 2002." https://www.tnrf.org/files/E-URT_LAWS_Forest_Act_2002_0.pdf.

———. 2004 "Forest Regulations, 2004." <http://extwprlegs1.fao.org/docs/pdf/tan183567.pdf>.

———. 1999 "The Land Act 1999." <http://extwprlegs1.fao.org/docs/pdf/tan23795.pdf>.

———. 1999 "The Village Land Act, 1999." <http://extwprlegs1.fao.org/docs/pdf/tan53306.pdf>.

- Government of Uganda. 1995 "Constitution of the Republic of Uganda ".
<http://extwprlegs1.fao.org/docs/pdf/uga132923.pdf>.
- . 1998 "The Land Act 1998." <https://ulii.org/ug/legislation/consolidated-act/227>.
- . 2003 "The National Forestry and Tree Planting Act, 2003."
<http://extwprlegs1.fao.org/docs/pdf/uga87770.pdf>.
- . *The Uganda Forestry Policy*, 2001.
- Government of Zambia. 1973 "Forest Act No. 39/1973." <http://faolex.fao.org/docs/pdf/zam3914.pdf>.
- . 1999 " Forest Act of 1999 (Act No. 7 of 1999)." <http://faolex.fao.org/docs/texts/zam21483.doc>.
- . 2006 "Statutory Instrument No. 47 of 2006: The Local Forests (Control and Management) Regulations of 2006." <http://faolex.fao.org/docs/pdf/zam67223.pdf>.
- Lao People's Democratic Republic. 2008 "Decree on the Implementation of the Land Law No. 88/Pm."
<http://rightslinklao.org/wp-content/uploads/downloads/2014/05/2008-Decree-on-Implementation-of-the-Land-Law-No-88-PM.pdf>
- . 2007 "Forestry Law No. 6/Na." <http://faolex.fao.org/docs/pdf/lao89474.pdf>.
- . 2003 "Land Law No. 04/Na." <http://faolex.fao.org/docs/pdf/lao77471.pdf>.
- Lindsey, P., V. Nyirenda, J. Barnes, M. Becker, and A. Taylor. 2013. *The Reasons Why Zambian Game Management Areas Are Not Functioning as Ecologically or Economically Productive Buffer Zones and What Needs to Change for Them to Fulfil That Role*. Wildlife Producers Association of Zambia (Lusaka, Zambia: 2013).
- Lindsey, Peter A., Vincent R. Nyirenda, Jonathan I. Barnes, Matthew S. Becker, Rachel McRobb, Craig J. Tambling, W. Andrew Taylor, Frederick G. Watson, and Michael t'Sas-Rolfes. 2014 "Underperformance of African Protected Area Networks and the Case for New Conservation Models: Insights from Zambia." *PLoS one* 9, no. 5 (2014).
- Moutoni, Luc. 2019. *Community Forestry in Cameroon – an Overview of the Community Perspective*. OKANI, Forest Peoples Programme (2019).
<https://www.forestpeoples.org/sites/default/files/documents/Community%20Forestry%20in%20Cameroon%20%E2%80%93%20WEB.pdf>.
- Nsita, Steve Amooti, Barbara Nakangu, Abwoli Y. Banana,, and Esther Mwangi Baruani Mshale, and Dennis Ojwang. *Forest Tenure Reform Implementation in Uganda: Current Challenges and Future Opportunities*. Vol. 196: CIFOR, 2017.
- People's Republic of China. 1982 (as amended in 2004) "Constitution of the People's Republic of China."
http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/node_2825.htm.

———. 1984 (as amended 1998) "The Forest Law of the People's Republic of China."
https://www.unodc.org/res/cld/document/forestry-law_html/Forestry_Law_China_EN.pdf.

Plurinational State of Bolivia. *Bolivian Constitution of 2009*, 2009.

———. 1996 "Forestry Law N° 1700/1996."

———. 1996 "Law N° 1.715/1996." (1996).

———. 2006 "Law N° 3545/2006."

———. 1996 "National Service of Agrarian Reform Law N° 1.715/1996."

———. 1996 "Supreme Decree 24453/1996."

———. 2004 "Supreme Decree N°27572/2004."

———. 2007 "Supreme Decree N° 29.215/2007."

———. 2010 "Supreme Decree N° 0726/2010."

Republique Centrafricaine. 2015 "Décret N°15-463 Du 3 Décembre 2015 Fixant Les Modalités D'attribution Et De Gestion Des Forêts Communautaires En République Centrafricaine."
<http://extwprlegs1.fao.org/docs/pdf/caf159139.pdf>.

République Centrafricaine. 2008 "Loi N°08.022 Portant Code Forestier De La République Centrafricaine."
<http://extwprlegs1.fao.org/docs/pdf/caf107432.pdf>.

Republique Democratique du Congo. 2005, as amended in 2011 "Constitution of the Democratic Republic of Congo." <http://extwprlegs1.fao.org/docs/pdf/cng128142.pdf>.

———. 2014 "Décret No. 14/018 Du 02 Août 2014 Fixant Les Modalités D'attribution Des Concessions Forestières Aux Communautés Locales. ."

———. 2002 "Loi N°011/2002 Du 29 Aout 2002 Portant Code Forestier." <http://www.droit-afrique.com/upload/doc/rdc/RDC-Code-2002-forestier.pdf>.

———. 1973 "Loi N° 73-021 Portant Régime Général Des Biens, Régime Foncier Et Immobilier Et Régime Des Sûretés.". <http://extwprlegs1.fao.org/docs/pdf/cng39740.pdf>.

RRI. 2015. Who Owns the World's Land? A global baseline of formally recognized indigenous and community land rights. Rights and Resources Initiative, Washington, DC. Available at:
http://rightsandresources.org/wp-content/uploads/GlobalBaseline_web.pdf.

RRI, 2018. At a Crossroads. Key trends and Opportunities in Community-Based Forest Tenure Reform. Rights and Resources Initiative, Washington, DC. Available at: https://rightsandresources.org/wp-content/uploads/2019/02/At-A-Crossroads-One-Pager_RRI_Feb-2019.pdf

USAID. 2016. *Property Rights and Resource Governance, Country Profile Central African Republic* (2016).
https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Central_African_Republic_Profile.pdf.

———. 2010. *USAID Country Profile Property Rights and Resource Governance*

(2010). https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Zambia_Profile.pdf.

Wily, Liz Alden. 2012. *Land Rights in Gabon Facing up to the Past –and Present*. FERN (2012).
<https://rightsandresources.org/wp-content/exported-pdf/landrightsingabon44facinguptothepastandpresentfern.pdf>.

Wily, Liz Alden. 2011. *Whose Land Is It? The Status of Customary Land Tenure in Cameroon*. Centre for Environment and Development / FERN / The Rainforest Foundation UK (2011).
https://www.fern.org/fileadmin/uploads/fern/Documents/cameroon_eng_internet.pdf.

Endnotes

¹ Indigenous Peoples: For RRI, the term ‘Indigenous Peoples’ follows the definition or ‘statement of coverage’ contained in the International Labor Organization Convention on Indigenous and Tribal Peoples in Independent Countries. Therefore, it includes:

i) peoples who identify themselves as ‘indigenous’; ii) tribal peoples whose social, cultural, and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations; iii). traditional peoples not necessarily called indigenous or tribal but who share the same characteristics of social, cultural, and economic conditions that distinguish them from other sections of the national community, whose status is regulated wholly or partially by their own customs or traditions, and whose livelihoods are closely connected to ecosystems and their goods and services. While RRI recognizes that all people should enjoy equal rights and respect regardless of identity, it is strategically important to distinguish Indigenous Peoples from other stakeholders. They have a distinct set of rights linked to their social, political and economic situation as a result of their ancestry and stewardship of lands and resources vital to their well-being.

² Local Communities: 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 the 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

³ Afro-Descendants: 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; The International Decade for People of African Descent). 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, and Honduras, including others, have such legislation.

⁴ Walker, W. et al. The role of forest conversion, degradation, and disturbance in the carbon dynamics of Amazon indigenous territories and protected areas. PNAS. 2020. <https://www.researchgate.net/publication/338858779>; Stevens, C. et al. Securing Rights, Combating Climate Change: How strengthening community forest rights mitigates climate change. Washington, DC: RRI and WRI and RRI. <http://rightsandresources.org/wp-content/uploads/Securing-Rights-Combating-Climate-Change.pdf>.

⁵ Blackman, Allen, Leonardo Corral, Eirivelthon Santos Lima, and Gregory P. Asner. Titling indigenous communities protects forests in the Peruvian Amazon. PNAS, 114 (16) 4123-4128, 2017; Blackman, Allen, and Peter Veit. Titled Amazon Indigenous Communities Cut Forest Carbon Emissions. Ecological Economics 153: 56-57, 2018; Graziano Ceddia, M., U. Gunter, and A. Coriveau-Bourque. Land tenure and agricultural expansion in Latin America: The role of Indigenous Peoples' and local communities' forest rights. Global Environmental Change, 35, 316–322, 2015; Wehkamp, J., N. Koch, S. Lübbbers, and S. Fuss. Governance and deforestation—a meta-analysis in economics. Ecological Economics, 144, 214–227, 2018.

⁶ Ding, H., P. Veit, A. Blackman, E. Gray, K. Reytar, J. C. Altamirano. Climate Benefits, Tenure Costs. The Economic Case for Securing Indigenous Land Rights in the Amazon. Washington, DC: World Resources Institute, 2016; Nolte, Christoph, Arun Agrawal, Kirsten M. Silvius, and Britaldo S. Soares-Filho. Governance regime and location influence avoided deforestation success of protected areas in the Brazilian Amazon. PNAS, 110 (13) 4956-4961, 2016.;

⁷ Etchart, Linda. "The role of indigenous peoples in combating climate change." *Palgrave Communications* 3, no. 1 (2017): 1-4.; Fa, J., Watson, J., Leiper, I., Potapov, P., Evans, T., Burgess, N., Molnár, Z., Fernández-Llamazares, Á., Duncan, T., Wang, S., Austin, B., Jonas, H., Robinson, C., Malmer, P., Zander, K., Jackson, M., Ellis, E., Brondizio, E. and Garnett, S. (2020). *Importance of Indigenous Peoples' lands for the conservation of Intact Forest Landscapes. Frontiers in Ecology and the Environment*. doi:10.1002/fee.2148

⁸ RRI. Estimate of Land Area of Indigenous Peoples, Afro-descendant peoples, and local communities' where their rights have not been recognized. Washington, DC: RRI, Forthcoming 2020.

⁹ See Rights and Resources Initiative (2018). A global baseline of carbon storage in collective lands. https://rightsandresources.org/wp-content/uploads/2018/09/A-Global-Baseline_RRI_Sept-2018.pdf.

¹⁰ Estimates of carbon stocks in this table are based on data provided to RRI by Woodwell Climate Research Center/Walker, W.S. et al. 2020. *In Review*.