



RIGHTS AND RESOURCES INITIATIVE | NOVEMBER 2021



*2021 Supplement to the RRI Opportunity Framework*  
*Updated Assessments of Tenure Opportunities in 20 Countries*



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## Introduction

This supplement updates and expands upon the [Opportunity Framework](#), which was published by the Rights and Resources Initiative (RRI) in 2020, to encompass countries represented by members of the Global Alliance of Territorial Communities (GATC). The GATC is a coalition of Indigenous Peoples and local communities from 24 countries in the Amazon Basin, Brazil, Central Africa, Indonesia, and Mesoamerica. Of these countries, 20 were analyzed for their readiness to advance and implement tenure reform projects.

The Opportunity Framework identifies five essential conditions that can indicate countries' readiness to carry out reforms and projects at scale that support communities' tenure security:

1. The adequacy of national **legal frameworks** recognizing Indigenous Peoples,' Afro-descendant Peoples,' and local communities' forest tenure rights;
2. **National government willingness** to advance community-based tenure rights;
3. **Sub-national government willingness** to advance community-based tenure rights, if applicable;
4. **Government capacity** to implement laws and regulations pertaining to the recognition of community-based tenure rights at both national and subnational levels; and
5. **Rightsholder and civil society organizations' capacity** to support the implementation of laws and regulations pertaining to the recognition of community-based tenure rights at both national and subnational levels.

The Framework provides a timely instrument for identifying strengths and weaknesses within these countries' legal, institutional, and political environments. By identifying obstacles that hinder reforms at the country level, stakeholders can identify the areas where resources are most needed. These resources can then be allocated to projects and initiatives that have the most impact on the forest tenure of Indigenous Peoples, Afro-descendant Peoples, and local communities.

The Opportunity Framework relies on a variety of sources – consultations with technical and political experts working in each country, existing RRI Tenure Tracking data, and analyses by Almeida Dohrn Consultoria, LTDA, and the Global Land Alliance – to assess the state of the above enabling factors for advancing and implementing collective tenure reforms. Assessments of national legal frameworks for recognizing collective forest tenure rights are based on the presence of community-based tenure regimes,<sup>1</sup> classified as *designated for* or *owned by* these communities in accordance with RRI's Statutory Typology.<sup>2</sup> Government Willingness and Capacity assessments rely on expert opinion and outside analyses.

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<sup>1</sup> A community-based tenure regime (CBTR) is a distinguishable set of national, state-issued laws and regulations governing “all situations under which the right to own or manage terrestrial natural resources is held at the community level.”

<sup>2</sup> Rights and Resource Initiative. 2018. At a Crossroads: Consequential Trends in Recognition of Community-Based Forest Tenure from 2002-2017. <https://doi.org/10.53892/UCYL3747>; see also: <https://rightsandresources.org/tenure-tracking/forest-and-land-tenure/>.

## Updated Methodology for Scoring Opportunity Framework Readiness Components

Building on experiences and lessons learned from the Opportunity Framework 2020 analysis, a standardized assessment framework was developed to provide an indicative score reflecting the status of enabling factors. The Legal Adequacy, Government Willingness, and Capacity categories are subject to “adequate,” “partially adequate,” or “inadequate” assessments according to the methodology outlined below.

An “adequate” assessment indicates that the minimum threshold outlined by the methodology has been met. Importantly, the Framework was not designed to be gender-sensitive, nor is it inclusive of other elements that are crucial for ensuring equitable, effective, and secure tenure. It does *not* imply, therefore, that the legal, institutional, political, or financial conditions within the country are optimal, or that there is full and comprehensive compliance with or implementation of all national or international laws, policies, targets, or other binding or non-binding commitments.

**Table 1. Updated Opportunity Framework Methodology**

<b>Legal Framework</b>	
<p><b>Scoring:</b> The adequacy of national legal frameworks is assessed based on minimum threshold values derived from RRI’s Statutory Typology. A limited set of circumstances in the national context (such as where international court rulings in favor of community-based tenure rights have yet to be implemented by national governments) may result in the downgrading of a country’s assessment.</p>	
	<ul style="list-style-type: none"> <li>▪ <b>Adequate (5 points):</b> A country has at least 1 CBTR classified as Owned by Indigenous Peoples, Afro-descendant Peoples, and/or local communities under RRI’s Statutory Typology. Additional CBTRs may or may not exist.</li> <li>▪ <b>Partially Adequate (3 points):</b> A country has at least 1 CBTR classified as Designated for Indigenous Peoples, Afro-descendant Peoples, and/or local communities under RRI’s Statutory Typology, but there are no CBTRs classified as Owned by Indigenous Peoples, Afro-descendant Peoples, and/or local communities.</li> <li>▪ <b>Inadequate (0 points):</b> A country only has CBTRs classified as Government Administered under RRI’s Statutory Typology, or there are no CBTRs.</li> </ul>
<b>National and Subnational Government Willingness</b>	
<p><b>Scoring:</b> To assess national and/or subnational governments’ willingness to advance community-based tenure rights, the Opportunity Framework relies on a non-exhaustive set of qualitative indicators:</p> <ul style="list-style-type: none"> <li>▪ Where both national and subnational governments have a role in the legal recognition and/or implementation of community-based tenure rights, these are assessed and scored separately. In these circumstances, an “Adequate” assessment at the national level receives 4 points and at the subnational level receives 2 points; a “Partially Adequate” assessment at the national level receives 2 points and at the subnational level receives 1 point; and an “Inadequate” assessment receives 0 points.</li> <li>▪ Where subnational governments do not play a role in the legal recognition and/or implementation of community-based tenure rights, an “Adequate” assessment receives 6 points, a “Partially Adequate” assessment receives 3 points, and an “Inadequate” assessment receives 0 points.</li> </ul>	
	<p><b><i>National Government Willingness</i></b></p> <ul style="list-style-type: none"> <li>▪ <b>Adequate (4 or 6 points – see above):</b> The national government has demonstrated its commitment to advance rights through two or more of the following: <ul style="list-style-type: none"> <li>○ Documented political (government) and/or administrative (departments, ministries) support for community-based tenure rights (e.g., written policy or priority statements, executive orders, national plans, or other forms of public acknowledgment)</li> <li>○ Developed, passed, or upheld enabling legislative reforms, regulatory frameworks, or implementation guidelines</li> <li>○ Targeted actions pursued by responsible government agencies to advance community-based tenure rights (e.g., clear mandate and budget, active coordination with responsible community organizations, dedicated investments)</li> </ul> </li> </ul>

- **Partially Adequate** (2 or 3 points – see above): Some indications of adequate national government willingness may be present, but support for community-based tenure rights is hindered by one or more of the following obstacles:
  - Limited or negligible actions taken to address gaps, implement plans, or resolve bottlenecks
  - Existence of competing institutional mandates and responsibilities
  - Limited trust, coordination, and engagement between responsible authorities and Indigenous or civil society organizations
- **Inadequate** (0 points): Support for community-based tenure rights is impeded by one or more of the following:
  - No political (government) and/or administrative (departments, ministries) support for the legal recognition of Indigenous Peoples', Afro-descendant Peoples', or local communities' land and resource rights.
  - No designated authority (department or agency), budget, or dedicated human resources exists.
  - Political instability and/or conflict prevents meaningful action on tenure.

***Subnational Government Willingness***

- **Adequate** (2 points, if applicable – see above): Subnational governments have demonstrated their commitment to advance rights through two or more of the following:
  - Documented political (government) and/or administrative (departments, staff) support for community-based tenure rights (e.g., written policy or priority statements, subnational plans, or other forms of public acknowledgment).
  - Enabled legislative reforms, regulatory frameworks or implementation guidelines developed, passed, or upheld by the government in power.
  - Targeted actions pursued by responsible entities to advance community-based tenure rights (e.g., clear mandate and budget, active coordination with responsible community organizations, dedicated investments).
- **Partially Adequate** (1 point, if applicable – see above): Some indications of adequate subnational government willingness may be present, but support for community-based tenure rights is hindered by one or more of the following obstacles:
  - Limited or negligible actions taken to address gaps, implement plans, or resolve bottlenecks.
  - Existence of competing institutional mandates and responsibilities.
  - Limited trust, coordination, and engagement between responsible agencies and Indigenous or civil society organizations.
- **Inadequate** (0 points, if applicable – see above): Support for community-based tenure rights is impeded by one or more of the following:
  - No political (government) and/or administrative (departments, staff) support for the legal recognition of Indigenous Peoples', Afro-descendant Peoples', or local communities' land and resource rights.
  - No designated authority (department or agency), budget, or dedicated human resources exists.

Government Capacity	
<b>Scoring:</b> Qualitative definitions are used to assess government capacity at both national and subnational levels to implement laws and regulations pertaining to the recognition of community-based tenure rights.	
	<ul style="list-style-type: none"> <li>▪ <b>Adequate</b> (2 points): The country has a designated unit or department that is staffed and resourced to support the implementation of administrative procedures associated with land demarcation, titling, and registration.</li> <li>▪ <b>Partially Adequate</b> (1 point): The country has a designated unit or department to support the administration of land rights but lacks the requisite technical capacities, procedural requirements, or financial resources to effectively implement tenure reforms on the ground.</li> <li>▪ <b>Inadequate</b> (0 points): The country does not have the technical or financial means, nor the requisite prior experience in carrying out complex processes on the ground, to support and implement tenure reform.</li> </ul>
Rightsholder and CSO Capacity	
<b>Scoring:</b> Qualitative definitions are used to assess the capacity of rightsholder and civil society organizations (CSO) at both national and subnational levels to support the implementation of laws and regulations pertaining to the recognition of community-based tenure rights.	
	<ul style="list-style-type: none"> <li>▪ <b>Adequate</b> (2 points): Local CSOs, rightsholder organizations, and their allies are organized and coordinated in their actions; and have the requisite technical capacities to support mapping and titling procedures.</li> <li>▪ <b>Partially Adequate</b> (1 point): Local CSOs, rightsholder organizations, and their allies are organized and coordinated in their actions but lack either effective engagement with responsible government entities or the requisite technical skills or resources to fulfil all titling requirements.</li> <li>▪ <b>Inadequate</b> (0 points): Local CSOs, rightsholder organizations, and their allies do not have technical capacities, experience, or resources needed to support the legal recognition of their land and resource rights.</li> </ul>

The possible assessment scores for each readiness component are also summarized in Table 2. Readiness components are weighted to reflect the outsized importance of legal frameworks and national government willingness in creating supportive environments for the advancement and implementation of tenure reforms.

**Table 2. Assessment Scores for Each Readiness Component**

	Adequate	Partially Adequate	Inadequate
Legal Framework	5	3	0
National Government Willingness	4 (or 6, where subnational government willingness is not assessed)	2 (or 3, where subnational government willingness is not assessed)	0
Subnational Government Willingness	2	1	0
Government Capacity	2	1	0

Rightsholder and Civil Society Capacity	2	1	0
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When summed up, the overall scores provide an indication of each country's readiness for enacting and implementing forest tenure reforms.

**Table 3. Overall Readiness Status**

Score	Color	Readiness Status
If total score is 12-15		Satisfactory
If total score is 8-11		Partially Satisfactory
If total score is 0-7		Unsatisfactory

## Findings

Fourteen of the 20 countries referenced in this supplement were included within the scope of the original Opportunity Framework assessments conducted in 2019-2020. These assessments were originally made based on a questionnaire sent to tenure experts and RRI coalition members with experience in each country, followed by additional regional and global expert consultation meetings. More information on this process and the original Opportunity Framework assessments are provided in the 2020 report. These assessments were revisited in 2021 to account for notable shifts in legal or political environments.

In 2021, Opportunity Framework assessments were also conducted for six new jurisdictions where the GATC has members: *Costa Rica, Ecuador, French Guiana (France),<sup>3</sup> Honduras, Nicaragua, and Panama*. Assessments for these countries draw on a variety of sources.

Readiness assessments for all 20 countries as of 2021 are summarized in Table 4.

**Table 4. 2021 Opportunity Framework Assessments for 20 Countries with GATC Members**

Country	Legal Framework	National Government Willingness	Subnational Government Willingness	Government Capacity	Rightsholder and Civil Society Capacity	Overall Assessment
Bolivia	5	0	1	1	2	Partially Satisfactory (9)
Brazil	5	0	1	2	2	Partially Satisfactory (10)

<sup>3</sup> Within this assessment, legal analysis of French Guiana considers the national laws and international commitments made by France, as appropriate.

Cameroon	3	2	1	1	2	Partially Satisfactory (9)
Central African Republic	3	4	2	0	1	Partially Satisfactory (10)
Colombia	5	2	2	1	2	Satisfactory (12)
Democratic Republic of the Congo	3	4	2	1	2	Satisfactory (12)
Costa Rica	5	3	--	2	2	Satisfactory (12)
Ecuador	3	2	2	1	2	Partially Satisfactory (10)
French Guiana (France)	3	2	1	1	1	Partially Satisfactory (8)
Gabon	3	0	0	0	1	Unsatisfactory (4)
Guatemala	3	0	0	1	1	Unsatisfactory (5)
Guyana	5	4	2	1	1	Satisfactory (13)
Honduras	5	3	--	0	1	Partially Satisfactory (9)
Indonesia	3	0	1	1	2	Unsatisfactory (7)
Mexico	5	4	2	2	2	Satisfactory (15)
Nicaragua	3	0	--	1	1	Unsatisfactory (5)
Panama	5	2	1	1	1	Partially Satisfactory (10)
Peru	5	4	2	1	1	Satisfactory (13)
Suriname	0	3	--	1	1	Unsatisfactory (5)
Venezuela	5	0	0	0	1	Unsatisfactory (6)

## Next Steps

The Opportunity Framework is an evolving instrument designed to support stakeholders in tailoring their interventions to respond to country-specific needs for strengthening the enabling conditions for advancing tenure reforms and tenure security. Future efforts will continue to periodically update and refine the Opportunity Framework's methods and assessments to reflect shifts in opportunities to advance Indigenous Peoples,' Afro-descendant Peoples,' and local communities' forest tenure rights.

## About the Rights and Resources Initiative

The Rights and Resources Initiative is a global Coalition of 21 Partners and more than 150 rightsholders organizations and their allies dedicated to advancing the forestland and resource rights of Indigenous Peoples, Afro-descendant Peoples, local communities, and the women within these communities. 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 their rights and self-determined development. 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, D.C. For more information, please visit [www.rightsandresources.org](http://www.rightsandresources.org).

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