

# *Seeds for Reform:*

International Obligations & Status of Indigenous Peoples',  
Afro-descendant Peoples', and Local Communities'  
Forest Tenure Rights in National Law



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# Abbreviations and Acronyms

<b>AfCHPR</b>	.....	African Court on Human and Peoples' Rights
<b>ASEAN</b>	.....	Association of Southeast Asian Nations
<b>CAT</b>	.....	Convention Against Torture
<b>CBD</b>	.....	Convention on Biological Diversity
<b>CBTR</b>	.....	Community-based tenure regime
<b>CEDAW</b>	.....	Convention on the Elimination of All Forms of Discrimination against Women
<b>CFS</b>	.....	Committee on World Food Security
<b>CLARIFI</b>	.....	Community Land Rights, Climate and Conservation Finance Initiative
<b>CRC</b>	.....	Convention on the Rights of the Child
<b>CSO</b>	.....	Civil society organization
<b>CWTR</b>	.....	Community-based water tenure regime
<b>DRC</b>	.....	Democratic Republic of the Congo
<b>DUAT</b>	.....	Right of use and benefit of land ( <i>Direito de uso e aproveitamento da terra</i> (Mozambique))
<b>ELI</b>	.....	Environmental Law Institute
<b>EU</b>	.....	European Union
<b>EUDR</b>	.....	EU Regulation on Deforestation-free Products
<b>EU CSDDD</b>	.....	EU Corporate Sustainability Due Diligence Directives
<b>FAO</b>	.....	Food and Agriculture Organization of the United Nations
<b>FCPF</b>	.....	Forest Carbon Partnership Facility
<b>FPIC</b>	.....	Free, prior and informed consent
<b>GBF</b>	.....	Kunming-Montréal Global Biodiversity Framework
<b>GR/GC</b>	.....	General Recommendations or Comments adopted by respective UN treaty bodies
<b>IFC Performance Standards</b>	.....	International Finance Corporation Performance Standards on Environmental and Social Sustainability

# Abbreviations and Acronyms

<b>ILO Convention No. 169</b>	International Labour Organization Convention No. 169
<b>IACHR</b>	Inter-American Commission on Human Rights
<b>IACtHR</b>	Inter-American Court on Human Rights
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>Lao PDR</b>	Lao People's Democratic Republic
<b>NDC</b>	Nationally Determined Contribution
<b>NBSAP</b>	National Biodiversity Strategies and Action Plans
<b>NTFP</b>	Non-timber forest product
<b>OAS</b>	Organization of American States
<b>R2HE</b>	Right to a clean, healthy and sustainable environment
<b>RRI</b>	Rights and Resources Initiative
<b>REDD+</b>	Reducing emissions from deforestation and forest degradation
<b>SDGs</b>	Sustainable Development Goals
<b>SR</b>	Special Rapporteur
<b>UN</b>	United Nations
<b>UNDRIP</b>	United Nations Declaration on the Rights of Indigenous Peoples
<b>UNDROP</b>	United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas
<b>UNFCCC</b>	United Nations Framework Convention on Climate Change
<b>UNGA</b>	United Nations General Assembly
<b>UNGPs</b>	United Nations Guiding Principles on Business and Human Rights
<b>UN HRC</b>	United Nations Human Rights Council
<b>UN HR Committee</b>	United Nations Human Rights Committee (ICCPR Treaty Body)
<b>VGGT</b>	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security



# Glossary

## Throughout this report, the following key terms are used as defined:

A **community** is a group of rural people (Indigenous Peoples, Afro-descendant Peoples, or local communities) who share a common interest or purpose in a particular territory or natural resource, and who primarily hold rights to those lands and/or resources at the community level.

**Community practices** refer to the realization by Indigenous Peoples, Afro-descendant Peoples, and local communities of their communities' norms; such practices may include the exercise of customary laws, cultural traditions, and community-based institutional processes.<sup>1</sup>

**Community-based tenure** denotes “arrangements in which the right to own or govern land and/or natural resources (such as freshwater) is held at the community level by Indigenous Peoples, Afro-descendant Peoples, and/or local communities,” whether or not these arrangements are legally recognized.<sup>2</sup>

**Community-based tenure systems** are the institutional frameworks of Indigenous Peoples, Afro-descendant Peoples, and local communities—which may or may not be recognized by statutory laws—that in practice give rise to community-based tenure. A community-based tenure *system* is distinct, therefore, from a CBTR, which constitutes a distinct set of national, state-issued laws and regulations.<sup>3</sup>

**Community-Based Tenure Regime (CBTR)**: a distinguishable set of national, state-issued laws and regulations governing “all situations under which the right to own or manage terrestrial natural resources is held at the community level.”<sup>4</sup>

**Community lands**, **community forests**, and **community waters** are lands, forests, or freshwater resources that are subject to community-based tenure.

**CBTR-specific laws**: state-issued, national-level laws and regulations concerning the tenure rights of individuals at the community-level, within a specific CBTR.<sup>5</sup>

**Imprescriptibility**: Rooted in the concept that human rights are inherent and inalienable as per the UDHR, the term “imprescriptible” in the context of human rights refers to the idea that these rights are not subject to prescription or expiration over time. In other words, human rights are enduring and timeless, and their validity and applicability persist without any time limit.

**Overarching laws**: refers to all national laws of general application protecting fundamental rights and freedoms established through constitutions, national legislation, or decisions of a country's highest national court. Unlike CBTR-specific laws, overarching laws apply to all people in a country, regardless of one's tenure practices.

**Regulated communities**: refers to the communities that are regulated and whose rights are recognized under each CBTR, which is determined based on the language used by the CBTR-specific laws that establish the CBTR.

# *Seeds for Reform:*

## International Obligations & Status of Indigenous Peoples', Afro-descendant Peoples', and Local Communities' Forest Tenure Rights in National Law

### Executive Summary



Women carry bundles of wood on their heads, India. Photo by Society for Promotion of Wasteland Development (SPWD). 2012.

Indigenous Peoples, Afro-descendant Peoples, and local communities have long been stewards of the world's forests and the resources therein, maintaining a relationship with their territories that is fundamental to their spiritual, cultural, economic, social, and political rights and the protection of those ecosystems. Following decades of national and international advocacy by rightsholders and their allies, land tenure security for both communities and community women is now recognized as an integral component of international human rights law.

Yet, communities' tenure rights remain inadequately protected under national laws. More than two decades since the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and 10 years after the inclusion of tenure security indicators in the Sustainable Development Goals (SDGs), Indigenous Peoples, Afro-descendant Peoples, and local communities face increasing threats to their territorial rights. Unprecedented levels of violence and criminalization; displacement and land grabbing with causes ranging from resource extraction to alleged solutions for climate change to organized crime; erosion of civic space; and rollback of aid, all put the human rights of Indigenous Peoples, Afro-descendant Peoples, and local communities at heightened risk and highlight the fragility of the progress achieved internationally in the recognition of these rights.

**This report offers an updated assessment of the status and strength of Indigenous Peoples', Afro-descendant Peoples', and local communities' statutory forest tenure rights across 35 countries in Africa, Asia, and Latin America.**

## Methodology

This report builds on Rights and Resources Initiative's (RRI) extensive monitoring of the bundle of community-based tenure rights in key forest countries in the Global South for more than a decade. The analysis assesses 35 countries across Africa, Asia, and Latin America, with 5 countries featured in the dataset for the first time: Ecuador, Ghana, Lao PDR, Madagascar, and Nicaragua. While the primary focus of this report, as well as the underlying data collected, is on forests and forest tenure rights, some of the community-based tenure regimes (CBTRs) identified by RRI may also pertain to collective land tenure more broadly. This overlap reflects the integrated nature of land and forest governance in many contexts. Users of this report should thus be aware that certain findings may extend beyond forested areas to include other types of land but should not assume they do.

**The report identifies 104 CBTRs**, used as the unit of analysis to allow identification and comparative analysis of the distinct legal frameworks by which Indigenous Peoples', Afro-descendant Peoples', and local communities' tenure rights are recognized under national law. Employing a [Depth of Rights Methodology](#), the study assesses the **bundle of rights** collectively held by communities under each CBTR. This methodology examines the forest rights of communities as recognized under national law to access, withdrawal, management, exclusion, due process and compensation, and alienation, as well as the duration of these rights. Based on assessment of the bundle of rights comprising each CBTR, RRI subsequently classifies the strength of such legal frameworks as "owned by Indigenous Peoples, Afro-descendant Peoples, and local communities;" "designated for Indigenous Peoples, Afro-descendant Peoples, and local communities;" or "government administered," according to RRI's Statutory Forest Tenure Typology.

Alongside the 2024 update of the Depth of Rights, this study introduces two contextual indicators on i) free, prior and informed consent (FPIC), and ii) the right to use resources or areas for cultural and/or religious purposes. In assessing the extent to which national laws recognize communities' FPIC rights, RRI examines the statutory recognition of FPIC within each CBTR according to the language used in applicable national law.

## Key findings

- 1. Since the adoption of the SDGs in 2015, 11 new legal frameworks, or CBTRs, recognizing some form of community-based forest tenure were established across 7 of the 35 countries analyzed. Most of these new CBTRs (9) were recognized in Africa.** Five of the 11 new CBTRs recognize the full bundle of rights constituting community forest ownership.
- 2. Despite the continued expansion of protections for Indigenous Peoples, Afro-descendant Peoples, local communities, and community women under international law, reforms to domestic legal frameworks have been inconsistent in their impact on community-based forest tenure rights.** While 46 percent of CBTRs underwent some reform between 2016 and 2024, these reforms resulted in both rollbacks and improvements to indicator assessments across the CBTRs analyzed. The overall bundle of communities' recognized rights was expanded in only 3 CBTRs (2 in Africa and 1 in Asia).
- 3. Still less than half (44) of all CBTRs legally recognize the full bundle of rights constituting community forest ownership, demonstrating that the increasing number of CBTRs does not necessarily indicate stronger recognition of the tenure rights of Indigenous Peoples, Afro-descendant Peoples, and local communities. A critical gap remains between the legal recognition of community-based tenure**

**rights and the implementation of these rights in practice.** Recognition of rights in perpetuity and of the right to exclude third parties—critical for the intergenerational protection of community forest lands and resources and thus required for classification of legal frameworks as owned by communities under RRI’s methodology—are the least frequently recognized indicators among those assessed.

4. **Legal regimes aimed at recognizing customary or community-based rights provide the most robust protection of the bundle of rights**, followed by use/exploitation-oriented CBTRs and conservation-oriented CBTRs.
5. **Communities’ rights to manage their forests are recognized across 71 percent of CBTRs but frequently remain subject to state approval of management plans and rarely include provisions specifically addressing women’s right to participate in community-level governance processes.** Legislative provisions adequately protecting women’s rights to vote in community-level governance bodies are found in only 2 CBTRs, and just 5 CBTRs adequately recognize their right to participate in community-level leadership bodies. In instances where CBTRs overlap with conservation areas, communities’ management rights are often reduced or restricted.
6. As of 2024, **nearly all CBTRs allow at least some form of forest resource use; however, the scope of recognition for these rights varies widely.** The law often includes **restrictions on commercial or subsistence uses and fails to account for the cultural, spiritual, and religious significance of forest areas** for Indigenous Peoples, Afro-descendant Peoples, and local communities.
7. **Across the three regions assessed, only half of CBTRs recognize FPIC rights for at least some types of communities**, with lower levels of protection in Africa and Asia than in Latin America.
8. The right to due process—including prior notice, consultation, access to information, and judicial or administrative recourse—is essential for safeguarding the forest tenure of Indigenous Peoples, Afro-descendant Peoples, and local communities. **While 82 percent of CBTRs globally recognize at least minimum rights to due process and compensation, in 29 percent of these CBTRs, due process rights entail only the right to judicial or administrative recourse, and not the right to prior notice and consultation**—indicating gaps in the full protections for access to justice required under international human rights standards.

## Recommendations

With only 5 years remaining to achieve the objectives of the 2030 Agenda for Sustainable Development, urgent action is needed to bring national realities in line with both international human rights law and the advocacy, needs, and essential stewardship roles of Indigenous Peoples, Afro-descendant Peoples, and local communities. Despite vast advancements within international and regional human rights mechanisms in the recognition of the forest tenure rights of communities, and the women within these communities, progress is increasingly threatened by climate change, extractivism, authoritarianism, shrinking civic space, and the rise of unregulated “green” initiatives that often proceed without communities’ free, prior, and informed consent. Within this context, it is imperative that:



**Governments**, supported by rightsholder and civil society organizations:

1. Fully recognize the bundle of tenure rights comprising community forest ownership, including explicit recognition of the land and forest tenure rights of women and youth within communities.
2. Recognize the collective tenure rights of Afro-descendant Peoples within national legislation and ensure their inclusion in the development of international law and mechanisms.
3. Guarantee the FPIC rights of Indigenous Peoples, Afro-descendant Peoples, and, as applicable, other non-Indigenous tribal communities, in engagements with both government and private sector actors, ensuring the active and meaningful participation of community women, elders, and youth.
4. Regulate carbon rights and ensure community rights to benefit from ecosystem services.
5. Harmonize national legal frameworks across sectors to ensure community-based rights to resources, including land, forest, ecosystem services, and freshwater, are consistently defined and applied.

**Donors and supporting allies:**

1. Provide technical assistance to government, private sector, and conservation actors to ensure that the tenure and governance rights of Indigenous Peoples, Afro-descendant Peoples, and local communities, including community women and youth, are fully respected, irrespective of the status of their rights under national law, and to monitor progress in this regard.
2. Develop funding pathways and mechanisms that provide flexible, consistent, and long-term support to Indigenous Peoples, Afro-descendant Peoples, local communities, and community women's organizations and associations, including by minimizing administrative barriers that hinder rightsholder organizations from accessing or using dedicated funding.

**Private sector entities, conservation organizations, and nature-based project proponents:**

1. Actively work with communities to ensure that all landscape-level investments and interactions, including all climate and conservation initiatives, advance the recognition and realization of communities' tenure rights; adhere to FPIC; and ensure community-defined terms and leadership are at the center of decision-making over all community territories.
2. Adhere to and implement the highest international standards for human rights and environmental due diligence and engagements with Indigenous Peoples, Afro-descendant Peoples, and local communities, as defined by the Land Rights Standard and articulated in other guiding principles such as the UN Guiding Principles on Business and Human Rights, the Gender Dimensions of the Guiding Principles on Business and Human Rights, and the UN Environment Programme's Core Human Rights Principles for Private Conservation Organizations and Funders.

# Chapter 1

## Introduction



Members of a community in Sumatra, Indonesia, collect coffee berries. Photo by Jacob Maentz for Rights and Resources Initiative, 2022.

Indigenous Peoples, Afro-descendant Peoples, and local communities steward vast areas of the world's forests and the resources therein, yet their tenure rights remain inadequately protected under national laws. The rights of Indigenous Peoples, Afro-descendant Peoples, and local communities are not just key for the protection of nature and their territories, but they must be urgently protected on their own. These rights are inherent to them based on their human dignity, collective distinctiveness, and connections to the land and ecosystems they traditionally use, occupy, and steward.<sup>6</sup> Particularly today, in the face of increasing threats to communities' territorial rights, the protection of Indigenous Peoples', Afro-descendant Peoples', and local communities' tenure rights and security is vital. With unprecedented levels of violence and criminalization,<sup>7</sup> displacement linked to resource extraction,<sup>8</sup> land grabbing—including in cases of alleged solutions for climate change,<sup>9</sup>—the use of their territories by organized crime,<sup>10</sup> the erosion of civic space,<sup>11</sup> and the rollback of aid,<sup>12</sup> the human rights of Indigenous Peoples, Afro-descendant Peoples, and local communities are at heightened risk and the progress achieved internationally in the recognition of these rights remains fragile.

Tenure reforms recognizing the rights of Indigenous Peoples, Afro-descendant Peoples, and local communities, and the women and youth within them, are a prerequisite for the realization of the Sustainable Development Goals (SDGs), and other global targets and commitments, including on climate and conservation. As the global urgency around climate action, biodiversity conservation, and sustainable development intensifies, it is thus equally urgent to secure the land and resource rights of communities while also ensuring adequate protections for the rights of those most vulnerable within communities, including Indigenous, Afro-descendant, and local community women and youth who face disproportionate risks and are critical to sustaining livelihoods and driving transformative change.

And yet, domestic legislation leaves much to be desired, despite notable developments in international, regional, and national legal frameworks since the adoption of the SDGs in 2015 and alongside the implementation of key international guidance such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT). As of 2023, only 12 percent (43) of the 193 Member States of the United Nations had ever reported their progress toward SDG Indicator 1.4.2 on land tenure security for all, and even fewer have reported decisive actions to strengthen inclusive land rights or the land rights of Indigenous Peoples, Afro-descendant Peoples, and/or local communities specifically.<sup>13</sup>

**This report offers an updated assessment of the status and strength of Indigenous Peoples', Afro-descendant Peoples', and local communities' statutory forest tenure rights across 35 countries in Africa, Asia, and Latin America.** It builds on the extensive monitoring the Rights and Resources Initiative (RRI) has conducted for more than a decade on the bundle of community-based tenure rights in key forest countries in the Global South.

**In doing so, this report offers a timely analysis of national progress toward 2030 commitments, with a dedicated focus on the situation of Indigenous Peoples, Afro-descendant Peoples, and local communities that rely on forest lands and resources.** It also explores the relationship between the legal recognition of communities' collective forest tenure rights, the individual rights of women within communities, and the extent to which such rights extend to an array of resources. It should be read alongside the companion report, [Resilience and Resistance: Indigenous, Afro-descendant, and Local Community Women's Statutory Rights to Community Forests](#) (RRI 2025), for a more complete understanding of the status of both communities' collective rights and the specific rights of women within these communities under the same national laws.

Following this Introduction, Chapter 2 presents a summary regarding the status of rights recognition under international human rights norms and systems. Chapter 3 presents RRI's methodology for evaluating the recognition of community-based forest tenure rights under national law. [Chapter 4](#) features global and regional findings and implications from the 35 reviewed countries. [Chapter 5](#) examines progress toward RRI's 2030 goals. Finally, [Chapter 6](#) presents recommendations for governments, community rightsholders' organizations, donors, allies, and enterprises.



An Indigenous man sits in the Amazon Rainforest in Peru.  
Photo by Rights and Resources Initiative, 2017.



## Chapter 2

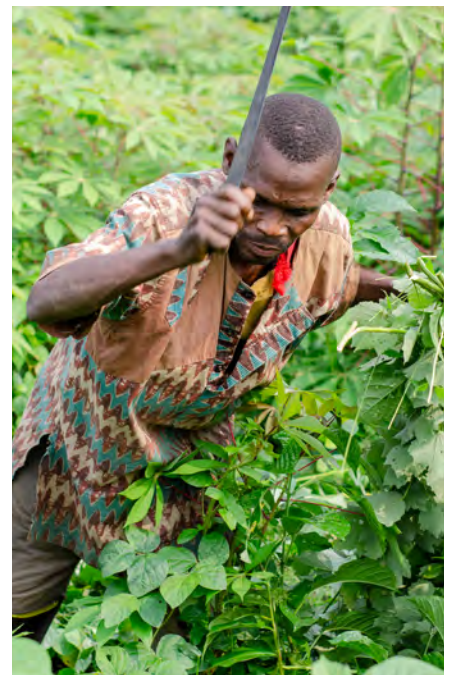
# Status of Community-Based Forest Tenure Under International Human Rights Law and Emerging Opportunities



A man herds cattle in Amboseli, Kenya. Photo by Anthony Ochieng Onyango for TonyWild Photography.

The rights of Indigenous Peoples, Afro-descendant Peoples, and local communities have been included in seminal international human rights treaties since at least 1989 with the adoption of the International Labor Organization Convention No. 169 on Indigenous and Tribal Peoples (ILO Convention No. 169). Since then, the international recognition of the rights of Indigenous Peoples, Afro-descendant Peoples, and local communities, including the rights of women and youth within those communities, has seen numerous developments.

Key advancements in the recognition of rightsholders' specific and distinct rights have taken place at both global and regional levels. These developments bring not only expanded legal commitments but also a broader shift in global governance that increasingly recognizes communities and their self-determination as central aspects in conservation, climate action, and human rights protection and enforcement. The incorporation of a rights-based and intersectional perspective to an array of binding and non-binding international instruments that set obligations and standards on conservation, climate, business, human rights, and other issues has resulted in the recognition and protection of communities' distinct and differentiated rights.



A member of the Indigenous Pygmy Peoples in the Congo Basin. Photo by EnviroNews RDC for Rights and Resources Initiative (RRI). 2024.



This chapter provides a brief, yet comprehensive review of the status of Indigenous Peoples', Afro-descendant Peoples', and local communities' rights under international law at the time of publication. **Through an updated review of the status of international human rights law with five years remaining to meet the objectives of the SDGs and insight into the international obligations of states, this chapter provides context for considering the status of forest tenure rights in the countries included in this analysis.**

## **2.1 UN conventions, standards and treaty bodies**

### **2.1.1 Landmark conventions and declarations**

#### **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)**

With its adoption in 2007, UNDRIP became the most comprehensive instrument recognizing the rights of Indigenous Peoples in international law and policy. For more than 15 years, UNDRIP has provided a foundation for the development of guidelines, standards, and other instruments addressing the rights of Indigenous Peoples and Afro-descendant Peoples as applicable.<sup>14</sup> UNDRIP provides a universal framework of minimum standards for the survival, dignity, well-being, and rights of the world's Indigenous Peoples.<sup>15</sup> The Declaration addresses both individual and collective rights, including a recognition of Indigenous Peoples' cultural rights and identity, rights to land, resources, education, health, employment, language, and others.<sup>16</sup> As the cornerstone of the international recognition of Indigenous Peoples' rights, **UNDRIP equally affirms the rights of Indigenous women** by recognizing their rights to participate in decision-making, maintain and strengthen their distinct institutions, and enjoy full protection of their cultural, land, and resource rights without discrimination. It also guarantees their right to remain distinct and to pursue their own priorities in economic, social, and cultural development.

#### **International Labor Organization Convention No. 169**

ILO Convention No. 169 is the Indigenous and Tribal Peoples Convention adopted in 1989 and ratified by 24 countries across the world, including 10 of the 35 countries included in this analysis, 9 of which are in Latin America and 1 in Asia. ILO Convention No. 169 is a cornerstone of Indigenous Peoples' rights, setting standards that influence national and international laws, including the adoption of the right to free, prior and informed consent (FPIC).<sup>17</sup> While ILO Convention No. 169 fails to contain dedicated provisions protecting the rights of women, Article 3 guarantees a general principle of equality and non-discrimination that has supported the protection of the rights of Indigenous and tribal women by requiring states to ensure non-discrimination and equal treatment, including in matters related to land, employment, education, and participation in decision-making processes affecting their communities.

Particularly in Latin America, where most of the ratifying countries are located, ILO Convention No. 169 has been an essential instrument to advance the tenure rights of Indigenous Peoples, as well as Afro-descendant Peoples and tribal Peoples. For example, ILO Convention No. 169 has been cited as key to the recognition of the rights of Afro-descendant Peoples in Colombia.<sup>18</sup> In 2016, the Organization of American States (OAS) approved the **American Declaration on the Rights of Indigenous Peoples**, which recognizes Indigenous Peoples' fundamental rights to self-determination, to their ancestral territories, and to consultation and FPIC. It also recognizes the principle of non-forced contact with Indigenous Peoples living in isolation.

As highlighted by the Secretariat of the Permanent Forum on Indigenous Issues, the Declaration should be read in conjunction with other international instruments such as UNDRIP and ILO Convention No. 169, meaning these latter instruments strengthen the American Declaration on the Rights of Indigenous Peoples.

### **United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP)**

In 2018, UNDROP was adopted as a groundbreaking recognition of the rights of peasants and rural communities. UNDROP includes recognition of the rights of Indigenous Peoples and local communities as well as explicit protections for the equal rights of peasant women and other women working in rural areas, including Indigenous women. UNDROP guarantees full and equal enjoyment of women's rights to access, use, manage, and benefit from their communities' lands and natural resources, as well as their rights to participation, decision-making, and accessing equal financing.

UNDROP is a key step in recognizing the right to land, in its individual and collective dimension, including the rights of access, sustainable use, and management of land and the water bodies, coastal seas, fisheries, pastures, and forests therein.



Photo of An Indigenous Pygmy woman in the DRC. Photo by EnviroNews RDC for Rights and Resources Initiative, 2024.

### **2.1.2 UN conventions and treaty bodies**

The above conventions and declarations have not only developed existing state obligations under international human rights law but have also influenced the advancement of the tenure rights of Indigenous Peoples, Afro-descendant Peoples, and local communities through other key international legal instruments, particularly within UN treaty mechanisms.

Indigenous Peoples, Afro-descendant Peoples, and local communities around the world have played a crucial role in advancing international legal recognition of their rights through sustained activism and advocacy.<sup>19</sup> Their mobilization was instrumental in the adoption of UNDRIP and in the promotion and ratification of ILO Convention No. 169, pushing states and institutions to acknowledge collective rights, land tenure, and self-determination.<sup>20</sup> In turn, these instruments have influenced the interpretation and evolution of broader human rights treaties such as the ICCPR, ICESCR, CEDAW, CRC, and CERD (see [Table 2](#) for full titles of these instruments). These conventions increasingly reflect the principles of intersectionality, non-discrimination, and self-determination championed by Indigenous, Afro-descendant, and local community movements, helping to embed their rights within the global human rights framework.

Since the adoption of the SDGs in 2015, UN treaty bodies have increasingly advanced international legal standards that recognize and protect the tenure rights of Indigenous Peoples, Afro-descendant Peoples, and local communities. These developments, outlined

in [Table 2](#), build on long-standing legal principles established prior to 2015—such as the recognition of collective rights to land, resources, and self-determination—that continue to guide and influence current interpretations of states’ obligations under international human rights law. While the Committee on the Elimination of Racial Discrimination (CERD) and the Committee Against Torture (CAT) have not issued new general comments or recommendations specifically on the tenure rights of Indigenous Peoples, Afro-descendent Peoples, and local communities since 2015, both have previously addressed these rights in their normative work.<sup>21</sup> All UN treaty bodies have developed relevant jurisprudence affirming tenure rights, as reflected in their concluding observations and case law.<sup>22</sup>

**Table 1 | Developments in UN Treaties and Treaty Body Instruments Related to Tenure Rights Since 2015**

International Covenant on Civil and Political Rights (ICCPR)	
General comment No. 36 (2019) on Article 6 (Right to Life) <sup>23</sup>	<p>Acknowledges the obligations of states to protect life, including taking appropriate measures to address:</p> <p>Risks and patterns of violence to protect vulnerable populations, including human rights defenders, Indigenous Peoples, and members of ethnic minorities (para. 23).</p> <p>General conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity, including degradation of the environment, and the deprivation of Indigenous Peoples’ land, territories, and resources (para. 26).</p>
International Covenant on Economic, Social and Cultural Rights (ICESCR)	
General comment No. 24 (2017) on state obligations in the context of business activities <sup>24</sup>	<p>Addresses the particular risk that Indigenous Peoples and members of ethnic minorities (paras. 8–9) are at regarding business activities and breaks down the obligations of states around the actions of private parties, including:</p> <p>Acknowledgment that the obligation to respect economic, social, and cultural rights is violated when states prioritize business interests over these rights—for instance, when Indigenous Peoples’ rights to ancestral lands are particularly at risk (para. 12).</p> <p>Obligation to respect the right to FPIC (para. 12).</p> <p>Need to incorporate Indigenous Peoples’ rights to land, resources, and territories into human rights due diligence requirements (paras. 12, 17).</p> <p>Obligation to ensure that Indigenous Peoples have access to effective remedies, both judicial and non-judicial, for all infringements of their individual and collective rights (para. 46).</p> <p>Obligation to recognize Indigenous Peoples’ customary laws, traditions, and practices (paras. 46, 52).</p>
General comment No. 26 (2022) on land and economic, social and cultural rights <sup>25</sup>	<p>A landmark instrument, marking the first time a UN treaty body explicitly notes the relationship between land and economic, social and cultural rights. Based on the vast international instruments protecting the right to access, use, and manage land, including UNDRIP, UNDROP and ILO Convention No. 169, the ICESCR Committee highlights the issue that current land management fails to build a pathway toward the realization of the rights in the Convention (paras. 2–3). To advance a rights-based approach to land management and use, the Committee finds that:</p> <p>Land is closely related to the right to take part in cultural life and must be respected as such, particularly for Indigenous Peoples and peasants and other local communities living traditional lifestyles (para. 10).</p> <p>States should recognize and protect communal dimensions of tenure, particularly in relation to Indigenous Peoples, peasants, and other traditional communities who have a material and spiritual relationship with their traditional lands that is indispensable to their existence, well-being, and full development, including the collective rights of access to, use of, and control over lands, territories, and resources (paras. 11, 16, 21, 27).</p>

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	
General recommendation No. 34 (2016) on the rights of rural women <sup>26</sup>	<p>Focuses on the rights of rural women, recognizing the intersectional forms of discrimination and violence they face (para. 14). The recommendation highlights that:</p> <p>States should adopt special measures to eliminate the inequalities facing women, including by securing land tenure and access to water, forests, and fisheries (paras. 23, 36, 55–59, 77).</p> <p>States should ensure rural women’s participation in decision-making at all levels of rural development and resource management (paras. 23, 36, 53–59, 77).</p> <p>Women have equal rights to land, and gender-responsive land and agrarian reform is necessary as well as the recognition of “women’s laws, traditions, customs and land tenure systems” to eliminate discrimination (paras. 8, 23, 36, 53–59, 77).</p>
General recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change <sup>27</sup>	<p>Articulates the human rights imperatives of securing Indigenous, Afro-descendant, and local community women’s tenure rights in the context of climate change and the planetary crisis (paras. 69–70, 72), emphasizing that women’s traditional knowledge and adaptive practices in agriculture, land conservation, and water management are vital to environmental management and climate resilience (para. 33).</p>
General recommendation No. 39 (2022) on the rights of Indigenous women and girls <sup>28</sup>	<p>Underscores that both collective and individual rights are pivotal to Indigenous women’s human rights (para. 19), and that subsequently, discrimination against Indigenous women and girls must be understood in both individual and collective terms (para. 17).</p> <p>Identifies the lack of effective implementation of Indigenous women’s rights to self-determination and autonomy as root causes of gender-based discrimination, leading to their continued dispossession of lands, territories, and resources (para. 11).</p> <p>Urges states to legislate in a manner that fully protects Indigenous women’s and girls’ rights to land, water, and natural resources (para. 23).</p>
General recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems <sup>29</sup>	<p>Proposes an intersectional and gender-transformative approach to addressing patriarchy and enhancing women’s roles in decision-making, rooted in the mandate under CEDAW Article 5(a) to eliminate gender-based prejudices (para. 12). Importantly, the recommendation reiterates the need to address intersecting discrimination against Indigenous and rural women and to ensure inclusive systems where diverse women, particularly youth, lead efforts in legislation, strategies, policies, and programs (para. 17).</p>
Convention on the Rights of the Child (CRC)	
General comment No. 26 (2023) on children’s rights and the environment, with a special focus on climate change <sup>30</sup>	<p>Recalls CRC General comment No. 11 (2009) to highlight that particular attention should be paid to preserving the traditional land of Indigenous children and protecting the environment for the full enjoyment of their rights (para. 49).</p> <p>States must consider the damage caused by environmental harm and climate change to Indigenous children and children from non-Indigenous minority groups whose rights, way of life, and cultural identity are intimately related to nature. This includes how this damage impacts their traditional lands, culture, and rights to survival, life, and development (para. 58).</p> <p>Indigenous children and children from non-Indigenous minority groups whose rights, way of life, and cultural identity are intimately related to nature should be included in states’ responses to environmental harm and climate change (para. 58).</p>

### 2.1.3 International frameworks on rights, the environment, climate, and biodiversity conservation

International climate and environmental frameworks increasingly incorporate a rights-based approach, which in turn allows for the threading of tenure rights with environmental protection and climate justice. Particularly, within these areas, there has been a significant departure from exclusionary models. These models historically viewed Indigenous Peoples, Afro-descendant Peoples, and local communities as obstacles to environmental protection or adopted a paternalistic approach, wherein communities’ traditional stewardship was minimized or entirely ignored in conservation initiatives. These approaches



prioritized the removal or restriction of human presence from protected areas, often leading to the displacement of communities.<sup>31</sup> Over the past decade, advocacy by rightsholders and their allies has resulted in a recognition of the key role communities play in nature stewardship. Community-led efforts to advance rights-based approaches to climate and conservation have revealed a range of critical enabling conditions for their success and sustainability. These conditions include secure tenure rights and legal and policy frameworks for community-led conservation, wherein communities can advance their own self-directed climate and biodiversity solutions and benefit from their contributions. **These rights-based approaches have resulted in international, regional, and national adoption of climate and conservation instruments and initiatives that mainstream the rights of communities within environmental commitments.**

Among the most landmark instruments on international law and climate change since the Paris Agreement is the International Court of Justice (ICJ) advisory opinion on states' obligations with respect to climate change. Spearheaded by Vanuatu, the United Nations General Assembly (UNGA) adopted a resolution in 2023 requesting such an advisory opinion with reference to the ICCPR, ICESCR, UN Framework Convention on Climate Change (UNFCCC), and United Nations Convention on the Law of the Sea. The resolution also requested an opinion on the obligation of states to protect climate for current and future generations and the consequences for states that cause harm to peoples, individuals, or other states that are especially vulnerable to climate impacts.<sup>32</sup> On July 23, 2025, the ICJ issued its advisory opinion finding that **all states have binding obligations under international law—including treaty and international human rights law—to prevent significant harm to the environment.** These obligations include: i) mitigating damage to the environment; ii) taking adaptation actions with respect to climate change; iii) co-operating in good faith for the protection of the environment; iv) preparing, communicating, maintaining, and implementing Nationally Determined Contributions (NDCs) that are capable of making an adequate contribution; v) developed states providing financial resources to developing states; vi) preventing significant harm to the environment by acting with due diligence and vii) upholding treaty obligations under the Ozone Layer Convention, the Convention on Biological Diversity (CBD), the United Nations Convention to Combat Desertification (UNCCD), and the law of the sea.<sup>33</sup> Notably, the ICJ held that **states have heightened obligations to protect human rights in the context of climate change** and that measures to address climate change must be consistent with international human rights law, including instruments protecting the rights of Indigenous Peoples, local communities, women, and children.

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*“374. The Court further recalls that the preamble to the Paris Agreement states that ‘climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.’”<sup>34</sup>*

*–ICJ Advisory Opinion: Obligations of States in Respect of Climate Change*

The UN Human Rights Council in 2021 and UNGA in 2022 adopted corresponding resolutions recognizing the **human right to a clean, healthy and sustainable environment (R2HE)**.<sup>35</sup> This right encompasses all human rights connected to the natural world, such as the rights to healthy and sustainable ecosystems; a safe climate; sustainably produced food; and a non-toxic environment, all of which are essential to safeguarding community-based tenure rights.

The **CBD** and its **Kunming-Montréal Global Biodiversity Framework** have further advanced these protections by adopting a land tenure and land use change indicator under Target 22 of the Global Biodiversity Framework (GBF).<sup>36</sup> Similarly, Target 3 highlights the importance of recognizing area-based conservation, including by recognizing Indigenous and traditional territories and requiring that any conservation measures recognize and respect the rights of Indigenous Peoples and local communities. In 2022, the Conference of the Parties to the CBD also decided to advance the links between biological and cultural diversity, involve the United Nations Permanent Forum on Indigenous Issues, work toward the full and effective participation of Indigenous Peoples and local communities, and advance an integrated approach with full respect for human rights and the rights of Indigenous Peoples and local communities.<sup>37</sup> During COP16 in 2024, the persistent and strong advocacy of Afro-descendant Peoples in the Americas led to the acknowledgement of their rights in the implementing instruments for the CBD and the GBF.<sup>38</sup> These instruments now call for Afro-descendant Peoples' full and effective participation in such implementation under Article 8(j) of the Convention and its related provisions.<sup>39</sup>

The **UNFCCC** likewise highlights Indigenous Peoples' and local communities' roles and rights in climate mitigation and adaptation. During COP21, held in 2015, the Conference of the Parties adopted the Paris Agreement, including implementing actions, such as the establishment of the Local Communities and Indigenous Peoples Platform.<sup>40</sup> Since then, the Platform has worked toward the integration of the rights and knowledge, technologies, practices, and efforts of local communities and Indigenous Peoples within climate action. In 2018, the Conference of the Parties called for further operationalization of the Platform to facilitate the implementation of its functions relating to knowledge, capacity for engagement, and climate change policies and actions.<sup>41</sup> Similarly, the Nairobi work programme, adopted in 2005, established a mandate to incorporate Indigenous Peoples' scientific and traditional knowledge into its activities.<sup>42</sup> These efforts are continued by the adoption of the Baku Workplan at COP29 in 2024, renewing the mandate of the Facilitative Working Group of the Local Communities and Indigenous Peoples Platform.<sup>43</sup>

Despite these efforts, however, questions and concerns remain regarding the exclusion of Indigenous Peoples, Afro-descendant Peoples, and local communities from the negotiation table and the lack of recognition of communities' self-determination, particularly when environmental protections or actions overlap, in some cases even leading to the displacement of communities.<sup>44</sup>



A Maasai man of the Maji Moto Group Ranch in Kenya stands near his cattle. Photo by TonyWild Photography for Rights and Resources Initiative, 2023.

## 2.1.4 Business and human rights standards

International human rights law dealing with issues of business and human rights has increasingly recognized the need to safeguard the tenure rights of Indigenous Peoples, Afro-descendant Peoples, and local communities, whose livelihoods, lands, and resources are often disproportionately affected by corporate activities, particularly of an extractive nature, and large-scale investments. New regulatory frameworks and standards have emerged in response to decades of resistance and advocacy by Indigenous groups. The increasing political organization and visibility of these communities have elevated the risks—legal, reputational, and financial—associated with the failure to obtain FPIC or to respect customary land rights.<sup>45</sup>

The UN Guiding Principles on Business and Human Rights (UNGPs), unanimously endorsed by the Human Rights Council in 2011, have become the global standard for corporate accountability, and several of its principles are specifically directed toward the protection of Indigenous Peoples', Afro-descendant Peoples', and local communities' rights. Thanks to the establishment of the UN Working Group on Business and Human Rights, the relevance and implementation of the UNGPs have developed further since their adoption. The Working Group on Business and Human Rights has developed expertise, particularly in corporate accountability and access to remedies in cases of human rights abuses,<sup>46</sup> which has been crucial for the ongoing development of a binding international treaty on business and human rights.<sup>47</sup>



A woman in South Sudan walks by a cattle herd. Photo by Shutterstock.



## Box 1 | Land Rights Standard

The **Land Rights Standard** is a set of principles designed to guide engagement with Indigenous Peoples, Afro-descendant Peoples, and local communities within landscape restoration, conservation, climate action, and development projects. Developed collaboratively by the Rights and Resources Initiative (RRI), the Forest Peoples Programme (FPP), and the Indigenous Peoples Major Group (IPMG) for Sustainable Development, the Standard was created through global consultations with communities and organizations and is grounded in international human rights law. The Standard is meant to provide best practices for engaging with communities while centering the recognition, respect, and protection of their tenure rights and their roles as stewards and decision-makers over their territories. Non-state actors, including investors and donors, who wish to adopt the Standard to guide their work can fill out the Land Rights Standard's **Endorsement and Adoption Pledge** and adopt voluntary commitments to rightsholders to advance their priorities across landscapes. Containing 10 Principles, the Standard focuses on the recognition, protection, and promotion of the land, territorial, and resource rights of Indigenous Peoples, Afro-descendant Peoples, and local communities. It emphasizes the recognition of customary rights; FPIC; equitable benefit-sharing and respect for cultural heritage and traditional knowledge—while ensuring gender justice and the meaningful inclusion of women, youth, and marginalized community members in decision-making and benefit-sharing processes.

**1 Acknowledge, respect, and protect rights**  
through an awareness of, obligation to, and investment in rightsholder priorities that integrates human rights, decision-making, and ties to the land.

**6 Advance full partnership and agreements**  
with rightsholders, including equitable sharing of benefits, respect for knowledge, fair compensation, and preservation of livelihoods.

**2 Promote legal recognition**  
of community-based rights to lands, territories, waters, coastal seas, resources, and the associated customary tenure systems, laws, and governance.

**7 Jointly establish grievance mechanisms**  
that are independent, accessible, and equitable, and result in effective remedies for actual and potential harms.

**3 Collaboratively plan, implement, and monitor**  
all landscape projects with rightsholders, accounting for locally defined approaches and mitigating barriers to their participation.

**8 Advance women's equal rights to land,**  
regardless of their tenure rights under formal law, ensure equal participation in governance, and maintain zero tolerance for violence.

**4 Respect heritage and traditional knowledge,**  
recognizing that cultural heritage is defined by its owners, and collaboratively developing policies and agreements that address ownership and access.

**9 Ensure access to justice**  
for environmental defenders and their families, including internal policies that prevent criminalization or violence and ensure effective remedies.

**5 Respect free, prior and informed consent**  
in decisions that impact rightsholders' lands and waters, knowing that consent is dynamic and can be changed or revoked as new information arises.

**10 Promote adoption of the Land Rights Standard**  
among non-state actors, considering it to be binding, and encouraging transparent implementation.



The European Union (EU) has also advanced legislation that has potential to impact Indigenous Peoples, Afro-descendant Peoples, and local communities around the world. As part of its Green Deal implementation, the EU adopted two key laws that could impact communities: the **EU Regulation on Deforestation-free Products (EUDR)** in 2023 and the **EU Directive on Corporate Sustainability Due Diligence (CSDDD)** in 2024. Both norms require corporations comply with due diligence and prevention obligations to avoid human rights impacts, including impacts to the rights of Indigenous Peoples and other customary tenure rightsholders, to place products or operate within the European marketplace. However, the timeline for entry into force of the EUDR was delayed and, following significant debate before its adoption, the language of the CSDDD was watered down through the removal of language related to the rights of communities and the women within these communities.<sup>48</sup> These changes and delays to implementation were adopted despite significant community and civil society support for stronger language and implementation.<sup>49</sup> Worryingly, these instruments continue to be at risk of further watering down and even complete derogation due to unstable political shifts and many European governments' current focus on economic priorities over human rights.<sup>50</sup>

### 2.1.5 Regional standards

In Africa and Latin America, regional human rights systems offer increasingly protective pathways by which Indigenous Peoples and local communities can assert their tenure rights and establish binding obligations on states regarding collective land ownership, cultural rights, and environmental justice for communities.

In 2017, the **African Court on Human and Peoples' Rights (AfCHPR)** issued its second landmark case on land rights in the *African Commission on Human and Peoples' Rights v. Republic of Kenya (Ogiek)* case. This was the Court's first decision recognizing the rights of Indigenous Peoples, recognizing the Ogiek as an Indigenous Community in Kenya and custodians of the Mau Forest Complex. The Court determined that Kenya had violated several rights of the Indigenous Ogiek people by evicting them from their land and that reparations are owed as a result.<sup>51</sup>

The **Inter-American Human Rights System** also continues to be an avenue for the advancement of rights, issuing two key advisory opinions in 2017 and 2025. In 2017, the Inter-American Court on Human Rights (IACtHR) issued its Advisory Opinion OC-23/17 on human rights and international environmental law.<sup>52</sup> In this opinion, the Court affirmed the right to a healthy environment, the link between environmental protection and a stable climate, and the fulfillment of other human rights. The Court acknowledged the specific rights of Indigenous and tribal Peoples in the context of these issues. On July 3, 2025, the IACtHR issued another historic advisory opinion on the climate emergency and human rights, in which it held that the climate crisis has escalated into a "climate emergency" and that states have binding obligations under human rights law to confront it. These obligations include adopting climate mitigation and adaptation measures that are differentiated and reasonable to ensure that Indigenous Peoples and rural communities can exercise their rights in the context of the climate emergency.<sup>53</sup> Specifically, in cases concerning the territorial rights of Indigenous and tribal Peoples, the Court affirmed the relationship between a healthy environment and these peoples' right to collective ownership of their territories, including the protection of, and access to, the resources found in their territories. The Court called on states' obligations to take positive measures to ensure that the members of these peoples have access to a dignified life—which includes the protection of their close relationship with the land—and to their life project, in both its individual and collective dimension.<sup>54</sup> Individual communities have also succeeded at seeking justice in the Inter-American forum.

In 2023 alone, the Court issued two key decisions in favor of the rights of Indigenous Peoples, specifically the Indigenous community Maya Q'eqchi' Agua Caliente in Guatemala and the Garifuna of San Juan community in Honduras. In both instances, the Court found violations to the right to collective property and territory and determined that the state had failed to meet its obligations in this regard.<sup>55</sup>

Adopted in 2018, the **Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (“Escazú Agreement”)** subsequently entered into force in April 2021. The regionally binding agreement, the first in the world to specifically protect human rights defenders, calls for guaranteeing access to environmental information, public participation in environmental decision-making, and access to justice in environmental matters. The agreement calls on states to “recognize, protect and promote all the rights of human rights defenders in environmental matters” and to “prevent, investigate and punish attacks, threats or intimidations that human rights defenders in environmental matters may suffer,” including through the creation of a safe enabling environment for the promotion of human rights.<sup>56</sup> As of 2025, 10 of the 11 Latin American countries considered within this analysis have signed the Escazú Agreement, and 7 have since ratified it.<sup>57</sup>

Unfortunately, there is no regional mechanism for the advancement of the rights of Indigenous Peoples and local communities in Asia. Though the Association of Southeast Asian Nations (ASEAN) adopted a Human Rights Declaration in 2012, the instrument is of general application and does not address communities' rights.<sup>58</sup>

## **2.2 Emerging opportunities for the recognition of the rights of Indigenous Peoples, Afro-descendant Peoples, and local communities**

Alongside the above developments in international and regional human rights frameworks, several ongoing processes merit discussion as they provide emerging opportunities to recognize the rights of Indigenous Peoples, Afro-descendant Peoples, and local communities across Africa, Asia, and Latin America. These initiatives, while not yet adopted or legally binding, represent crucial processes toward further recognition of communities' rights in the context of climate change and communities' distinct and differentiated rights.

In May 2025, a coalition of African civil society organizations submitted a request to the AfCHPR in Tanzania for an advisory opinion on the human rights obligations of African states in the context of climate change, particularly with regards to states' obligations under the Maputo Protocol, the Kampala Convention, and the African Charter on the Rights and Welfare of the Child.<sup>59</sup> Each of these opinions has the capacity to shape states' obligations with regards to adverse climate impacts that disproportionately harm Indigenous Peoples, Afro-descendant Peoples, and local communities.

The collective rights of Afro-descendant Peoples are also making notable strides within international law and policy frameworks. Following sustained advocacy by Afro-descendant Peoples, the UN Permanent Forum of People of African Descent was established in 2021<sup>60</sup> as part of the International Decade for People of African Descent (2014–2024).<sup>61</sup> The same year, the UNGA adopted a resolution inviting the Forum to contribute to the elaboration of a draft UN declaration on the promotion, protection, and full respect of the human rights of people of African descent.<sup>62</sup> In 2022, the Forum presented its preliminary submission on a draft declaration that contained key protections for the individual and collective rights of Afro-descendant Peoples, including: i) the recognition of the collective rights of Afro-descendant Peoples;<sup>63</sup>



ii) the right of Afro-descendant Peoples to recognition, cultural identity, and self-determination in their traditional territories;<sup>64</sup> and iii) Afro-descendant Peoples' right to prior consultation with respect to decisions which may affect their rights.<sup>65</sup> In August 2024, Member States of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action reviewed progress on and proposed elements for a future declaration on the rights of people of African descent.<sup>66</sup> While the Working Group's proposed draft demonstrates improved recognition of Afro-descendant women's and girls' rights to non-discrimination and to political participation, it falls short in addressing the collective tenure rights of Afro-descendant Peoples, including women. The recognition of collective rights faced obstacles during the discussion and was ultimately excluded from the Working Group's proposal.<sup>67</sup> Of particular concern, several Member States or representative organizations, including Argentina, South Africa, Nigeria, the United States, the United Kingdom, and the EU, opposed the inclusion of "peoples" and the introduction of collective rights for different reasons.



Tsum Nubri within the Shyagya Zone, Nepal. In 2023, the Indigenous Tsum Nubri community won legal recognition for its traditional institutions when the government passed the Shyagya Act. Photo by Center for Indigenous Peoples' Research and Development.



# Chapter 3

## Methodology



Women gather to prepare food outside of Tebat Pulau, Sumatra, Indonesia. Photo by Jacob Maentz for Rights and Resources Initiative, 2022.

### 3.1 Scope of analysis

Figure 1 | Map of 35 Countries Assessed





This report provides a critical assessment of the status of the forest tenure rights of Indigenous Peoples, Afro-descendant Peoples, and local communities. The report examines the extent to which Indigenous Peoples', Afro-descendant Peoples', and local communities' collective forest tenure rights are recognized under national-level legal frameworks as of December 2024.

The analysis assesses 35 countries across Africa, Asia, and Latin America. Together, these countries cover 80 percent of total forest area in Africa, Asia, and Latin America, and 42 percent of global forest area.<sup>68</sup> Five countries are featured in the dataset for the first time: Ecuador, Ghana, Lao PDR, Madagascar, and Nicaragua.<sup>69</sup> These five new countries were selected for their geographical diversity, significant legal reforms relating to land and forest rights, availability of underlying data within RRI's Tenure Tracking database, and the presence of the RRI coalition and other grassroots partnerships.

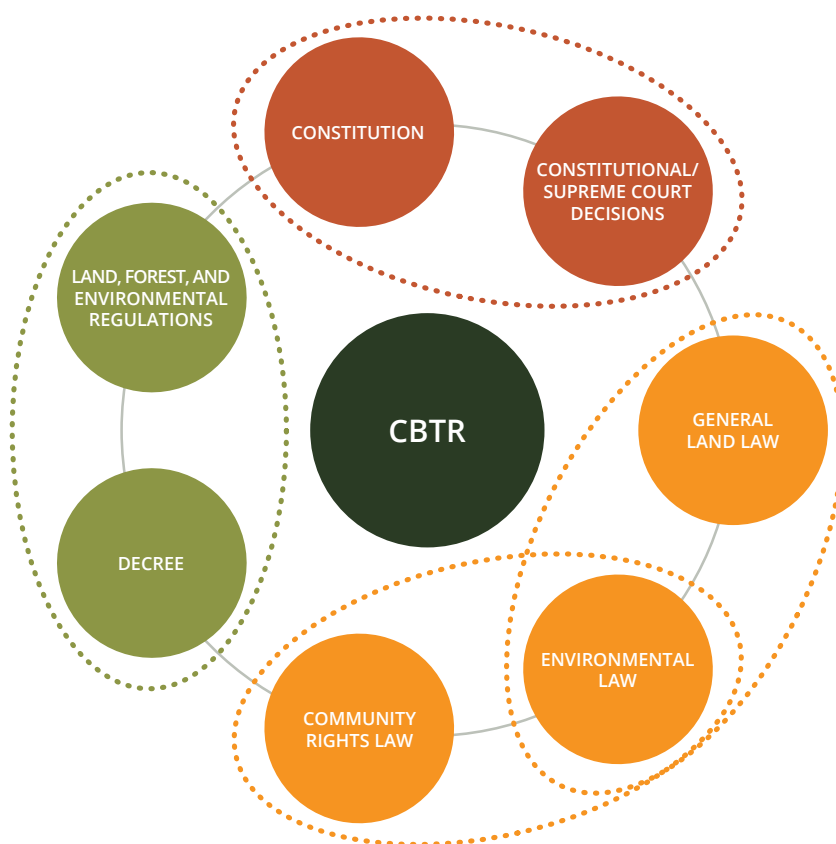
## 3.2 Unit of analysis

RRI's Tenure Tracking methodologies are united by their reliance on a common unit of analysis—the community-based tenure regime (CBTR)—that allows identification and comparative analysis of the distinct legal frameworks by which Indigenous Peoples', Afro-descendant Peoples', and local communities' tenure rights are recognized under national law. These distinguishable set of laws and regulations govern all situations by which rights to land and natural resources are held at the community level. As of December 31, 2024, this analysis identifies 104 CBTRs regulating community-based forest tenure across the 35 countries studied.

**Figure 2 | How RRI Identifies CBTRs**

1. Identify laws (**constitution**, **national laws**, and **subsidiary legislation**) that govern all situations by which rights to land and natural resources are held at a community level.
2. Group laws by applicability and terminology used to recognize community-based tenure and identify as a **CBTR**.

- Constitutional Level
- National Legislation
- Subsidiary Legislation



## 3.3

## Depth of Rights Methodology and Statutory Forest Tenure Typology

RRI's Depth of Rights Methodology employs a **bundle of rights** approach<sup>70</sup> to assess communities' collective forest rights of access, withdrawal, management, exclusion, due process and compensation, and alienation, as well as the duration of these rights. The criteria for assessing each indicator is explained in Table 2.

**Table 2 | Bundle of Rights Legal Indicators and Assessment Criteria**

	<b>Access</b>	Do communities and their members have the right to enter a forest area?
✓	The law guarantees the right.	
✗	The law does not guarantee the right.	
	<b>Withdrawal (NTFP)</b>	Does the law guarantee communities' rights to benefit from harvesting non-timber forest products (NTFPs) for commercial or subsistence purposes?
✓	The law guarantees commercial rights that are subject to the terms and limits of management plans and/or licenses and environmental and other legislation.	
—	The law only guarantees a subsistence withdrawal right.	
✗	The law does not guarantee the right.	
	<b>Withdrawal (Timber)</b>	Does the law guarantee communities' rights to benefit from harvesting timber for commercial or subsistence purposes?
✓	The law guarantees commercial withdrawal rights that are subject to the terms and limits of management plans and/or licenses and environmental and other legislation.	
—	The law only guarantees a subsistence withdrawal right.	
✗	The law does not guarantee the right.	
	<b>Management</b>	Do communities have the right to regulate and make decisions about the forest resources and territories over which they have recognized access and withdrawal rights?
✓	The law guarantees the right to manage within the limits of management plans and environmental and other legislation.	
—	The law guarantees a community the right to participate on a management board.	
✗	The law does not guarantee the right.	
	<b>Exclusion</b>	Can communities refuse outsiders (other individuals, groups, or entities) access to and use of a particular resource? NOTE: Subsurface rights fall outside the scope of this analysis.
✓	The law guarantees the right.	
✗	The law does not guarantee the right.	

■ Full Credit
 ■ Partial Credit
 ■ No Credit

 <b>Due Process</b>	<b>Does national law require communities to receive advanced notice and consultation when decisions or proposals could impact community rights? Does national law recognize the rights of communities to judicially or administratively challenge governmental decisions, proposals and actions that would extinguish or infringe upon community-based forest rights?</b>
✓	National law guarantees communities' right to prior notice and consultation regarding decisions or proposals that could impact community forest rights. In addition, national law guarantees communities' right to judicially and/or administratively appeal a government's decision, proposal or action to extinguish or infringe upon community-based forest rights.
—	National law guarantees community rights to judicially and/or administratively appeal governmental decisions, proposals and actions that would extinguish or infringe upon community-based forest rights, but does not guarantee community rights of prior notice and consultation regarding proposals or decisions that could impact community forest rights.
✗	National law does not guarantee communities a right to judicially and/or administratively appeal a government's decision, proposal or action to extinguish or infringe upon community-based forest rights. Community-based rights of prior notice and consultation regarding proposals or decisions that could impact community forest rights may or may not be recognized for communities.
 <b>Compensation</b>	<b>Does national law recognize that communities are entitled to compensation from the government for infringing upon or extinguishing their community forest rights?</b>
✓	National law recognizes communities' right to seek and receive compensation for the infringement or loss of community forest rights where the government or a private entity is responsible for such harm.
✗	National law does not guarantee communities compensation for the infringement or loss of their community forest rights.
 <b>Duration</b>	<b>Are communities' rights time bound?</b>
✓	The law guarantees communities' rights for an unlimited duration of time.
✗	The law places time limits or other limits on communities' rights that would render them temporary.
 <b>Alienation (Lease)</b>	<b>Can communities temporarily transfer their land rights to others?</b>
✓	The law guarantees the right.
✗	The law does not guarantee the right.
 <b>Alienation (Collateral)</b>	<b>Does national law guarantee FPIC rights for Indigenous Peoples, Afro-Descendant Peoples, or local communities—or their self-appointed representative institution—that are applicable to community forests?</b>
✓	The law guarantees the right.
✗	The law does not guarantee the right.
 <b>Alienation (Sale)</b>	<b>Does national law guarantee FPIC rights for Indigenous Peoples, Afro-Descendant Peoples, or local communities—or their self-appointed representative institution—that are applicable to community forests?</b>
✓	The law guarantees the right.
✗	The law does not guarantee the right.

■ Full Credit
 ■ Partial Credit
 ■ No Credit

### 3.3.1 Bundle of rights

Based on assessment of the bundle of rights comprising each CBTR, RRI subsequently classifies the strength of such legal frameworks as “owned by Indigenous Peoples, Afro-descendant Peoples, and local communities;” “designated for Indigenous Peoples, Afro-descendant Peoples, and local communities;” or “government administered” according to its Statutory Forest Tenure Typology. Figure 3 shows the range of rights recognized by CBTRs that fall within each of these classifications.

**Figure 3 | The Bundle of Rights by Tenure Category under RRI’s Statutory Typology**



This analysis does not endorse the notion that recognizing the entire bundle of rights is always the optimal outcome for all CBTRs, especially in the case of the right to alienate. For instance, in certain cases, the restriction on alienation (including the right to sell, lease, or mortgage community lands or forests) can serve to protect the interests of Indigenous Peoples, Afro-descendant Peoples, and local communities as alienation of customary lands has often led to harmful consequences for the communities whose identity, culture, and livelihoods are deeply connected to it. In some cases, legally characterizing collective rights as inalienable and non-transferable may provide a higher level of protection for communities from threats against their territories such as land grabbing. For this reason, RRI’s Forest Tenure Typology does not consider communities’ rights to alienate their collective lands as essential for classifying a CBTR as owned by communities.



Sara Omi poses for a photo while planting seedlings in the Indigenous Ipeti Embera community in Panama. Photo by Asha Stuart for Rights and Resources Initiative, 2025.




3.4

Contextual indicators

3.4.1 Free, prior and informed consent


Alongside the 2024 update of the Depth of Rights, RRI introduced a contextual indicator on FPIC to provide further nuance regarding communities’ collective rights to self-determination. The right to FPIC ensures that community rightsholders have the authority to give or withhold collective consent to plans, initiatives, or projects affecting their lands, resources, or rights. It requires that communities’ consent be given freely and without coercion in a timely manner before decisions occur, and based on clear, context-specific, accessible, and comprehensive information.<sup>71</sup> Because FPIC rights are fundamental for communities’ ability to govern their own lands and resources, this report provides an analysis of the recognition of FPIC under national laws in comparison to communities’ rights to management, exclusion, and due process and compensation.

In evaluating this indicator, RRI’s intention is not to evaluate the status of recognized FPIC rights for Indigenous Peoples, Afro-descendant Peoples, and local communities under international human rights law, but rather to examine the national-level legal recognition of FPIC rights within each CBTR. RRI’s analysis demonstrates that national laws recognize FPIC rights using a wide array of terms and without regard for communities’ self-identification. To capture the diversity of rightsholders and acknowledge that Indigenous Peoples, Afro-descendant Peoples, and local communities have distinct rights, the FPIC indicator assesses whether FPIC is recognized for all communities whose tenure rights are recognized through the CBTR, or if FPIC is recognized on a case-by-case basis according to the different types of communities whose rights are recognized through the CBTR.<sup>72</sup>

	<b>Free, Prior and Informed Consent (FPIC)</b>	Does national law guarantee FPIC rights for Indigenous Peoples, Afro-descendant Peoples, or local communities—or their self-appointed representative institution—that are applicable to community forests?
✓	National law guarantees FPIC rights for all communities or their self-appointed representative institution regulated under the CBTR.	
C/C	FPIC rights are guaranteed but differ by community under the CBTR.	
✗	National law does not guarantee FPIC rights for Indigenous Peoples, Afro-descendant Peoples, or local communities—or their self-appointed representative institutions.	

3.4.2 Cultural and/or religious use

This report also introduces a new contextual indicator designed to assess the extent to which communities are explicitly permitted to use resources or areas for cultural and/or religious purposes under national law. In doing so, the indicator offers valuable insights into the ways in which national laws protect or fail to protect the intrinsic cultural and religious dimensions of forests that are essential for many communities. Cultural/religious use or access rights may also be indicated by reference to “traditional,” “customary,” “spiritual,” “sacred,” or other similar terms in national legislation.

	<b>Cultural/Religious Use</b>	Does national law recognize community-based rights to use any resources (timber, non-timber, water, and/or other) or areas for cultural and/or religious purposes?
✓	The laws comprising the CBTR guarantee the right to use at least some resources or areas for cultural/religious purposes.	
✗	The laws comprising the CBTR do not guarantee the right.	



### 3.5 Caveats

In keeping with RRI's past Tenure Tracking analyses, the following caveats should be noted:

- Analysis is limited to the formal content of written, government-issued national laws and regulations and, where applicable, decisions of the highest national court. Sub-national legal instruments are not analyzed. While the report may reference community practices in context-specific cases, it does not systematically track or aggregate data on the realization of Indigenous Peoples', Afro-descendant Peoples', and local communities' tenure rights in practice, nor does it evaluate the extent to which customary laws guarantee such rights.
- This report's focus on government-issued laws does not imply or endorse the notion that community-based rights emanate from the state or that the state possesses a legitimate authority to deny or revoke the customary, Indigenous, or community-based rights of Indigenous Peoples, Afro-descendant Peoples, local communities, or the individual members of these same communities.
- References to "Indigenous Peoples, Afro-descendant Peoples, and local communities" and/ or "communities" are not meant to equate or conflate these distinct rights-holding populations or to ignore the differentiated rights that specific communities may hold under national or international law.<sup>73</sup> Rather, this terminology is used by RRI to encompass the immense diversity of Peoples and populations that exercise their own forms of community-based tenure around the globe, and that self-identify in a myriad of ways that also may or may not correspond to the manner in which their rights are recognized or acknowledged by national governments. National governments may recognize any number of CBTRs, and CBTRs may or may not recognize community-based tenure rights based on a particular identity. While Indigenous Peoples, Afro-descendant Peoples, and local communities (or Indigenous, Afro-descendant, and local community women) are thus generally referenced together in overarching discussions of the methodology or global and regional findings, country or CBTR-level discussions employ context-specific terminology.
- The focus of this report on Indigenous Peoples, Afro-descendant Peoples, and local communities (through the CBTR as a unit of analysis) should be understood as inclusive of the individual and collective rights of youth. While this report and its underlying data do not entail an isolated analysis of the challenges and obstacles faced by community youth that may differ from those of their broader community, the rights of youth in these communities are considered within certain aspects of RRI's Depth of Rights and complementary Gender Methodologies. The CBTR-specific Inheritance indicator under RRI's Gender Methodology and the Duration indicator under RRI's Depth of Rights Methodology, for instance, have been analyzed jointly in Section 4.8 to provide insights into the protection of future generations by the legal regimes assessed.
- While the primary focus of this report, as well as the underlying data collected, is on forests and forest tenure rights, some of the CBTRs identified by RRI may also pertain to collective land tenure more broadly. **This overlap reflects the integrated nature of land and forest governance in many contexts. Users of this report should be aware that certain findings may extend beyond forested areas to include other types of land but should not assume they do.**



## Chapter 4

# Findings and Implications



Local woman cuts green overgrowth off a bush at the Shree Bindeshwari Community Forest, Nepal. Asha Stuart for Rights and Resources Initiative. March 2025.

This chapter analyzes national laws and legally binding regulations on community-based forest tenure in 35 countries as of December 2024. Of these countries, 13 are in Africa, 11 are in Asia, and 11 are in Latin America. In total, 104 legal frameworks for community-based forest tenure, or community-based tenure regimes (CBTRs), were captured across the 35 countries as detailed in Annex 3. Of these 104 CBTRs, 44 are in Africa, 27 are in Asia, and 33 are in Latin America.

The data collection process and methodology for this analysis are presented in [Annex 2](#). The list of legislation consulted is presented in [Annex 4](#).

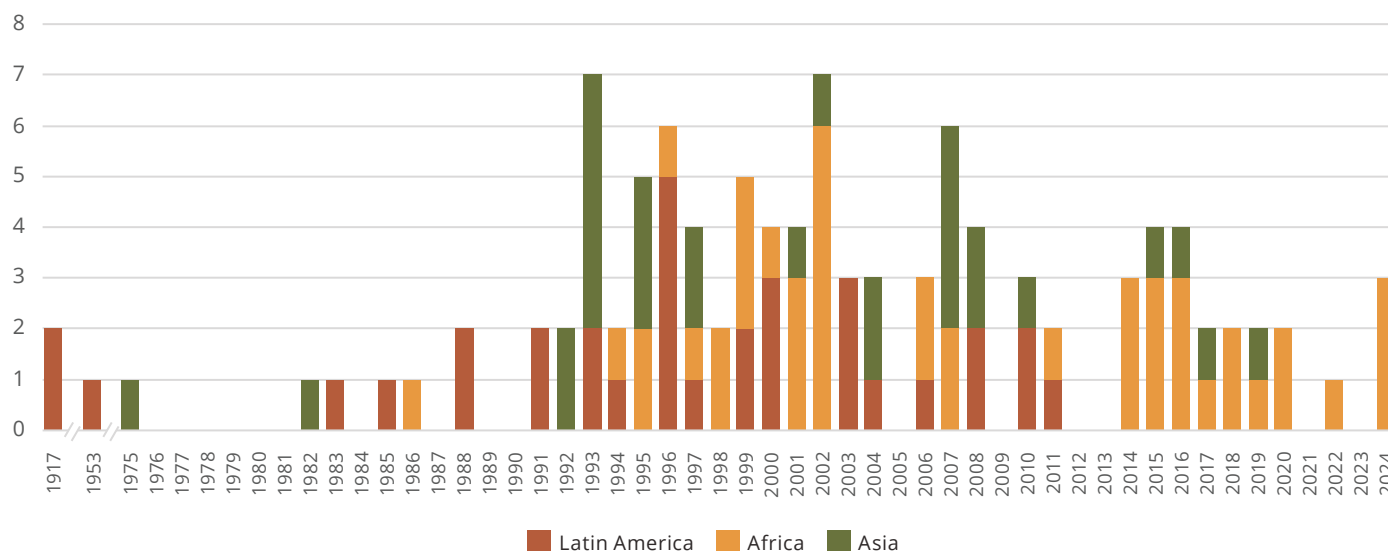


A woman's solidarity leadership initiative on Boma in Tanzania. Photo by the Pastoralist Women's Council.

## 4.1

## Progress on the rights of Indigenous Peoples, Afro-descendant Peoples, and local communities since the adoption of the SDGs

**Figure 4 | Establishment of CBTRs Over Time in 35 Countries, By Region**



Note: "Year established" refers to the year in which the CBTR was first recognized under national law. Since that time, the laws underpinning CBTRs may have been further amended, and 4 CBTRs have been repealed. Allodial Interest was formalized in Ghana in 2020, but is not included in this figure as its original recognition under common law predates the establishment of Ghana as a state in 1957.

Since the adoption of the SDGs in 2015, there have been several developments—both progressive and regressive—regarding the forest tenure rights of communities as recognized under national legislation across the 35 countries analyzed.

**Overall, there has been an increase in the number of legal frameworks** that recognize the rights of Indigenous Peoples and local communities. **As of 2024, 104 CBTRs are recognized under national laws within the 35 countries analyzed, an increase from 97 CBTRs recognized as of 2016.** A total of 11 new legal frameworks recognizing some form of community-based forest tenure were established in 7 of the 35 countries between 2016 and 2024. Of the 11 new CBTRs, 5 recognize community ownership rights, 4 afford communities with designation rights, and 2 recognize a weak set of rights such that forests are merely considered "government administered."

The greatest number of new CBTRs were recognized in Africa, where 9 new CBTRs were recognized across 5 countries—including the groundbreaking recognition of Customary Lands in Liberia in 2017 and the tenure rights of the Pygmy Indigenous Peoples in the Democratic Republic of the Congo (DRC) in 2022, among others. The remaining 2 new CBTRs were recognized in Asia: Hak Ulayat in Indonesia and Community Forests in Thailand.

No new CBTRs were established in Latin America during the time period. This likely reflects that, among the three regions analyzed, Latin American has the longest history of legal recognition for community-based forest tenure. For example, Ejidos and Comunidades were first recognized by Mexico's 1917 Constitution, and the first Comarca in Panama was legally established in 1953. The majority of CBTRs in the 11 Latin American countries analyzed were established during a wave of democratization reforms in the 1980s and 1990s.<sup>74</sup> By comparison, with a few exceptions, Africa only began to more widely adopt laws recognizing customary and community-based forest tenure in the late 1990s.



**Table 3 | New Community-Based Tenure Regimes, 2016-2024**

Country	Regime	Year	Tenure Category
Cameroon	Territoires Communautaires de Chasse dans les Forêts non Permanenters et les Forêts (Community Hunting Areas within Non-Permanent Forests)	2024	2
	Aires Protegee Communautaires dans les Forêts Permanentes (Community Protected Areas within Permanent Forests)	2024	2
	Droits d'Usage de Populations Riveraines (Local Population Use Rights)	2024	1
Congo, Republic of the	Terres coutumières (Customary Lands)	2018	3
	Droit d'usage des communautés locales ou des populations (Right of Use of Communities and Indigenous Populations)	2020	1
Democratic Republic of the	Droits des peuples autochtones pygmées (Rights of Indigenous Pygmee Peoples)	2022	3
Indonesia	Hak Ulayat (Customary Land Rights)	2019 (2024)	2
Liberia	Customary Lands outside of Authorized Community Forests	2019	3
Mali	Terres Agricoles des Communautés Rurales (Enregistree et non Enregistree) ((Registered and Unregistered) Rural Community Agricultural Lands)	2017 (2020)	3
	Zone Cynétique Villageoises dans des Forêts Protegees (Village Hunting Areas within Protected Forests)	2018	2
Thailand	Community Forests (allocated on the basis of Constitutional Rights)	2017 (2019)	3

■ Africa
 ■ Asia
 ■ Latin America

**A further 48 CBTRs underwent reforms that had the potential to impact community-based forest tenure within the same period.** The extent of reformed tenure regimes is highest in Africa, where 21 CBTRs were subject to reforms, followed by Asia (17 CBTRs reformed), and Latin America (10 CBTRs reformed). However, not all legal reforms broadly pertinent to community-based forest tenure resulted in changes to the assessment of the legal indicators captured by this analysis.

**Legal reforms resulted in more instances of improvement, with 23 discrete instances of positive change, than rollbacks. However, there were also 15 rollbacks in indicator assessments during the 2016-2024 period.** As shown in [Figure 5](#), the right to Due Process and Compensation was the most frequently impacted by reforms, both positive and negative—5 CBTRs each. Exclusion is the indicator with the second highest number of negative changes (4), followed by Withdrawal of timber (2) and Management (2), and Withdrawal of NTFPs (1) and Duration (1). Meanwhile reforms led to improvements in Management and Withdrawal of both timber and NTFPs in 4 CBTRs each. Three CBTRs each improved in their recognition of exclusion rights and recognition of rights for an unlimited duration.

Concerningly, in six CBTRs, advancements in the recognition of one legal indicator occurred as recognition of another legal indicator was decreased or eliminated.<sup>75</sup> **Together, these findings indicate that while reforms have resulted in progress, they have been inconsistent in their approaches to protecting community-based forest tenure. The success of domestic legal frameworks has been mixed despite expanded protections under international law.** The rights of Indigenous Peoples, Afro-descendent Peoples, and local communities, particularly due to their collective nature, are interdependent and indivisible. As such, recognition of one right should not come at the cost of another right. States that fail to reflect this in their legal reforms are clearly failing at implementing a rights-based approach to their regulation of tenure.

**Figure 5 | Discrete Improvements and Rollbacks to Indicator Assessments Between 2016-2024**



Legal reforms in Africa have resulted in the most changes to indicators, with 13 of the 23 instances of progress and 11 of the 15 rollbacks occurring in the region across 7 CBTRs and 6 countries. In Asia, we find 8 of the 23 instances of progress, and 4 of 15 rollbacks across 7 CBTRs and 4 countries. Latin America had the fewest reforms directly impacting the bundle of rights indicators, with only two instances of progress occurring across 2 CBTRs and 2 countries.

Notably, the number of reforms across regions does not reflect the quality of such reforms in protecting the human rights of communities. In Cameroon, the adoption of new forestry legislation resulted in both progress and rollbacks within the same CBTR. While Law No. 2024/008 regulating forestry and wildlife adopted in 2024 resulted in new protections for communities’ withdrawal and management rights within Community Managed Hunting Zones, the same law is silent on exclusion rights that had previously been recognized under the corresponding decree of 1995, now repealed. The new law also remains silent on compensation for infringement on rights despite the opportunity for reform and the vast international human rights law supporting the recognition of this right.

In contrast, one reform in Nepal resulted in increased protection for communities' rights to due process and compensation across 3 CBTRs. Under the new Forest Act of 2019 and the new Forest Regulations of 2022, communities within 3 CBTRs (Community Forests, Community Leasehold Forests Granted to Communities, and Religious Forests Transferred to a Community) now enjoy recognition of their rights to receive full information and notice regarding the cancellation of a community's registration, to have a reasonable opportunity to represent themselves prior to a final decision, to appeal such a decision, and to receive compensation if the government approves any use of the forests that causes loss or damage to any person or community.<sup>76</sup>

In Latin America, however, the lack of reform does reflect a lack of legislative movement towards increased protection for communities' rights. The only two reforms, while both positive in nature, are not the product of changes through legislative acts. In Brazil, communities' rights within National Forests (*FLONA*) are now perpetual in duration due to an executive decree issued by the presidency.<sup>77</sup> In Panama, a court decision of 2020 affirmed that communities in Indigenous Territories have the same property rights guaranteed by Article 21 of American Convention on Human Rights, which includes exclusion rights.<sup>78</sup>



People walk through a forest in Papua, Indonesia. Photo by Daiana Gonzalez for Rights and Resources Initiative, 2025.

**Reforms to laws have marginally improved the protection of communities' rights**, as only 3 CBTRs recognize a broader bundle of rights since 2016. Management rights are now affirmed for communities with a Management Contract with Local National Parks Administration in Gabon under a 2017 ordinance that clarified the status of rights within these areas.<sup>79</sup> In Senegal, the adoption of a new Forestry Code in 2018 came with the recognition of communities' withdrawal, management, and exclusion rights,<sup>80</sup> and the adoption of a 2022 decree recognized the unlimited duration of their rights within Forests Managed by Local Collectives.<sup>81</sup> These CBTRs allowed for the reclassification of forests previously considered "government administered" to forests "designated for" communities as of 2024. One CBTR previously classified as "designated for" communities (Community Forests in Nepal) is now classified as "owned by" communities under RRI's statutory typology, as a result of the 2019 Forest Act and the 2022 Forest Regulations that, read in conjunction, now recognize communities' rights to due process and compensation.<sup>82</sup>

Despite the establishment of new CBTRs and reforms to existing ones, the **proportional protection of rights only improved for the**

**Duration indicator in the 2016-2024 period**, where 4 percent more regimes recognize the unlimited duration of rights. Management grew nominally (1 percent); whereas Exclusion, Withdrawal (timber), and Due Process and Compensation saw no change.

However, regional findings tell a different story. While the recognition of some tenure rights improved across all three regions, progress was uneven and varied by indicator and location. Asia saw some gains in due process and compensation rights (15 percent increase), while Africa advanced in management rights (5 percent increase) and Latin America in exclusion and duration rights (3 percent increase respectively). Each region also experienced stagnation or setbacks in other areas, including withdrawal, exclusion, and due process and compensation rights.

4.2

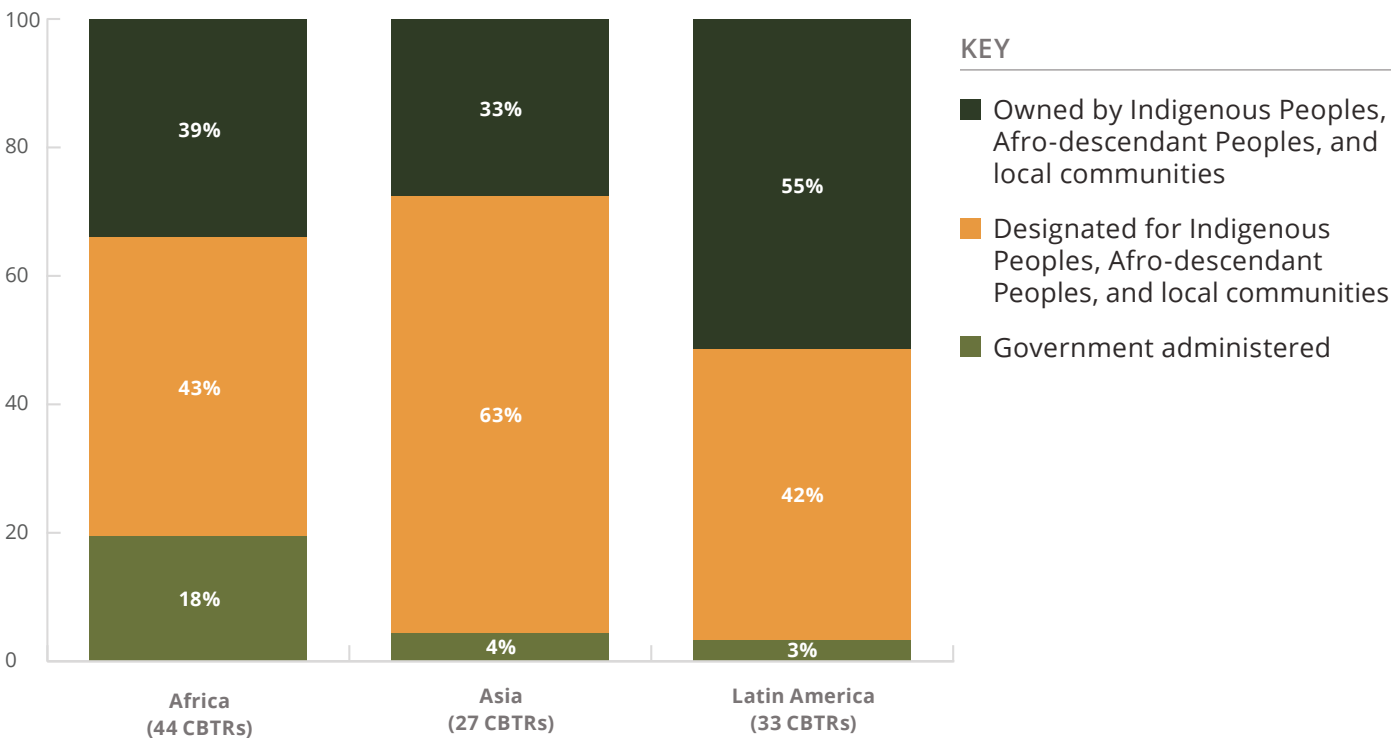
Legal recognition of the tenure rights of Indigenous Peoples, Afro-descendant Peoples, and local communities

Bundle of Rights and Legislative Pathways

As outlined in Chapter 3, RRI classifies CBTRs into three categories according to the strength of the bundle of rights recognized by the national laws comprising each tenure regime.

Of the 104 CBTRs identified as of 2024, 44 CBTRs legally recognize the full bundle of rights constituting community forest ownership, 50 CBTRs recognize only a subset of these rights and are considered to be designated for communities, and 10 CBTRs provide such limited recognition of tenure rights that they are considered “government administered.

Figure 6 | CBTRs by Region and Tenure Category, Across 104 CBTRs in 35 Countries as of 2024





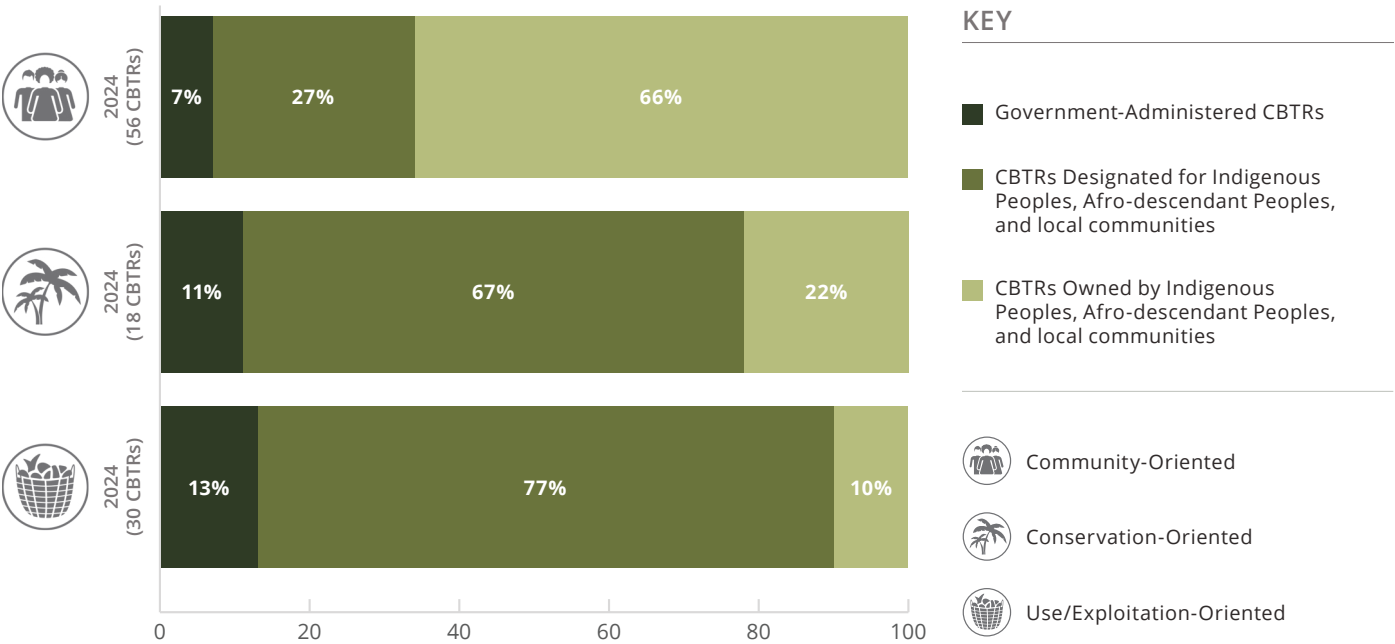
Latin America shows the highest recognition of communities’ ownership rights as of 2024, with 18 of 33 CBTRs in the region (55 percent) recognizing rights constituting community ownership. In comparison, 17 of 44 CBTRs in Africa (39 percent) and 9 of 27 CBTRs in Asia (33 percent) recognized communities’ ownership rights. This is unsurprising, given that 9 of the 10 Latin American countries in this study have ratified ILO Convention No. 169 and thereby have binding obligations to implement the rights of Indigenous Peoples, Afro-descendant Peoples, and local communities.

On the other hand, most government-administered CBTRs, which provide the weakest protections for community-based forest tenure rights, are found in Africa. Of the 44 CBTRs in Africa, 8 (18 percent) are considered “government administered” under RRI’s methodology, whereas only 1 CBTR remains “government administered” in Asia and Latin America respectively.

The 104 CBTRs identified can also be analyzed according to the primary policy objectives that motivate their establishment as per RRI’s Legislative Pathways (Annex 2). As of 2024, 56 CBTRs primarily aim to recognize customary or community-based rights (“community-oriented”), 30 CBTRs primarily aim to regulate the extraction or use of land and natural resources (“use/exploitation-oriented”), and 18 CBTRs primarily aim to conserve land and natural resources through models that include recognition of community forest rights (“conservation-oriented”).

Consistent with past RRI analyses, **community-oriented CBTRs continue to provide the most robust legal protection of each of the rights assessed** under the Depth of Rights Methodology, followed by use/exploitation-oriented CBTRs and conservation-oriented CBTRs.<sup>83</sup> Of the 56 community-oriented CBTRs, 66 percent (37 CBTRs) are classified as “owned by” Indigenous Peoples, Afro-descendant Peoples, and local communities under RRI’s statutory typology. Conversely, only 22 percent of the 18 conservation-oriented CBTRs (4 CBTRs) and 10 percent of the 30 use/exploitation-oriented CBTRs (3 CBTRs) are considered legally “owned by” communities.

Figure 7 | Distribution of CBTRs by Tenure Category Across Three Legislative Pathways in 2024



Both use/exploitation-oriented and conservation-oriented CBTRs recognize at least some level of management rights of communities at similar rates (87 and 89 percent, respectively), but **community members accessing tenure rights through conservation-oriented CBTRs are more often required to co-manage their forests through participation in management bodies that also include non-community stakeholders.** Whereas 20 percent of use/exploitation-oriented CBTRs only recognize community participation in co-management of forest lands and resources, 33 percent of conservation-oriented CBTRs restrict communities to co-management.

**CBTRs designed to facilitate the extraction of forest resources are most frequently subjected to time limitations,** owing to the contractual basis on which such regimes are typically established. In some ways, though, the requirement to develop specific agreements may strengthen communities' position to exclude third parties from their forests. Fifty-seven percent of use/exploitation-oriented CBTRs have a recognized right to exclude third parties from their forests, while just one-third of conservation-oriented CBTRs allow communities to do so.

### **Obstacles to ownership: Strengthening Communities' Designation Rights**

The majority of the 50 CBTRs classified as designated for Indigenous Peoples, Afro-descendant Peoples, and local communities (33 CBTRs, or 66 percent) are only missing the recognition of one additional right under RRI's indicators to be classified as legal frameworks providing for ownership. Ten CBTRs (20 percent) are missing recognition of two rights, and 7 CBTRs (14 percent) are missing recognition of three rights for a complete bundle of rights.

Among the 33 CBTRs missing just one of the rights constituting ownership, 17 CBTRs are not considered "owned by" communities because the duration of rights is limited. In most cases (12 of 17 CBTRs, 11 of which are found in Asia and Latin America), this is because the legislation underpinning the CBTRs is aimed towards establishing pathways for the exploitation/use of forest resources through time-bound contracts. Eleven of the 33 CBTRs (5 of which are in Africa) are missing only exclusion rights, 4 of the 33 CBTRs are missing due process and compensation rights, and 1 of the 33 CBTRs is missing the right to manage their forests. **While these findings demonstrate that reform efforts targeting specific rights lacking under existing legislation could result in an expansion in the number of CBTRs recognizing communities' forest ownership, they also suggest that the legal establishment of new CBTRs that are designed with rightsholders for the explicit purpose of recognizing their community forest ownership may be more effective.**



Indigenous women farmers stand in rice fields, Vietnam. Photo by iStock.

## Box 2 | Implementation Gaps in Realizing Communities' Forest Tenure Rights

Most countries in this study have adopted national laws that recognize community forest ownership, with at least one CBTR recognizing the ownership rights of Indigenous Peoples, Afro-descendant Peoples, or local communities in 25 of the 35 countries analyzed. However, a critical gap remains between the legal recognition of community-based tenure rights and the implementation of these rights in practice. This study does not systematically assess the implementation of the laws examined or how community-based tenure rights are exercised in practice, both of which can vary significantly across contexts. Insights from rightsholders, researchers, and other stakeholders highlight the persistent gaps between what is recognized in statutory law and how tenure rights are realized on the ground.

Even where the law protects rights, the language used may create issues for implementation. For instance, in some CBTRs where exclusion rights are recognized, laws have established carveouts allowing states to curtail communities' rights for extraction, often in the name of "public interest." For example, in Agro-Extractivist Settlement Projects, Forest Settlement Projects, and Sustainable Development Projects in **Brazil**, communities can exclude others as a function of their co-management rights. However, there is a notable exception to this exclusion power, as the Instituto Nacional de Colonização e Reforma Agrária (INCRA) can still approve certain projects for mining and energy.<sup>84</sup> Similarly, in **India**, the Constitution determines that the president can at any time order that the whole or any specified part of a Scheduled Area—including those where Scheduled Tribes and Other Traditional Forest Dwellers have recognized forest rights—shall cease to be a Scheduled Area or a part of such an area. The law fails to include any mechanisms for judicial or administrative challenges to such decisions.<sup>85</sup>

Delays or even no progress towards the demarcation or titling of communities' lands means that even where communities' rights to ownership are fully recognized in law, they remain vulnerable to land grabbing, encroachment, and tenure insecurity, with few options to enforce their rights. In Venezuela, communities' ownership rights are recognized, but the government has continuously failed to title land for Indigenous Peoples and ethnic communities.<sup>86</sup> As of 2021, the Demarcation Commission had not shown any public or non-official information regarding its work for five years, and all processes of titling and demarcation of Indigenous territories stopped in 2016, with 85 percent of them being delayed for more than 16 years as of 2021. The 15 percent of titling processes that have been completed are not for collective ownership but for titling akin to an authorization for agrarian use.<sup>87</sup>

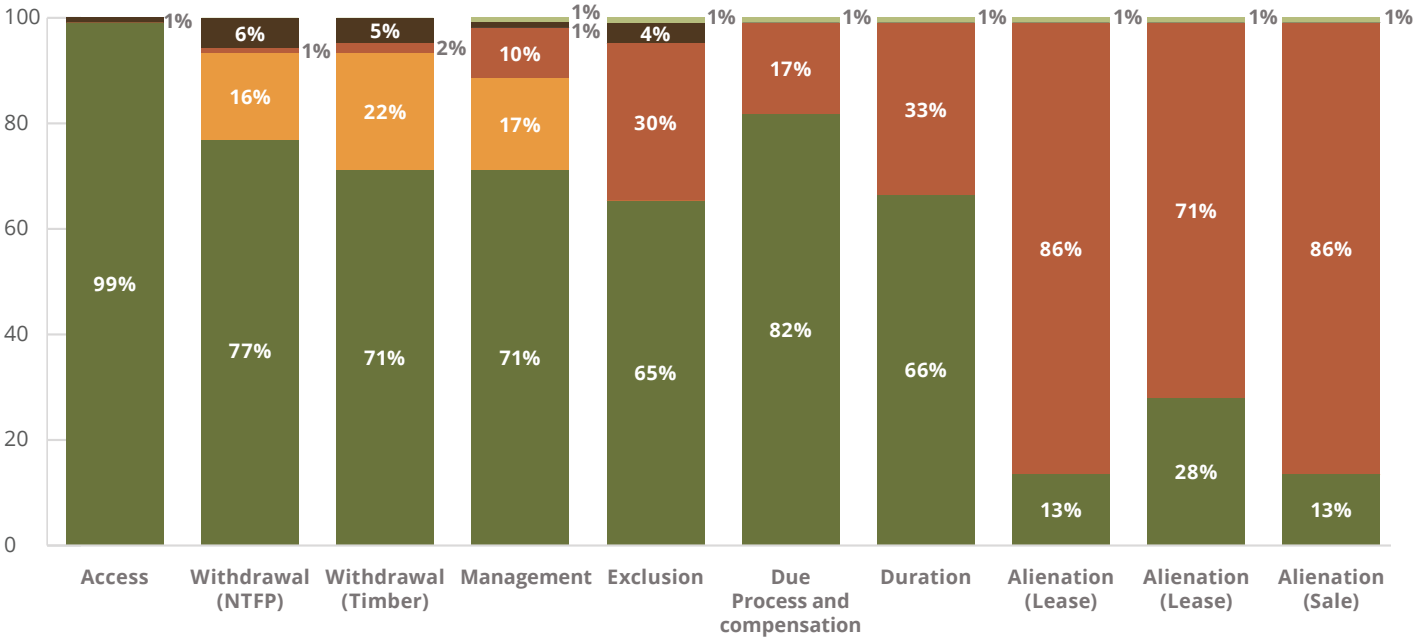
Ongoing civil wars and conflicts have a high impact on implementation and legal certainty, particularly for those most marginalized. In **Myanmar**, due to the current civil war and political crisis resulting from the military coup of 2021, it is difficult to assess the legal and implementation status of rights. Both laws and provisions of the constitution have been suspended by executive/military decrees issued by the Military Junta, making it difficult for communities to rely on legal certainty for their tenure security.<sup>88</sup>



Drone footage of the customary territory of the Afro-descendant Peoples, Colombia. Photo by Rafael Martins.

### 4.3 Exclusion and duration receive the least protection

Figure 8 | Recognition by Indicators as of 2024



Note: Due to rounding, data presented in all bars may not sum to 100%.

Full Credit Partial Credit No Credit Case by Case To Be Determined



**Among the legal indicators analyzed, the right of Indigenous Peoples, Afro-descendant Peoples, and local communities to exclude third parties from the forest areas to which they hold land and/or resource rights is the least frequently recognized, with national law protecting communities' exclusion rights in 68 of 104 CBTRs (65 percent) as of 2024.** The right to exclude third parties from unauthorized entrance to community territories or use of community resources is pivotal for communities' ability to realize tenure security as their lands, forests, and territories are often at risk of invasion and land-grabbing.<sup>90</sup> Communities are also at a constant risk of displacement, forced evictions from and violence within their traditional territories due to growing demands from industry and a growing movement from governments towards the economic productivity of their territories.<sup>91</sup> The recognition of communities' right to exclude third parties from their lands is thus essential for legally empowering them to exercise their self-determination and make decisions over their own priorities and territories.

This study does not endorse, however, the concept that communities' land use should necessarily be exclusive, as this concept is based on western doctrine of property law and does not recognize customary laws regarding competing or shared uses of land. Many communities have often relied on ancestral non-exclusive use and shared resource rights.<sup>92</sup> Shared use should not be seen as incompatible with communities' rights to exclude external actors, to make decisions over their own territories, and to be consulted—including through the implementation of FPIC rights as applicable.

**Recognition of the unlimited duration of community-based tenure rights closely follows exclusion, with just 69 of 104 CBTRs (66 percent) establishing collective rights in perpetuity.** Of the 35 CBTRs that limit the duration of communities' recognized forest tenure rights, the duration of rights may vary widely (for example, City Forest Management Agreements are issued for a 2-year period in Guyana while *Hutan Tanaman Rakyat* is established for up to 60 years in Indonesia). Such recognition may or may not be renewable or extendable. The durability of rights is widely considered to be a key component of both collective and individual tenure security, and thus the period of recognized rights can impact communities' exercise of those rights.<sup>93</sup>



An Indigenous Pygmy women collects water, DRC. Photo by EnviroNews RDC for Rights and Resources Initiative, 2024.

### Box 3 | Community Monitoring

Community monitoring refers to processes by which Indigenous Peoples, Afro-descendant Peoples, and local communities “assess and collect data on business operations that may affect their lands, territories, resources, rights, cultures, and livelihoods.” In turn, “communities utilize this data to inform and shape business practices, prevent/address negative human rights and environmental impacts, and hold companies and investors accountable to crucial laws and standards.”<sup>94</sup>

In Sumatra, Indonesia, Perkumpulan Pemantauan Akuntabilitas Berkelanjutan (PPAB) has worked with Indigenous communities that lack recognition of their customary territories to develop and pilot an adaptable and replicable community monitoring “checklist” to assess the realization of local palm oil companies’ Forest Positive commitments on business and human rights. While the framework has not yet been implemented by local companies, communities have been able to use the results to support their advocacy for food and livelihood security, FPIC, compensation and restitution, and restored access to sacred sites within and around concession areas.<sup>95</sup> In September 2024, the Roundtable on Sustainable Palm Oil (RSPO) ruled in favor of the Talang Parit Indigenous community in Sumatra, who relied on this monitoring in its complaint against PT Inecda Plantations, a subsidiary of Korea-based Samsung C&T Group. The RSPO found that PT Inecda had been operating on community territories without FPIC for more than two decades and further violated both its own and international sustainability standards.<sup>96</sup>

Demonstrating the value of South-South exchange, PPAB also collaborated with the CSO-Oil Palm Working Group in Liberia to use this tool to bring community monitoring data on supply chain impacts to company engagements.<sup>97</sup> This innovative community monitoring methodology has since expanded beyond Indonesia and Liberia, with initiatives underway in the DRC, Ecuador, Colombia, and Peru.



A village in Papua New Guinea. Photo by Rights and Resources Initiative.



## 4.4

**Access and Indigenous Peoples, Afro-descendant Peoples, and local communities**

The right of access to traditional community territories is a minimum entry point for states in their path towards ensuring the effective protection of forest tenure for Indigenous Peoples, Afro-descendant Peoples, and local communities. While this right is insufficient on its own to properly protect tenure rights or promote tenure security, access and associated use rights provide a basic legal pathway for communities to maintain their connection with their lands. Under RRI's Depth of Rights Methodology, Access is a requirement for identification as a CBTR, meaning that all 104 CBTRs assessed recognize communities' right of access. Of these 104 CBTRs, 97 also provide for withdrawal rights to both timber and NTFPs. Recognition of access is also a prerequisite for the full realization of rights guaranteed under international legal instruments, including ILO Convention No. 169, UNDRIP, and UNDROP. Nevertheless, it is imperative that such rights are accompanied by a full recognition of the bundle of rights.

*"[...] the cultural and economic survival of indigenous and tribal peoples, and their members, depend on their access [to] and use of natural resources in their territory 'that are related to their culture and are found therein'. ... Without [lands and resources] ... the very physical and cultural survival of such peoples is at stake."*

*–Inter-American Court of Human Rights,  
"Case of the Saramaka People v. Suriname", para. 128*

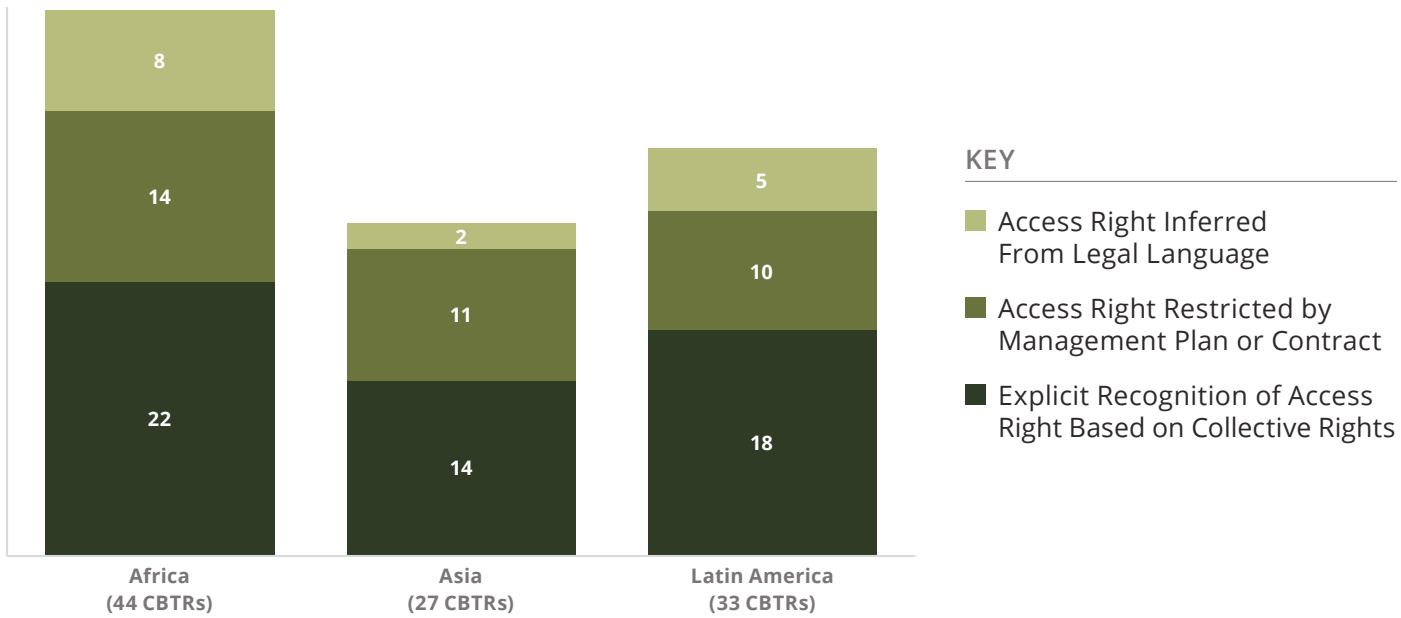
RRI's methodology broadly assesses access rights according to whether communities have a recognized right to enter forest areas, although the way in which the right of access is recognized across regimes has many variations. In 54 of 104 CBTRs (52 percent), access rights are most strongly protected when national laws recognize unrestricted access to forest territories based on collective tenure rights, customary rights, or an explicit recognition of the right to access. In 35 CBTRs (34 percent), access rights are instead dependent on the existence of and restricted by a management plan or contract. Finally, in 15 CBTRs (14 percent), access rights are not explicitly recognized, but rather, they can be inferred from legal language that allows the use of resources or management over forest lands.

As one might expect, there is a high degree of overlap between CBTRs considered to be "owned by" Indigenous Peoples, Afro-descendant Peoples, and local communities and those where access rights are recognized based on collective or customary rights. Similarly, there is a high degree of overlap between CBTRs considered designated for Indigenous Peoples, Afro-descendant Peoples, and local communities and those that establish the limits of access rights through a contract or management plan, which is consistent with the often contractual or agreement-based nature of such CBTRs.

In Asia and Latin America, similar to global trends, the way in which access rights are explicitly or implicitly recognized is often indicative of whether the CBTR is classified as "owned by" or "designated for" communities. In Africa, 50 percent of CBTRs (22 of 44 CBTRs) recognize access based on collective

or customary rights, with 10 of those CBTRs being classified as “owned by” and 8 being classified as “designated for” communities. This more even distribution is likely owed to the recognition of customary rights that widely underpins CBTRs across Africa, regardless of the strength of rights recognized through such frameworks.

**Figure 9 |** Regional Distribution of CBTRs by Types of Protections for Access Rights



#### 4.5 Commercial withdrawal of NTFPs is more likely to be recognized than withdrawal of timber resources

As of 2024, all CBTRs analyzed allow at least some limited use of forest resources or establish that such rights will be determined on an agreement-by-agreement basis (see [Figure 8](#)). However, the extent of these rights in relation to timber and NTFPs varies considerably among CBTRs. Ninety-seven of 104 CBTRs (93 percent) allow withdrawal of NTFPs, with rights to sell the gathered resources for commercial purposes being recognized in 80 of those CBTRs and rights limited to subsistence use of resources in the remaining 17 CBTRs. While a distinct set of 97 CBTRs also recognizes communities’ right to harvest timber resources, the right to harvest timber for commercial purposes is recognized with slightly less frequency: commercial use of timber is authorized in 74 CBTRs and access to timber is restricted to subsistence purposes in 23 CBTRs.

**Importantly, the restriction on community use of forest resources for subsistence and commercial purposes can overlook the cultural, spiritual, and religious values that certain areas or resources may hold for communities.** Ancestral lands form the basis of Indigenous Peoples’, Afro-descendant Peoples, and local communities’ cultural, spiritual, social, and political identity,<sup>98</sup> and the rights of these communities to sustain their distinct spiritual and cultural relationship with their traditionally owned or occupied territories is recognized under international human rights law.<sup>99</sup> This analysis finds that the vast majority of CBTRs (92 of 104 CBTRs, or 88 percent) guarantee communities’ right to use at least some resources or areas for cultural/religious purposes, while only 11 CBTRs (11 percent) across 8 countries fail to guarantee such a right.



However, among the 92 CBTRs that recognize communities’ right to use at least some resources or areas for cultural/religious purposes, there is significant variation in the scope of those rights. Some CBTRs (41) recognize a general use of resources for religious/cultural purposes (for example, Forests of Use and Historic and Cultural Value in Mozambique are defined as “forests intended for the protection of religious interest, sacred forests, rural or family cemeteries family cemeteries and other sites of historical importance and cultural use in accordance with the norms and practices of the respective communities”), whilst others provide recognition only for a limited category of resources. Table 4 shows the various cultural and religious use rights that are recognized among the CBTRs analyzed:

**Table 4 | Findings on Cultural/Religious Use Indicator**

Resource	Number of CBTRs
Access to spiritual sites and/or to use resources for spiritual/religious purposes	12
Open ended based on customary use	43
Other	2
<b>TOTAL CBTRs RECOGNIZING CULTURAL/RELIGIOUS USE RIGHTS</b>	<b>92</b>

*\* Because some CBTRs recognize more than one type of cultural/religious resource use, rows do not sum to total.*



A close-up photo of a woman picking fruit. Photo by Shutterstock.

Across the 11 CBTRs that fail to guarantee communities' rights to use forests for spiritual/cultural reasons, communities may still be able to access such sites and resources by relying on access rights. However, their ability to do so may be complicated by other factors. Of these 11 CBTRs, communities' ability to exercise their right to access forests for spiritual purposes may be particularly likely to be constrained in 7 CBTRs that either restrict or implicitly subject access rights to the conditions of a management plan or contract.

#### **Box 4 | Community Women's Statutory Forest Tenure Rights**

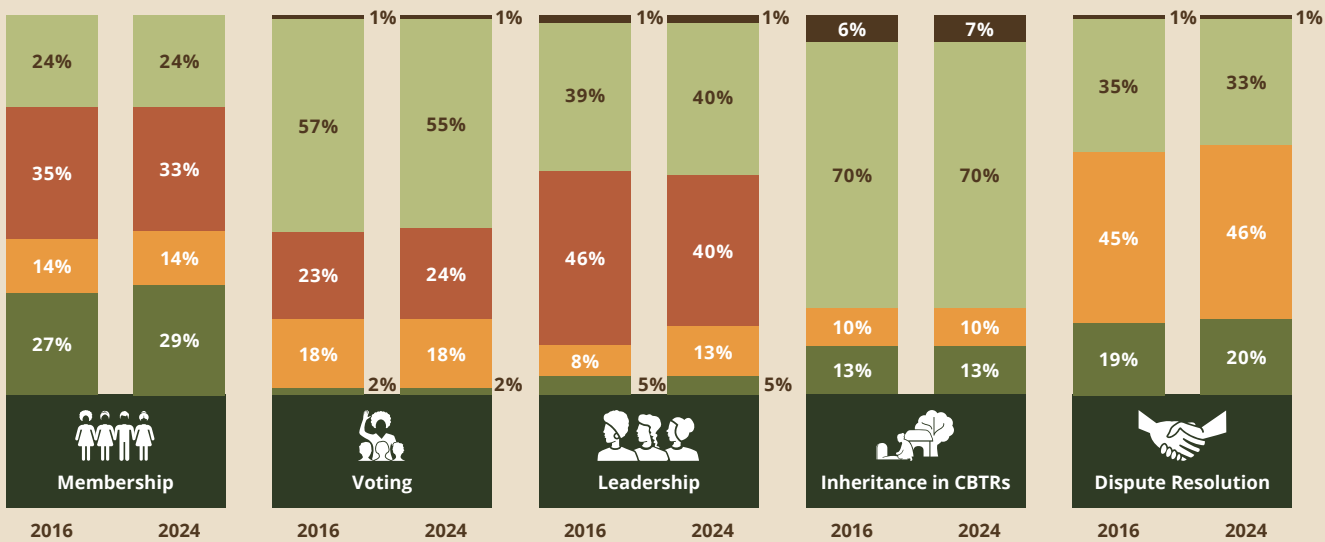
Indigenous, Afro-descendant, and local community women are key holders and caretakers of Traditional Ecological Knowledge regarding the territories and ecosystems where their communities live. Their leadership and equal participation in the governance of community lands and resources have been established as essential for environmental governance, climate resilience, positive conservation outcomes, and more equitable distribution of resources.<sup>100</sup>

**Assessment of the strength of legal frameworks recognizing community-based forest tenure rights is therefore incomplete without consideration for whether or how such legal frameworks explicitly protect the rights of women within Indigenous, Afro-descendant, and local communities.** Through its complimentary Gender Methodology, RRI has also assessed the gender-sensitivity of the same 104 CBTRs analyzed in this report. This data was featured in RRI's 2025 report *Resilience and Resistance*.<sup>101</sup>

Of the 104 CBTRs recognized across 35 countries as of 2024, legislative provisions adequately protecting the **rights of community women exist for only 2 percent of CBTRs regarding Voting, 5 percent regarding Leadership, 13 percent regarding community-level Inheritance, 20 percent regarding Dispute Resolution, and 29 percent regarding Membership.**

The specific recognition of women's community-based forest tenure rights improved only marginally from 2016–2024. Women-specific protections for leadership increased by 5 percent (with 6 CBTRs newly requiring a quota for women's membership in communities' executive leadership bodies). Women-specific protections for voting increased by 1 percent (with 2 additional CBTRs recognizing women's right to participate in community general assemblies). The number of CBTRs that adequately recognize community women's voting rights and leadership rights by imposing quorum requirements each remained constant between 2016 and 2024. **Concerningly, as of 2024, voting and leadership, the most pivotal rights for Indigenous, Afro-descendant, and local community women to shape their and their communities' relationship with forest resources, continue to receive the least amount of adequate protection under national law, thus limiting community women's ability to challenge gender-discriminatory norms and meaningfully participate in key decisions impacting community territories.** Beyond governance, the proportion of CBTRs adequately recognizing community women's membership rights increased by 2 percent (4 additional CBTRs), 3 percent for women's dispute resolution rights (3 additional CBTRs), and less than 1 percent for women's inheritance rights to community lands or resources (1 additional CBTR). The inadequate recognition of community women's inheritance rights continues as of 2024, further showing the need to support these rights through laws prohibiting discrimination and gender-based violence against women and girls.

Importantly, **national legal frameworks that recognize community forest ownership, and those established with the primary goal of securing community rights (as compared to regimes established for conservation or resource extraction purposes), provide the strongest protections for Indigenous, Afro-descendant, and local community women’s tenure rights**—showing that the legal advancement of communities and community women can and does go hand in hand. **However, the widespread use of gender-blind legislation to regulate community forest tenure remains a persistent norm resulting in the inadequate recognition of community women’s tenure rights.** For instance, between 2016 and 2024, at least 189 legal reforms across Africa, Asia, and Latin America provided governments with opportunities to improve statutory protections for women’s community forest rights, yet these reforms only led to improvements in women-specific protections for 8 CBTRs analyzed. Legal reforms that generally overlook or actively diminish community women’s forest tenure rights appear to be eroding the positive association between communities’ and community women’s forest tenure rights under national law. Left unchecked, they signal the growing failure of governments to protect community women’s forest rights across legal frameworks recognizing community-based forest tenure, including those recognizing communities as forest owners.



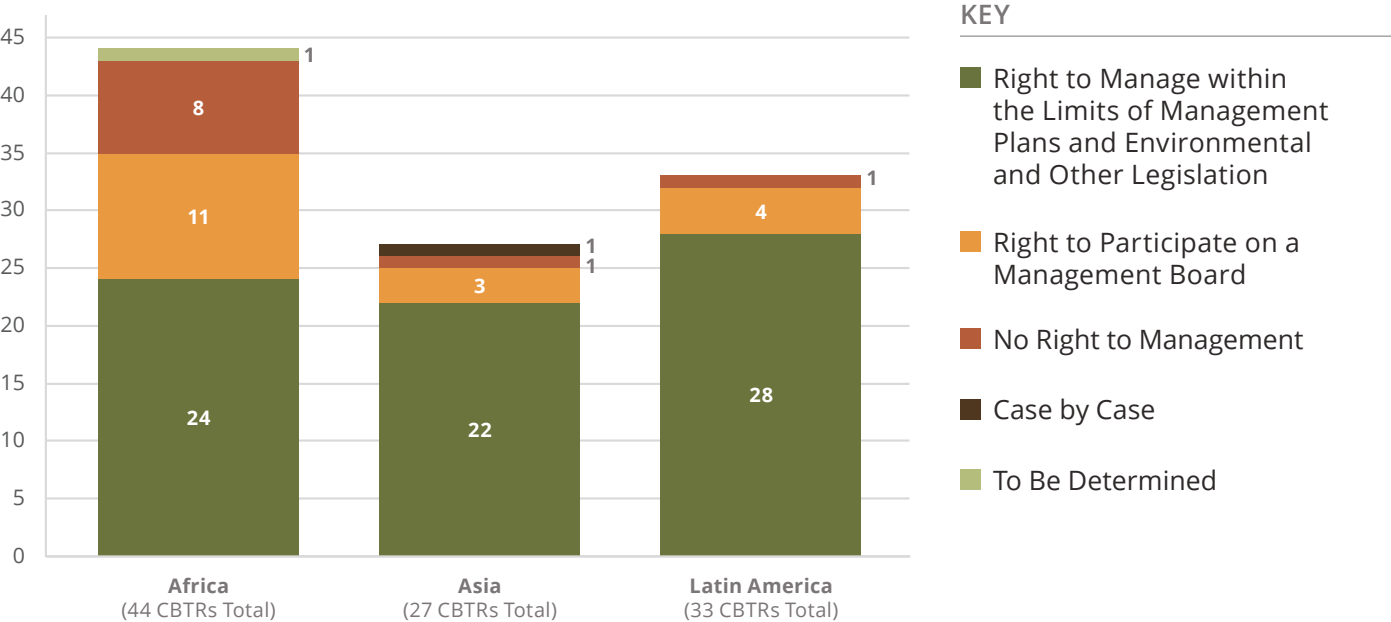
This lack of tenure security can often leave women unprotected and result in uncertainty and vulnerability against threats, even in places where women have protected forests and lead communities for centuries. For instance, in Thailand, Karen women in the village of Huay Ee Khang in Northern Thailand have led and established a community forest, including transforming it into a protected “Indigenous Women’s Forest.” It is nurtured by villagers, especially women, to cultivate native species used in food, natural dyes, and herbal medicine, providing a pathway for traditional knowledge, exercise of spiritual rights and a sustainable source of income through the support of non-timber harvests, crafts, medicinal plants, and eco-tourism—balancing livelihoods with conservation. Despite this, the tenure rights of the village are recognized only in a few plots of land, and tenure security, particularly at the community level, is not guaranteed.<sup>102</sup>

Full Credit Partial Credit No Credit Not Addressed Case by Case

4.6

Management and the right to self-determination and to participate in decisions that may impact communities

Figure 10 | Regional Distribution of CBTRs by Management Rights



The right to self-determination of Indigenous Peoples and Afro-descendant Peoples, is a fundamental right that ensures their autonomy and governance, including over the territories that they have traditionally used and occupied and their own development and livelihoods.<sup>103</sup> Further, UNDROP protects the right of all peasants and other people living in rural areas to land, individually and collectively, including the right to sustainably use and manage land and forests and to the recognition of their customary land tenure rights.<sup>104</sup> These international norms are steadily finding their way into domestic legal systems. For instance, most Latin American states have introduced autonomy arrangements for Indigenous Peoples that involve land management and have also recognized collective land rights in other ways.<sup>105</sup>

RRI’s Management indicator assesses the right of Indigenous Peoples, Afro-descendant Peoples, and local communities to manage their forest territories under national legislation. This right is one essential expression of self-determination, enabling communities to exercise authority over their forests and resources, in some cases, according to their customary laws, values, and governance systems. By tracking the legal recognition of these rights, RRI can assess the extent to which states allow communities to exercise operational decisions over their forests , and in some instances, to exercise at least some forms of collective self-determination over their territories.

**As of 2024, 74 of 104 CBTRs (71 percent) across 34 countries (12 in Africa, 11 in Asia, and 11 in Latin America) guarantee the right to manage within the limits of management plans and environmental and other legislation.** Ghana is the only country where no legal framework regulating community-based forest tenure recognizes communities’ management rights. Under the sole tenure regime in Ghana (Allodial Interest), communities may exercise limited forest management through a right to participate on the



management boards for the Forestry Commission but communities on their own do not have the right to regulate and make decisions about the forest resources.<sup>106</sup>

While the ability to manage their forests is crucial for communities' tenure security, it is important to note that RRI's indicators are not meant to cover the full breadth of self-determination rights. The right to self-determination is enshrined for all peoples, individually and collectively, in various international law instruments often understood as the underpinning theory of decolonization,<sup>107</sup> though it is applicable in wider contexts today.<sup>108</sup> Self-determination refers to the right of peoples, individually and collectively, to choose their own political, economic and social status.<sup>109</sup> In the particular context of Indigenous Peoples, Afro-descendant Peoples, and as applicable, local communities, self-determination can have both individual and collective dimensions, including the rights of the members of such communities to carry out their own religious and cultural practices, determine their identification, and make decisions over their own bodies and lives.<sup>110</sup> In its collective dimension, the right to self-determination is vast and may include the right to self-identification collectively and the right to make decisions over their own territories and development, amongst many others.<sup>111</sup> Though just two of many components of self-determination, the rights to manage territories and to exclude third parties are fundamental to the realization of the right to self-determination. **Out of the 74 CBTRs that adequately recognize a community right to management, some still restrict such rights to activities allowed under a management plan or equivalent that requires pre-approval, while in other cases, the legal frameworks contain language that can be read as a broader right to self-governance.**

Of these 74 CBTRs, 34 (46 percent) include laws that recognize communities' right to management extending such right to governing and making decisions over the applicable forests as per their own laws and customs, only within the limits of the constitution and certain national laws. Latin America has the most legal frameworks that protect a broader right to management (16 CBTRs), trailed by Africa and Asia (9 CBTRs in each region). The remaining 40 CBTRs (54 percent) recognize the right to management for communities, even including in some cases as per their own laws and customs, but further restrict this right to the limits of a management plan pre-approved by a state entity.

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*On May 5, 2025, after decades of advocacy by rightsholders and their allies, Colombia adopted legislation recognizing the self-governance rights of Indigenous Peoples within their territories, including by formalizing the recognition of Indigenous councils as equivalent to official local governments and their authority over lands. The new decree also adopts implementing activities, including the establishment of public budgets to strengthen these legal frameworks.<sup>112</sup>*

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In several countries, communities' management rights are reduced or amended where their territory overlaps with a protected area. In Nicaragua, communal authorities have the right to manage lands collectively without restrictions,<sup>113</sup> but if the communal lands overlap with Protected Areas, they must be

jointly managed with the Ministry of the Environment,<sup>114</sup> with some noting that often the Ministry has more decision-making power than communities. Better practices can be seen in other countries, where the law acknowledges communities' management rights in protected areas. In Ecuador, communities and competent authorities co-manage the protected area where there is an overlap with community lands. However, under Article 70 of the Regulation to Environmental Code of 2019, the practices of customary law of communities regarding access, use, and benefit of their lands, must be considered norms of internal administration and be incorporated into the management plans for protected areas.

Of the 104 CBTRs analyzed, 18 CBTRs (17 percent) require communities to jointly manage their resources with a government-created body. The law does not guarantee communities' right to management in 10 CBTRs and acknowledges the possible recognition of management rights on a case-by-case basis in 1 CBTR (Kemitraan in Indonesia where management rights depend on each Partnership Agreement). Under a final CBTR (Zones/Forests of Historical and Cultural Use and Value in Mozambique), management rights remain undetermined as they have yet to be defined by implementing legislation following a 2023 legal reform to Mozambique's forest laws.



Indigenous Ashaninka women from the Waypuncuni community, Peru. Photo by Juan Llasca for Rights and Resources Initiative, 2024.

## 4.7 The rights of future generations: On duration, inalienable rights, and inheritance rights

International human rights law recognizes both the inalienable character of the rights of Indigenous Peoples, Afro-descendent Peoples, and local communities,<sup>115</sup> as well as the mandate that Indigenous Peoples' **"relations to the land are a material and spiritual element which they must fully enjoy to preserve their cultural legacy and transmit it to future generations"** and are, therefore, a prerequisite to prevent their extinction as a people.<sup>116</sup> Regional bodies have highlighted the special importance for Indigenous and tribal Peoples of future generations.<sup>117</sup> Similarly, UNDROP affirms the rights contained therein on the basis of the "equal and inalienable rights of all."

Globally, youth community leaders are advancing the rights of their communities and engaging in the governance of their lands. Intergenerational collective governance of land, territory, and natural resources is crucial to the futures of Indigenous, Afro-descendent, and local community youth.<sup>118</sup> Yet, their tenure security can be at risk given the poor recognition of an unlimited duration for the rights to forest tenure of their communities and of their rights to inheritance of forests. This lack of recognition threatens the intergenerational relationship to lands that are fundamental for Indigenous Peoples, Afro-descendent Peoples, and local communities and can put future generations at significant risks, particularly given growing demands for natural resources and the worsening of the triple planetary crisis.

As detailed in [Section 4.3](#), the unlimited duration of rights is the least protected indicator across CBTRs and is the most commonly missing indicator among regimes classified as designated for Indigenous Peoples, Afro-descendant Peoples, and local communities. Furthermore, even where communities’ forest tenure rights are legally guaranteed in perpetuity, the language employed by national laws can differ. Some laws provide strong protections that recognize the inalienability and **imprescriptibility** of tenure rights, while others may provide for concession-style agreements that, while indefinite in nature, may still be terminated by the state under certain conditions. For example, in Papua New Guinea, the unlimited duration of rights is ensured by the statutory recognition of a customary right that shall exist and be transferred from generation to generation as long as the clan or community exists.<sup>119</sup> In the Democratic Republic of the Congo, Local Community Forest Concessions are granted perpetually.<sup>120</sup> However, the concession can be cancelled if there is a violation of the management plan previously approved by the state. In Latin America, language recognizing the “inalienable” and “imprescriptible” nature of collective rights is more common, likely thanks to the tireless advocacy of Indigenous, Afro-descendant, and local community leaders, community women, and human rights defenders in the region.<sup>121</sup> Legal recognition in Latin America is further unsurprising given the progressive development of obligations under the ILO Convention 169 since the 1970s and the Inter-American human rights system, particularly in the last two decades. Such language is part of national laws in 10 of 11 countries in the region (Bolivia, Brazil, Colombia, Ecuador, Guatemala, Guyana, Mexico, Nicaragua, Peru, and Venezuela).

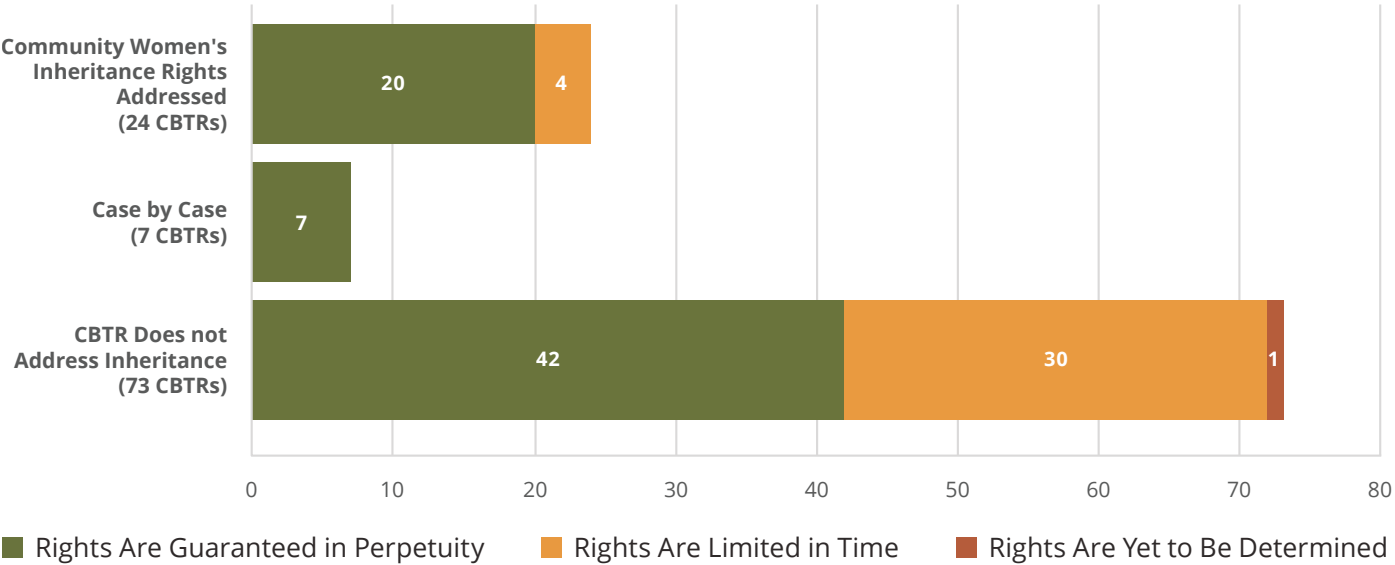
Beyond the unlimited duration of rights, future generations’ rights may also be protected when there is a guarantee of inheritance rights in national legislation. It is then not surprising that of the 24 CBTRs that provide recognition for the rights to inheritance of communities, the vast majority (20 CBTRs) also recognize the unlimited duration of the tenure rights of communities.

DEFINITION

**IMPRESCRIPTIBILITY**

Rooted in the concept that human rights are inherent and inalienable as per the UDHR, the term “imprescriptible” in the context of human rights refers to the idea that these rights are not subject to prescription or expiration over time. In other words, human rights are enduring and timeless, and their validity and applicability persist without any time limit.

Figure 11 | Linkages Between Duration and Inheritance



## 4.8 Remedies: Due process and compensation rights

The right to due process—including prior notice, access to information, and the ability to judicially challenge state decisions—and the right to receive redress for impacts are essential for protecting the forest tenure of Indigenous Peoples, Afro-descendant Peoples, and local communities. These procedural safeguards ensure that communities can meaningfully defend their rights, hold governments accountable, and seek redress or compensation when decisions threaten their forests and livelihoods.

RRI's Due Process and Compensation indicator, as updated during this analysis (see Annex 2), reflects international human rights standards by requiring that national legislation adhere to international obligations mandating states to consult and cooperate in good faith with communities and provide effective mechanisms for just and fair redress.<sup>122</sup> The Due Process indicator, as assessed on its own, captures whether national laws recognize the right of Indigenous Peoples, Afro-descendant Peoples, and local communities to prior notice and consultation regarding decisions or proposals that could impact community forest rights and their right to judicially and/or administratively appeal a government's decision, proposal or action to extinguish or infringe upon community-based forest rights. Where a CBTR recognizes at least the right to judicial recourse, in addition to the right to compensation, the combined indicator receives full credit under RRI's Methodology.



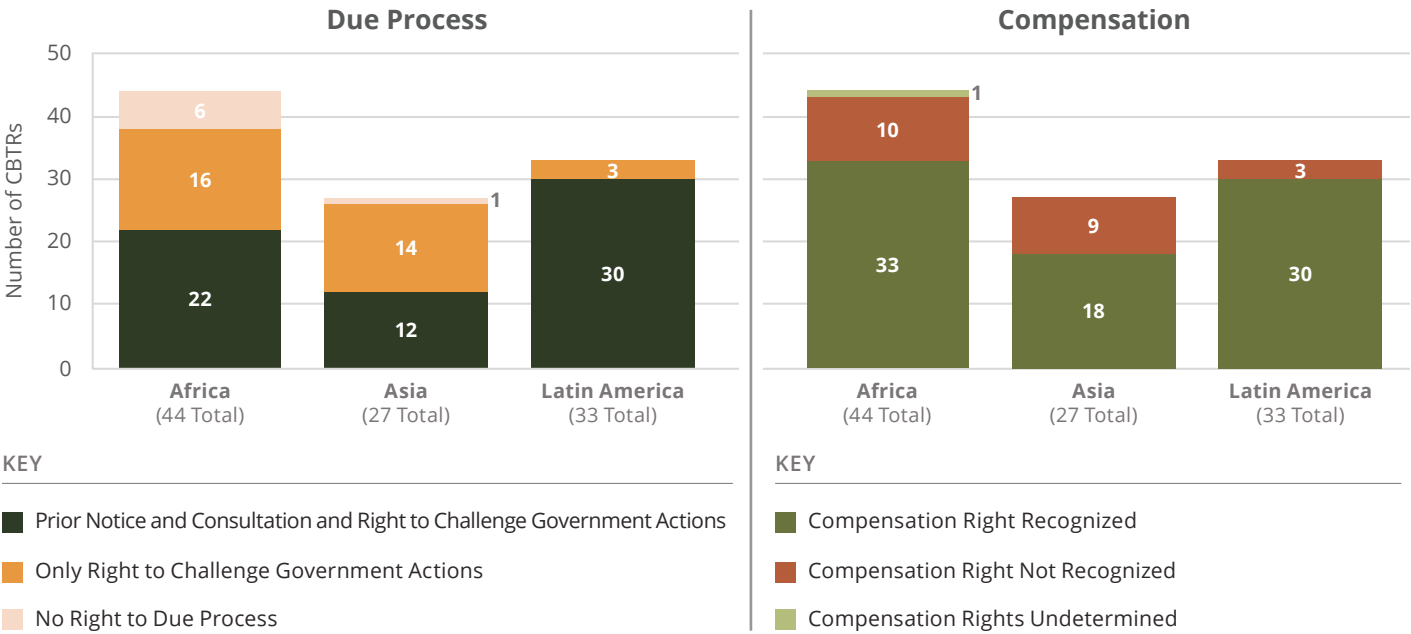
Local community in Liberia. Photo by Isabel Albee for Rights and Resources Initiative, 2022.

It is encouraging, that a majority of CBTRs (85 CBTRs, or 82 percent) do protect communities' right to due process and compensation in the aggregate. Yet, a more complex picture emerges when rights of due process and compensation are analyzed separately. Breaking down the Due Process and Compensation indicator shows that, while the vast majority (94 percent) of CBTRs do provide for a right to challenge government actions, a much smaller proportion of CBTRs (62 percent) also establish a right to prior notice and consultation.

As of 2024, Latin America provides the highest degree of protection for Due Process and Compensation with all 33 CBTRs in the region recognizing a due process right and 30 of 33 CBTRs (91 percent) recognizing a compensation right. Africa and Asia trail slightly behind Latin America; in Africa, 38 of 44 CBTRs (86 percent) recognize the right to due process and 33 of 44 CBTRs (75 percent) recognizing the right to compensation while, in Asia, 26 of 27 CBTRs (96 percent) recognize the right to due process and 18 of 27 CBTRs (67 percent) recognize the right to compensation in Asia.



Figure 12 | Recognition of Due Process and Compensation, by Region



**Despite the noted distinctions, recognition of due process and compensation rights most often go hand in hand.** Of the 97 CBTRs that recognize due process rights (either by recognizing both the right to prior notice and consultation and the right to challenge government actions or only the latter), 80 CBTRs also recognize the compensation rights of communities, while 17 CBTRs fail to do so. Only 1 CBTR (Allodial Interest in Ghana) recognizes the right to compensation without any rights to due process.

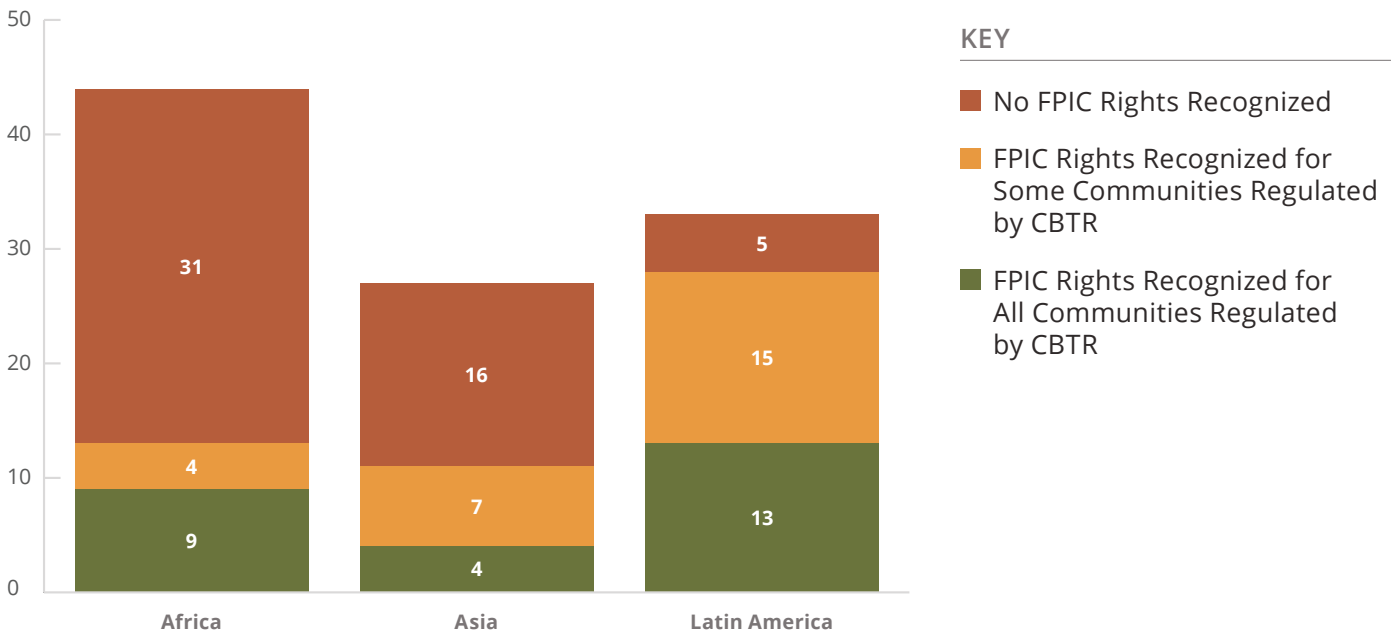
In reviewing national legislation, further nuance becomes evident. Across all CBTRs that recognize Due Process and/or Compensation, national laws recognize these rights in one of two ways: 1) through a recognition of the right to due process and/or compensation for all citizens, often found in constitutions, or 2) through a recognition of the specific rights of Indigenous Peoples, Afro-descendant Peoples, or local communities to due process and/or compensation in the specific cases of impacts on their tenure rights. For instance, in Colombia, Article 86 of the Constitution protects the right of every person to seek judicial protection of their fundamental rights, without specific mention for the rights to due process of Indigenous or Afro-descendant Peoples. However, Indigenous and Afro-descendant Peoples can access justice through this general constitutional guarantee, as the Constitutional Court of Colombia has confirmed. On the other hand, in Liberia, communities can access justice where a decision is made impacting Community Forests and challenge government decisions to expropriate the land under Section 7.9 of the Regulation to the Community Rights Law.



In the Pucara community in Junin, Peru, a Quechua Indigenous woman grows vegetables. Photo by CAO/CIAP.

## 4.9 Free, prior and informed consent

Figure 13 | Breakdown of FPIC Rights by Recognition



Men from the Massaha local community in Gabon. Photo by If Not Us Then Who? for Rights and Resources Initiative. September 2024.

The rights of Indigenous Peoples, Afro-descendant Peoples, and local communities to be involved in decision-making and exercise self-government over their forests and territories flow from their collective rights to land and other rights enshrined in international human rights law, including the right to access to information and the right to participate in public life.<sup>123</sup>

Communities benefit from an enhanced set of participatory rights under specialized human rights instruments that recognize their distinct status and unique and close relationship with their traditional lands and customs.<sup>124</sup> FPIC rights—the most fundamental expression of participatory and governance rights—are crucial for safeguarding the self-determination, land tenure, and cultural survival of communities, ensuring that community rightsholders have the authority to give or withhold collective consent to plans, initiatives, or projects affecting their lands, resources, or rights.

### Box 5 | FPIC Rights and Communities Regulated Under CBTRs

In evaluating this indicator, RRI's intention is not to evaluate the status of recognized FPIC rights for Indigenous Peoples, Afro-descendant Peoples, and local communities under international human rights law, but rather to examine the national-level legal recognition of FPIC rights within each CBTR. RRI's analysis across the 35 countries included in this report demonstrates that national laws recognizing FPIC rights are using a wide array of terms and without regard for communities' self-identification. Because states recognize a diversity of distinct communities as holders of FPIC rights, RRI's analysis does not ask whether FPIC rights are recognized for all communities in a country but rather evaluates whether each CBTR recognizes the right to FPIC for the specific communities recognized under that CBTR.



A boat transports fruit on a river. Photo by Shutterstock.

Although the recognition of the right to FPIC is a key element of tenure security and self-determination, just over half of countries (17 of 35, of which 9 are in Africa, 7 are in Asia, and 1 in Latin America) fail to recognize the FPIC rights of any community.<sup>125</sup> Seven countries across the three regions protect FPIC rights for all communities accessing their forest tenure rights under all the tenure regimes established in the country.<sup>126</sup> The remaining 11 countries regulate FPIC rights differently according to the CBTR.

Fifty percent of CBTRs analyzed (52 of 104 CBTRs) recognize at least some communities regulated under the CBTR as collective holders of FPIC rights, with half of those 52 CBTRs providing FPIC rights to all rights-holding communities and the other half acknowledging FPIC rights for some, but not all, communities that may have recognized tenure rights under the CBTR. The remaining 52 CBTRs do not recognize communities' FPIC rights.

**The majority of CBTRs that guarantee FPIC rights for either all or a subset of regulated communities also recognize the full bundle of rights constituting community forest ownership.** Over half of the 44 CBTRs that recognize ownership rights (61 percent, or 27 CBTRs) also protect FPIC rights for at least some of the regulated communities—with 22 of these 27 CBTRs recognizing FPIC rights for all regulated communities. Forty-four percent of the 50 CBTRs that are classified as designated for communities (22 CBTRs) also protect



the FPIC rights of at least some of regulated communities, while 56 percent of these CBTRs (28 CBTRs) fail to protect any FPIC rights. Finally, 70 percent of the 10 CBTRs that are considered as “government administered” (7 CBTRs) fail to recognize any FPIC rights. Given the link between ownership rights and FPIC rights, it is unsurprising that Latin America is the region where the most FPIC protections can be identified, with 85 percent of CBTRs in the region (28 of 33 CBTRs) providing at least some recognition. This contrasts with 30 percent of CBTRs in Africa (13 of 44) and 41 percent of CBTRs in Asia (11 of 27) that recognize the FPIC rights of at least some communities.

Further, a concerning trend arises when comparing the bundle of rights components for which FPIC rights are essential, such as communities’ management and exclusion rights. Despite FPIC rights being essential for the exercise of management and exclusion rights, a significant gap between the recognition of FPIC rights and these rights remains:

- Communities’ FPIC rights are essential for the proper exercise of their management rights because they ensure that decision-making power over land and resources rests with rightsholders as the custodians of their territories, even when there is a business or state interest in such lands. Yet, while 74 CBTRs recognize the right to management, only 40 CBTRs also recognize the right to FPIC for at least some regulated communities. Thirty-four CBTRs that recognize management rights, fail to recognize rights to FPIC.
- To properly exercise FPIC rights, communities must be able to exclude others where their consent has not been obtained or sought, and retain their authority to accept or reject external access and use. Although 56 percent (38) of the 68 CBTRs that recognize communities’ right of exclusion also recognize the right to FPIC for at least some regulated communities, 44 percent (30 CBTRs) still fail to recognize any FPIC rights. This means that communities may only be able to exclude others by way of other legal provisions that prohibit project within their territories.

A positive trend, however, can be identified when comparing FPIC and due process and compensation rights. Amongst the 52 CBTRs that recognize FPIC rights for at least some communities, all but 3 CBTRs also recognize due process and compensation rights. The joint recognition of due process and compensation and FPIC rights is critical for enabling access to justice and judicial or administrative checks in the case of arbitrary or discretionary FPIC processes. Concerningly, the three CBTRs noted above do not require compensation when communities’ tenure rights are violated.



Photo taken during the religious celebration in honor of Yemanjá, Queen of the Water, and entity revered by African-based religions in Salvador, Brazil. Photo by Rafael Martins for Rights and Resources Initiative.



### Box 6 | Land-Water Nexus: Freshwater Tenure Rights

As discussed throughout this report, the value of recognizing communities' forest tenure extends far beyond the formalization of their rights to access, use, benefit from, and defend their forest territories, but also extends to ensuring the intergenerational protection of the intrinsic spiritual and religious value of community territories and the multiplicity of ecosystem services that forests provide—including with respect to water. A 2020 analysis of national laws concerning land, forest, and water rights in 15 diverse countries in Africa, Asia, and Latin America developed by RRI and the Environmental Law Institute (ELI) found that Indigenous Peoples', Afro-descendant Peoples', and local communities' water tenure rights were most frequently and most strongly recognized through legal frameworks that establish a legislative land-water nexus, whereby the recognition of community water tenure rights is dependent on the recognition of their rights to land or forests. Such legal frameworks were also most likely to explicitly recognize community women's rights to water. Notably, the analysis also found that most protections of community-based water tenure rights stemmed from state constitutions or national land, forest, or community rights laws rather than national water law.<sup>127</sup>

Following this learning, RRI and ELI set out to further uncover the extent to which legislation recognizing and regulating community-based forest tenure also explicitly or implicitly establishes a legal basis for Indigenous Peoples', Afro-descendant Peoples', and local communities' right to use and govern freshwater resources, and the extent to which these protections are explicitly extended to women within communities. A forthcoming brief will explore this new data, the importance of forest rights legislation on the statutory protection of communities' rights to use and govern freshwater, and the implications of this legislative relationship for women who rely on community-based tenure.<sup>128</sup>



Indigenous Maasai woman herds cattle. Photo by Asha Stuart for Rights and Resources Initiative, 2025.

## 4.10 On Alienation and the right of communities to determine their own development

The right to sell, lease, or mortgage community forest lands and resource rights can provide a valuable outlet for communities to exercise their self-determined development and advance their livelihoods. However, the introduction of alienation rights has also historically been used as a tool to dispossess Indigenous Peoples and local communities of their lands.<sup>129</sup> Due to these tensions, RRI does not endorse alienation rights as necessary for community land or forest ownership under its expanded bundle of rights framework but does track the extent to which such rights are recognized.

Among the forms of alienation, leasing rights are most commonly recognized, with 29 of 104 CBTRs recognizing communities' right to lease their forests as of 2024. The right to lease community lands is most often found in Africa, where forestlands can be leased in 34 percent (15) of 44 CBTRs. In comparison, 24 percent (8) of 33 CBTRs in Latin America and 22 percent (6) of 27 CBTRs in Asia allow community forestlands to be leased.

Fourteen CBTRs across 12 countries recognize communities' rights to sell their forestlands, and a distinct set of 14 CBTRs found across 11 countries allow communities to use their forest land or resource rights as collateral. The countries that do recognize these rights are primarily found in Africa and Latin America. Community Forests in Nepal is the only CBTR of 27 in Asia that allows communities to use their forestlands as collateral.



A man plows a field in India. Photo by the Society for Promotion of Wasteland Development.



## Chapter 5

# Progress Toward RRI Targets



Village huts stand next to a river. Photo by iStock.

At the onset of the SDGs, RRI set two global targets for advancing the forest and resource rights of Indigenous Peoples, Afro-descendant Peoples, and local communities by 2030:

1. At least 50 percent of the total forest area in low- and middle-income countries is legally “owned by” and “designated for” Indigenous Peoples, Afro-descendant Peoples, and local communities.
2. Indigenous Peoples, Afro-descendant Peoples, and local communities, and particularly the women within these groups, have rights to manage, conserve, use, and trade all ecosystem products and services in areas under their control.

Since that time, the proportion of CBTRs across Africa, Asia, and Latin America with recognized rights to use timber and NTFPs for both subsistence and commercial purposes has remained essentially unchanged, as has the proportion of communities with partially or fully recognized management rights. The global gap in recognition of management rights is overwhelming due to the continued existence of CBTRs classified as “government administered,” where communities often hold rights to access state forests to exercise their traditional cultural, spiritual, and/or subsistence needs through the use of limited forest resources but rarely have a role in formal management decisions or access to recourse when their rights are violated.

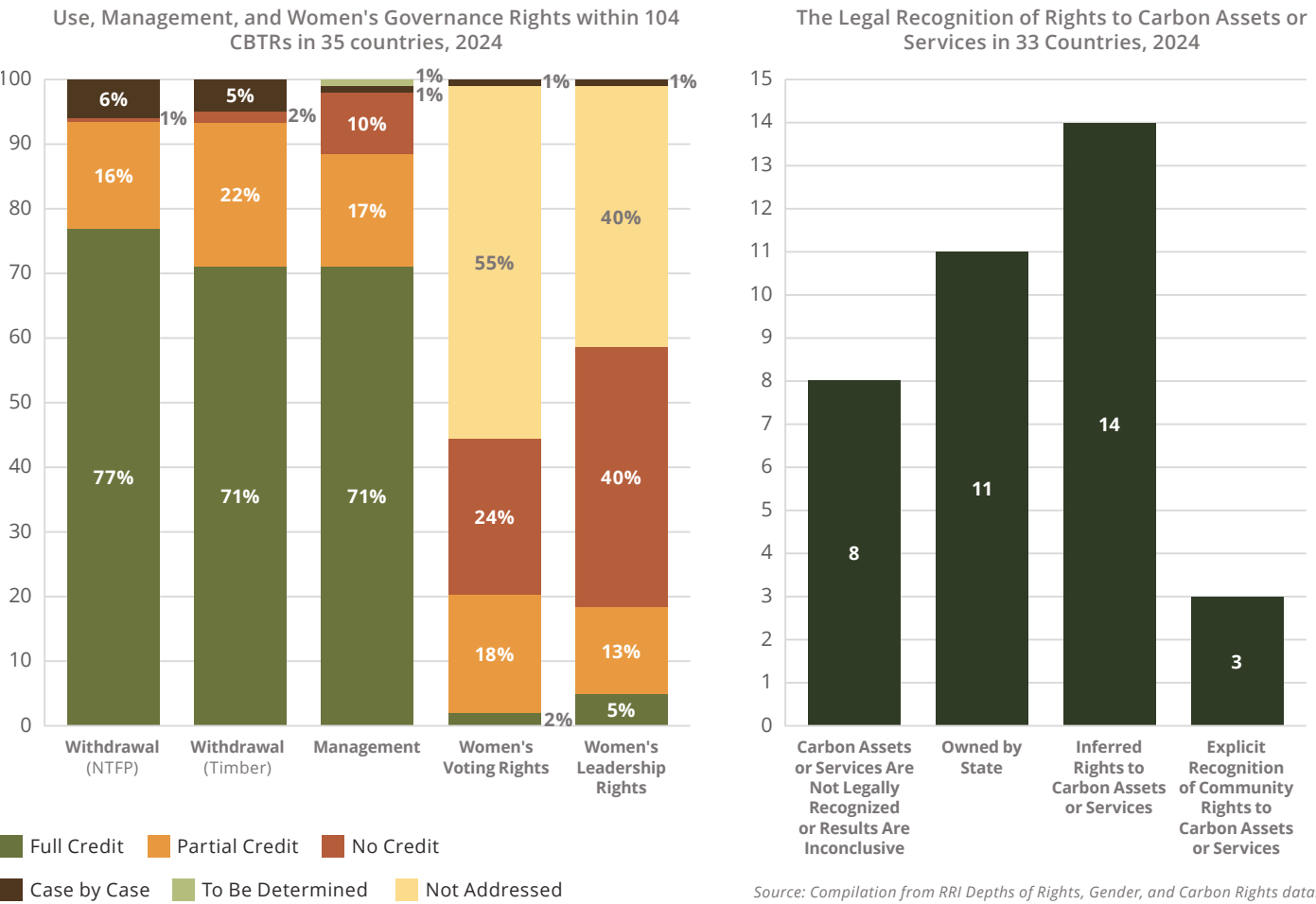
Importantly, while communities have recognized management rights within a high proportion of CBTRs, community-level governance mechanisms outlined under the law generally fail to include gender-sensitive protections. Of 74 CBTRs with fully recognized management rights as of 2024, just 21 CBTRs explicitly recognize women’s right to vote in community-wide decision-making bodies (with only 2 of those CBTRs

requiring a quorum of women voters) and 18 CBTRs explicitly recognize women’s rights to participate in executive bodies (with 5 of those CBTRs requiring a quorum of women executive body members in order for binding action to be taken).

RRI has also systematically tracked the extent to which states have outlined rights to carbon, and whether communities can legally hold these rights in a similar set of 33 countries.<sup>130</sup> As of 2024, the national laws of just three of those countries—Indonesia, Peru, and Republic of Congo—explicitly recognize community-based rights to carbon assets or services. Twelve additional countries tie carbon rights to forest or land ownership, establishing a pathway by which community-based carbon rights can be inferred to where CBTRs recognizing Indigenous Peoples’, Afro-descendant Peoples, or local communities’ forest or land ownership exist. The remaining countries either maintain state ownership of carbon assets or have yet to clearly define carbon rights.<sup>131</sup>

While legal frameworks on carbon rights and markets continue to develop, such legislative gaps continue to pervade even recent and ongoing reforms. For example, in Kenya, the Climate Change (Amendment) Act 2023 establishes rules for carbon markets but fails to clearly define carbon rights. India’s draft Framework for the Voluntary Carbon Market in the Agricultural Sector (2023) will be tied to land ownership, but because the carbon market has not yet been defined, the carbon rights of Scheduled Tribes and Other Traditional Forest Dwellers remain unclear.<sup>132</sup>

**Figure 14 | Recognition of Community Rights to Use, Manage, Conserve, and Trade Ecosystem Services**





## Box 7 | 2025 in Focus

At the time of writing, several notable developments have occurred across the three regions in 2025 that carry significant implications for the ongoing recognition and protection of the rights of Indigenous Peoples, Afro-descendant Peoples, and local communities.

In **DRC**, the president promulgated the country's **first-ever Land-Use Planning Law** in July 2025.<sup>133</sup> This law was developed and informed by the tireless advocacy of communities and it includes landmark recognition of community customary land rights, a bottom-up approach to the creation of land use plans, recognition of FPIC rights, clear guidelines on conflict resolution, and environmental protections for sensitive ecosystems.<sup>134</sup>

Following advocacy by the Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP), the Supreme Court of **Nepal** issued a directive in June 2025 requiring all levels of government to create laws, policies, and programs that align with ILO Convention No. 169 and UNDRIP. The Court explicitly upheld the right to FPIC, with Indigenous advocates touting the decision as a "turning point."<sup>135</sup> In **Thailand**, the Assembly of Community People Living in Forests, the Network of Indigenous Peoples in Thailand, and the Northern Farmers Federation mobilized in response to unequal land access and violations of FPIC following Royal Decrees passed in November 2024 under the National Park Act and the Wildlife Protection Act. Their advocacy resulted in the cabinet's acceptance of six key demands, including, among others, to review unjust conservation laws, survey, and verify land tenure rights for forest communities.<sup>136</sup>

Meanwhile, in **Ecuador**, community leaders, organizations, civil society and advocates expressed concern with respect to government actions impacting the environment that were taken just days after the ICJ's landmark decision in July 2025 holding that states have obligations regarding climate change. On July 24, 2025, the government announced the mergers of more than a dozen ministries, resulting in the elimination of the Ministry of the Environment and the delegation of its responsibilities to the Ministry of Energy and Mines, as well as the elimination of the Ministry of Women and Human Rights.<sup>137</sup>



Photo of a river in Papua, Indonesia. Photo by Daiana Gonzalez for Rights and Resources Initiative, 2025.

## Chapter 6

# Recommendations: Rooted Rights, Time to Act



Mountain range in Viet Nam. Photo by Linh Pham for Unsplash.

In the decade since the adoption of the SDGs, it is clear that there have been notable advancements in the international, regional, and national legal infrastructure on Indigenous Peoples', Afro-descendant Peoples', and local communities' tenure rights. As discussed in Chapter 3 and demonstrated by the findings of this report, there has been moderate progress in the recognition of these groups' forest tenure rights under international and national law and jurisprudence. The Inter-American Commission on Human Rights issued several momentous decisions strengthening its landmark decisions on *Saramaka v. Suriname* and *Sarayaku v. Ecuador* that cemented the Inter-American recognition of collective tenure rights, FPIC, and rights to self-determination, water, and culture, among others.<sup>138</sup> Kenya, Liberia, and Zambia passed critical legislation recognizing communities' customary land tenure rights, DRC passed a historic law recognizing the rights of the Indigenous Pygmy Peoples, and the African Court on Human and Peoples' Rights recognized the rights of the Ogiek based on their status as Indigenous Peoples—a first in the region. In Indonesia, following the 2013 Supreme Court case recognizing Adat forest rights, Adat territories are steadily being recognized at the sub-national and national levels. While this incremental progress should be celebrated, holistic reforms that recognize a full bundle of rights continue to be needed for communities to exercise their self-determination.

Nevertheless, the sustainability of these hard-fought wins are at risk due to rapidly evolving geopolitics, increasingly devastating impacts of climate change, and resulting shifts in the global financing ecosystem. A steep rise in authoritarian leadership around the world<sup>139</sup>—coupled with restrictions on movement,<sup>140</sup> access to natural resources,<sup>141</sup> and civic space<sup>142</sup> that flourished during the Covid-19 pandemic—have created an environment that, in many countries, is more hospitable to extractive business interests, infrastructure

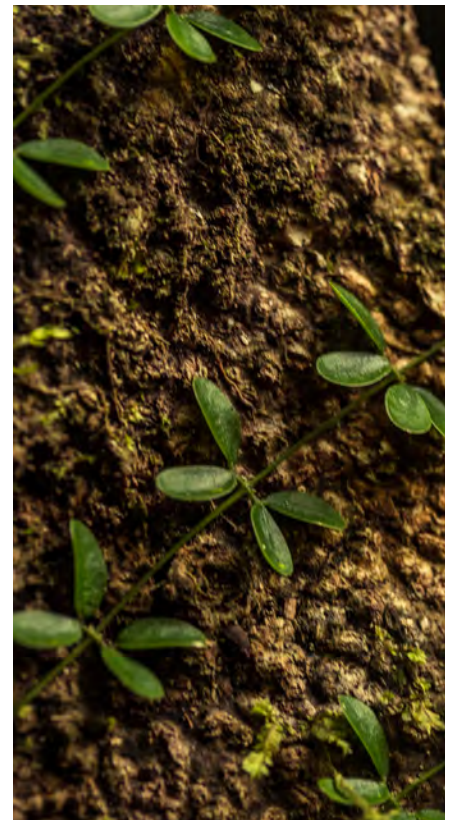
development, and fortress conservation initiatives than community rights. Further, government corruption and instances of state-sanctioned human rights violations in the name of development in many areas are enabling illegal activity that drives the destruction of community lands and violence against communities.<sup>143</sup>

Emerging “green” economies and carbon offset initiatives, such as Reducing Emissions from Deforestation and Forest Degradation (REDD+) and large-scale conservation projects, are being advanced without proper legal protection for Indigenous Peoples, Afro-descendant Peoples, and local communities’ rights. At the time of writing, multiple such schemes have reproduced patterns of dispossession under the guise of sustainability.<sup>144</sup> These mechanisms frequently target lands traditionally managed and occupied by these communities without securing their free, prior, and informed consent and in some cases even sidelining communities. Large tracts of land are being enclosed for carbon storage or conservation purposes, sidelining local governance systems and undermining customary tenure.<sup>145</sup> The rush to generate offset credits for international markets has opened the door for restricted management over Indigenous Peoples, Afro-descendant Peoples, and local communities’ territories, without proper legal frameworks in place and offering little in terms of meaningful benefit-sharing for communities.

Of 33 countries assessed by RRI in 2024 some of which are included in this report— 3 explicitly recognize community rights to carbon assets or services, while a further 14 countries have an inferred right.<sup>146</sup> Even in countries that recognize community-based rights to control, manage, or benefit from carbon, there is a risk of nature-based climate solutions crowding out basic recognition and protection of land rights.<sup>147</sup> Moreover, concerns remain that COP governing processes and institutions do not adequately facilitate their inclusion in key decision-making spaces.<sup>148</sup>

Shifts in political and funding priorities across North America and Europe are further exacerbating the above risks to communities through: 1) reductions in funding to community networks and their allies that may impact their ability to mobilize against rights violations when they occur, and 2) the weakening of legal frameworks, such as in the EU where implementation of the EUDR has already been delayed and there are calls for the Corporate Sustainability Due Diligence Directive to be rolled back.<sup>149</sup> In both Africa and Asia, the legitimacy of regional human rights bodies is in question due to countries’ failures to uphold and implement key regional court decisions on tenure.

Each of these distinct and intersecting threats highlight the critical need for a rights-based approach that centers the voices, customary laws, and self-determination of affected communities in all land-related governance and business practices. Within this context, the below recommendations highlight critical actions to be taken by: 1) national governments in both their domestic and international engagements; 2) rightsholder and women’s organizations and their allies; 3) donors; and 4) private sector entities, conservation organizations, and nature-based project proponents, in order to strengthen and secure the forest tenure rights of Indigenous Peoples, Afro-descendant Peoples, local communities, and the women and youth within these communities.



Small plants grow on the bark of a tree. Photo by Accountability Framework initiative (AFI).





## 6.1 Recommendations for governments

Governments, supported by rightsholder organizations and dedicated community women's organizations, international development organizations, international advocates, and civil society organizations, should:

### **Prioritize the adoption or reform of national legislation, as necessary, to:**

1. Fully recognize the bundle of tenure rights comprising community forest ownership, including the explicit recognition of the land and forest tenure rights of women and youth within communities, gender equality, and intergenerational rights, and alignment with CEDAW, UNDRIP, UNDROP, and the CRC.
  - a. Uphold customary institutions and community-based management systems as legitimate forms of governance, including within protected areas or conservation zones, and ensure that such institutions empower and protect the rights of community women.
  - b. Guarantee the FPIC rights of Indigenous Peoples, Afro-descendent Peoples, and, as applicable, other non-Indigenous tribal communities, ensuring the active and meaningful participation of community women, elders, and youth. Similarly, recognize the right of all communities to free, prior, informed, and substantive participation in consultative processes and decisions that may impact their territories, resources, livelihoods, and cultural rights.
  - c. Guarantee communities' rights to access and use resources for cultural and religious purposes, recognizing the centrality of spiritual and/or cultural relationships with land and resources to community identity and survival.
  - d. Regulate carbon rights and ensure community rights, including the right to benefit from ecosystem services, are respected in interactions with REDD+ schemes and voluntary carbon markets. Such regulations should be adopted in partnership and consultation and with the participation of Indigenous Peoples, Afro-descendent Peoples, local communities, and the women and youth within these communities.
  - e. Regulate private sector activities to require, as a minimum standard, 1) mandatory due diligence and accountability laws that require private sector actors to respect communities' tenure rights, including FPIC; 2) fair and equitable benefit sharing when community lands and resources are used; and, 3) mandatory negotiation and incorporation of community-defined terms of engagement into all project contracts and agreements.
  - f. Harmonize national legal frameworks across sectors to ensure community-based rights to resources including land, forest, ecosystem services, and freshwater are consistently defined and applied.
2. Establish mechanisms that guarantee the full participation of communities, including women and youth, in land governance, environmental management, and climate policymaking at all levels.
3. Ensure that communities have access to fair and transparent legal remedies, including the right to prior notice, consultation, judicial recourse, and compensation when their rights are threatened or violated. Effective grievance and redress mechanisms must be independent, accessible, equitable, predictable, transparent, human rights-compatible, designed and implemented based on engagement and dialogue with Indigenous Peoples, Afro-descendant Peoples, and local communities, and deemed to be legitimate by these rightsholders.



4. Take urgent steps to protect tenure rights from extractive industries, large-scale infrastructure, and environmental or climate initiatives by ensuring that initiatives do not undermine community rights and that communities remain legally recognized as the stewards and managers of their territories within the context of conservation initiatives and actions to combat climate change.
5. Allocate adequate financial and technical resources to translate legal recognition of community tenure rights into practice—always in partnership with Indigenous Peoples, Afro-descendent Peoples, and local communities—including through initiatives that improve communities' capacity to claim, exercise, and defend their rights through legal aid, technical assistance, and participatory mapping.

**In their role as Member States to the UN, governments should support :**

1. Implementation of UNDRIP as per international standards and guidance including the incorporation of CEDAW General Recommendations 34, 37, 39 and 40.
2. Implementation of national reporting methodologies and processes (e.g. under the SDGs, the UNCCD, and the CBD) that regularly collect data on tenure security and that can be disaggregated by gender and reliance on individual or community-based/customary tenure.
3. Incorporation of language into their international climate commitments, including NDCs and Nationally-Based Strategic Action Plans, recognizing the rights of Indigenous Peoples, Afro-descendant Peoples, local communities, and the women and youth within those communities.
4. Adoption of the eventual United Nations Declaration on the promotion, protection and full respect of the human rights of people of African descent, with explicit inclusion of Afro-Descendant Peoples' collective rights and implementation of actions from the International Decade of People of African Descent.

## **6.2 Recommendations for Indigenous, Afro-descendant, and local community-led' organizations, including those representing women and youth**

Organizations and collectives representing Indigenous Peoples, Afro-descendant Peoples, local communities, and the women and youth within them, should use the findings and recommendations of this report and its companion report, *Resilience and Resistance* (RRI 2025), to raise awareness, mobilize support, and coordinate collective actions to advance government actions that:

1. Eliminate all forms and sources of gender-based discrimination, including gender-blind laws and policies, and mainstream gender-transformative provisions, consistent with CEDAW, across all statutory laws and policies regulating community lands, waters, forests, ecosystem services, and natural resources in accordance with RRI's recommendations under *Resilience and Resistance* (2025).
2. Ensure the protection of the equal roles and rights of community youth, with special attention to the rights of girls, as affirmed by the aforementioned legal instruments and the CRC, along with the Committee on the Rights of the Child general No. 11 on Indigenous children and their rights and the CEDAW Committee's General Recommendation 39 as it pertains to the rights of Indigenous girls.

## 6.3 Recommendations for donors and supporting allies

Public and private donors and funders, international development organizations, civil society organizations, and other partners and allies dedicated to human rights, gender justice, climate change adaptation and mitigation, biodiversity conservation, and the pursuit of the SDGs should:

1. Provide technical assistance to government, private sector, and conservation actors to ensure that the tenure and governance rights of Indigenous Peoples, Afro-descendant Peoples, and local communities, including community women and youth, are fully respected, irrespective of the status of their rights under national law, and to monitor progress in this regard.
2. Actively support governments to eliminate all gender-discriminatory legal provisions and mainstream gender-transformative provisions in all statutory laws and policies applicable to community lands, forests, waters, and other natural resources—including those that legally recognize customary laws, practices, and tenure systems.
3. Develop funding pathways and mechanisms that provide flexible, consistent, and long-term support to Indigenous Peoples, Afro-descendant Peoples, local communities, and community women's organizations and associations, including by minimizing administrative barriers that hinder rightsholder organizations from accessing or using dedicated funding.
4. Adopt, implement, and promote the highest international standards for human rights and environmental due diligence and engagements with Indigenous Peoples, Afro-descendant Peoples, local communities, and the women within these groups, as defined by the Land Rights Standard and articulated in other guiding principles such as the UNGPs, the Gender Dimensions of the UNGPs, and UNEP's Core Human Rights Principles for Private Conservation Organizations and Funders.



A member of the Embera community in Ipeti, Panama. Photo by Daiana Gonzalez for Rights and Resources Initiative (RRI). 2025.



6.4

## Recommendations for private sector entities, conservation organizations, and nature-based project proponents

In addition to legal obligations applicable to enterprises under national laws, enterprises have responsibilities to respect all human rights, including those related to the tenure rights of Indigenous Peoples, Afro-descendant Peoples, and local communities.

Non-state actors—including private sector entities, investors, conservation organizations, and carbon and biodiversity crediting schemes or voluntary market initiatives—involved in landscape-level interventions should abide by the following recommendations, irrespective of the status of Indigenous Peoples', Afro-descendant Peoples', and local communities' rights under national law:

1. Actively work with communities to ensure that all landscape-level investments and interactions, including all climate and conservation initiatives, advance the recognition and realization of communities' tenure rights; adhere to FPIC; and ensure community-defined terms and leadership are at the center of decision-making over all community territories.
2. Adhere to and implement the highest international standards for human rights and environmental due diligence and engagements with Indigenous Peoples, Afro-descendant Peoples, and local communities, as defined by the Land Rights Standard and articulated in other guiding principles such as the UNGPs, the Gender Dimensions, and UNEP's Core Human Rights Principles for Private Conservation Organizations and Funders.



Indigenous Pygmy women in the DRC collect water at a nearby stream. Photo by REPALEAC.

## Annex 1 | International Law

The below list highlights key international laws and associated instruments that recognize the land tenure rights of Indigenous women, Afro-descendant women, and local community women, as well as their broader communities, as of December 2024. It is meant as a guidance tool rather than a comprehensive set of all relevant laws or instruments, and the specific articles referenced do not necessarily encompass all legal provisions within these instruments that pertain to community women's or communities' tenure rights.

Instrument	Provisions
<b>Universal Declaration of Human Rights</b>	Arts. 2 and 17: Guarantees all freedoms in the Declaration—including the right to own property alone or in association with others—to all persons without distinction to sex.
<b>International Covenant on Civil and Political Rights (ICCPR) (1966)</b>	<p>Art. 3: States Parties must “undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights ... in the present Covenant.”</p> <p>Art. 26: “[T]he law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as ... sex.”</p>
<b>ICCPR, General Comment No. 23: The rights of minorities (Art 27) (1994)</b>	7. With regard to the exercise of the cultural rights protected under article 27, the Committee observes that culture manifests itself in many forms, including a particular way of life associated with the use of land resources, specially in the case of indigenous peoples.
<b>ICCPR, General Comment No. 36: Right to Life (2019)</b>	<p>23. The duty to protect the right to life requires States parties to take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence. Such persons include human rights defenders, ... and victims of domestic and gender-based violence and human trafficking. They may also include children, ... members of ethnic and religious minorities, indigenous peoples...</p> <p>26. The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These general conditions may include ... degradation of the environment (see also para. 62 below), deprivation of indigenous peoples' land, territories and resources,...</p> <p>62. Environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life. The obligations of States parties under international environmental law should thus inform the content of article 6 of the Covenant, and the obligation of States parties to respect and ensure the right to life should also inform their relevant obligations under international environmental law. Implementation of the obligation to respect and ensure the right to life, and in particular life with dignity, depends, inter alia, on measures taken by States parties to preserve the environment and protect it against harm, pollution and climate change caused by public and private actors.</p>
<b>International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)</b>	Art. 2: States Parties must “undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to ... sex.”



Instrument	Provisions
<b>ICESCR, General Comment No. 15: The right to water (2002)</b>	<p>Whereas the right to water applies to everyone, States parties should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right, including women, children, minority groups, indigenous peoples, refugees, asylum seekers, internally displaced persons, migrant workers, prisoners and detainees. In particular, States parties should take steps to ensure that:</p> <p>(a) Women are not excluded from decision-making processes concerning water resources and entitlements. The disproportionate burden women bear in the collection of water should be alleviated;</p> <p>(b) Children are not prevented from enjoying their human rights due to the lack of adequate water in ... households or through the burden of collecting water. ...;</p> <p>(c) Rural and deprived urban areas have access to properly maintained water facilities. Access to traditional water sources in rural areas should be protected from unlawful encroachment and pollution. .... No household should be denied the right to water on the grounds of their housing or land status;</p> <p>(d) Indigenous peoples' access to water resources on their ancestral lands is protected from encroachment and unlawful pollution. States should provide resources for indigenous peoples to design, deliver and control their access to water;</p> <p>(e) Nomadic and traveller communities have access to adequate water at traditional and designated halting sites;</p>
<b>ICESCR, General Comment No. 21: Right of everyone to take part in cultural life (2009)</b>	<p>Instruments on civil and political rights, on the rights of persons belonging to minorities to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, and to participate effectively in cultural life, on the rights of indigenous peoples to their cultural institutions, ancestral lands, natural resources and traditional knowledge, and on the right to development also contain important provisions on this subject.</p> <p>7.The decision by a person whether or not to exercise the right to take part in cultural life individually, or in association with others, is a cultural choice and, as such, should be recognized, respected and protected on the basis of equality. This is especially important for all indigenous peoples, who have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law, as well as the United Nations Declaration on the Rights of Indigenous Peoples.</p> <p>25.Ensuring the equal right of men and women to the enjoyment of economic, social and cultural rights is a mandatory and immediate obligation of States parties.</p> <p>36. States parties should take measures to guarantee that the exercise of the right to take part in cultural life takes due account of the values of cultural life, which may be strongly communal or which can only be expressed and enjoyed as a community by indigenous peoples. The strong communal dimension of indigenous peoples' cultural life is indispensable to their existence, well being and full development, and includes the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. ...States parties must therefore take measures to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources, and, where they have been otherwise inhabited or used without their free and informed consent, take steps to return these lands and territories.</p> <p>37.Indigenous peoples have the right to act collectively to ensure respect for their right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, ....</p>

Instrument	Provisions
<b>ICESCR, General Comment No. 24: State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities (2017)</b>	<p>8. Among the groups that are often disproportionately affected by the adverse impact of business activities are women, children, indigenous peoples, particularly in relation to the development, utilization or exploitation of lands and natural resources, peasants, fisherfolk and other people working in rural areas, and ethnic or religious minorities [...]</p> <p>9. Certain segments of the population face a greater risk of suffering intersectional and multiple discrimination. For instance, investment-linked evictions and displacements often result in physical and sexual violence against, and inadequate compensation and additional burdens related to resettlement for, women and girls. In the course of such investment-linked evictions and displacements, indigenous women and girls face discrimination both due to their gender and because they identify as indigenous people. [...] States parties address the specific impacts of business activities on women and girls, including indigenous women and girls, and incorporate a gender perspective into all measures to regulate business activities that may adversely affect economic, social and cultural rights, including by consulting the Guidance on National Action Plans on Business and Human Rights.</p>
<b>ICESCR, General Comment No. 26: On land, economic, social and cultural rights (2023)</b>	<p>13. Women are among those who are disproportionately affected by poor access to, use of, control over and bad governance of land, threatening their rights under the Covenant and potentially leading to discrimination, including intersectional discrimination. [...] the Committee noted that women have a right to own, use or otherwise control housing, land and property on an equal basis with men, and to access necessary resources to do so (para. 28). In its general comment No. 12 (1999), the Committee recognized the importance of full and equal access to economic resources, particularly for women, including the right to inheritance and the ownership of land (para. 26).</p> <p>14. [...] States should also monitor and regulate customary law, which in many countries has an important role in governing land, to protect the rights of women and girls who are affected by traditional inheritance rules of male primogeniture.</p> <p>15. [...] Ensuring that women enjoy the rights enshrined in the Covenant on an equal basis to men requires the removal of traditional land regulations and structures that discriminate against women. [...]</p>
<b>International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1965)</b>	<p>Art 1.: 1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.</p> <p>Art. 5: In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:</p> <p>(a) The right to equal treatment before the tribunals and all other organs administering justice;</p> <p>(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;</p> <p>(c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;</p> <p>(d) Other civil rights, in particular:</p> <p>[...] (iii) The right to nationality;</p> <p>[...] (v) The right to own property alone as well as in association with others;</p> <p>(vi) The right to inherit;</p> <p>(vii) The right to freedom of thought, conscience and religion;</p> <p>(viii) The right to freedom of opinion and expression;</p> <p>(ix) The right to freedom of peaceful assembly and association;</p> <p>(e) Economic, social and cultural rights, in particular:</p> <p>[...]</p> <p>(vi) The right to equal participation in cultural activities;</p>

Instrument	Provisions
<b>CERD, General Recommendation 23: on the rights of Indigenous Peoples (1997)</b>	<p>The Committee calls in particular upon States parties to:</p> <p>(a) Recognize and respect indigenous distinct culture, history, language and way of life as an enrichment of the State's cultural identity and to promote its preservation;</p> <p>(b) Ensure that members of indigenous peoples are free and equal in dignity and rights and free from any discrimination, in particular that based on indigenous origin or identity;</p> <p>(c) Provide indigenous peoples with conditions allowing for a sustainable economic and social development compatible with their cultural characteristics;</p> <p>(d) Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent;</p> <p>(e) Ensure that indigenous communities can exercise their rights to practise and revitalize their cultural traditions and customs and to preserve and to practise their languages.</p> <p>5. The Committee especially calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories. Only when this is for factual reasons not possible, the right to restitution should be substituted by the right to just, fair and prompt compensation. Such compensation should as far as possible take the form of lands and territories.</p>
<b>CERD, General Recommendation No. 34: Racial discrimination against people of African descent (2011)</b>	<p>3. People of African descent shall enjoy all human rights and fundamental freedoms in accordance with international standards, in conditions of equality and without any discrimination.</p> <p>4. People of African descent live in many countries of the world, either dispersed among the local population or in communities, where they are entitled to exercise, without discrimination, individually or in community with other members of their group, as appropriate, the following specific rights:</p> <p>(a) The right to property and to the use, conservation and protection of lands traditionally occupied by them and to natural resources in cases where their ways of life and culture are linked to their utilization of lands and resources;</p> <p>(b) The right to their cultural identity, to keep, maintain and foster their mode of life and forms of organization, culture, languages and religious expressions;</p> <p>(c) The right to the protection of their traditional knowledge and their cultural and artistic heritage;</p> <p>(d) The right to prior consultation with respect to decisions which may affect their rights, in accordance with international standards.</p> <p>22. Recognizing that some forms of racial discrimination have a unique and specific impact on women, design and implement measures aimed at eliminating racial discrimination, paying due regard to the Committee's general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination.</p> <p>[...]</p> <p>25. Recognizing the particular vulnerability of children of African descent, which may lead to the transmission of poverty from generation to generation, and the inequality affecting people of African descent, adopt special measures to ensure equality in the exercise of their rights, in particular corresponding to the areas that most affect the lives of children.</p>

Instrument	Provisions
<b>Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1981)</b>	<p>Art. 1: “[D]iscrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”</p> <p>Required legislative prohibitions and reforms—Art. 2: “State Parties ... agree to: pursue by all appropriate means and without delay a policy of eliminating discrimination against women, and ... undertake” to:</p> <ul style="list-style-type: none"> <li>• Adopt and enforce “legislative ... measures ... prohibiting all discrimination against women,” and embodying “the equality of men and women”</li> <li>• “Refrain from ... any act or practice of discrimination against women” and “take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise”</li> <li>• “[M]odify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.”</li> </ul> <p>Political participation/leadership—Art. 7: “States Parties shall take all appropriate measures to eliminate discrimination against women in political and public life, and ... shall ensure to women, on equal terms with men, ... the right:</p> <ul style="list-style-type: none"> <li>• “To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies.”</li> <li>• “To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.”</li> <li>• “To participate in non-governmental organizations and associations concerned with the public and political life of the country.”</li> </ul> <p>Rural women—Art. 14: “States Parties shall take into account the particular problems faced by rural women” and the “significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy ...”</p> <p>(2): States Parties “shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and ... shall ensure to such women the right: (f): To participate in all community activities.”</p> <p>Legal Capacity/Dispute Resolution—Art. 15: States Parties shall:</p> <ul style="list-style-type: none"> <li>• “Accord to women equality with men before the law.”</li> <li>• “Give women equal rights to ... conclude contracts and to administer property.”</li> <li>• “Treat [women] equally in all stages of procedure in courts and tribunals.”</li> <li>• “Accord to men and women the same rights with regard to...the freedom to choose their residence and domicile.”</li> </ul> <p>Family relations—Art. 16: “States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and ... shall ensure:</p> <p>(c) The same rights and responsibilities during marriage and at its dissolution; ...</p> <p>(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property.”</p>



Instrument	Provisions
<b>CEDAW, General Recommendation No. 34: on the rights of rural women (2016)</b>	<p>9. States parties should ensure that legal frameworks are non-discriminatory and guarantee access to justice to rural women, in line with general recommendation No. 33, including by:</p> <p>[...]</p> <p>(b) Enacting legislation to regulate the relationship between different mechanisms within plural legal systems in order to reduce conflicts of law and ensure that rural women may claim their rights</p> <p>23.[...] They should eliminate discriminatory stereotypes, including those that compromise the equal rights of rural women to land, water and other natural resources.</p> <p>54. To ensure the active, free, effective, meaningful and informed participation of rural women in political and public life, and at all levels of decision-making, States parties should implement general recommendations Nos. 23 and 25, and specifically: (a) Establish quotas and targets for rural women's representation in decision-making positions, specifically in parliaments and governance bodies at all levels, including in land, forestry, fishery and water governance bodies, as well as natural resource management.</p> <p>56. The Committee considers rural women's rights to land, natural resources, including water, seeds and forests, and fisheries as fundamental human rights.</p> <p>57. States parties should take all measures, including temporary special measures, necessary to achieve the substantive equality of rural women in relation to land and natural resources, [...]. States parties should pay special attention to customary systems, which often govern land management, administration and transfer, in particular in rural areas, and ensure that they do not discriminate against rural women.</p> <p>59. States parties should ensure that legislation guarantees rural women's rights to land, water and other natural resources on an equal basis with men, irrespective of their civil and marital status or of a male guardian or guarantor, and that they have full legal capacity. They should ensure that indigenous women in rural areas have equal access with indigenous men to ownership and possession of and control over land, water, forests, fisheries, aquaculture and other resources that they have traditionally owned, occupied or otherwise used or acquired...</p>
<b>CEDAW, General recommendation No. 37: on gender-related dimensions of disaster risk reduction in a changing climate (2018)</b>	<p>2. [...] Situations of crisis exacerbate pre-existing gender inequalities and compound the intersecting forms of discrimination against, among others, women living in poverty, indigenous women, women belonging to ethnic, racial, .... minority groups, ....</p> <p>26. States parties should ensure that all policies, legislation, plans, programmes, budgets and other activities relating to disaster risk reduction and climate change are gender responsive and grounded in human rights-based principles, including the following:</p> <p>(a) Equality and non-discrimination, with priority being accorded to the most marginalized groups of women and girls, such as those from indigenous, racial, ethnic .... minority groups, ....</p>
<b>CEDAW, General Recommendation No. 39: on the rights of Indigenous women and Girls (2022)</b>	<p>16. The prohibition of discrimination in articles 1 and 2 of the Convention applies to all rights of Indigenous women and girls under the Convention, including, by extension, those set out in the Declaration, which is of fundamental importance to the interpretation of the Convention in the current context</p> <p>58. Indigenous women and girls have a key role in their communities in securing food, water and forms of livelihood and survival. The dispossession of their territories, forced displacement and lack of recognition of Indigenous land rights limits their opportunities to achieve food and water security and to manage these needed natural resources. The implementation of extractive and other economic activities and development projects can cause food and water contamination, [...] States should adopt urgent measures to ensure that Indigenous women and girls have adequate access to sufficient food, nutrition and water.</p>

Instrument	Provisions
<p><i>Continued</i></p> <p><b>CEDAW, General Recommendation No. 39: on the rights of Indigenous women and Girls (2022)</b></p>	<p>60. The right to a clean, healthy and sustainable environment encompasses a safe and stable climate; safe and adequate food and water; healthy ecosystems and biodiversity; a non-toxic environment; participation; access to information; and access to justice in environmental matters</p> <p>23 [...] (e) Adopt legislation to fully ensure the rights of Indigenous women and girls to land, water and other natural resources, including their right to a clean, healthy and sustainable environment, and that their equality before the law is recognized and respected, as well as ensuring that Indigenous women in rural and urban areas have equal access to ownership, title, possession and control of land, water, forests, fisheries, aquaculture and other resources that they have owned, occupied or otherwise used or acquired, including by protecting them against discrimination and dispossession</p>
<p><b>CEDAW, General Recommendation No. 40: on equal and inclusive representation of women in decision-making systems (2024)</b></p>	<p>17. Under the Convention, States parties must address discrimination against women that intersects with other forms of discrimination, [...] No. 34 (2016) on the rights of rural women and No. 39 (2022) on the rights of Indigenous women and girls, in all of which it calls for equal and inclusive decision-making...</p> <p>26. [...] (a) Ensure the full implementation of the Convention, including by abolishing all discriminatory legislative provisions and ensuring equality before the law, including in the Constitution, ...adopting legislation and other measures for substantive equality in all fields, .... and harmonizing customary law with the Convention;</p> <p>(b) Amend the constitution and legislative frameworks to institutionalize fifty-fifty parity between women and men in all spheres of decision-making;</p> <p>49. [...] (a) Adopt laws and other measures to ensure parity in decision-making positions at all levels in public administration and the judiciary, including local, customary and informal justice systems ...</p>
<p><b>Convention on the Rights of the Child (CRC) (1989)</b></p>	<p>Art. 2. 1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.</p> <p>Art. 8. 1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.</p> <p>Art. 24 (2): "States Parties shall pursue full implementation of [the right to health] and, in particular, shall take appropriate measures: ... (c) To combat disease and malnutrition ... through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution."</p> <p>Art. 30. In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.</p>
<p><b>CRC, General Comment No. 11: Indigenous Children and their rights under the Convention (2009)</b></p>	<p>16.The Committee recalls the close linkage between article 30 of the Convention on the Rights of the Child and article 27 of the International Covenant on Civil and Political Rights. Both articles specifically provide for the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion or to use his or her own language. The right established is conceived as being both individual and collective and is an important recognition of the collective traditions and values in indigenous cultures. The Committee notes that the right to exercise cultural rights among indigenous peoples may be closely associated with the use of traditional territory and the use of its resources.</p> <p>35.The Committee reiterates its understanding of development of the child as set out in its general comment No. 5, as a "holistic concept embracing the child's physical, mental, spiritual, moral, psychological and social development". The Preamble of the Convention stresses the importance of the traditions and cultural values of each person, particularly with reference to the protection and harmonious development of the child. In the case of indigenous children whose communities retain a traditional lifestyle, the use of traditional land is of significant importance to their development and enjoyment of culture. States parties should closely consider the cultural significance of traditional land and the quality of the natural environment while ensuring the children's right to life, survival and development to the maximum extent possible.</p>

Instrument	Provisions
<b>CRC, General Comment No. 16: on State obligations regarding the impact of the business sector on children's rights (2013)</b>	<p>C. The right to life, survival and development (art. 6)</p> <p>[...]</p> <p>The activities and operations of business enterprises can impact on the realization of article 6 in different ways. For example, environmental degradation and contamination arising from business activities can compromise children's rights to health, food security and access to safe drinking water and sanitation. Selling or leasing land to investors can deprive local populations of access to natural resources linked to their subsistence and cultural heritage; the rights of indigenous children may be particularly at risk in this context.</p> <p>[...]</p>
<b>CRC, General comment No. 26: on children's rights and the environment, with a special focus on climate change (2023)</b>	<p>49.Children should not be subject to forced evictions without prior provision of adequate alternative accommodation, including relocation linked to development and infrastructure projects addressing energy and/or climate mitigation and adaptation action. Child rights impact assessments should be a prerequisite for such projects. Particular attention should be paid to preserving the traditional land of Indigenous children and protecting the quality of the natural environment for the enjoyment of their rights, including their right to an adequate standard of living.</p> <p>58.Indigenous children are disproportionately affected by biodiversity loss, pollution and climate change. States should closely consider the impact of environmental harm, such as deforestation, on traditional land and culture and the quality of the natural environment, while ensuring the rights to life, survival and development of Indigenous children. States must undertake measures to meaningfully engage with Indigenous children and their families in responding to environmental harm, including harm caused by climate change, taking due account of and integrating concepts from Indigenous cultures and traditional knowledge in mitigation and adaptation measures. While children in Indigenous communities face unique risks, they can also act as educators and advocates in applying traditional knowledge to reduce the impact of local hazards and strengthen resilience, if this knowledge is passed on and supported. Comparable measures should be taken regarding the rights of children belonging to non-Indigenous minority groups whose rights, way of life and cultural identity are intimately related to nature.</p> <p>63. Children have the right to a clean, healthy and sustainable environment. This right is implicit in the Convention and directly linked to, in particular, the rights to life, survival and development, [...]</p>
<b>International Labour Organization (ILO) Indigenous and Tribal Peoples Convention No. 169 (1989)</b>	<p>Art. 5: 1. In applying the provisions of this Convention, Governments shall:</p> <p>(a) Consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;</p> <p>(b) Establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;</p> <p>(c) Establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.</p> <p>Art. 7: 1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development.</p> <p>Art. 14: 1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised.</p> <p>Art. 15 (1): "The rights of the peoples concerned to the natural resources pertaining to their lands [including the concept of "territories" per Art. 13(2)] shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources."</p> <p>Art. 15(2): "In cases in which the State retains the ownership of ... rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples ... before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The peoples ... shall receive fair compensation for any damages which they may sustain as a result of such activities."</p>

Instrument	Provisions
<b>United Nations Declaration on the Rights of Indigenous Peoples (2007)</b>	<p>Art. 21: Indigenous peoples, including indigenous women, have the right to improve their economic and social conditions without discrimination.</p> <p>Art. 22: (1) "Particular attention shall be paid to the rights and special needs of indigenous ... women, ..." and to protections regarding violence and discrimination against women.</p> <p>Art. 26: Indigenous Peoples have the right to land, territories and resources that they have traditionally owned, occupied or otherwise held.</p>
<b>United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) (2018)</b>	<p>2. Particular attention shall be paid in the implementation of the present Declaration to the rights ..., including women, ... taking into account the need to address multiple forms of discrimination.</p> <p>Article 4 1. States shall take all appropriate measures to eliminate all forms of discrimination against peasant women and other women working in rural areas and to promote their empowerment in order to ensure, on the basis of equality between men and women, that they fully and equally enjoy all human rights and fundamental freedoms and that they are able to freely pursue, participate in and benefit from rural economic, social, political and cultural development</p> <p>Article 17 1. Peasants and other people living in rural areas have the right to land, individually and/or collectively, ....</p>
<b>UN Framework Convention on Climate Change</b>	<p>Para. 7: Recognizes "the need to engage a broad range of stakeholders at the global, regional, national and local levels, ... and that gender equality and the effective participation of women and indigenous peoples are important for effective action on all aspects of climate change."</p> <p>Appendix 1 (Safeguards), paragraph 2: REDD+ countries should promote and support: • Actions that "complement or are consistent with ... relevant international conventions and agreements" (which would include CEDAW) • The full and effective participation of relevant stakeholders, in particular Indigenous Peoples and local communities, during REDD+ initiatives • REDD+ processes developed and implemented in a gender-considerate manner.</p>
<b>Enhanced Lima work programme on gender and its gender action plan</b>	<p>5. To achieve and sustain the full, equal and meaningful participation of women in the UNFCCC process.</p>
<b>Convention on Biological Diversity</b>	<p>Art. 8: Each Contracting Party shall, as far as possible and as appropriate: (j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices</p> <p>Art. 18: 4. The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts.</p>
<b>Montreal-Kunming Global Biodiversity Framework</b>	<p>Target 22. States are to ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, including access to justice for Indigenous Peoples, local communities, women and girls, and the full protection of environmental human rights defenders.</p> <p>Target 23. Ensure gender equality in the implementation of the Framework through a gender-responsive approach, where all women and girls have equal opportunity and capacity to contribute to the three objectives of the Convention, including by recognizing their equal rights and access to land and natural resources and their full, equitable, meaningful and informed participation and leadership at all levels of action, engagement, policy and decision-making related to biodiversity</p>



Instrument	Provisions
<b>African Commission on Human and Peoples' Rights v. Republic of Kenya (Ogiek) (2017)</b>	<p>128. In the instant case, the Respondent does not dispute that the Ogiek Community has occupied lands in the Mau Forest since time immemorial. In the circumstances, since the Court has already held that the Ogieks constitute an indigenous community (supra paragraph 112), it holds, on the basis of Article 14 of the Charter read in light of the above-mentioned United Nations Declaration, that they have the right to occupy their ancestral lands, as well as use and enjoy the said lands.</p> <p>130. In the instant case, the Respondent's public interest justification for evicting the Ogieks from the Mau Forest has been the preservation of the natural ecosystem. Nevertheless, it has not provided any evidence to the effect that the Ogieks' continued presence in the area is the main cause for the depletion of natural environment in the area. Different reports prepared by or in collaboration with the Respondent on the situation of the Mau Forest also reveal that the main causes of the environmental degradation are encroachments upon the land by other groups and government excisions for settlements and ill-advised logging concessions. In its pleadings, the Respondent also concedes that "the Mau Forest degradation cannot entirely be associated or is not associable to the Ogiek people". In this circumstance, the Court is of the view that the continued denial of access to and eviction from the Mau Forest of the Ogiek population cannot be necessary or proportionate to achieve the purported justification of preserving the natural ecosystem of the Mau Forest.</p> <p>131. In view of the foregoing considerations, the Court holds that by expelling the Ogieks from their ancestral lands against their will, without prior consultation and without respecting the conditions of expulsion in the interest of public need, the Respondent violated their rights to land as defined above and as guaranteed by Article 14 of the Charter read in light of the United Nations Declaration on the Rights of Indigenous Peoples of 2007.</p>
<b>Guidelines on the Right to Water in Africa, Commission on Human and Peoples Rights, (2019)</b>	<p>5.3. Gender equality and the protection of women' and girls' rights shall receive particular attention in the water sector</p> <p>8.3. States shall ensure that individuals and groups, including vulnerable and marginalized groups, are aware of their ability to participate. States shall take steps to encourage and facilitate the participation of those belonging to these groups and ensure that the mechanisms for participation are accessible to all and function in a non-discriminatory manner. States shall in particular empower women to participate, on an equal basis with men, at all levels in water resources and water programmes,</p> <p>19.2. States shall support equitable access to water and water management systems, including sustainable rain harvesting and irrigation technology, for disadvantaged and marginalized farmers, including women farmers.</p> <p>22.1. States shall take action to reduce the disproportionate burden and amount of time women bear in water collection.</p> <p>22.2. States shall guarantee safe access to water for women and girls at any time of the day and strengthen customary and statutory institutions and mechanisms for defending or protecting women's rights to water</p> <p>22.3. States shall pay particular attention to alleviate difficulties encountered by rural women in accessing water who have to pay fees in some countries affected by desertification.</p>
<b>Protocol to the African Charter on Human and Peoples' Rights on The Rights Of Women In Africa (The Maputo Protocol) (2004)</b>	<p>Article 18</p> <p>1. Women shall have the right to live in a healthy and sustainable environment.</p> <p>2. States Parties shall take all appropriate measures to:</p> <p>a) ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels;</p> <p>...</p> <p>c) protect and enable the development of women's indigenous knowledge systems;</p> <p>....</p> <p>Article 19. Women shall have the right to fully enjoy their right to sustainable development.</p>

Instrument	Provisions
<b>Regional Agreement on Access to Information , Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (“Escazú Agreement”) (2018)</b>	<p>Art. 5 Access to environmental information: 3. Each Party shall facilitate access to environmental information for persons or groups in vulnerable situations, establishing procedures for the provision of assistance, from the formulation of requests through to the delivery of the information, taking into account their conditions and specificities, for the purpose of promoting access and participation under equal conditions. 4. Each Party shall guarantee that the above-mentioned persons or groups in vulnerable situations, including indigenous peoples and ethnic groups, receive assistance in preparing their requests and obtain a response.</p> <p>Art. 7 Public participation in the environmental decision-making process: 15. In the implementation of the present Agreement, each Party shall guarantee that its domestic legislation and international obligations in relation to the rights of indigenous peoples and local communities are observed.</p>
<b>American Declaration on the Rights of Indigenous Peoples</b>	<p>Article VI. Collective rights: Indigenous peoples have collective rights that are indispensable for their existence, well-being, and integral development as peoples. In that regard, States recognize and respect the right of indigenous peoples to their collective action; to their juridical, social, political, and economic systems or institutions; to their own cultures; to profess and practice their spiritual beliefs; to use their own tongues and languages; and to their lands, territories and resources. States shall promote, with the full and effective participation of indigenous peoples, the harmonious coexistence of the rights and systems of different population groups and cultures.</p> <p>Article VII. Gender equality: 1. Indigenous women have the right to the recognition, protection, and enjoyment of all human rights and fundamental freedoms provided for in international law, free from discrimination of any kind. 2. States recognize that violence against indigenous peoples and individuals, particularly women, hinders or nullifies the enjoyment of all human rights and fundamental freedoms. 3. States shall adopt, in conjunction with indigenous peoples, the necessary measures to prevent and eradicate all forms of violence and discrimination, particularly against indigenous women and children.</p>
<b>Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua. Merits, Reparations and Costs. Judgment of August 31, 2001.</b>	<p>148. Through an evolutionary interpretation of international instruments for the protection of human rights, taking into account applicable norms of interpretation and pursuant to article 29(b) of the Convention -which precludes a restrictive interpretation of rights-, it is the opinion of this Court that article 21 of the Convention protects the right to property in a sense which includes, among others, the rights of members of the indigenous communities within the framework of communal property, which is also recognized by the Constitution of Nicaragua.</p> <p>149. Given the characteristics of the instant case, some specifications are required on the concept of property in indigenous communities. Among indigenous peoples there is a communitarian tradition regarding a communal form of collective property of the land, in the sense that ownership of the land is not centered on an individual but rather on the group and its community. Indigenous groups, by the fact of their very existence, have the right to live freely in their own territory; the close ties of indigenous people with the land must be recognized and understood as the fundamental basis of their cultures, their spiritual life, their integrity, and their economic survival. For indigenous communities, relations to the land are not merely a matter of possession and production but a material and spiritual element which they must fully enjoy, even to preserve their cultural legacy and transmit it to future generations.</p> <p>[...]</p> <p>151. Indigenous peoples' customary law must be especially taken into account for the purpose of this analysis. As a result of customary practices, possession of the land should suffice for indigenous communities lacking real title to property of the land to obtain official recognition of that property, and for consequent registration.</p>

<p><b>Case of the Saramaka People v. Suriname Judgment of November 28, 2007.</b></p>	<p>95. The above analysis supports an interpretation of Article 21 of the American Convention to the effect of calling for the right of members of indigenous and tribal communities to freely determine and enjoy their own social, cultural and economic development, which includes the right to enjoy their particular spiritual relationship with the territory they have traditionally used and occupied. Thus, in the present case, the right to property protected under Article 21 of the American Convention, interpreted in light of the rights recognized under common Article 1 and Article 27 of the ICCPR, which may not be restricted when interpreting the American Convention, grants to the members of the Saramaka community the right to enjoy property in accordance with their communal tradition.</p> <p>96. Applying the aforementioned criteria to the present case, the Court thus concludes that the members of the Saramaka people make up a tribal community protected by international human rights law that secures the right to the communal territory they have traditionally used and occupied, derived from their longstanding use and occupation of the land and resources necessary for their physical and cultural survival, and that the State has an obligation to adopt special measures to recognize, respect, protect and guarantee the communal property right of the members of the Saramaka community to said territory.</p> <p>[...]</p> <p>121. In accordance with this Court's jurisprudence as stated in the Yakye Axa and Sawhoyamaya cases, members of tribal and indigenous communities have the right to own the natural resources they have traditionally used within their territory for the same reasons that they have a right to own the land they have traditionally used and occupied for centuries. Without them, the very physical and cultural survival of such peoples is at stake.<sup>123</sup> Hence the need to protect the lands and resources they have traditionally used to prevent their extinction as a people. That is, the aim and purpose of the special measures required on behalf of the members of indigenous and tribal communities is to guarantee that they may continue living their traditional way of life, and that their distinct cultural identity, social structure, economic system, customs, beliefs and traditions are respected, guaranteed and protected by States.</p>
<p><b>Advisory Opinion OC-23/17 of November 15, 2017 Requested by the Republic of Colombia: The Environment and Human Rights, Inter-American Court of Human Rights (IACrtHR) (2017)</b></p>	<p>113. Furthermore, in the specific case of indigenous and tribal communities, the Court has ruled on the obligation to protect their ancestral territories owing to the relationship that such lands have with their cultural identity, a fundamental human right of a collective nature that must be respected in a multicultural, pluralist and democratic society.<sup>21</sup></p> <p>[...]</p> <p>156. To date, the Inter-American Court has only ruled on the obligation to carry out environmental impact assessments in relation to activities implemented in the territory of indigenous communities. In this regard, it has established that an environmental impact assessment constitutes a safeguard to ensure that the restrictions imposed on indigenous or tribal peoples in relation to the right to ownership of their lands, owing to the issue of concessions within their territory, does not entail a denial of their survival as a people.<sup>307</sup></p> <p>[...]</p> <p>227. The right of the public to take part in the management of public affairs is established in Article 23(1)(a) of the American Convention.<sup>514</sup> In the context of indigenous communities, this Court has determined that the State must ensure the rights to consultation and to participation at all stages of the planning and implementation of a project or measure that could have an impact on the territory of an indigenous or tribal community, or on other rights that are essential for their survival as a people<sup>515</sup> in keeping with their customs and traditions.<sup>516</sup> This means that, in addition to receiving and providing information, the State must make sure that members of the community are aware of the possible risks, including health and environmental risks, so that they can provide a voluntary and informed opinion about any project that could have an impact on their territory within the consultation process.<sup>517</sup> The State must, therefore, create sustained, effective and trustworthy channels for dialogue with the indigenous peoples, through their representative institutions, in the consultation and participation procedures.<sup>51</sup></p>

<b>Indigenous communities of the Lhaka Honhat Association (Our Land) v. Argentina, judgment of (6 February 2020), Interamerican Court of Human Rights</b>	<p>The right to property established in Article 21 of the Convention includes, in relation to indigenous peoples, the communal ownership of their lands. It indicated that the traditional possession of the land by the indigenous communities should be sufficient for the official recognition of ownership.</p> <p>The Court examined the rights to a healthy environment, adequate food, water, and cultural identity autonomously, based on Article 26 of the American Convention</p> <p>230. The Court agrees with the CESCER that, in compliance with their obligations in relation to the right to water, States “should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right, including [...] indigenous peoples.” And should ensure that “[i]ndigenous peoples’ access to water resources on their ancestral lands is protected from encroachment and unlawful pollution [...] and] provide resources for indigenous peoples to design, deliver and control their access to water,” and also that “Nomadic and traveller communities have access to adequate water at traditional [...] halting sites.”</p>
<b>UNGA Resolution A/RES/76/300 – The human right to a clean, healthy and sustainable environment</b>	<p><i>Preamble</i></p> <p>Recognizing that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by women and girls and those segments of the population that are already in vulnerable situations, including indigenous peoples...</p> <p>Recognizing also the importance of gender equality, gender-responsive action to address climate change and environmental degradation, the empowerment, leadership, decision-making and full, equal and meaningful participation of women and girls, and the role that women play as managers, leaders and defenders of natural resources and agents of change in safeguarding the environment,</p>
<b>International Finance Corporation (IFC) Performance Standards on Environmental and Social Sustainability (2012)</b>	<p>Business actors must:</p> <ul style="list-style-type: none"> <li>• Identify disadvantaged or vulnerable individuals and groups that may be “directly and differentially or disproportionately” affected by the project (including women) and “propose and implement differentiated measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in sharing development benefits and opportunities.” Performance Standard 1, para. 12.</li> <li>• Inclusively engage and informatively consult with Indigenous Peoples and/or local communities, including women, when assessing and managing environmental and social risks (Performance Standard 1, paras. 30–31), when engaging in project-related land acquisition and involuntary resettlement processes (Performance Standard 5, para. 10), and when abiding by FPIC principles in the context of projects involving Indigenous Peoples (Performance Standard 7, para. 14).</li> </ul>
<b>United Nations Guiding Principles on Business and Human Rights</b>	<p>Commentary on Principle 3:</p> <p>Guidance to business enterprises on respecting human rights should indicate expected outcomes and help share best practices. It should advise on appropriate methods, including human rights due diligence, and how to consider effectively issues of gender, vulnerability and/or marginalization, recognizing the specific challenges that may be faced by indigenous peoples, women, national or ethnic minorities...</p> <p>Commentary on Principle 12:</p> <p>Depending on circumstances, business enterprises may need to consider additional standards. For instance, enterprises should respect the human rights of individuals belonging to specific groups or populations that require particular attention, where they may have adverse human rights impacts on them. In this connection, United Nations instruments have elaborated further on the rights of indigenous peoples; women; national or ethnic, religious and linguistic minorities...</p>



<p><b>Gender guidance for the Guiding Principles on Business and Human Rights</b></p>	<p>Gender Guidance Principle 12:</p> <p>d. Business enterprises should be aware of the intertwined layers of discrimination faced by women because of intersectionality: different women may be affected differently by business activities ... ethnicity, ... indigenous or minority status;</p> <p>e. When business enterprises may adversely affect indigenous women, they should take into account the rights, including to self-determination and of free, prior and informed consent, set out in the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization and in the United Nations Declaration on the Rights of Indigenous Peoples.</p> <p>Gender Guidance Principle 20</p> <p>c. Business enterprises should engage women, women's organizations and local community groups to assess the effectiveness of their gender-transformative responses</p> <p>Gender Guidance Principle 27</p> <p>e. States should ensure that customary or indigenous justice systems operate in line with women's international human rights standards.</p>
<p><b>Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012) Updated on 2020</b></p>	<p><i>Preface:</i> "It is important to note that responsible governance of tenure of land, fisheries and forests is inextricably linked with access to and management of other natural resources, such as water and mineral resources ..."</p> <p>1.1: "These Voluntary Guidelines seek to improve governance of land [as defined in the national context], fisheries and forests ..."</p> <p>3.2: "Non-state actors including business enterprises have a responsibility to respect human rights and legitimate tenure rights ... [and] should act with due diligence to avoid infringing on the human rights and legitimate tenure rights of others ..."</p> <p>5.3: "States should ensure that policy, legal and organizational frameworks for tenure governance recognize and respect ... legitimate tenure rights including legitimate customary tenure rights that are not currently protected by law; and facilitate, promote and protect the exercise of tenure rights ... States should provide frameworks that are non-discriminatory and promote social equity and gender equality ..."</p> <p>5.4: "States should consider the particular obstacles faced by women and girls with regard to tenure and associated tenure rights, and take measures to ensure that legal and policy frameworks provide adequate protection for women and that laws that recognize women's tenure rights are implemented and enforced ..."</p> <p>9.1: "State and non-state actors should acknowledge that land, fisheries and forests have social, cultural, spiritual, economic, environmental and political value to indigenous peoples and other communities with customary tenure systems."</p> <p>9.4: "States should provide appropriate recognition and protection of the legitimate tenure rights of indigenous peoples and other communities with customary tenure systems, consistent with existing obligations under national and international law ..."</p>
<p><b>Voluntary Guidelines on Gender Equality and Women's and Girls' Empowerment in the Context of Food Security and Nutrition (2023)</b></p>	<p>69. Governments are urged to:</p> <p>(i) Design, strengthen, and implement legislation or introduce new legislation, as appropriate, to promote equal access to and control over natural resources for all women. [...]</p> <p>(ii) Promote that all women and girls, including from Indigenous Peoples, and local communities, have equal, secure and transparent legitimate tenure rights, as applicable, and safe access to and control over and use of land, water, fisheries and forests, [...]</p>

<p><i>Continued</i></p> <p><b>Voluntary Guidelines on Gender Equality and Women's and Girls' Empowerment in the Context of Food Security and Nutrition (2023)</b></p>	<p>70. Governments, with the support of all relevant stakeholders, including civil society, Indigenous Peoples, local communities, private sector, and development partners, should:</p> <p>(i) Advance knowledge on land tenure as well as user rights in fisheries as a crucial step towards achieving gender equal governance of fisheries and attaining food security and nutrition and livelihood benefits.</p> <p>(ii) Promote and support full, equal and meaningful participation of women, including young women, Indigenous women and women with disabilities, in the management, transmission and governance of natural resources at all levels, including of customary institutions, recognizing the importance of traditional and Indigenous Peoples' knowledge systems. [...]</p> <p>(vi) Promote the full, equal and meaningful participation and leadership of women, including Indigenous women, in all aspects of climate and environmental policy formulation and actions at all levels.</p>
<p><b>Sustainable Development Goals (2016)</b></p>	<p>Goal 1.4: "By 2013, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources ... ownership and control over land and other forms of property, inheritance, [and] natural resources."</p> <p>Goal 5.1: "End all forms of discrimination against all women and girls everywhere."</p> <p>Goal 5.a: "Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources, in accordance with national laws."</p>
<p><b>Core Human Rights Principles for Private Conservation Organizations and Funders</b></p>	<p>Principle Two: Respect the Rights of Indigenous Peoples</p> <p>Every conservation organization and funder should ensure that it respects the rights of Indigenous Peoples, including their right to self-determination, their right to the lands, territories, and resources that they have traditionally owned, occupied, or otherwise used or acquired, and their right to their Indigenous knowledge, in accordance with international human rights norms and standards, including the United Nations Declaration on the Rights of Indigenous Peoples. Conservation organizations and funders should never undertake or support actions that adversely affect the rights of Indigenous Peoples without first consulting and cooperating with them in good faith, obtaining and maintaining their free, prior, and informed consent, and ensuring that they fairly and equitably share in the benefits from activities relating to their lands, territories, or resources. Conservation organizations and funders should accept the outcomes of free, prior, and informed consent processes. Conservation organizations and funders should support Indigenous Peoples, including Indigenous women, girls, children, and youth, in exercising their rights and advancing the realization of their rights, including where possible by providing direct funding to better support Indigenous Peoples' own initiatives for conservation.</p> <p>Principle Three: Respect the Rights of All Communities, Groups, and Individuals</p> <p>Every conservation organization and funder should ensure that it respects the rights of all communities, groups, and individuals, in particular those who may be at heightened risk of vulnerability or marginalization, including human rights defenders, Afro-descendant and other tribal communities, peasants, women, girls, children, youth, older persons, and persons with disabilities, taking into account their needs, risks, and capacities, in accordance with international human rights norms and standards. Where possible, conservation organizations and funders should directly support them in exercising their rights and advancing the realization of their rights.</p>

## Annex 2 | Methodology Note – Depth of Rights

### Sources of Law

This analysis tracks the recognition of Indigenous Peoples', Afro-descendant Peoples', and local communities' collective rights to forestlands and resources. As in other RRI analyses, the results of this study rely on analysis of national-level, legally binding sources of law, including national legislation and regulations addressing the recognition of Indigenous Peoples', Afro-descendant Peoples', and local communities' rights; land, forests, and agriculture (where forestry is considered). Non-legally binding documents are referenced where they add to or clarify the manner in which binding sources of law are to be implemented or interpreted. Expert opinions and information found in the literature provided guidance on the interpretations and interactions of laws cited in this report. Laws entering into force after December 31, 2024, were not considered.

### Data Collection and Review

Data was collected in several phases over a period of approximately 24 months. Existing “bundle of rights” (also referred to as “Depth of Rights”) data regularly updated through various RRI analyses was updated for 30 countries to reflect the status of national laws addressing the recognition of community-based forest tenure between as of December 31, 2024. Five additional countries (Ecuador, Ghana, Lao PDR, Madagascar and Nicaragua) were reviewed for the presence of CBTRs, and Depth of Rights assessments were conducted for each of the CBTRs identified.

A desk review of national constitutions and legislation broadly concerning land and forests was also conducted to inform the assessment of the indicators and identification of CBTRs in the study.

The desk review was followed by an expert review process during which preliminary data for the bundle of rights assessment was submitted to individuals with country-level expertise to verify their accuracy and completeness. Overall, reviews of country data were solicited from nearly 280 people globally in 2023–2024, and reviews of data for individual countries were received from more than 80 experts. All efforts were made to include the most up-to-date laws and regulations in the study and to ensure that its legal interpretations reflect country-specific contexts and nuances; however, legal interpretations can vary and may be subject to debate. RRI welcomes feedback concerning its approach, data sources, and data.

Although RRI makes every effort to include in our dataset only information that achieves minimum standards of reliability and consistency across periods and countries, we may have made errors. We welcome feedback that would help improve our approach, data sources, and data. This is important not only for retrospective corrections, but also for improving our monitoring and analysis in the future.

### Depth of Rights Methodology

RRI's Tenure Tracking data monitors the legal recognition of Indigenous Peoples', Afro-descendant Peoples', and local communities'—including women's—rights to forests, land, and natural resources through databases that examine both quantitative and qualitative aspects of community rights recognition.

The current analysis relies on RRI's methodology on the **Depth of Rights** to assess the strength of the CBTRs identified based on the extent to which they recognize the bundle of rights. The Depth of Rights Methodology employs a bundle of rights approach to assess communities' collective forest rights of access, withdrawal, management, exclusion, due process and compensation, as well as the duration of these rights and communities' recognized authority to alienate them across distinct legal frameworks recognizing community-based forest tenure rights. It subsequently classifies the strength of such legal frameworks as "owned by Indigenous Peoples, Afro-descendant Peoples, and local communities"; "designated for Indigenous Peoples, Afro-descendant Peoples, and local communities"; or "government administered" under RRI's Forest Tenure Typology.

This study does not endorse the notion that recognizing the entire bundle of rights is always the optimal outcome for all community tenure regimes, especially in the case of the right to alienate. The restriction on alienation can serve to protect the interests of Indigenous Peoples and local communities. The alienation of customary lands has often led to harmful consequences for the communities whose identity, culture, and livelihoods are deeply connected to it.

While the methodology assesses the rights that communities hold under national laws, neither methodology systematically assesses the realization of those rights in practice.

## **CBTRs Assessed**

RRI has assessed communities' forest tenure rights in two main ways in this report: 1) By assessing the 104 CBTRs existing as of December 31, 2024; and, 2) by reviewing the progress made in the quantity of CBTRs across the 35 countries assessed and the legal rights recognized therein since 2016. This allows RRI to publish data both on the status of rights and the progress made by countries in recognizing the forest tenure rights of Indigenous Peoples, Afro-descendant Peoples and local communities under national laws. This study assesses progress since 2016, to analyze to what extent advances have been made in the period since the SDGs were adopted.

In the analysis underpinning this report, RRI has identified a total of 97 CBTRs recognized across 35 countries as of October 2016, and 104 CBTRs recognized across the same countries as of December 2024. The 97 CBTRs identified by RRI as of 2016 are made up of:

1. **76 CBTRs** that were recognized as of October 2016 that still exist as of December 2024 and are therefore included in this analysis;
2. **4 CBTRs** that were legally recognized in 2016 but have since been repealed or replaced as a result of legal reforms;
3. **8 CBTRs** identified in the 5 new countries analyzed in 2024 (Ecuador, Ghana, Madagascar, Lao PDR and Nicaragua). Since all 8 CBTRs were created prior to 2017, to be able to provide information on progress or setbacks in rights between 2016 and 2024, RRI analyzed these 8 CBTRs both retroactively to 2016 and in 2024. Among these 8 CBTRs, 1 CBTR corresponds to a customary regime that was already somewhat recognized in common law but was formalized in statutory law post-2016 (Allodial Interest in Ghana formalized in 2019); and,



- 4. 9 CBTRs retroactively added to RRI's Database:** As a result of expanded analysis of legal instruments and identification of new information through the expert review process, RRI has identified 9 additional CBTRs that existed under national law in 2016 but were not previously included in RRI's database. These 9 CBTRs have been added to RRI's Depth of Rights and Gender Databases and assessed for the strength of protections they provided for communities' and community women's rights retroactively as of 2016, as well as for progress or setbacks between 2016 and 2024.

The 104 CBTRs recognized as of 2024 are made up of:

- 1. The 93 CBTRs** described in numerals 1), 3) and 4) above; and,
- 2. 11 CBTRs** that were created by laws that entered into force between October 2016 and this study's cut-off date (December 2024).

## Changes to the Bundle of Rights Methodology Legal Indicators








Since 2012, RRI has tracked national-level legal recognition of the bundle of rights—including rights of access, withdrawal, management, exclusion, due process and compensation, alienation, and the duration of these rights—legally held by Indigenous Peoples, Afro-descendant Peoples, and local communities.

### Due Process Indicator and corresponding change to the Bundle of Rights

RRI's Depth of Rights methodology has evaluated the recognition of due process and compensation rights for impacts on communities' tenure rights since its inception. As part of the Depth of Rights analysis underpinning both this report and the forthcoming Depth of Rights report, RRI carried out a review of this indicator to ensure the bundle of rights properly reflected different legal realities and international human rights law perspectives on the right to due process of communities.

### Changes to the indicator

As part of the 2024 update of its Depth of Rights database, RRI revisited the scope of its Due Process and Compensation indicator to reflect, a) the different components of the right to due process under international human rights law; and, b) the diverse legal regimes that RRI analyses in its Depth of Rights analysis. The revamped Due Process indicator reflects human rights standards requiring that States consult and cooperate in good faith with communities, provide effective mechanism for just and fair redress for use of their resources. Similarly, the expanded Due Process indicator also captures the right of Indigenous Peoples, Afro-descendant Peoples and local communities to access to and prompt decisions through just and fair procedures for the resolution of conflicts as well as to effective remedies for all infringements of their individual and collective rights. As a result, the revamped Due Process & Compensation indicator now asks both whether a community must receive advanced notice and consultation when decisions or proposals could impact community forest rights and whether they have a recognized right to judicially or administratively challenge governmental decisions, proposals and actions that would extinguish or infringe upon community-based forest rights. Whereas in past iterations of RRI analysis, only the latter question has been posed.




 <b>Due Process</b>	Does national law require communities to receive advanced notice and consultation when decisions or proposals could impact community forest rights? Does national law recognize the rights of communities to judicially or administratively challenge governmental decisions, proposals and actions that would extinguish or infringe upon community-based forest rights?
 Full Credit	National law guarantees communities' right to prior notice and consultation regarding decisions or proposals that could impact community forest rights. In addition, national law guarantees communities' right to judicially and/or administratively appeal a government's decision, proposal or action to extinguish or infringe upon community-based forest rights.
 Partial Credit	National law guarantees community rights to judicially and/or administratively appeal governmental decisions, proposals and actions that would extinguish or infringe upon community-based forest rights, but does not guarantee community rights of prior notice and consultation regarding proposals or decisions that could impact community forest rights.
 No Credit	National law does not guarantee communities a right to judicially and/or administratively appeal a government's decision, proposal or action to extinguish or infringe upon community-based forest rights. Community-based rights of prior notice and consultation regarding proposals or decisions that could impact community forest rights may or may not be recognized for communities.
 <b>Compensation</b>	Does national law recognize that communities are entitled to compensation from the government for infringing upon or extinguishing their community forest rights?
 Full Credit	National law recognizes communities' right to seek and receive compensation for the infringement or loss of community forest rights where the government is responsible for such harm.
 No Credit	National law does not guarantee communities compensation for the infringement or loss of their community forest rights.

Under RRI's statutory Tenure Typology, the right to due process and compensation is required for RRI to classify a CBTR as "owned by Indigenous Peoples, Afro-descendant Peoples, and local communities." For purposes of classifying CBTRs, RRI aggregates the separate assessments of communities' rights to due process and compensation. Under this revised methodology, CBTRs are eligible for classification as owned by communities where due process rights receive at least partial recognition and compensation rights are fully recognized, as defined above.

## RRI's Legislative Pathways Methodology

As discussed in [Chapter 4](#), RRI categorizes CBTRs according to their distinct policy motivations in order to analyze the way in which such motivations impact the recognition of Indigenous Peoples', Afro-descendant Peoples', local communities', and community women's rights. These three legislative pathways are described on the following page:

## Legislative Pathways for securing the Tenure Rights of Indigenous Peoples, Afro-descendant Peoples, and Local Communities

Legislative Pathways		Definition
	Community-oriented CBTRs: CBTRs established to recognize customary or community-based rights	Legal provisions in these CBTRs seek to recognize the community-based land rights, customs, practices, and cultural identities of Indigenous Peoples, Afro-descendant Peoples, and local communities. Laws may acknowledge the legitimacy of community-based laws, customary governance structures, and cultural practices, define “Indigenous persons” or other ethnic identities, and/or explicitly recognize “community lands” or “customary land tenure.” Such laws may be found in national constitutions, land and forestry laws, or specific regulations targeting Indigenous Peoples, Afro-descendant Peoples, and local communities.
	Conservation-oriented CBTRs: CBTRs established to further the conservation of land and natural resources	Legal provisions in these CBTRs recognize community rights to land and natural resources as part of a broader effort to achieve conservation objectives. Conservation laws are often enforced through time-bound conservation and management contracts between communities inhabiting protected areas and government bodies responsible for forests and natural resource management. Some conservation-oriented laws recognize the rights of Indigenous Peoples, Afro-descendant Peoples, and/or local communities to protected lands and/or natural resources, provided communities abide by the imposed environmental and conservation provisions. These requirements may be found in conservation laws, protected-area laws, and other laws imposing environmental regulations.
	Use/Exploitation-oriented CBTRs: CBTRs established to regulate the use and exploitation of land and natural resources	Laws comprising these CBTRs provide rights to natural resources that are not necessarily limited to Indigenous Peoples, Afro-descendant Peoples, and local communities and are not primarily intended to recognize customary rights or enhance conservation. Such provisions are typically motivated by resource use or exploitation-oriented objectives, may acknowledge the rights of Indigenous Peoples, Afro-descendant Peoples, and/or local communities to use and benefit from specific natural resources, and often emphasize commercial exploitation for private actors and/or communities. Community rights conveyed in this category tend to be temporary in nature and may be subject to time-bound management contracts or concession agreements—in addition to more detailed management plans—between communities and government bodies.

## Annex 3 | Depth of Rights Findings per CBTR

Country	Tenure Regime	Year of Creation (Year of Reform)	Tenure Category	Legislative Pathway	Bundle of Rights										Contextual Indicators	
					Access	Withdrawal (NTFP)	Withdrawal (Timber)	Management	Exclusion	Due Process & Compensation	Duration	Alienation (Lease)	Alienation (Collateral)	Alienation (Sale)	FPIC	Religious and/or Cultural Use
Bolivia	Territorio Indígena Originario Campesino (Original Peasant Indigenous Territory)	1996 (2009)	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✓	✓
	Propiedades Comunitarias (Communal Property)	1996 (2009)	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	C/C	✓
	Títulos Comunes para Comunidades Agro-extractivistas (Norte Amazónico) (Communal Titles for Agricultural-Extractivist Communities in the Northern Amazonian Region)	2004	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	C/C	✓
	Agrupaciones Sociales del Lugar (ASL) (Location-Based Social Associations)	1996	2		✓	✓	✓	✓	✓	✓	40 years (extendable)	✓	✗	✓	C/C	✓
Brazil <sup>ii</sup>	Reserva Extrativista (RESEX) (Extractive Reserve)	2000	2		✓	✓	✓	—	✗	✓	Limited	✗	✗	✗	C/C	✓
	Reservas de Desenvolvimento Sustentável (Sustainable Development Reserves)	2000	2		✓	✓	✓	—	✗	✓	Limited	✗	✗	✗	C/C	✓
	Projeto de Assentamento Agro-Extrativista (PAE) (Agro-Extractivist Settlement Project)	2000	2		✓	✓	✓	✓	✓	✓	Limited	✗	✗	✗	C/C	✓
	Projetos de Assentamento Florestal (Forest Settlement Projects) (unique to the northern region)	1996	2		✓	✓	✓	✓	✓	✓	Limited	✗	✗	✗	C/C	✓
	Projeto de Desenvolvimento Sustentável (Sustainable Development Projects)	2003	2		✓	✓	✓	✓	✓	✓	Limited	✗	✗	✗	C/C	✓
	Florestas Nacionais (FLONA) (National Forests)	1999	1		✓	✓	✓	✗	✗	✓	Unlimited	✗	✗	✗	C/C	✓
	Territórios Quilombolas (Quilombola Communities)	1988	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✓	✓
	Terras Indígenas (Indigenous Lands)	1988	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✓	✓
Cambodia <sup>ii</sup>	Community Forests	2002	2		✓	✓	✓	✓	✓	✓	15 years (renewable)	✗	✗	✗	✗	✓
	Community Protected Areas	2008 (2024)	2		✓	—	—	✓	✗	✓	25 years	✗	✗	✗	✗	✓
	Indigenous Communities Land	2001	3		✓	—	—	✓	✓	✓	Unlimited	✗	✗	✗	✗	✓

**Regions:**

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- Community
- Conservation
- Use / Exploitation

**Assessment:**

- ✓ Full Credit
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- ✗ No Credit
- C/C Case by Case
- TBD To Be Determined

- Downward change in assessment due to reforms between 2016–2024
- Improvement in assessment due to reforms between 2016–2024

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					Access	Withdrawal (NTEP)	Withdrawal (Timber)	Management	Exclusion	Due Process & Compensation	Duration	Alienation (Lease)	Alienation (Collateral)	Alienation (Sale)	FPIC	Religious and/or Cultural Use
Cameroon <sup>iii</sup>	Forêts Communautaires (Community Forests)	1994 (2024)	2		✓	✓	✓	✓	✗	TBD	Limited	✓	✗	✗	✗	✓
	Zones d'Intérêt Cynégétique à Gestion Communautaire (Community Managed Hunting Zone)	1995 (2024)	2		✓	✓	✗	✓	✗	✗	Limited	✗	✗	✗	✗	✗
	Territoires Communautaires de Chasse dans les Forêts non Permanents et les Forêts (Community Hunting Areas within Non-Permanent Forests)*	2024	2		✓	✓	✗	✓	✗	✗	Limited	✗	✗	✗	✗	✗
	Aires Protegee Communautaires dans les Forêts Permanentes (Community Protected Areas within Permanent Forests)*	2024	2		✓	✗	✗	✓	✗	✗	TBD	✗	✗	✗	✗	✓
	Droits d'Usage de Populations Riveraines (Local Population Use Rights)*	2024	1		✓	✓	✓	✗	✗	✓	Unlimited	✗	✗	✗	✗	✗
China <sup>iv</sup>	Collective Ownership with Individual Property Rights to Forestland	1982 (2020)	3		✓	✓	✓	✓	✓	✓	Unlimited	✓	✗	✗	✗	✗
Colombia <sup>v</sup>	Resguardos Indigenas (Indigenous Reserves)	1991	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✓	✓
	Tierras de las Comunidades Negras (Afro-Colombian Community Lands)	1991	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✓	✓
	Zonas de Reserva Campesinas (Peasant Reserves Zones)	2016	3		✓	✓	✓	✗	✓	✓	Unlimited	✓	✓	✓	✗	✓
Congo, Republic of the	Terres des Populations autochtones (Indigenous Populations' Land)	2011 (2022)	2		✓	✓	✓	✓	✗	✓	Unlimited	✗	✗	✗	✓	✓
	Forêts communautaires (Community Forest)	2020	2		✓	✓	✓	✗	✗	✓	Unlimited	✗	✗	✗	C/C	✓
	Terres coutumières (Customary Lands)*	2018	3		✓	✓	✓	✓	✓	✓	Unlimited	✓	✓	✓	✗	✓
	Droit d'usage des communautés locales ou des populations (Right of Use of Communities and Indigenous Populations)*	2020	1		✓	✓	✓	✗	✗	✓	Unlimited	✗	✗	✗	✓	✓
	Séries de développement communautaires (SDC) (Community Development Series)	2002 (2020)	2		✓	✓	✓	✗	✗	✓	Unlimited	✗	✗	✗	C/C	✓
Democratic Republic of the Congo <sup>vi</sup>	Concessions Forestières Communautaires (Local Community Forest Concessions (LCFC))	2002	3		✓	✓	✓	✓	✓	✓	Unlimited	✓	✓	✓	✗	✓
	Droits d'usage communautaire dans les forêts de production permanentes (Community Use Rights Within Permanent Production Forests)	2002	1		✓	✗	✗	✗	✗	✓	Unlimited	✓	✗	✗	C/C	✓
	Droits d'utilisation de la population locale dans les forêts classées (Local Population Use Rights Within Classified Forest)	2002	2		✓	✗	✗	✗	✓	✓	Unlimited	✓	✗	✗	C/C	✓
	Concessions de conservation assignées aux communautés (Conservation Concessions Allocated to Communities)	2014	2		✓	✗	✗	✓	C/C	✓	Limited	✓	✓	✓	✗	✓
	Droits des peuples autochtones pygmées* (Rights of Indigenous Pygmy Peoples)	2022	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✓	✓

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Ecuador	Territorios Ancestrales de los Pueblos y Nacionalidades Indígenas, el Pueblo Afroecuatoriano, el Pueblo Montubio y las Comunas (Ancestral Territories of Indigenous Peoples, Afro-Ecuadorians, and Montubios)	2008	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✓	✓
	Territorios Ancestrales de los Pueblos y Nacionalidades Indígenas, el Pueblo Afroecuatoriano, el Pueblo Montubio y las Comunas en Áreas Protegidas (Ancestral Territories of Indigenous Peoples, Afro-Ecuadorians, and Montubios within Protected Areas)	2008	3		✓	—	—	✓	✓	✓	Unlimited	✗	✗	✗	✓	✓
Gabon <sup>vi</sup>	Forêts Communautaires (Community Forests)	2001	2		✓	✓	✓	✓	✗	✓	Unlimited	✓	✓	✗	✗	✗
	Des Droits d'Usages Coutumiers (Customary Use Rights)	2001	1		✓	—	—	✗	✗	✓	Unlimited	✗	✗	✗	✗	✓
	Contrat de Gestion de Terroir aux Parcs Nationaux (Management Contract with Local National Parks Administration)	2007	2		✓	C/C	✗	—	✗	✗	Limited	✗	✗	✗	✗	✗
Ghana <sup>viii</sup>	Allodial Interest	N/A	2		✓	—	—	—	✓	✗	Unlimited	✓	✗	✓	✗	✓
Guatemala	Concesiones Comunitarias (Community Concessions)	1996	2		✓	✓	✓	✓	✓	✓	Up to 50 years (renewable)	✗	✗	✗	C/C	✗
	Tierras Comunales (Communal Lands)	1985	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	C/C	✓
Guyana <sup>x</sup>	Community Forest Management Agreement (CFMA)	2010	2		✓	C/C	C/C	✓	C/C	✗	Limited 2 years (renewable)	✓	✓	✓	✗	✗
	Titled Amerindian Village Land	2006	2		✓	✓	✓	✓	✗	✓	Unlimited	✓	✗	✗	✗	✓
	Amerindian Protected Areas	2011	2		✓	C/C	C/C	✓	✓	✗	Limited	✗	✗	✗	✗	✓
India <sup>x</sup>	Scheduled Tribes and Other Traditional Forest Dwellers Land	2007	3		✓	✓	—	✓	✓	✓	Unlimited	✗	✗	✗	✓	✓
Indonesia <sup>vi</sup>	Hutan Adat (Customary Law Forest)	1999 (2021)	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✗	✓
	Hutan Kemasyarakatan (Rural or Community Forest)	1995 (2021)	2		✓	✓	✓	—	✓	✓	Limited 35 years (renewable)	✗	✗	✗	✗	✓
	Kemitraan (Partnership)	2007 (2021)	1		C/C	C/C	C/C	C/C	✗	✓	Limited	✗	✗	✗	✗	✓
	Hutan Tanaman Rakyat (People Plantation or People Plant Forest)	2007	2		✓	✓	✓	✓	✓	✓	Up to 60 years	✗	✗	✗	✗	✓
	Hutan Desa (Village Forest)	2008	2		✓	✓	✓	✓	✓	✓	Limited 35 years (renewable)	✗	✗	✗	✗	✓
	Hak Ulayat (Customary Land Rights)*	2019 (2024)	2		✓	C/C	C/C	✓	✗	✓	Unlimited	✗	✗	✗	✗	✓

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Kenya <sup>xiii</sup>	Registered Community Lands	2010 (2016)	3		✓	✓	✓	✓	✓	✓	Unlimited	✓	✓	✓	✗	✓
	Unregistered Community Lands	2010 (2016)	3		✓	✓	✓	✗	✓	✓	Unlimited	✗	✗	✗	✗	✓
	Community Forest Association Participation in the Conservation and Management of Public Forests under Approved Forest Management Plans	2016	2		✓	✓	✓	✗	C/C	✓	Limited	✓	✗	✗	✗	✓
Lao PDR <sup>xiii</sup>	Village Forestry (inside and outside Protection Forests, Conservation Forests, and Village Use Forests)	2007 (2024)	2		✓	✓	✓	✓	✓	✗	Limited	✗	✗	✗	✗	✓
Liberia	Community Forests	2006 (2018)	3		✓	✓	✓	✓	✓	✓	Unlimited	✓	✗	✗	✓	✓
	Customary Lands outside of Authorized Community Forests*	2019	3		✓	✓	✓	✓	✓	✓	Unlimited	✓	✓	✓	✓	✓
Madagascar	Communautés de base agréées avec contrats de gestion (Agricultural Communities with Management Contracts)	1996	2		✓	✓	✓	✓	✓	✓	Initial period of 3 years, and then renewable in 10-year increments	✗	✗	✗	✗	✓
	Aires protégées communautaire (Community Protected Areas)	2015	1		✓	✗	✗	✗	✗	✗	5-year plan	✗	✗	✗	✗	✓
Mali	Droits d'usage - Le domaine forestier de l'État et le domaine forestier des collectivités territoriales décentralisées (Use rights in State Forests and in the Forest Domain of Decentralized Territorial Collectives)	1986 (2010)	1		✓	✗	✗	✗	✗	✗	Unlimited	✗	✗	✗	✗	✓
	Forêts gérées par les communautés dans le domaine forestier des collectivités territoriales décentralisées (Community-Managed Forests within the Forest Domain of Decentralized Territorial Collectives)	1986 (2017)	2		✓	✓	✓	✗	C/C	✓	Unlimited	✗	✗	✗	✗	✓
	Terres Agricoles des Communautés Rurales (Enregistrée et non Enregistrée) ((Registered and Unregistered) Rural Community Agricultural Lands)*	2017 (2020)	3		✓	✓	✓	✓	✓	✓	Unlimited	✓	✗	✓	✗	✓
	Terres Pastorales (Pastoral Lands)	2001	3		✓	✓	✗	✗	✓	✓	Unlimited	✗	✗	✗	✗	✓
	Zone Cynégétiques Villageoises dans des Forêts Protégées (Village Hunting Areas within Protected Forests)*	2018	2		✓	✓	✓	✓	✓	✓	Not Addressed	✗	✗	✗	✗	✓
Mexico	Ejidos Localizados en Tierras Forestales (Ejidos Located on Forestlands)	1917	3		✓	✓	✓	✓	✓	✓	Unlimited	✓	✓	✓	✓	✓
	Comunidades (Communities)	1917	3		✓	✓	✓	✓	✓	✓	Unlimited	✓	✓	✓	✓	✓

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Mozambique	Zonas/Floresta de Uso e de Valor Histórico-Cultural (Zones/Forests of Historical and Cultural Use and Value)	1999 (2023)	2		✓	—	—	TBD	TBD	✓	Unlimited	✗	✗	✗	✓	✓
	DUATs Comunitários Certificados e Não-Certificados (Uncertified and Certified Community DUATs)	1997 (2023)	3		✓	✓	✓	—	✓	✓	Unlimited	✗	✗	✗	✓	✓
	Concessões Florestais Comunitárias (Forest Concessions to Communities)	1999 (2023)	3		✓	✓	✓	✓	✓	✓	Interpreted unlimited duration due to overlap with DUAT. Up to 50 years (Renewable for another 50).	TBD	TBD	TBD	✓	✓
	Áreas de Conservação Comunitária (Community Conservation Areas)	2014 (2017)	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✓	✓
Myanmar <sup>iv</sup>	Community Forestry Concessions	1995	2		✓	✓	✓	✓	✓	✓	30 years, extendable	✗	✗	✗	✗	✓
	Village-Owned Firewood Plantations on Reserved Forests or Protected Public Forests	1992 (2018)	2		✓	✓	✓	—	✗	✗	30 years, extendable	✗	✗	✗	✗	✗
Nepal <sup>iv</sup>	Community Forest	1993 (2019)	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✓	✗	C/C	✓
	Community Leasehold Forest Granted to Communities	1993 (2019)	2		✓	✓	✓	✓	✓	✓	Limited	✗	✗	✗	C/C	✓
	Religious Forests Transferred to a Community	1993 (2019)	2		✓	✓	—	✓	✗	✓	Unlimited	✗	✗	✗	C/C	✓
	Buffer Zone Community Forest	1993	2		✓	—	—	✓	✓	✗	Unlimited	✗	✗	✗	C/C	✓
	Buffer Zone Religious Forest Transferred to a Community	1993	2		✓	—	—	✓	✗	✗	Unlimited	✗	✗	✗	C/C	✓
Nicaragua <sup>iv</sup>	Propiedad Comunal de los Pueblos Indígenas y Comunidades Etnicas (Communal Property of Indigenous Peoples and Ethnic Communities)	2003	2		✓	✓	✓	✓	✗	✓	Unlimited	✓	✗	✗	C/C	✓
	Comanejo de Areas Protegidas en Propiedades Comunes (Co-management of Protected Areas)	2003	2		✓	—	—	—	✗	✓	10 years, renewable	✗	✗	✗	C/C	✓
Panama	Territorios de los Pueblos Indígenas (Indigenous Peoples' Territories)	1996 (2008)	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✓	✓
	Asentamientos Campesinos (Peasant Settlements)	1983	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✗	✗
Papua New Guinea	Common Customary Land	1975 (1991)	3		✓	✓	✓	✓	✓	✓	Unlimited	✓	✗	✓	✓	✓

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Peru	Tierras de Comunidades Nativas con Aptitud Forestal (Native Community Forest Lands Suitable for Forestry)	1993	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✓	✗	✓	✓
	Reservas Comunales en suelo forestal (Communal reserves in Forest Land)	1997	2		✓	✓	✓	✓	✗	✓	Unlimited	✗	✗	✗	C/C	✓
	Tierras de Comunidades Campesinas con Aptitud Forestal (Peasant Community Forestlands Suitable for Forestry)	1993	3		✓	✓	✓	✓	✓	✓	Unlimited	✓	✓	✗	C/C	✓
	Reserva Indígenas (Indigenous Reserves)	2006	2		✓	—	—	✓	✓	✗	Limited	✗	✗	✗	✓	✓
Philippines	Ancestral Domains	1997	3		✓	✓	✓	✓	✓	✓	Unlimited	✓	✗	✗	✓	✓
	Ancestral Lands	1997	3		✓	✓	✓	✓	✓	✓	Unlimited	✓	✗	✓	✓	✓
	Community-Based Forest Management	1995	2		✓	✓	✓	✓	✓	✓	25 years, renewable for another 25 years	✓	✗	✗	C/C	✓
	Protected Area Community-Based Resource Management Agreement (PACBRMA)	2004 (2019)	2		✓	✓	✓	—	✓	✓	25 years, renewable for another 25 years	✓	✗	✗	C/C	✓
Senegal <sup>CBTR</sup>	Des droits d'usages des populations riveraines dans le domaine forestier de l'État (Usage Rights of Riparian Populations in the Forest Domain of the State)	1998	1		✓	—	—	✗	✗	✗	Unlimited	✗	✗	✗	✗	✓
	Les forêts gérées par les collectivités locales (Forests Managed by Local Collectives)	1998	2		✓	✓	✓	✓	✓	✗	Unlimited	✓	✗	✗	✗	✓
Tanzania	(Non-reserved) Forests on village lands	1998	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✗	✓
	Village Land Forest Reserve (VLFR)	2002	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✗	✓
	Community Forest Reserves	2002	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✗	✓
	Joint Forest Management (JFM)	2002	2		✓	✓	✓	—	✗	✓	Limited	✗	✗	✗	✗	✗
	Wildlife Management Areas	2007 (2022)	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✗	✓
Thailand	Community Land Title Deeds	2010	2		✓	✓	✓	✗	✓	✗	Limited	✗	✗	✗	✗	✗
	Community Forests (allocated on the basis of Constitutional Rights)*	2017 (2019)	3		✓	✓	—	✓	✓	✓	Unlimited	✗	✗	✗	✗	✓

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Venezuela	Hábitat y tierras de los pueblos y comunidades indígenas (Habitat and Land of Indigenous Peoples and Communities within Forest Lands)	1999	3		✓	✓	✓	✓	✓	✓	Unlimited	✗	✗	✗	✓	✓
Viet Nam <sup>xviii</sup>	Forestland Allocated to Communities	2004 (2024)	2		✓	—	—	✓	✓	✓	50 years, renewable	✗	✗	✗	✗	✓
Zambia	Community Forest	2015	3		✓	✓	✓	✓	✓	✓	Unlimited	✓	✓	✗	✗	✓
	Joint Forest Management Area (JFMA)	2006	1		✓	C/C	C/C	—	✗	✗	Unlimited	✗	✗	✗	✗	✓

Regions:

- Latin America
- Africa
- Asia

Tenure Categories:

- Government-Administered
- Designated for Indigenous Peoples, Afro-descendant Peoples, and local communities
- Owned by Indigenous Peoples, Afro-descendant Peoples, and local communities

Legislative Pathway:

- Community
- Conservation
- Use / Exploitation

Assessment:

- Full Credit
- Partial Credit
- No Credit
- C/C Case by Case
- TBD To Be Determined

- Downward change in assessment due to reforms between 2016–2024
- Improvement in assessment due to reforms between 2016–2024

\* CBTR established between November 1, 2016 and December 31, 2024

## Annex 4 | Legislation and Literature Consulted

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Bolivia	Constitución Política del Estado de 2009	2009
	Código Civil	1976 (2021)
	Código Procesal Civil	2013
	Ley No. 603 - Ley de 19 de Noviembre de 2014 - Código de las Familia y del Proceso Familiar	2014
	Ley No. 1333 - Ley de 27 de abril de 1992 - Ley del Medio Ambiente	1992
	Ley Forestal No. 1700 - Ley de 12 de julio de 1996	1996
	Ley No. 1715 - Ley de 18 de Octubre de 1996 - Ley del Servicio Nacional de Reforma Agraria	1996
	Ley No. 2066 - Ley de 11 de abril de 2000 - Ley Modificatoria de Servicios de Agua	2000
	Ley No. 2341 - Ley del Procedimiento Administrativo	2002
	Ley No. 3058 - Ley de hidrocarburos	2005
	Ley No. 3545 - Ley de 28 de noviembre de 2006 - Modificación de la Ley No. 1715 Reconducción de la Reforma Agraria	2006
	Ley No. 3760 - Que Eleva a rango de Ley a UNDRIP	2007
	Ley No. 3897 - Ley de 26 de junio de 2008 - Incorporación de UNDRIP	2008
	Ley No. 031 - Ley Marco de Autonomías y Decentralización 'Andrés Ibáñez'	2010
	Ley No. 71 - Ley de derechos de la madre tierra	2010
	Ley No. 073 - Ley del Deslinde Jurisdiccional	2010
	Ley No. 144 - Ley de la revolución productiva comunitaria agropecuaria	2011
	Ley No. 300 - Ley de la madre tierra y desarrollo integral para vivir bien	2012
	Ley No. 337 - Ley de apoyo a la producción de alimentos y restitución de bosques	2013
	Decreto Supremo No. 29215 de 2 de agosto de 2007 - Reglamento de la Ley No. 1715 del Servicio Nacional de Reforma Agraria, Modificada por la Ley No. 3545 de Reconducción Comunitaria de la Reforma Agraria	2007
	Decreto Supremo No. 24453 de 1996 - Reglamento de la Ley Forestal, No. 1700	1996 (2024)
	Decreto Supremo No. 26389 de 2001 - Sistema de Regulación de Recursos Naturales Renovables - SIRENARE	2001
	Decreto Supremo No. 27572 de 17 de junio de 2004	2004
	Decreto Supremo No. 28817 de 8 de octubre de 2004	2004
	Decreto Supremo No. 29215 del 2 de agosto de 2007 - Reglamento de la Ley No. 1715 del Servicio Nacional de Reforma Agraria, Modificada por la Ley No. 3545 de Reconducción Comunitaria de la Reforma Agraria	2007
	Decreto Supremo No. 29.033 - Reglamento de consulta y participación para actividades hidrocarburíferas de los pueblos indígenas, originarios y comunidades campesinas	2007
	Decreto Supremo No. 0727 de 2010	2010
	Decreto Supremo 3467 de 2018 (Modificación de Leyes Agrarias)	2018
	Resolución ADM 0052/2004 de 25 de marzo de 2004	2004
	Decreto Supremo No. 28736 de 2 de junio de 2006 - Declara de emergencia nacional la conclusión del proceso de saneamiento de la propiedad agraria	2006
	<b>Secondary Sources:</b> Chaney, Elsa M. 1984. Women of the World: Latin America and the Caribbean. U.S. Department of Commerce Bureau of the Census and U.S. Agency for International Development Office of Women in Development. 102; Crespo, Pilar Uriona. 2010. Dueñas de nuestra vida, dueñas de nuestra tierra: Mujeres indígena originario campesinas y derecho a la tierra. Coordinadora de la Mujer, La Paz; Contreras-Hermosilla, A. y M.T. Vargas Ríos. 2002. Dimensiones Sociales, Ambientales y Económicas de las Reformas en la Política Forestal de Bolivia. Forest Trends and CIFOR, Washington, DC.	
Brazil	Constituição da República Federativa do Brasil de 1988	1988
	Código Civil Brasileiro	2002 (2024)
	Lei No. 4.504 de 30 de novembro de 1964	1964
	Lei No. 6.001 de 19 de dezembro de 1973 - Estatuto do Índio	1973 (2023)
	Lei No. 8.629 de 25 de fevereiro de 1993	1993 (2023)
	Lei No. 9.278 de 10 de maio de 1996	1996
	Lei No. 9.985 de 18 de julho de 2000	2000
	Lei No. 11.284 de 2 de março de 2006	2006 (2023)
	Lei No. 11.952 de 25 de junho de 2009	2009 (2023)
	Lei No. 12.512 de 14 de outubro de 2011	2011 (2023)

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Brazil	Lei No. 12.651 de 25 de maio de 2012 - Novo Código Forestal	2012 (2024)
	Lei No. 13.123 de 20 de maio de 2015	2015
	Lei No. 14.447 de 9 de setembro de 2022	2022
	Lei No. 14.701 de 20 de outubro de 2023	2023
	Decreto Lei No. 3.365 de 21 de junho de 1941	1941
	Decreto No. 1.775 de 8 de janeiro de 1996	1996
	Decreto Lei No. 59.428 de 27 de outubro de 1966	1966
	Decreto Lei No. 271 de 28 de fevereiro de 1967	1967
	Decreto No. 99.710 de 21 de novembro de 1990	1990
	Decreto No. 4340 de 22 de agosto de 2002	2002 (2024)
	Decreto No 4.887 de 20 de novembro de 2003	2003
	Decreto No. 5975 de 2006	2006
	Decreto No. 6040 de 2007	2007
	Decreto No. 7.747 de 5 de junho de 2012	2012
	Decreto No. 9311 de 2018	2018
	Decreto No. 10088 de 5 de novembro de 2019	2019
	Decreto No. 10592 de 2020	2020 (2024)
	Decreto No. 10.239 de 11 de fevereiro de 2020	2020
	Decreto No. 10.347 de 13 de maio de 2020	2020
	Decreto No. 11.266 de 7 de outubro de 2022	2022
	Decreto No. 11.786 de 20 de novembro de 2023	2023
	Decreto No. 12046/2024	2024
	Instrução Normativa ICMBio No. 3 de 18 de setembro de 2007	2007
	Instrução Normativa ICMBio No. 3 de 2 de setembro de 2009	2009
	Instrução Normativa INCRA No. 57 de 20 de outubro de 2009	2009
	Instrução Normativa INCRA No. 65 de 27 de dezembro de 2010	2010
	Instrução Normativa ICMBio No. 16 de 4 de agosto de 2011	2011
	Instrução Normativa ICMBio No. 35 de 2013	2013
	Instrução Normativa ICMBio No. 9 de 2014	2014
	Instrução Normativa ICMBio No. 1 de 2018	2018
	Instrução Normativa INCRA No. 99 de 2019	2019 (2021)
	Instrução Normativa INCRA No. 111 de 2021	2021
	Instrução Normativa INCRA No. 112 de 2021	2021
	Instrução Normativa INCRA No. 129 de 2022	2022
	Instrução Normativa INCRA No. 136 de 2023	2023
	Portaria INCRA No. 981 de 2 de outubro de 2003	2003
	Supreme Court Decision ADPF 709 MC-REF / DF, 2020	2020
	Recurso Extraordinário (RE) 1017365, com repercussão geral (Tema 1.031)	2023
	Ação de Descumprimento de Preceito Fundamental (ADPF) 760 and Ação Direta de Inconstitucionalidade por Omissão (ADO) 54	2024
	Decreto No. 5051 de 2007	2007
	Decreto No. 6063 de 20 de março de 2007	2007
	Decreto No. 6.992 de 28 de outubro de 2009	2009
	Instrução Normativa INCRA No. 477 de 1999	1999
	Instrução Normativa INCRA No. 1141 de 2003	2003
	Instrução Normativa INCRA No. 15 de 30 de março de 2004	2004
	Instrução Normativa ICMBio No. 2 de 2007	2007
	Instrução Normativa INCRA No. 38 de 13 de março de 2007	2007



Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Brazil	Instrução Normativa INCRA No. 56 de 7 de outubro de 2009	2009
	Portaria INCRA No. 268 de 23 de outubro de 1996	1996
	Portaria INCRA No. 269 de 23 de outubro de 1996	1996
	Portaria INCRA No. 477 de 4 de novembro de 1999	1999
	Portaria INCRA No. 1.141 de 19 de dezembro de 2003	2003
	<b>Secondary Sources:</b> Abreu, Jonathan. "Mulher e Quilombola: Women and Self-Representation in Quilombos and Comunidades Remanescentes de Quilombo"; Alencar, Edna F. 2013. "Questões de gênero em projetos de manejo de recursos pesqueiros na reserva de desenvolvimento sustentável Mamirauá." Seminário Internacional Fazendo Gênero 10, Florianópolis, 16 a 20 Setembro de 2013; Araújo, Clarissa Flávia Santos, Aylene Maria de Sousa Oliveira, and Maria do Socorro Lira Monteiro. 2014. Condições de vida das mulheres do assentamento rural santana nossa esperança, Teresina-PI; Carvalho, Felipe Bruno Santabaya de. 2012. "A posição hierárquica dos tratados internacionais e da lei complementar no ordenamento jurídico brasileiro." Âmbito Jurídico, Rio Grande, XV, n. 97, fev 2012; Corpuz, Victoria Tauli. 2016. United Nations Special Rapporteur on the rights of indigenous peoples: End of Mission Statement, 17 March 2016. UN; da Silva, Nelmiere Ferreira. 2014. Gênero e Meio Ambiente na Agenda da Nova Reforma Agrária Brasileira. Universidade Federal Rural de Pernambuco, Recife; Dias, Thelma Lúcia Pereira, Ricardo de Souza Rosa and Luis Carlos Pereira Damasceno. 2007. Aspectos socioeconômicos, percepção ambiental e perspectivas das mulheres marisqueiras da Reserva de Desenvolvimento Sustentável Ponta do Tubarão (Rio Grande do Norte, Brasil). Gaia Scientia 2007, 1(1), 25-35; FAO. Gender and Land Rights Database. "Country Profile: Brazil." FFAO, Rome; Garcia, Keyla Morales de Lima. 2014. O papel da mulher no assentamento; ICMBio. 2009. "Com muita educação ambiental, Flona na Bahia não para de comemorar seus dez anos." Unidades de Conservação no Brasil; Mendes, Mauricio Ferreira, Sandra Mara Alves da Silva Neves, and Ronaldo José Neves. 2014. A Experiência Das Mulheres Extrativistas Do Assentamento Margarida Alves Em Mirassol D'oeste/Mt. Geografia em Questão 7(1), 34-49; Minority Rights Group. 2015. "Brazil Country Profile." Minority Rights Group; OECD. 2014. OECD Social Institutions and Gender Index Brazil Data Sheet. OECD; Pacheco, Maria Emilia Lisboa. 2004. Em defesa da Agricultura Familiar Sustentável com Igualdade de Gênero; Pereira, Caio Mário da Silva. 2006. "Instituições de Direito Civil: Direito das Sucessões." Vol. VI, Editora Forense, Rio de Janeiro; Silveira, Luciana Braga and Raquel Wiggers. 2013. "Protegiendo los bosques, reconfigurando los espacios en la Amazonía: el caso del Projeto de Assentamento Agroextrativista Santa Maria Auxiliadora, Humaitá (AM)." Revista de Administração Pública, Rio de Janeiro; Supremo Tribunal Federal. 2017. "Aplicação das Súmulas no STF: Súmula Vinculante 25"; Torres, Ana Flavia Melo. 2002. "Acesso à Justiça." Âmbito Jurídico, Rio Grande, III, n. 10; UN-Habitat. 2005. Brazil: Land Tenure, Housing Rights and Gender Review: Latin America. United Nations Human Settlements Programme (UN-HABITAT), Kenya; USAID. 2011. USAID Country Profile, Property Rights and Resource Governance. USAID, Rio de Janeiro.	
Cambodia	The Constitution of the Kingdom of Cambodia	1993 (2008/2022)
	The Civil Code of Cambodia	2008
	Law on Marriage and Family	1989
	Law on the Organisation of the Courts	1993
	Land Law of 2001 (NS/RKM/0801/14)	2001
	Law on Forestry (NS/RKM/0802/016)	2002 (2019)
	Law on Expropriation	2010
	Law on Implementation of the Civil Code (NS/RK/0511/007)	2011
	Code on Environment and Natural Resources	2023
	Sub-Decree on Forest Concessions Management (No. 05/ANK/BK/ February 7, 2000)	2000
	Sub-Decree on Organization and Functioning of the Cadastral Commission (No. 47 ANK/BK/May 31, 2002)	2002
	Sub-Decree on Community Forestry Management (No. 79 Or Nor Krar. Bor Kar)	2003
	Sub-Decree on Social Land Concessions (No. 19 ANK/BK/ March 19, 2003)	2003
	Sub-Decree on Procedures of Registration of Land of Indigenous Communities (No. 83 ANK/BK/ June 09, 2009)	2009
	Prakas Declaration No. 1033 on the Protection of Natural Areas	1994
	Prakas on Guideline on Community Forestry (No. 219 Par Kar. Kar Sar Kar)	2006
	Regulations on the Creation and Designation of Protected Areas	1993
	National Protected Area Strategic Management Plan 2017–2031	2017
	Law on Environmental Protection and Natural Resource Management	1996
	Protected Areas Law (No. NS/RKM/0208/007)	2008
	<b>Secondary Sources:</b> CEDAW. 2011. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Combined fourth and fifth periodic reports of States parties: Cambodia. CEDAW, Geneva; CEDAW. 2013. Concluding observations on the combined fourth and fifth periodic reports of Cambodia. Presented at CEDAW 56th session, Geneva, December 5; Constitutional Council of Cambodia. Constitutional Council of the Kingdom of Cambodia; FAO Gender and Land Rights Database. 2014. "LAT Assesment - Cambodia." FAO, Rome; Ministry of Agriculture, Forestry, and Fisheries. 2010. "National Forest Programme: 2010-2029." Phnom Penh; OECD. 2010. "Cambodia." In OECD Atlas of Gender and Development: How social norms affect gender equality in non-OECD countries. OECD, 22-23; Florian Rock. 2019. The Application of FPIC Standards in Cambodia. Mekong Region Land Governance (MRLG); Filer, Colin, Sango Mahanty, and Lesley Potter. 2020. "The FPIC Principle Meets Land Struggles in Cambodia, Indonesia and Papua New Guinea." Land 9(3): 67. doi:10.3390/land9030067; ClientEarth. 2022. Community Protected Areas in Cambodia: Analysis of Legal Framework, Practice and Recommendations; ClientEarth. 2024. Legal Analysis: An Examination of Cambodia's Environment and Natural Resources Code (2023): Changes to Governance of Protected Area and Community Protected Area Management and Remaining Challenges; Filer, Colin, Sango Mahanty, and Lesley Potter. 2020. "The FPIC Principle Meets Land Struggles in Cambodia, Indonesia and Papua New Guinea." Land 9(3): 67. doi:10.3390/land9030067; Florian Rock. The Application of FPIC Standards in Cambodia. Mekong Region Land Governance (MRLG), 2019; International Work Group for Indigenous Affairs (IWGIA). 2024. The Indigenous World 2024: Cambodia.	
Cameroon	La Constitution de la Republique du Cameroun	1996 (2008)
	Code Civil des Français	1804
	Administration of Estates Act, 1925	1925
	Law No. 85-09 of 4 July 1985 on expropriation for public utility purposes and on compensation procedures	1985

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Cameroon	Loi No. 96-12 portant loi-cadre relative à la gestion de l'environnement	1996
	Law No. 2006-15 of 29 December 2006 on Judicial Organization	2006
	Law No. 2011/011 of 6 May 2011 amending and completing certain provisions of Ordinance No. 81/02 of June 29, 1981	2011
	Law No. 2012/001 of 19 April 2012 relating to the Electoral Code	2012
	La Constitution de la Republique du Cameroun	1996 (2008)
	Code Civil des Français	1804
	Administration of Estates Act, 1925	1925
	Law No. 85-09 of 4 July 1985 on expropriation for public utility purposes and on compensation procedures	1985
	Loi No. 96-12 portant loi-cadre relative à la gestion de l'environnement	1996
	Law No. 2006-15 of 29 December 2006 on Judicial Organization	2006
	Law No. 2011/011 of 6 May 2011 amending and completing certain provisions of Ordinance No. 81/02 of June 29, 1981	2011
	Law No. 2012/001 of 19 April 2012 relating to the Electoral Code	2012
	Law No. 2023/014 of 19 December 2023 relating to the Mining Code	2023
	Law No. 2024/008 of 24 July 2024 to lay down forestry and wildlife regulations	2024
	Décret No. 76-166 fixant les modalités de gestion du Domaine National	1976
	Decree No. 77/245 of 15 July 1977 on the organization of traditional chiefdoms	1977
	Décret No. 95-531/PM fixant les modalités d'application du régime des forêts	1995
	Decree No. 95/466/PM of 20 July 1995 to lay down the conditions for the implementation of wildlife regulations	1995
	Decree No. 2013/0171/PM of 14 February 2013 setting out the procedures for carrying out environmental and social impact assessments	2013
	Décret No. 2017/383 du 18 juillet 2017 portant organisation du ministère des Affaires sociales	2017
	Ordonnance No. 74-2 du 6 juillet 1974 fixant le régime domanial	1974
	Ordonnance No. 74-1 du 6 juillet 1974 fixant le régime foncier, modifiée par la loi No. 19 du 26 novembre 1983 relative aux compétences des juridictions judiciaires et des commissions consultatives	1974 (1983)
	Ordinance No. 81-02 of 29 June 1981 to organize Civil Status Registration	1981
China	Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)	2011
	Arrêté conjoint No. 0076/MINATD/MINFI/MINFOF du 26 juin 2012 fixant les modalités de planification, d'emploi et de suivi de la gestion des revenus provenant de l'exploitation des ressources forestières et fauniques destinés aux communes et aux communautés riveraines	2012
	Law No. 94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations	1994
	<b>Secondary Sources:</b> Assembe-Mvondo, Samuel, Carol J.P. Colfer, Maria Brockhaus and Raphael Tsanga. 2014. "Review of the legal ownership status of national lands in Cameroon: A more nuanced view." Development Studies Research 1(1); CEDAW. 2013. List of issues and questions in relation to the combined fourth fifth periodic reports of Cameroon, Addendum: Cameroon's responses. CEDAW/C/CMR/Q/4-5/Add.1. Distributed December 18; CEDAW. 2014. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (continued): Combined fourth and fifth periodic reports of Cameroon. CEDAW, Geneva; Cziment, Stella. 2009. Cameroon: A Mixed Jurisdiction? A Critical Examination of Cameroon's Legal System Through the Perspective of the Nine Interim Conclusions of Worldwide Mixed Jurisdictions. Civil Law Commentaries 2(2): 1-28; FAO Gender and Land Rights Database. 2017. "Country Profile: Cameroon." FAO, Rome; Kamdem Kamgno, Hélène and Carole Eulalie Mvondo Mengué. 2014. "Rise of Unofficial Marriages in Cameroon: Economic or Socio-Demographic Response?" American International Journal of Social Science 3(3); Killander, Magnus (ed.). 2010. International Law and Domestic Human Rights Litigation in Africa. Pretoria University Law Press, Pretoria; Kiye, Mikano E. 2015. "The Repugnancy and Incompatibility Tests and Customary Law in Anglophone Cameroon." African Studies Quarterly 15(2); OECD. 2014. "OECD Social Institutions and Gender Index: Cameroon." OECD; Time, Victoria M. 2014. "Rise of Unofficial Marriages in Cameroon: Economic or Socio-Demographic Response?" Journal of Law and Conflict Resolution 6(1); Phil Rene Oyono. 2009. New Niches of Community Rights to Forests in Cameroon: Tenure Reform, Decentralization Category or Something Else? International Journal of Social Forestry, Vol. 2(1): 1-23; MBAIRAMADJI, Jérémie. 2009. De la décentralisation de la gestion forestière à une gouvernance locale des forêts communautaires et des redevances forestières au Sud-est Cameroun; NKOTO EDJO, Henry. 2007. Les aspects juridiques de la protection de l'environnement dans les forêts communautaires au Cameroun; Organisation Internationale du Travail. Législations, politiques et institutions concernant les peuples autochtones: Cameroun.	
	Constitution of the People's Republic of China	1982 (2018)
	Civil Code	2020
	Land Reform Law of the People's Republic of China	1950
	The Forest Law of the People's Republic of China	1984 (1998)
	Law on Protection of Women's Rights and Interests	1992 (2022)
	Organic Law of the Villagers Committees of the People's Republic of China	1998
	Law of the People's Republic of China on Land Contract in Rural Areas	2002 (2018)
	Land Management Law of the People's Republic of China	2002
	Regulations on the Implementation of the Land Management Law of the People's Republic of China	1998 (2019)
	Guarantee Law of the People's Republic of China	1995

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
China	Property Law of the People's Republic of China	2007
	<b>Secondary Sources:</b> FAO Gender and Land Rights Database. 2014. LAT Assessment - China. FAO, Rome; World Bank. 2013. "Women, Business and the Law: China." World Bank, Washington, DC; Xiaobei, Wang, Elise Scalise and Renee Giovarelli. 2012. Ensuring that Poor Rural Women Benefit from Forestland Reforms in China: Fieldwork Findings and Policy Recommendations. Landesa Rural Development Institute and RRI; Ping, Li and Robin Nielsen. 2010. A Case Study on Large-Scale Forestland Acquisition in China: The Stora Enso Plantation Project in Hepu County, Guangxi Province. Rights and Resources Initiative, Washington, DC; Ping, Li and Zhu Keliang. 2007. A Legal Review and Analysis of China's Forest Tenure System with an Emphasis on Collective Forestland. Rights and Resources Initiative, Washington, DC.	
Colombia	Constitución Política de la República de Colombia	1991 (2024)
	Código Civil, Ley 57 de 1873 (with amendments through 2016)	1873 (2024)
	Ley 89 de 1890 - Por la cual se determina la manera como deben ser gobernados los salvjes que vayan reduciéndose a la vida civilizada	1890
	Ley 54 de 1990	1990
	Ley 21 de 1991	1991
	Ley 70 de 1993	1993 (2023)
	Ley 99 de 1993	1993
	Ley 142 de 1994	1994 (2023)
	Ley 160 de 1994	1994 (2023)
	Ley 388 de 1997	1997
	Ley 51 de 1998	1998
	Ley 599 de 2000	2000 (2024)
	Ley 731 de 2002	2002
	Ley 975 de 2005	2005
	Ley 979 de 2005	2005
	Ley 1448 de 2011 - Por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones	2011
	Ley 1437 de 2011 - Código Procesal Administrativo	2011 (2022)
	Ley 1561 de 2012	2012
	Ley 1753 de 2015	2015 (2023)
	Ley 2126 de 2021	2021 (2022)
	Decreto Ley No. 4633 de 2011	2011 (2021)
	Decreto Ley No. 4635 de 2011	2011 (2021)
	Decreto Ley No. 1953 de 2014	2014
	Decreto 2811 de 1974	1974 (2021)
	Decreto 1541 de 1978	1978
	Decreto 2164 de 1995	1995
	Decreto 1745 de 1995 - Por el cual se reglamenta el Capítulo III de la Ley 70 de 1993, se adopta el procedimiento para el reconocimiento del derecho a la propiedad colectiva de las "Tierras de las Comunidades Negras" y se dictan otras disposiciones	1995
	Decreto 1777 de 1996	1996
	Decreto 1791 de 1996 - Régimen de aprovechamiento forestal	1996
	Decreto 1320 de 1998	1998
	Decreto 4800 de 2011	2011
	Decreto 2041 de 2014 - Por el cual se reglamenta el Título VIII de la Ley 99 de 1993	2014
	Decreto 1953 de 2014	2014
	Decreto 1076 de 2015	2015 (2023)
	Decreto 2369 de 2015	2015
	Decreto 2365 de 2015	2015
	Decreto 1073 de 2015 Sector Administrativo de Minas y Energía	2015
	Decreto 1076 de 2015 Por medio del cual se expide el Decreto Único Reglamentario del Sector Ambiente y Desarrollo Sostenible	2015 (2023)
	Decreto 1640 de 2020	2020

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Colombia	Decreto 1384 de 2023 - Por el cual se reglamenta el capítulo IV y las demás disposiciones ambientales contenidas en la Ley 70 de 1993, en lo relacionado con los recursos naturales renovables y del ambiente, en los territorios colectivos adjudicados, en trámite u ocupados ancestral y/o tradicionalmente por las comunidades negras, afrocolombianas, raizales y palenqueras, y se adiciona al Título 12 de la Parte 2 del Libro 2 del Decreto 1076 de 2015 - Decreto Único Reglamentario del Sector Administrativo del Sector Ambiente y Desarrollo Sostenible y se dictan otras disposiciones.	2023
	Decreto 1396 de 2023 - Por el cual se reglamenta el Capítulo V de la Ley 70 de 1993, se adoptan mecanismos especiales para el fomento y desarrollo de las actividades mineras en los territorios colectivos de las comunidades negras, afrocolombianas, raizales y palenqueras, se dictan otras disposiciones, y se adiciona el Capítulo 11 al Título V de la Parte 2 del Libro 2 del Decreto 1073 de 2015, Decreto Único Reglamentario del Sector Administrativo de Minas y Energía.	2023
	Decreto 1147 de 2024	2024
	Decreto 1275 de 2024	2024
	Directiva Presidencial No. 1 de 2010 - Garantía del derecho fundamental a la consulta previa de los grupos étnicos nacionales	2010
	Directiva Presidencial No. 10 de 2013 - Guía para la realización de consulta previa con comunidades étnicas	2013
	Directiva Presidencial No. 08 de 2020 - Guía para realización de consulta previa	2020
	Acuerdo 024 de 1996	1996
	Acuerdo final para la terminación del conflicto y la construcción de un apaz estable y duradera	2016
	Sentencia C-169/2001	2001
	Sentencia C-891/2002	2002
	Sentencia T-955	2003
	Sentenci T-880, Corte Suprema	2006
	Sentencia C-461/ 2008	2008
	Sentencia C-030/2008	2008
	Sentencia T-769, Corte Suprema	2009
	Sentencia C-283/2011	2011
	Sentencia C 028/14	2014
	Sentencia C-225/15	2015
	Sentencia T-622/2016	2016
	Sentencia T-103/2016	2016
	Sentencia T-329, Corte Suprema	2017
	Sentencia T-011/19	2019
	<b>Secondary Sources:</b> FAO Gender and Land Rights Database. 2014. LAT Assesment - Colombia. FAO, Rome; Francisco Gomes. 2014. Challenges of War: Peasant Reserves Zones and Conflict Resolution in Rural Colombia. Potentia, 98-103; Incoder. 2015. "Zonas de Reserva Campesina Constituidas: Subgerencia de tierras rurales direccion tecnica de ordenamiento productivo." Presented at RRI Country Planning Meeting in Bogota, Colombia; José H. Salas R. Zonas de Reserva Campesinas. Incoder; OECD. 2014. "OECD Social Institutions and Gender Index: Colombia." OECD; Rey-Maqueira Palmer, Elena. 2015. Situación de las mujeres afrocolombianas e indígenas: Colombia 2011-2014. Corporación Humanas Colombia; USAID. 2010. USAID Country Profile, Property Rights and Resource Governance: Colombia. USAID, Washington, DC; Julio C. Tresierra, 2000. Derechos de uso de los recursos naturales por los grupos indígenas en el bosque tropical. IADB, Washington, DC; Cali Tzay, Francisco. 2024. Declaración final del Relator Especial de las Naciones Unidas sobre los derechos de los Pueblos Indígenas, al concluir su visita oficial a Colombia; Vargas-Chaves, I., W. Valencia-Jiménez and A. Cumbe-Figueroa. 2022. Hacia una consulta previa campesina: Elementos para el debate desde el régimen de certificación de semillas en Colombia. El Ágora USB, 22(1): 57-83; Góngora-Mera, Manuel. 2016. Symposium: Prior Consultation in Latin America – The Case of Colombia: Prior Consultation in Colombia: Paradoxes of Inclusion through Tribalization. Völkerrechtsblog, 4 January 2016.	
Congo, Republic of the	Constitution de la République du Congo	2015
	Loi No. 51-83 du 21 avril 1983 portant code de procédure civile, commerciale, administrative et financière	1983
	Loi No. 073-1984 du 17 octobre 1984 portant Code de la Famille	1984
	Loi No. 3-2003 du 17 janvier 2003 fixant l'organisation administrative territoriale	2003
	Loi No. 7-2003 portant organisation et fonctionnement des collectivités locales	2003
	Loi No. 10-2003 portant transfert de compétences aux collectivités locales	2003
	Loi No. 13-2003 portant Code de l'Eau	2003
	Loi No. 10-2004 fixant les principes généraux applicable aux regimes domanial et foncier	2004
	Loi No. 11-2004 du 26 mars 2004 portant procédure d'expropriation pur cause d'utilité publique	2004
	Loi No. 25-2008 portant régime agro-foncier	2008
	Loi No. 8-2010 portant protection du patrimoine national culturel et naturel	2010
	Loi No. 5-2011 du 25 février 2011 portant la promotion et protection des droits des populations autochtones	2011
	Loi No. 43-2014 d'orientation pour l'aménagement et le développement du territoire	2014



Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Congo, Republic of the	Loi No. 21-2018 fixant les regles d'occupation et d'acquisition des terres et terrains	2018
	Loi No. 33-2020 portant Code Forestier	2020
	Loi MOUEBARA No. 19-2022 portant lutte contre les violences faite aux femmes en Republique du Congo	2022
	Loi No. 26-2022 du 25 mai 2022 fixant les règles d'immatriculation de la propriété immobilière	2022
	Décret No. 86-970 fixant les indemnités dues en cas de destruction d'arbres à fruits et de dommages aux cultures	1986
	Décret No. 2002-437 du 31 décembre 2002 fixant les conditions de gestion et d'utilisation des forêts	2002
	Décret No. 2010-792, relatif à l'administration du quartier et du village	2010
	Décret No. 2013-280 du 25 juin 2013 portant création, attribution et organisation du comité de gestion et de développement communautaire	2013
	Décret No. 2018-484 du 26 décembre 2018 fixant les attributions, la composition et le fonctionnement de la commission nationale de reconnaissance des terres coutumières	2018
	Décret No. 2018-87 du 5 mars 2018 portant attributions et organisation de la direction générale des collectivités locales.	2018
	Décret No. 2019-201 fixant les procédures de consultation et de participation des populations autochtones aux projets et programmes de développement socio-économique	2019
	Décret No. 2019-200 déterminant les modalités de protection biens culturels, des sites sacrés et des sites spirituels des populations autochtones	2019
	Décret No. 2023-118 déterminant les modalités d'exercice du consentement libre, informé et préalable en matière de classement d'une forêt	2023
	Arrete No. 5053 du 19 juin 2007 definissant les directives nationales d'amenagement durable des concessions forestieres	2007
	Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)	2013
	Code Civile	1804 (2012)
	Loi No. 16-2000 du 20 novembre 2000 - Code forestier	2000
	Loi No. 17-2000 régime de la propriété foncière	2000
	Décret No. 2006-255 du 28 juin 2006 portant institution, attributions, compositions et fonctionnement d'un organe ad'hoc de constatation des droits fonciers coutumiers	2006
	Loi No. 14-2009 du 30 décembre 2009 modifiant certaines dispositions de la loi No. 16-2000 du 20 novembre 2000 portant Code forestier	2009
	Décret No. 2003-148 du 4 août 2003 portant attributions et organisation de la direction générale des collectivités locales	2003
	<b>Secondary Sources:</b> Mvoukani, G. I. et al. 2020. Les droits d'usage et la série de développement communautaire: Fiche d'information sur les dispositions de la loi No. 33-2020 du 8 juillet 2020 portant Code forestier, 1-7; ClientEarth; CEDAW. 2002. CEDAW/C/COG/1-5 Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Initial, second, third, fourth, and fifth periodic report of States parties, Congo; CEDAW. 2003. CEDAW/C/SR.607 Summary Record of the 607th Meeting, paragraph 41; OECD. 2014. OECD Social Institutions and Gender Index: Congo Data Sheet. OECD.	
Democratic Republic of the Congo	Constitution de la Republique Democratique du Congo modifiée par la Loi No. 11/002 du 20 janvier 2011 portant révision de certains articles de la Constitution de la République Démocratique du Congo du 18 février 2006	2006 (2011)
	Loi No. 73-021 du juillet 1973 portant Régime général des biens, Régime foncier et immobilier et Régime des sûretés telle que modifiée et complétée par la Loi No. 80-008 du 18 juillet 1980	1973 (1980)
	Loi No. 80/008 du 18 juillet 1980 modifiant et complétant la loi No. 73-021 du 20 juillet 1973 portant régime général des biens, régime foncier et immobilier et régime des sûretés	1973 (1980)
	Loi No.87-010 du 1er août 1987 portant Code de la Famille	1987 (2016)
	Loi No. 16/008 du 15 juillet 2016 modifiant et complétant le Loi No.87-010 du 1er août 1987 portant Code de la Famille	1987 (2016)
	Loi No. 011/2002 du 29 août 2002 portant Code forestier en République Démocratique du Congo	2002
	Loi No. 11/009 du 09 juillet 2011 portant principes fondamentaux relatifs a la protection de l'environnement	2011
	Loi No. 11/022 du 24 decembre 2011 portant principes fondamentaux relatifs a l'agriculture	2011
	Loi organique No. 13/011-B du 11 avril 2013 portant organisation, fonctionnement et compétences des juridictions de l'ordre judiciaire	2013
	Loi No. 14/003 du 11 février 2014 relative à la conservation de la nature	2014
	Loi No. 15/026 du 31 decembre 2015 relative à l'eau	2015
	Loi No. 22/030 du 15 juillet 2022 portant protection et promotion des droits des peuples autochtones pygmées	2022
	Décret No. 14/018 2014 du 02 août 2014 fixant les modalités d'attribution des concessions forestières aux communautés locales	2014
	Décret No. 08/08 du 08 avril 2008 fixant la procédure de classement et de déclasserement des forêts	2008
	Décret No. 08/09 du 08 avril 2008 fixant la procédure d'attribution des concessions forestières	2008

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Democratic Republic of the Congo	Arrêté 28/08 fixent les modèles de contrat de concession d'exploitation des produits forestiers et de cahier des charges y afférent	2008
	Arrêté 24/08 fixant la procédure d'attribution des concessions forestières	2008
	Arrêté ministériel No. 103 /CAB/MIN/ECN-T/15/JEB/09 du 16 juin 2009 portant organisation et fonctionnement de la commission de règlement des différends forestiers	2009
	Arrêté 23/2010 fixant le modèle d'accord constituant la clause sociale du cahier des charges du contrat de concession forestière	2010
	Arrêté ministériel No. 025 du 09 février 2016 portant dispositions spécifiques relatives à la gestion et à l'exploitation de la concession forestière des communautés locales	2016
	Arrêté ministériel No. 059 CAB/MIN./EDD/AAN/TNT/02/2018 portant création, organisation et fonctionnement du groupe genre et environnement	2018
	Note Circulaire n 006/CAB/MIN/ECN-DD/05/00/RBM/2016 - Prise en Compte de la Notion du genre dans la Foresterie Communautaire	2016
	<b>Secondary Sources:</b> Luamba, Moà se Nsongo. 2011. "De la protection juridique de l'union en droit comparé." Université libre de Matadi, Matadi; World Bank. 2010. Women Business and the Law: Measuring Legal Gender Parity for Entrepreneurs and Workers in 128 Economies. World Bank, Washington, DC; De Wit, Paul. 2011. DRC Scoping Mission: Opportunities in the current forest and land tenure landscape to advance community tenure rights. Unpublished report for Rights and Resources Initiative. Rights and Resources Initiative, Washington, DC.	
Ecuador	Constitución de la República de Ecuador	2008
	Código Civil	2005 (2021)
	Ley de Organización y Régimen de las Comunas	2004
	Ley Orgánica del Régimen de la Soberanía Alimentaria	2009 (2022)
	Ley Orgánica de Participación Ciudadana	2010 (2024)
	Código Orgánico de Organización Territorial, Autonomía y Descentralización	2010 (2024)
	Ley Orgánica de Tierras Rurales y Territorios Ancestrales	2016 (2022)
	Código Orgánico del Ambiente	2017 (2021)
	Decreto Ejecutivo 1283, Reglamento a la Ley Orgánica de Tierras Rurales y Territorios Ancestrales	2017 (2022)
	Decreto Ejecutivo 752, Reglamento al Código Orgánico del Ambiente	2019 (2022)
	Acuerdo Ministerial Nro. 056: Establecer Los Requisitos y Procedimientos Para El Registro y Mecanismos de Aprobación, Monitoreo y Seguimiento Para Los Socios Implementadores y Los Planes de Implementación de Medidas y Acciones REDD+	2019
	Acuerdo-Ministerial Nro. MAATE-2023-053: Norma Técnica que establece el esquema de compensación de emisiones de gases de efecto invernadero del Ecuador	2023
	Sentencia No. 273-19-JP del 2019, Corte Constitucional	2019
	Sentencia No. 20-12-IN, del 2020, Corte Constitucional	2020
Gabon	Sentencia No. 273-19-JP del 2022 (Ratificación de Sentencia), Corte Constitucional	2022
	Ley Forestal y de Conservación de Areas Naturales y Vida Silvestre	2004
	Constitution de la Republique Gabonaise	1991 (2011)
	Code Civil, Première Partie	1972 (2015)
	Constitution de la Republique Gabonaise	1991 (2011)
	Code Civil, Première Partie	1972 (2015)
	Loi No. 16/01 du 31 décembre 2001 portant le Code forestier de la République Gabonaise	2001
	Loi No. 6/61 du 10 mai 1961, Réglementant l'expropriation pour cause d'utilité publique et instituant des servitudes pour l'exécution des travaux publics	1961 (1976)
	Loi No. 12/75 du 18 décembre 1975 Abrogeant et remplaçant la loi No. 4/75, portant réorganisation de la République gabonaise	1975
	Loi No. 19/89 du 30 décembre 1989, portant adoption de la deuxième partie du code civil	1989
	Loi No. 003/2007 du 27 août 2007 relative aux parcs nationaux	2007
	Loi No. 004/2009 du 9 février 2010 portant création, organisation et fonctionnement du Fonds Forestier National	2010
	Arrêté No. 018 MEF/SG/DGF/DFC fixant les procédures d'attribution et de gestion des forêts communautaires	2013
	Arrêté No. 105/MFEPRN/SG/DGF/DDF/SACF fixant le modèle du cahier de charges contractuelles	2014
	Arrêté No. 106/MFEPRN portant Droit de Réserve d'une forêt par une communauté villageoise	2014
	Décret No. 1394/PR-MI du 28 décembre 1977 portant organisation et fonctionnement des unités administratives territoriales	1977
	Décret No. 001028/PR/MEFEPEPN du 01 décembre 2004 fixant les conditions de création des forêts communautaires (en application de l'article 197 de la loi 016/01)	2004

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Gabon	Décret No. 692/PR/MEFEPEPN du 24 août 2004 fixant les conditions d'exercice des droits d'usage coutumiers en matière de forêt, de faune, de chasse et de pêche	2004
	Décret No. 19/PR/MEFEPEPN du 06 janvier 2005 Portant réglementation des professions de lieutenant de chasse et de guide de chasse	2005
	Ordonnance No. 006/PR/2002 portant modification de certaines dispositions de la Loi. No. 016/2001 du 31 décembre 2001 portant Code forestier en republique gabonaise	2002
	Ordonnance No. 011/PR/2008 modifiant et complétant certaines dispositions de la loi 16/01 du 31 décembre 2001 portant Code forestier en République Gabonaise	2008
	Ordonnance No. 008/PR/2010 du 25 février 2010 portant modification et abrogation de certaines dispositions de la loi No. 16/01 du 31 décembre 2001 portant Code forestier en République Gabonaise	2010
	Ordonnance No. 007/PR/2017 du 27 février 2017 portant modification et suppression de certains dispositions de la loi No. 003/2007 du 27 août 2007 relative aux parcs nationaux	2017
	Arrêté No. 0004/MEFMEPCODDPAT/SG/DGF du 25/02/2020 complétant certaines dispositions de l'arrêté No. 18/MEF/DGF/DFC du 31 janvier 2013 fixant les Procédures d'attribution et de Gestion des Forêts Communautaires	2020
	<b>Secondary Sources:</b> World Bank. 2016. "Women, Business and the Law: Gabon." World Bank, Washington, DC.	
Ghana	Constitution of the Republic of Ghana	1992
	Intestate Succession Law, 1985 (PNDCL 111)	1985 (1991)
	Water Resources Commission Act, 1996, Act 522	1996
	Timber Resource Management Act, 1998, Act 547	1998 (2003)
	Minerals and Mining Act, 2006, Act 703	2006
	Alternative Dispute Resolution Act, 2010, Act 798	2010
	Land Act, 2020, Act 1036	2020
	Environmental Assessment Regulations, 1999 (LI 1652)	1999
	Timber Resources Management Regulations, 1998 (LI 1649)	1998
	<b>Secondary Sources:</b> Oxfam. 2015. The right to decide: Free prior informed consent in Ghana. Ghana Cocoa Forest REDD+ Programme (GCFRP) Emissions Reductions Programme Document (ER-PD).	
Guatemala	Constitución Política de la República de Guatemala de 1985, reformada por Acuerdo Legislativo No. 18-93 del 17 de Noviembre de 1993	1985 (1993)
	Código Civil, Decreto-ley No. 106	1963 (2022)
	Código Procesal Civil y Mercantil	1963 (2022)
	Ley de Titulación Supletoria, Decreto 49-79	1979 (2005)
	Ley de Áreas Protegidas, Decreto 4-89	1989
	Ley Forestal, Decreto 101-96	1996
	Decreto 9-96	1996
	Ley del Fondo de Tierras, Decreto 24-99	1999 (2010)
	Ley de los Consejos de Desarrollo Urbano y Rural, Decreto 11-2002	2002
	Codigo Municipal, Decreto 12-2002	2002
	Ley de Registro Catastral de 2005	2005
	Ley del Sistema Nacional de Seguridad Alimentaria y Nutricional, Decreto 32-2005	2005
	Ley del Chicle Decreto 23-2024	2024
	Reglamento de la Ley de Áreas Protegidas, Acuerdo Gubernativo No. 759-90	1990
	Reglamento de La Ley Forestal, Resolución 1/43/05	2005
	Reglamento Especifico Para Reconocimiento Y Declaración De Tierras Comunales, Resolución No. 123-001-2009	2009
	Reglamento del Registro Nacional Forestal, Resolución JD.01.19.2023	2023
	Acuerdo Gubernativo número 137-2016 de fecha 11 de julio de 2016 de la Presidencia de la República	2016
	Opinion Consultiva relativa al Convenio 169 sobre Pueblos Indígenas y Tribales en Países Independientes y Convenio No. 169 (OIT), Expediente 199-95 Corte de Constitucionalidad	1995
	Apelación de Sentencia de Amparo 2567-2015, Corte Constitucional	2015
	Apelación de Sentencia de Amparo, Expedientes Acumulados 90-2017, 91-2017 y 92-2017, Corte Constitucional	2017
	Ley del Chicle, Decreto 99-96	1996
	Reglamento de la Ley Forestal, Resolución 4/23/97	1997

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Guatemala	<b>Secondary Sources:</b> FAO Gender and Land Rights Database. 2017. Country Profile: Guatemala. FAO, Rome; World Bank. 2016. Women, Business, and the Law: Guatemala Country Profile. World Bank, Washington, DC; CONSEJO DE DERECHOS HUMANOS. 2018. Estudio: Consentimiento libre, previo e informado. Aportes del Estado de Guatemala. Mecanismo de Expertos sobre los Derechos de los Pueblos Indígenas (Resolución A/HR/C/36/57). Guatemala, Centro América; GARCÍA SÁENZ, Carlos Javier. 2022. Análisis jurisprudencial de los criterios establecidos por la Corte de Constitucionalidad de la República de Guatemala relativos al derecho de consulta previa de pueblos indígenas de conformidad con el Convenio 169 de la organización internacional del trabajo. Revista Auctoritas Prudentium, No. 27.	
Guyana	Constitution of the Co-operative Republic of Guyana Act, Act 2 of 1980 (Chapter 1:01)	1980 (2009)
	Marriage Act (Chapter 45:01)	1901 (1985)
	Act No. 12 of 1904, Married Persons (Property) Act (Chapter 45:04)	1904 (2014)
	State Lands Act (Chapter 62:01)	1903 (1997)
	Act No. 15 of 1916, Civil Law of Guyana Act (Chapter 6:01)	1916 (2021)
	Act No. 10 of 1917, Deceased Persons Estates' Administration Act (Chapter 12:01)	1917 (1991)
	Act No. 34 of 1919, Matrimonial Causes Act (Chapter 45:02)	1919 (1986)
	Act No. 18 of 1959, Land Registry Act (Chapter 5:02)	1959 (2003)
	Representation of the People Act (Chapter 1:03)	1964 (2022)
	Amerindian Lands Commission Act (Chapter 59:03)	1966
	Local Democratic Organs Act (Chapter 28:09)	1980
	Mining Act (Chapter 65:01)	1989
	Family and Dependents Provision Act (Chapter 12:24)	1990
	Act No. 19 of 1990, Equal Rights Act 1990	1990
	Environmental Protection Act (Chapter 20:05), as amended by Act No. 17 of 2005	1996 (2005)
	Act No. 26 of 1997, Prevention of Discrimination Act (Chapter 99:08)	1997
	Water and Sewerage Act (Chapter 30:01)	2002
	Act No. 6 of 2006, Amerindian Act 2006	2010
	Act No. 6 of 2009, Forests Act 2009	2010
	Act No. 14 of 2011, Protected Areas Act 2011	2011
	Civil Law of Guyana (Amendment) Act 2021 (No. 12)	2021
	State Lands (Amerindians) Regulations	1910 (1949)
	State Lands Regulations (Chapter 62:01)	1919 (1968)
	Regulations of the Forests Act of 2018	2018
India	Environmental Protection Agency/Environmental Assessment Board's Environmental Impact Assessment Guidelines Volume 1 - Rules and Procedures for Conducting and Reviewing EIAs	2004
	Forest Regulations (Chapter 67:01)	1953 (1972)
	<b>Secondary Sources:</b> Guyana Norway REDD+ Partnership. 2011; Ministry of Parliamentary Affairs and Governance. 2023. Expert Mechanism on the Rights of Indigenous People Establishing Effective Monitoring Mechanisms at the National and Regional Levels for the Implementation of the UNDRIP. Government of Guyana Responses. Guyana Government Information Agency. 2005. The New Amerindian Act: What will it do to the Amerindian People? Guyana Government Information Agency, Georgetown.	
	The Constitution of India	1949 (2015)
	The Indian Christian Marriage Act 1872	1872
	Indian Succession Act, 1925	1925
	The Indian Forest Act, 1927	1927
	The Parsi Marriage and Divorce Act, 1936	1936
	The Muslim Personal Law (Shariat) Application Act, 1937	1937
	Hindu Succession Act, 1956	1956
	The Forest (Conservation) Act, 1980	1980 (1988)
	The Muslim Women (Protection of Rights on Divorce) Act, 1986	1986
	Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989	1989 (2015)
	The Provisions of the Panchayats (Extension to the Scheduled areas) Act, 1996	1996
	The Protection of Women from Domestic Violence Act, 2005	2005
	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	2006
	The Constitution of India	1949 (2015)
	The Indian Christian Marriage Act 1872	1872



Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
India	Indian Succession Act, 1925	1925
	The Indian Forest Act, 1927	1927
	The Parsi Marriage and Divorce Act, 1936	1936
	The Muslim Personal Law (Shariat) Application Act, 1937	1937
	Hindu Succession Act, 1956	1956
	The Forest (Conservation) Act, 1980	1980 (1988)
	The Muslim Women (Protection of Rights on Divorce) Act, 1986	1986
	Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989	1989 (2015)
	The Provisions of the Panchayats (Extension to the Scheduled areas) Act, 1996	1996
	The Protection of Women from Domestic Violence Act, 2005	2005
	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	2006
	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013	2013
	The Compensatory Afforestation Fund Act, 2016	2016
	Orissa Scheduled Areas Transfer of Immovable Property (by Scheduled Tribes) Regulation, 1956	1956
	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules	2008
	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules	2012
	Ministry of Environment and Forests, Circular, F. No. 11-9/1998-FC (pt)	2009
	Ministry of Tribal Affairs, Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	2007
	Judgment State of Bombay vs. Narasu Appa Mali, 24 July 1951, Bombay High Court	1951
	Judgment Gopal Singh Bhumij vs Giribala Bhumij And Others, 28 February 1990, Patna High Court	1990
	Judgment Madhu Kishwar and Others vs. State of Bihar and Others, 17 April 1996, Supreme Court of India	1996
	Judgment Nirmala and Others vs. Government of NCT of Delhi and Others, 4 June 2010, Delhi High Court	2010
	Judgment Butaki Bai vs. Sukhbat, 2 May 2014, Chattisgarh High Court	2014
	Judgment Archana vs. Deputy Director of Consolidation Amroha, 27 March 2015, Allahabad High Court	2015
	Judgment Bahadur vs Bratiya And Others, 23 June 2015, Himachal Pradesh High Court	2015
	Judgment Ram Dev Ram vs. Dhani Ram & Others, 11 January 2016, Chattisgarh High Court	2016
	Judgment Roshan Lal vs. Pritam Singh and Others, 13 December 2018, Himachal Pradesh High Court	2018
	Judgment Vineeta Sharma vs Rakesh Sharma, 11 August 2020, Supreme Court of India	2020
	Judgment Urban Improvement Trust Bikaner vs Gordhan Dass Through Lrs. and Others, 19 October 2023, Supreme Court of India	2023
	<b>Secondary Sources:</b> Choudhary, Amit Anand. 2015. "Couple living together will be presumed married, Supreme Court rules." The Times of India, April 13. Accessed April 10, 2017; OECD. OECD Social Institutions and Gender Index: India Data Sheet. OECD; World Bank. 2016. "Women, Business and the Law: India." World Bank, Washington, DC.	
Indonesia	Constitution of the Republic of Indonesia	1945 (2002)
	Civil Code, S.NO.23	1847
	Act No. 5 of 1960, concerning Basic Regulations on Agrarian Principles	1960
	Law No. 25/1992 re Cooperatives	1992
	Basic Forestry Law No. 41 of 1999	1999
	Law of the Republic of Indonesia No. 39 of 1999 on human rights	1999
	Law No. 17 of 2019 on Water Resources	2019
	Permenhut No. P. 37/Menhut-II/2007 as amended by Permenhut P. 13/Menhut-II/2010	2007 (2010)
	P.49/Menhut II/2008 Tentang Hutan Desa	2008
	P.14/Menhut-II/2010 Tentang Hutan Desa	2010
	PERATURAN MENTERI LINGKUNGAN HIDUP DAN KEHUTANAN REPUBLIK INDONESIA NOMOR P.17/MENLHK/SETJEN/KUM.1/8/2020	2020
	Regulation of the Minister of Forestry No. 23/Menhut-II/2007, Procedure for Application for Business License for Utilization of Timber Forest Crop on People's Cultivated Forest in Cultivated Forest	2007
	Regulation of the Minister of Forestry No. P.30/MENHUT-II/2012 on the administration of Forest Product derived from Private Forest	2012
	Constitutional Court, PUTUSAN - Nomor 35/PUU-X/2012	2013

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Indonesia	Regulation of the Minister of Forestry No. P.89/Menhut-II/2014 concerning Village Forests	2014
	Permen LHK No. 9 Tahun 2021 tentang Pengelolaan Perhutanan Sosial	2021
	Government Regulation No. 23 of 2021 about Forestry Management [Peraturan Pemerintah Republik Indonesia Nomor 23 Tahun 2021]	2021
	Regulation of the Government of the Republic of Indonesia No. 20 of 2021 on control of abandoned areas and lands	2021
	Regulation on the Implementation of Land Administration and Land Registration of Customary Land Rights of Customary Law Communities (No. 14/2024)	2024
	Government Regulation No. 30 of 2024 concerning Water Resources Management	2024
	Glossary of The State of Indonesia's Forests 2022: Towards FOLU Net Sink 2030 (p. XIV), published by the Ministry of Environment and Forestry	2022
	Constitutional Court, PUTUSAN - Nomor 35/PUU-X/2012	2012
	83/MENLHK/Secretariat/KUM.1/10/2016 Tentang Perhutanan Sosial	2016
	Permen 10 Tahun 2016 Tatacara Penetapan Hak Komunal	2016
	Government Regulation No. 6/2007, Forest Arrangement and Formulation of Forest Management Plan as well as Forest Exploitation	2007
	Government Regulation No. 3/2008, The Amendment to Government Regulation No. 6/2007 on Forest Arrangement and Formulation of Forest Management Plan as well as Forest Exploitation	2008
	Regulation No. 11 /MENLHK/SETJEN/KUM.1/5/2020	2020
	Regulation of the Minister of Environment and Forestry No. 17 of 2020 concerning Customary Forests and Private Forests Subject to Rights.	2020
	<b>Secondary Sources:</b> Simarmata, R. 2019. The enforceability of formalised customary land rights in Indonesia. Australian Journal of Asian Law, 19(2); Anggraini, Nesita and Umery Lathifa. 2017. Communal Rights of Land: Indonesia Government Effort to Protect the Rights of Indigenous Group, 513; Brown, Jennifer. 2003. Rural Women's Land Rights in Java, Indonesia: Strengthened by Family Law, but Weakened by Land Registration. Pacific Rim Law & Policy Journal, 12(3). University of Washington School of Law, Seattle; OECD. 2014. OECD Social Institutions and Gender Index: Indonesia. OECD.	
Kenya	The Constitution of Kenya, 2010	2010
	The Law of Succession Act of 1981	1981
	The Land Act	2012
	The Land Registration Act	2012
	Matrimonial Property Act	2013
	The Wildlife Conservation and Management Act	2013
	The Marriage Act	2014
	The Protection of Traditional Knowledge and Cultural Expressions Act	2016
	The Land Laws (Amendment) Act	2016
	The Community Land Act	2016
	The Water Act	2016
	The Forest Conservation and Management Act	2016
	The Climate Change Act	2016 (2023)
	The Public Participation Bill (Sen Bills No. 4 of 2018)	2018
	The Land Value (Amendment) Act	2019
	Environmental (Impact Assessment and Audit) Regulations, 2003	2003
	The Community Land Regulations	2017
	The National Guidelines for Free, Prior and Informed Consent, Ministry of Environment, Natural Resources and Regional Development Authorities, 2016	2016
	Endorois Peoples' Biocultural Protocol: Sustainable Biodiversity Resource Management for Access and Benefit Sharing and Protection from Threats to Culture	2019
	Supreme Court Advisory Opinion No. 2 of 2012	2012
Lao PDR	Abdalla Rhova Hiribae & 3 others v Attorney General & 7 others [2013] KEHC 19 (KLR), Civil Case 14 of 2010	2013
	John K. Keny & 7 others v Principal Secretary Ministry of Lands, Housing and Urban Development & 4 others [2018] eKLR - Constitutional Petition 6 & 5 of 2017	2018
	<b>Secondary Sources:</b> Ndlovu, Nqobizitha and Enyinna S Nwauche. 2022. "Free, Prior and Informed Consent in Kenyan Law and Policy After Endorois and Ogiek." Journal of African Law 66(2): 201–27. doi:10.1017/S002185532200002X.	
Lao PDR	Constitution of the Lao People's Democratic Republic	1991 (2015)
	Law No. 08/NA on the Development and Protection of Women	2004

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Lao PDR	Lao Women Union's Law 2013	2013
	Law on Water and Water Resources (Amended) 2017	2017
	Civil Code	2018
	Land Law	2019 (2024)
	Gender Equality Act 2019	2019
	Forestry Law (Revised)	2019
	Decree of the Minister of Agriculture and Forestry No. 219/GOV on protected forests	2023
	National Assembly Resolution (NA Res. 57)	2024
	Ministry of Agriculture and Forestry, Manual Participatory Agricultural Land Management (PALM) at Village Level	2018
	2021 Department of Forestry Technical Guidelines on Village Forest Management Planning	2021
	Ministry of Natural Resources and Environment Instructions on Land Registration, MI No. 0500/MONRE/2022	2022
	<b>Secondary Sources:</b> Committee on the Elimination of Discrimination against Women (CEDAW). Tenth periodic report submitted by the Lao People's Democratic Republic under article 18 of the Convention, due in 2022. CEDAW/C/LAO/10. 22 June 2023; Committee on the Elimination of Discrimination against Women (CEDAW). Concluding observations on the tenth periodic report of the Lao People's Democratic Republic. CEDAW/C/LAO/CO/10. 29 October 2024.	
Liberia	The Constitution of Liberia	1986
	The Decedents Estate Law, Title 8	1972
	The Civil Procedure Law	1972
	The Domestic Relations Law	1973
	The Equal Rights of Customary Marriage Law of 1998 (The Act to Govern the Devolution of Estates and Establish Rights of Inheritance for Spouses of Both Statutory and Customary Marriages)	1998 (2003)
	Environmental Protection and Management Law	2004
	The National Forestry Reform Law of 2006	2006
	The Community Rights Law of 2009 with Respect to Forest Lands	2009
	National Wildlife Law	2016
	An Act to Establish the Land Rights Law of 2018	2018
	Liberia Rules and Regulations Governing the Hinterland (2001)	2001
	Regulation No. 101-07 Public Participation	2007
	Regulation on Tender, Award, and Administration of Forest Management Contracts, Timber Sale Contracts, and Major Forest Use Permits (FDA Regulation 104-07)	2007
	Regulation on Forest Land Use Planning (FDA Regulation 102-07)	2009
	Regulations to the Community Rights Law of 2009 with Respect to Forest Lands	2011
	Regulations to the Community Rights Law of 2009 with Respect to Forest Lands, as Amended	2017
	Land Rights Act Regulations	2022
	ENVIRONMENTAL IMPACT ASSESMENT PROCEDURAL GUIDELINE	2006
	Liberia Environmental Protection Agency and Forestry Development Authority of the Government of Liberia (June 2019). Development of National Guidelines on Free, Prior and Informed Consent (FPIC) Project Report	2019
	2021 Revised Environmental and Social Impact Assessment/ Strategic Environmental Assessment (ESIA/SEA) Procedural Guidelines EPA/003/03-22	2022
Madagascar	The Public Lands Law	1956
	<b>Secondary Sources:</b> The Problems of Gender Inequality Raised by Unmarried Couples in Liberia. Theses and Dissertations. Paper 21. Digital Repository at Maurer Law. Maurer School of Law: Indiana University, Bloomington; Scalise, Elisa and Leslie Hannay. 2013. Land Policy Reform for Women in Liberia. Brief, Focus on Land in Africa; Troell and Stephanie Keene. 2022. Legal Recognition of Customary Water Tenure in Sub-Saharan Africa: Unpacking the Land-Water-Nexus; De Wit, Paul and Caleb Stevens. 2014. "100 Years of Community Land Rights in Liberia: Lessons Learned for the Future." Paper presented at World Bank Conference on Land and Poverty, Washington, DC, March 24-27, 2014; Dolo-Barbu, Yah-Yeplah. 2015. The Problems of Gender Inequality Raised by Unmarried Couples in Liberia. Indiana University Maurer School of Law, Bloomington; Knight, Rachael, Judy Adoko, Teresa Auma, Ali Kaba, Alda Salomao, Silas Siakor and Issufo Tankar. 2012. Protecting Community Lands and Resources: Evidence from Liberia, Mozambique and Uganda. Namati and International Development Law Organization, Rome; Scalise, Elise and Leslie Hannay. 2013. Land Policy Reform for Women in Liberia. Focus on Land in Africa; Wily, Liz Alden. 2007. So Who Owns the Forest: An investigation into forest ownership and customary land rights in Liberia. Sustainable Development Institute and FERN.	
	Constitution de la Quatrieme Republique	2010
	Loi No. 68-012 du 04 juillet 1968 relative aux successions, testaments et donations	1968
	Loi No. 96-025 relative à la gestion locale des ressources naturelles renouvelables [GELOSE]	1996
	Loi No. 97-017 du 08 août 1997 portant révision de la législation forestière	1997
	Loi No. 2001-004 portant réglementation générale des Dina en matière de sécurité publique	2001

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Madagascar	Loi No. 2006-031 du 24 novembre 2006 fixant le régime juridique de la propriété foncière privée non titrée	2006
	Loi No. 2007-022 du 20 août 2007 relative au mariage et aux régimes matrimoniaux	2007
	Loi No. 2015-005 portant refonte du Code de Gestion des Aires Protégées	2015
	Loi No. 2021-016 portant refonte de la Loi No. 2006-031 du 24 novembre 2006 fixant le régime juridique de la propriété foncière privée non titrée	2021
	Loi No. 2022-013 Amendments to the Law No. 2006-031 establishing the legal regime for untitled private land ownership	2022
	Ministere des Eaux et Forêts, Decret No. 2001-122 fixant les conditions de mise en œuvre de la gestion contractualisée des forêts de l'État	2001
	Décret No. 99-954 du 15 décembre 1999 modifié par le décret No. 2004-167 du 03 février 2004 relatif à la mise en compatibilité des investissements avec l'environnement (MECIE)	2004
	Ministere de l'environnement, de l'Ecologie et des Forêts, Decret No. 2017-415 de 30 mai 2017 fixant les modalités et les conditions d'application de la Loi No. 2015-005 du 26 février 2015 portant refonte du Code de Gestion des Aires Protégées	2017
Mali	Constitution du Mali	1992
	Loi No. 96-050, portant principes de constitution et de gestion du domaine de collectivités territoriales	1996
	Loi No. 01-004 portant Charte Pastorale du Mali	2001
	Loi No. 02-006 du 31 janvier 2002 portant Code de l'Eau	2002
	Loi No. 06/45 portant loi d'orientation agricole	2006
	Loi No. 06-023/ relative à la création et à l'administration des Villages, Fractions et Quartiers	2006 (2024)
	Loi No. 10-028 du 12 juillet 2010 déterminant les principes fondamentaux relatifs à la gestion des ressources du domaine forestier national	2010 (2021)
	Loi No. 2011-040 du 15 juillet 2011 portant statut des exploitations et des exploitations agricole	2011
	Loi No. 2011-087 portant code des Personnes et de la Famille	2011
	Loi No. 2015-052 instituant des mesures pour promouvoir le genre dans l'accès aux fonctions nominatives et électives	2015
	Loi No. 2017-001 portant sur le Foncier Agricole	2017
	Loi No. 2018-036 fixant les principes de gestion de la faune et de son habitat	2018
	Loi No. 2021-056 portant modification et ratification de l'Ordonnance No. 2020-014/PT-RM du 24 décembre 2020 portant loi domaniale et foncière	2021
	Loi No. 2022-057 portant modification de la Loi No. 2011-087 du 30 décembre 2011 portant Code des Personnes et de la Famille	2022
	Loi No. 2023-004 du 13 mars 2023 portant Code des Collectivités territoriales	2023
	Decret No. 97-052/P-RM du 31 janvier 1997 déterminant les modalités et conditions d'exercice des droits conférés par les titres de chasse	1997
	Decret No. 06-439/P-RM du 18 octobre 2006 fixant les modalités d'application de la Loi No. 01-004 portant Charte Pastorale du Mali	2006
	Decret No. 06-567 P-RM du 29 Décembre 2006 fixant le mode de designation des conseillers de village de fraction et de quartier et les modalités de fonctionnement des conseils de village, de fraction et de quartier	2006
	Décret No. 09-011 P-RM du 19 janvier 2009 fixant les attributions, la composition et les modalités de fonctionnement des commissions foncières locales et communales	2009
	Décret No. 2011-637-P-RM du 20 septembre 2011 déterminant les conditions et modalités d'exercice des droits conférés par les titres d'exploitation et de transport des produits forestiers	2011
	Decret No. 2018-0333/P-RM du 04 avril 2018 fixant la composition et les modalités de fonctionnement de la commission foncière villageoise ou de fraction	2018
	Decret No. 2018-0662/P-RM du 08 août 2018 portant réglementation de l'exploitation des produits forestiers dans le domaine forestier nationale	2018
	Ordonnance No. 02-044-P-RM du 28 mars 2002 Portant obrogation de la Loi No. 69-016 du 12 février 1996 portant création de l'Unité de Gestion Forestière	2002
	Ordonnance No. 2020-014/PT-RM portant Loi domaniale et foncière	2020
	Ordonnance No. 2024-019/PT-RM du 04 octobre 2024 portant modification de la Loi No. 06-023 du 28 juin 2006 relative à la création et à l'administration des Villages, Fractions et Quartiers	2024
	Arrêté No. 08-0268/MATCL-SG fixant les modalités de création, de fusion et de suppression des villages, fractions et quartiers	2008
	Arrêté Interministériel No. 2021-0079/MEADD-MEF-MICPI-SG du 01 février 2021 déterminant les modalités d'exportation et de réexportation du bois transformé	2021
	Politique Foncière Agricole du Mali	2014
	Loi No. 95-003 portant organisation de l'exploitation du transport et du commerce du bois	1995



Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Mali	Loi No. 95-004 fixant les conditions de gestion des ressources forestières	1995
	Loi No. 2017-051 portant Code des Collectivités Territoriales	2017
	Ordonnance No.00-027 du 22 mars 2000 portant Code domanial et foncier, modifié par la loi No.02-008 du 12 février 2002	2000 (2002)
	<b>Secondary Sources:</b> FAO. 2021. Handbook: Respecting free, prior and informed consent in Mali. FAO, Rome; Doumbe-Bille, Stephane. 2004. Le Droit Forestier en Afrique Centrale et Occidentale: Analyse Comparée. Etude juridique de la FAO en ligne #41. FAO, Rome; Jones-Casey, Kelsey, Anna Knox and Zoey Chenitz. 2011. Women, Inheritance and Islam in Mali. Focus on Land in Africa; Landesa. 2013. Gender and Land: Good Practices and Lessons from Four Millennium Challenge Corporation Compact-Funded Land Projects. Landesa, Seattle.	
Mexico	Constitución Política de los Estados Unidos Mexicanos del 1917	1917 (2024)
	Código Civil Federal	1928 (2021)
	Código Penal Federal	1931 (2016)
	Ley Agraria	1992 (2024)
	Ley de Aguas Nacionales	1992 (2023)
	Ley General de Cambio Climático	2012
	Ley General de Instituciones y Procedimientos Electorales	2014
	Ley de Desarrollo Forestal Sustentable	2018 (2024)
	Ley del Instituto Nacional de los Pueblos Indígenas	2018
	Ley Federal de Protección del Patrimonio Cultural de los Pueblos Indígenas y Afromexicanas	2022 (2023)
	Decreto por el que se reforman y adicionan diversas disposiciones de la Ley General del Equilibrio Ecológico y la Protección al Ambiente.	2018
	Reglamento de la Ley General de Desarrollo Forestal Sustentable	2020
	Contradicción de Tesis 12/2008-SS	2008
	<b>Secondary Sources:</b> Morett Sánchez, Jesús Carlos. 2001. El ocaso de la Reforma Agraria Mexicana. Universidad Autónoma de Chapingo, México, 204. ESTUDIOS AGRARIOS; Cobera, S., M. Estrada, G. Navarro and P. Pacheco. 2010. Rights to Carbon Forest and Carbon: insights from Mexico, Brazil and Costa Rica. Paper presented at the Workshop on Forest Governance decentralization and REDD+ in Latin America and the Caribbean; FAO Gender and Land Rights Database. 2017. "Country Profile: Peru." FAO, Rome; Gesell, Jeffrey N. 1997. "Customary Indigenous Law in the Mexican Judicial System." The Georgia Journal of International and Comparative Law 26: 643-671; OECD. 2014. "OECD Social Institutions and Gender Index: Mexico." OECD.	
Mozambique	Constituição da República	1990 (2004)
	Código Civil - Decreto-Lei No. 47/344, de 25 de Novembro de 1966	1966 (2021)
	Código de Registo Civil	2004
	Lei No. 4/92 Cria os Tribunais Comunitarios e define as suas competencias	1992
	Lei de Terras, Lei No. 19/97 de 01 de Outubro, 1997	1997
	Lei No. 19/2007 - Lei de Ordenamento do Território	2007
	Lei No. 16/2014, de 20 de Junho, Lei de Protecção, Conservação e Uso sustentável da Diversidade Biológica	2014 (2017)
	Lei 20/2014 Lei de Minas	2014
	Lei No. 22/2019: Lei da Família	2019
	Lei No. 17/2023 Estabelece os princípios e normas básicas sobre a protecção, conservação e utilização dos recursos florestais e revoga a Lei No. 10/99, de 7 de Julho de 1999	2023
	Decreto No. 66/98 - Regulamento da Lei de Terras	1998
	Decreto No. 11 de 2005 Regulamento da Lei dos Órgãos Locais do Estado	2005
	Decreto No. 43 de 2010 introduz alteração no Regulamento da Lei de Terras (No. 2 do artigo 27)	2010
	Decreto No. 31/2012 Aprova o Regulamento sobre o Processo de Reassentamento Resultante de Actividades Economicas	2012
	Decreto No. 89/2017 Aprova o Regulamento da Lei No. 16/2014, de 20 de Junho, Lei da Protecção, Conservação e Uso Sustentável da Diversidade Biológica	2017
	Decree No. 82/2021 (Regulation of Recreational and Sport Fishing)	2021
	Decree No. 21/2022 (Regulation of Fishing in Inland Waters)	2022
	Diploma Ministerial No. 93 de 2005	2005
	Diploma Ministerial No. 158 de 2011 que fixa os procedimentos a serem seguidos para a realização da consulta comunitária	2011
	Resulacao No. 23/2020 Aprova a Political Florestal e Estrategia da sua Implementacao	2020
	Lei No. 10/99, Lei de Florestas e Fauna Bravia	1999
	Lei No. 10/2004, Lei da Família	2004
	Decreto No. 12/2002, Regulamento da Lei de Florestas e Fauna Bravia	2002

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Mozambique	<b>Secondary Sources:</b> Cooper, Elizabeth. 2011. Policy Notes: Challenges and opportunities in inheritance rights in Mozambique. Chronic Poverty Research Centre; OECD. 2014. OECD Social Institutions and Gender Index Mozambique Data Sheet. OECD.	
Myanmar	Constitution of the Republic of the Union of Myanmar	2008
	The Contract Act	1872
	The Married Women's Property Act	1874
	The Burma Laws Act	1898
	The Vacant, Fallow and Virgin Lands Management Law, Pyidaungsu Hluttaw Law No. 10 of 2012	2012
	Farmland Law, Pyidaungsu Hluttaw Law No. II of 2012	2012
	The Environmental Conservation Law (Pyidaungsu Hluttaw Law No. 9/2012)	2012
	The Myanmar Buddhist Women's Special Marriage Law	2015
	Ethnic Rights Protection Law (The Pyidaungsu Hluttaw Law No. 8/2015)	2015
	Firewood Plantation Law 2015 of Mon State	2015
	The Forest Law (The Pyidaungsu Hluttaw Law No. 29/2018)	2018
	The Conservation of Biodiversity and Protected Areas Law (The Pyidaungsu Hluttaw Law No. 12/2018)	2018
	Organization Registration Law, State Administration Council Law No 46/2022, 5th Waxing of Tazaungmone 1384 ME	2022
	The Vacant, Fallow and Virgin Lands Management Rules, Notification No. 1	2012
	The Forest Rules	2019
	The Community Forestry Instructions (Notification No. 69/2019)	2019
	National Land Use Policy	2016
	Forest Law of 1992	1992
	Registrations of Organization Law, Pyidaungsu Hluttaw Law No. 31	2014
	The Community Forestry Instructions of 16 August 2016 (Notification No. 84/2016)	2016
	<b>Secondary Sources:</b> Displacement Solutions. 2015. Land Acquisition Law and Practice in Myanmar: Overview, Gap Analysis with IFC PS1 & PS5 and Scope of Due Diligence Recommendations. Displacement Solutions; Ewers Andersen, Kirsten. 2015. "Analysis of Customary Communal Tenure of Upland Ethnic Groups, Myanmar." Paper presented at Burma/Myanmar in Transition: Connectivity, Changes and Challenges. Center for ASEAN Studies (CAS), Chiang Mai University, the Regional Center for Social Science and Sustainable Development (RCSD): Myanmar Center, the Faculty of Humanities at Chiang Mai University and the International Institute for Asian Studies (IIAS) in Leiden, the Netherlands. 24-26 July 2015; Ewers Andersen, Kirsten. 2015. Study of Upland Customary Communal Tenure in Chin and Shan States: Outline of a Pilot Approach towards Cadastral Registration of Customary Communal Land Tenure in Myanmar. Land Core Group; Forest Department, Ministry of Forestry, Government of Myanmar. 1997. Asia-Pacific Forestry Sector Outlook Study. Country Report: Union of Myanmar. Working Paper No: APFSOS/WP/08. FAO, Rome; Jhaveri, Nayna, Vaneska Litz, Jason Girard, Robert Oberndorf, and M. Mercedes Stickler. 2016. Community Land Resource Tenure Recognition: Review of Country Experiences. USAID Tenure and Global Climate Change Program, Washington, DC; Mark, SiuSue. 2016. Are the Odds of Justice Stacked Against Them? Challenges and Opportunities for Securing Land Claims by Smallholder Farmers in Myanmar. Critical Asian Studies, 48:3, 443-460; Myanmar Lawyers Network and Asian Human Rights Commission. 2015. Land and Law in Myanmar: A Practitioners Perspective, Workshop Report and Recommendations. Myanmar Lawyers Network and Asian Human Rights Commission, Yangon; OECD. 2014. OECD Investment Policy Reviews: Myanmar 2014. OECD Publishing; Pierce, Caitlin J. and Nant Thi Thi Oo. 2016. Gendered Aspects of Land Rights in Myanmar: Evidence from Paralegal Casework. Namati; Tint, Kyaw, Oliver Springate-Baginski and Mehm Ko Ko Gyi. 2011. Community Forestry in Myanmar: Progress and Potentials; USAID. 2013. USAID Country Profile, Property Rights and Resource Governance: Burma. USAID; Wachenfeld, Margaret, Donna Guest, Haley St. Dennis, Vicky Bowman, and Thi Thi Thein. 2014. Myanmar Oil & Gas Sector Wide Impact Assessment. Myanmar Centre for Responsible Business, Institute for Human Rights and Business and the Danish Institute for Human Rights; Woods, Kevin. 2013. Timber Trade Flows and Actors in Myanmar: The Political Economy of Myanmar's Timber Trade. Forest Trends; Institute for Human Rights and Business (IHRB); Myanmar Centre for Responsible Business; Danish Institute for Human Rights (DIHR). 2016. Briefing paper: Indigenous Peoples' Rights and Business in Myanmar. DIHR; LILJEBLAD, Jonathan. 2022. Indigenous Identity, Human Rights, and the Environment in Myanmar: Local Engagement with Global Rights Discourses. London, New York: Routledge.	
Nepal	Constitution of Nepal 2015	2015
	National Civil Code Act, 2017 (2074)	2017
	The Muluki Ain (General Code)	1963 (2010)
	Lands Act (1964)	1964 (2010)
	National Park and Wildlife Conservation (NPWC) Act, 2029	1973 (2017)
	The Treaty Act of 1990 (2047 B.S.)	1990
	An Act to Regulate and Control International Trade in Endangered Wild Fauna and Flora	2017
	The Forests Act, 2019 (2076)	2019
	Buffer Zone Management Regulation 2052, 1996	1996
	Buffer Zone Management Guideline, 1999 (2056-5-3)	1999
	Environmental Protection Regulation 2077	2020
	Forest Regulations 20179	2022
	Guideline for the preparation of bylaws and Work Plan of Leasehold Forest Groups	2006
	Herbs and NTFPs Resources Inventory Guideline	2012
	Community Forest Development Program Guidelines (2014)	2014

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Nepal	Forest Act 2049 (1993)	1995 (1999)
	Forest Regulation 2051 (1995)	1995
	<b>Secondary Sources:</b> National Human Rights Commission. 2019. ILO Convention No. 169 Implementation Status Report. Nepal, 27-28; IWGIA. 2023. Free, Prior and Informed Consent of the Tamang Indigenous Peoples of Nepal. Kathmandu, 49-59; Acharya, Dhruba, Dilli Raj Khanal, Hari Prasad Bhattarai, Basanta Gautam, Gyanendra Karki, Eveline Trines, Wouter van Goor and Ram Prasad Acharya. 2015. FCPF/REDD/S/QCBS-20: REDD+ Strategy for Nepal -First Draft Strategy Report. REDD-Forestry and Climate Change Cell, Ministry of Forests and Soil Conservation, Babarmahal; FAO and RECOFTC. 2015. Gender and forests in a changing landscape: Understanding women's participation in forestry in Nepal - Policy Brief. FAO and RECOFTC, Bangkok; Ministry of Forests and Soil Conservation, Government of Nepal. 2013. Persistence and Change: Review of 30 years of community forestry in Nepal. Multi-stakeholder Forestry Programme, Services Support Unit, Lalitpur; Pandey, Ghan Shyam. 2015. Community Forestry in Nepal: Protecting Forest, Improving Livelihoods. FERN.	
Nicaragua	Constitución Política de la República de Nicaragua	2014
	Código Civil	2019
	Ley No. 28, Estatuto de la Autonomía de las Regiones de la Costa Atlántica de Nicaragua	1987 (2016)
	Ley No. 445, Ley Del Regimen De Propiedad Comunal De Los Pueblos Indígenas Y Comunidades Etnicas De Las Regiones Autonomas De La Costa Atlántica De Nicaragua Y De Los Rios Bocay, Coco, Indio Y Maiz	2003
	Ley No. 462, Ley de Conservación, Fomento y Desarrollo Sostenible del Sector Forestal	2003
	Ley No. 585, Ley de Veda para el Corte, Aprovechamiento y Comercialización del Recurso Forestal	2006
	Ley No. 648, Ley de Igualdad de Derechos y Oportunidades	2008
	Ley No. 717, Ley Creadora del Fondo para Compra de Tierras con Equidad de Género para Mujeres Rurales	2010
	Ley No. 757, Ley de Trato Digno y Equitativo a Pueblos Indígenas y Afro-descendientes	2011
	Ley No. 217, Ley General del Medio Ambiente y los Recursos Naturales	2014
	Ley No. 870, Código de Familia	2014
	Decreto Ejecutivo No. 70-2006 Marco General de Políticas de Tierras	2006
	Decreto Ejecutivo No. 01-2007 Reglamento de Áreas Protegidas	2007
	Decreto Ejecutivo No. 69-2008 Política Nacional de Desarrollo Sostenible del Sector Forestal de Nicaragua	2008
	Decreto Ejecutivo No. 52-2010 Reglamento de la Ley No. 717, Ley Creadora del Fondo para Compra de Tierras con Equidad de Género para Mujeres Rurales	2010
	Resolución Administrativa No. DE 21-2009 que establece la Estrategia Nacional de Forestería Comunitaria para el Desarrollo de los Pueblos Indígenas, Comunidad Étnicas y Campesinado en el Manejo Comunitario de los Recursos Forestales	2009
	Corte Interamericana de Derechos Humanos, Caso de la Comunidad Mayagna (Sumo) Awas Tingni vs. Nicaragua, Sentencia de 31 de agosto de 2001 (Fondo, Reparaciones y Costas)	2001
	Corte Interamericana de Derechos Humanos, Caso Pueblos Rama y Kriol, Comunidad de Monkey Point y Comunidad Negra Creole Indígena de Blue Fields y sus miembros Vs. Nicaragua	2024
	<b>Secondary Sources:</b> Committee on the Elimination of Racial Discrimination. 2023. CERD/C/NIC/CO/15-21: Concluding observations on the combined fifteenth to twenty-first periodic reports of Nicaragua. 22 December; OHCHR. 2024. A/HRC/57/20: Situation of human rights in Nicaragua - Report of the United Nations High Commissioner for Human Rights. 2 September; Freguin-Gresh, Sandrine. 2014. Regulations on Access and Property Rights to Natural Resources in Nicaragua and Honduras: Literature review for institutional mapping of the Nicaragua-Honduras Sentinel Landscape. doi:10.13140/RG.2.2.18666.52165.	
Panama	Constitución Política de la República de Panamá	1972 (2004)
	Código Civil de la República de Panamá - Ley No. 2 de 22 de agosto de 1916	1916
	Código de Comercio de la República de Panamá - Ley No. 2 de 22 de agosto de 1916	1916 (2011)
	Código de la Familia - Ley No. 3 de 17 de mayo de 1994	1994 (2022)
	Ley No. 22 de 08 de noviembre de 1983 por la cual se crea la Comarca Embera de Darien	1983
	Ley No. 23 de 21 de octubre de 1983 por la cual se reglamentan las organizaciones campesinas	1983
	Ley No. 2 de 2 de junio de 1987 por la cual se desarrolla el Artículo 249 de la Constitución Política, y se señalan las funciones de los gobernadores de las provincias de la República.	1987
	Ley No. 1 de 03 de febrero de 1994 - Legislación Forestal de la República de Panamá	1994
	Ley No. 24 de 12 de enero de 1996 por la cual se crea la comarca kuna de madugandi	1996
	Ley No. 10 de 07 de marzo de 1997 Que crea la COMARCA NGOBE BUGLE	1997
	Ley No. 22 de 14 de julio de 1997	1997
	Ley No. 41 de 01 de julio de 1998 Ley General del Ambiente	1998
	Ley No. 4 de 29 de enero de 1999	1999
	Ley No. 34 de 25 de julio de 2000 que crea la comarca Kuna de Wargandí	2000
	Ley No. 38 de 10 de julio de 2001	2001
	Ley No. 29 de 13 de junio de 2002	2002

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Panama	Ley No. 16 de 31 de marzo de 2004	2004
	Ley No. 72 de 23 de diciembre de 2008 Que establece el procedimiento especial para adjudicación de la propiedad colectiva de tierras de los pueblos indígenas que no están dentro de las comarcas	2008
	Ley No. 44 de 25 de abril de 2011 que establece el regimen de incentivos para el fomento de la construccion y explotacion de centrales eolicas destinadas a la prestacion del servicio publico de electricidad	2011
	Ley No. 55 de 23 de mayo de 2011 que adopta el codigo agrario	2011
	Ley No. 18 de 26 de marzo de 2013 que modifica y adiciona articulos a la Ley 44 de 2011	2013
	Ley Fundamental de Gunayala	2013
	Ley No. 37 de 2016, que establece la consulta y consentimiento previo, libre e informado a los pueblos indígenas	2016
	Ley No. 188 de 04 de diciembre de 2020 que crea la Comarca Naso Tjer Di	2020
	Ley No. 301/2022 - Establece medidas para el desarrollo integral de los pueblos indígenas de Panamá	2022
	Ley No. 287/2022 que reconoce los derechos de la Naturaleza y las obligaciones del Estado relacionadas con estos derechos	2022
	Resolución de Junta Directiva No. 05-98 de 22 de enero de 1998 - Reglamento de la Ley Forestal de la República de Panamá	1998
	Decreto Ejecutivo No. 66 de 25 de septiembre de 1984 por el cual se aprueba el Reglamento de la Ley 23 de 1983 sobre las organizaciones campesinas	1984
	Decreto Ejecutivo No. 228 de 03 de diciembre de 1998 por el cual se adopta la Carta Organica Administrativa de la Comarca Kuna di Madugandi	1998
	Decreto Ejecutivo No. 84 de 09 de abril de 1999 por el cual se adopta la Carta Organica Administrativa de la Comarca Embera Wounaan de Darien	1999
	Decreto Ejecutivo No. 194 de 25 de agosto de 1999 que adopta la Carta Orgánica Administrativa de la Comarca Ngöbe-Buglé	1999
	Decreto Ejecutivo No. 414 de 22 de octubre de 2008 por medio del cual se adopta la Carta Organica Administrativa de la Comarca Kuna de Wargandi	2008
	Decreto No. 223 de 2010 - Reglamento de la Ley No. 72 de 2008	2010
	Decreto No. 59/2016 - Crea y regula el mecanismo de manejo compartido en el Sistema Nacional de Áreas Protegidas (SINAP)	2016
	Plan Nacional de Desarrollo Integral de los Pueblos Indígenas de Panamá (2018)	2018
	Resolución No. 612/2019	2019
	Sentencia de 25 de mayo de 2017, 1115-16, Corte Suprema de Justicia (Pleno)	2017
	Sentencia de 28 de octubre de 2020, Corte Suprema de Justicia (Pleno) sobre la Ley No. 656	2020
	Corte Interamericana de Derechos Humanos, Caso del Pueblo Saramaka vs Surinam, Sentencia de 12 de agosto de 2008 (Interpretacion de la Sentencia de Excepciones Preliminares, Fondo, Reparaciones y Costas)	2008
	<b>Secondary Sources:</b> RIVERA POLO, MEZA-LOPEHANDÍA. Autonomía territorial indígena en Panamá: las comarcas indígenas; CEDAW. 2010. "Concluding observations of the Committee on the Elimination of Discrimination against Women." Presented at CEDAW 45th session, Geneva, February 5; Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer - Panamá. 2010. "Informe Alternativo: Situación de Derechos Humanos de las Mujeres en Panamá." Paper presented at CEDAW Committee 45th Session, Geneva, February 1; El Congreso de la Cultura en la Ley Fundamental y Estatuto. Artículos de la Ley Fundamental y Estatuto Relacionados al Congreso General de la Cultura Guna; National Indigenous Women's Coordination of Panama (CONAMUIP). 2009. Alternative Report: The VOICE of Panama's Indigenous Women; OECD. 2014. "OECD Social Institutions and Gender Index: Panama." OECD; World Bank. 2016. "Women, Business, and the Law: Panama." World Bank, Washington, DC.	
Papua New Guinea	Constitution of the Independent State of Papua New Guinea (1975)	1975 (2014)
	Customs Recognition Act of 1963	1963
	Will and Probate Administration Act of 1966	1966
	Land Groups Incorporation Act	1974 (2018)
	Water Resources Act	1982
	Village Courts Act of 1989	1989 (2018)
	Forestry Act 1991	1992 (2005)
	Land Act 1996	1996 (2022)
	Underlying Law Act	2000
	Environment Act 2000, as amended by the Environment (Amendment) Act 2014	2001 (2014)
	Land Groups Incorporation (Amendment) Act 2009	2012
	Voluntary Customary Land Registration (Amendment) Act (2009)	2012
	Civil Registration (Amendment) Act 2014	2014
	Village Courts (Amendment) Act 2014	2014
	Climate Change (Management) Act 2015	2015 (2021)



Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Papua New Guinea	Village Courts (Amendment) Act 2018	2018
	Land Groups Incorporation (Amendment) Act 2018	2018
	Climate Change (Management) (Amendment) Act 2021	2021
	Land (Amendment) Act 2022	2022
	Protected Areas Act	2024
	Water Resources Regulation	1982
	Forestry Regulation 1998	1998
	Independent State of Papua New Guinea (2014), Papua New Guinea Policy on Protected Areas. Conservation & Environment Protection Authority, October 2014, Waigani, National Capital District, Papua New Guinea	2014
	<b>Secondary Sources:</b> Manning, M. and P. Hughes. 2008. Acquiring Land for Public Purposes in Papua New Guinea and Vanuatu. Ausaid, Australia; Filer, Colin, Sango Mahanty, and Lesley Potter. 2020. "The FPIC Principle Meets Land Struggles in Cambodia, Indonesia and Papua New Guinea." Land 9(3): 67. doi:10.3390/land9030067; Darko, E., W. Smith and D. Walker. 2015. Gender Violence in Papua New Guinea-the cost to business. The Overseas Development Institute; GRAINvideo. 2010. "PNG Farmland Grab.wmv." YouTube video, 8:30. Posted 12 May; OECD. 2014. "OECD Social Institutions and Gender Index: Papua New Guinea." OECD; Oxford Business Group. 2012. The Report: Papua New Guinea 2012: Construction & Real Estate: At last: Inroads are finally being made on land reform and ownership. Oxford Business Group; Papua New Guinea Office of the Development of Women and UN Women. 2014. Papua New Guinea National Review on the Implementation of the Beijing Declaration and the Platform for Action and the Outcomes of the 23rd Special Session of the General Assembly. Papua New Guinea Office of the Development of Women and UN Women, Port Moseby; USAID/Enabling Agricultural Trade (EAT). 2012. "Registering Property." In AgCLIR Papua New Guinea: Agribusiness Commercial Legal and Institutional Reform Assessment - Agenda for Action, 63–72. USAID, Washington, DC; World Bank. 2016. "Women Business and the Law: Papua New Guinea." World Bank, Washington, DC.	
Peru	Constitución Política del Perú, 1993	1993 (2024)
	Código Civil, Decreto Legislativo No. 295	1984 (2024)
	Ley No. 24656, 1987 - Ley General de Comunidades Campesinas	1987
	Ley No. 26505, 1995 - 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	1995
	Ley No. 26821, 1997 - Ley Orgánica para el Aprovechamiento de los Recursos Naturales	1997
	Ley No. 26834, 1997 - Ley de Áreas Naturales Protegidas	1997
	Ley No 27867, 2002 - Ley Orgánica de Gobiernos Regionales	2002 (2023)
	Ley No. 28611 - Ley General del Ambiente	2005
	Ley No. 28736, 2006 - Ley para la protección de pueblos indígenas u originarios en situación de aislamiento y en situación de contacto inicial	2006
	Ley No. 29785/2011, Ley del derecho a la consulta previa a los pueblos indígenas reconocido en el Convenio 169 de la OIT	2011
	Ley No. 29763 de 2011, Ley Forestal y de Fauna Silvestre	2011 (2024)
	Ley No. 30007	2013
	Ley No. 30754, Ley Marco sobre Cambio Climático	2018
	Ley No. 30982 - Ley que modifica la Ley 24565 para fortalecer el rol de la mujer en las comunidades campesinas	2019
	Ley No. 31973, Ley que modifica la Ley 29763, Ley Forestal y de Fauna Silvestre, y aprueba disposiciones complementarias orientadas a promover la zonificación forestal	2024
	Decreto Ley No. 22175, 1978 - Ley de Comunidades Nativas y de Desarrollo Agrario de la Selva y de Ceja de Selva	1978
	Decreto Ley No. 1374 - Establece el Regimen Sancionador por incumplimiento de las disposiciones de la Ley No. 28736	2018
	Decreto Supremo AG No. 014/2001 - Reglamento de la Ley Forestal y de Fauna Silvestre	2001
	Decreto Supremo AG No. 038/2001- Reglamento de la Ley de Áreas Naturales Protegidas	2001
	Decreto Supremo MIMDES No. 008/2007	2007
	Decreto Supremo No. 001-2012-MC, Reglamento de la ley del derecho a la consulta previa a los pueblos indígenas reconocido en el Convenio 169 de la OIT	2012
	Decreto Supremo No. 018-2015-MINAGRI - Decreto Supremo que aprueba el Reglamento para la Gestión Forestal	2015
	Decreto Supremo No. 019/15/MINAGRI - Reglamento para la Gestión de Fauna Silvestre	2015
	Decreto Supremo No. 020/15/MINAGRI - Reglamento para la Gestión de las Plantaciones Forestales y los Sistemas Agroforestales	2015 (2024)
	Decreto Supremo No. 021-2015-MINAGRI, Decreto Supremo que Aprueba el Reglamento para la Gestión Forestal y de Fauna Silvestre en Comunidades Nativas y Comunidades Campesinas	2015 (2024)
	Decreto Supremo No. 008-2016-MC Modifican Reglamento de la Ley No. 28736, Ley para la Protección de Pueblos Indígenas u Originarios en situación de Aislamiento y en situación de Contacto Inicial, aprobado por Decreto Supremo No. 008-2007-MIMDES	2016
	Resolución de Intendencia INRENA-IANP No. 019/2005 - Régimen Especial de administración de Reservas Comunes	2005

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Peru	Resolucion No. 010 del 2013 para Aprobar la Directiva No. 002-2013-VMI/MC "Procedimiento de petición de los Pueblos Indígenas para su inclusión en un proceso de Consulta Previa o para la realización del mismo, en el Ministerio de Cultura"	2013
	Resolución Viceministerial No. 004-2014-VMI-MC, Lineamientos que establece instrumentos de recolección de información	2014
	Resolución Viceministerial No. 025-2015-VMI-MC, que regula el Libro de Registro de Resultados de los Procesos de Consulta Previa	2015
	Resolución Ministerial No. 365-2017-MC, que aprueba los procedimientos internos del Ministerio en materia de consulta previa	2017
	Resolución Ministerial R.M. No. 403-2019-MINEM/DM - Procedimientos Administrativos del Subsector Minero sujetos a Consulta Previa	2019
	Resolución Administrativa RA No. D000268-2024-MIDAGRI-SERFOR-ATFFS-SIERRA CENTRAL	2024
	Ministerio del Ambiente, Glosario de Términos de la Gestión Ambiental Peruana	2012
	<b>Secondary Sources:</b> PERU. Ministerio de Cultura. Normas Legales - Consulta Previa; Bustamante Oyague, Emilia. 2013. Derechos sucesorios del conviviente. Suplemento Jurídica - Diario Oficial El Peruano, Lima, Edición 462, 4-5; IWGIA. 2016. "2016 Yearbook Article on Indigenous Peoples in Peru." In The Indigenous World 2016, edited by Diana Vinding and Cæcilie Mikkelsen. IWGIA, Copenhagen, 156-166; FAO Gender and Land Rights Database. 2014. LAT Assessment - Peru. FAO, Rome; FAO Gender and Land Rights Database. 2017. "Country Profile: Peru." FAO, Rome; OECD. 2014. "OECD Social Institutions and Gender Index: Peru." OECD; USAID. 2016. Property Rights and Resource Governance Country Profile - Peru. USAID, Washington, DC.	
Philippines	The Constitution of the Republic of the Philippines	1987
	Republic Act No. 386 - Civil Code of the Philippines	1949
	Republic Act No. 6657 - Comprehensive Agrarian Reform Law of 1988	1988
	Republic Act No. 7192 - Women in Development and Nation Building Act	1992
	Republic Act No. 7586 - National Integrated Protected Areas System Act of 1992	1992
	The Indigenous Peoples' Rights Act of 1997 No. 8371	1997
	Republic Act No. 9710 - The Magna Carta of Women	2009
	Revised Wildlife Resources Conservation and Protection Act	2021
	Presidential Decree No. 705 - Forestry Reform Code	1975
	Presidential Decree No. 1083 of 1977, A decree to ordain and promulgate a code recognizing the system of Filipino Muslim laws, codifying Muslim personal laws, and providing for its administration and for other purposes	1977
	Executive Order No. 209 - The Family Code of the Philippines	1988 (2009)
	Executive Order No. 263	1995
	Executive Order No. 23 Declaring a Moratorium on the Cutting and Harvesting of Timber in the Natural and Residual Forests and Creating the Anti-Illegal Logging Task Force	2011
	DENR Administrative Order No. 98-41, 24 June 1998	1998
	DENR Administrative Order No. 2004-29 - Revised Rules and Regulations for the Implementation of Executive Order 263, the Community-Based Forest Management Strategy	2004
	DENR Administrative Order No. 2004-32 - Revised Guidelines on the Establishment and Management of Community-Based Program in Protected Areas	2004
	DENR-NCIP Joint Administrative Order No. 2017-01 on the Procedures for Securing Titles Under Section 12 of the Indigenous Peoples Rights Act (IPRA) of 1997, New regulation to the Republic Act no. 8371/1997 (IPRA)	2017
	DENR Administrative Order No. 2019-05 implementing Rules and Regulations of Republic Act No. 7586, or the National Integrated Protected Areas System (NIPAS) Act of 1992, as Amended by Republic Act No. 11038, or the Expanded National Integrated Protected Areas System (ENIPAS) Act of 2018	2019
	DENR Administrative Order No. 2020-18 on Promoting Tree Plantation Development and Liberalising Harvesting and Transport of Planted Trees and Tree Derivatives for Inclusive Growth and Sustainable Development	2020
	DENR Administrative Order No. 2021-42 Guidelines on the processing of Applications for Expansion of Areas under Community Based Forest Management Agreement (CBFMA) to Cover Adjacent Untenured Areas within Forestlands	2021
	DENR Administrative Order No. 2022-05. Rules and Regulations on Wood Charcoal	2022
	NCIP Administrative Order No. 03, Series of 2012 - The Revised Guidelines on Free and Prior Informed Consent (FPIC) and Related Processes of 2012	2012
	NCIP Administrative Order 4-2012 - Revised Omnibus Rules on Delineation and Recognition of Ancestral Domains and Lands of 2012	2012
	NCIP Administrative Order No. 2, series of 2018 - Revised Guidelines on the Formulation of the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP)	2018
	Republic Act No. 9700	2009
	DENR Administrative Order No. 25, Series of 1992	1992
	DENR Administrative Order No. 96-29, 10 October 1996	1996

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Philippines	<b>Secondary Sources:</b> FAO Gender and Land Rights Database. 2017. "Country Profile: Philippines." FAO, Rome; OECD. 2014. "OECD Social Institutions and Gender Index: Philippines." OECD; USAID. 2011. Property Rights and Resource Governance Country Profile - Philippines. USAID, Washington, DC; World Bank. 2016. "Women, Business, and the Law: Philippines." World Bank, Washington, DC.	
Senegal	Constitution de la République du Sénégal	2001 (2016)
	Loi constitutionnelle No. 2016-10 du 05 avril 2016 portant révision de la Constitution	2016
	Code de la famille sénégalais	2000
	Loi No. 64-46 du 17 juin 1964 relative au Domaine national	1964
	Loi No. 2004-16 du 04 juin 2004 portant loi d'orientation agro-sylvo-pastorale	2004
	Loi organique No. 2008-35 du 08 août 2008 sur la Cour suprême	2008 (2017)
	Loi No. 2010-11 du 28 mai 2010 instituant la parité absolue Homme-Femme	2010
	Loi No. 81-13 portant Code de l'eau	2013
	Loi No. 2013-10 du 28 décembre 2013 portant Code général des Collectivités locales	2013
	Loi No. 2014-18 du 15 avril 2014 abrogeant et remplaçant la loi No. 2012-01 du 03 janvier 2012 portant code électoral	2014
	Loi organique No. 2017-09 du 17 janvier 2017 abrogeant et remplaçant la loi organique No. 2008-35 du 08 août 2008 sur la Cour suprême	2017
	Loi No. 2018-25 portant Code forestier	2018
	Loi No. 2021-35 du 23 juillet 2021 portant Code électoral	2021
	Loi No. 2023-15 du 02 août 2023 portant Code de l'environnement	2023
	Décret d'application No. 64-573 du 30 juillet 1964 fixant les conditions d'application de la loi No. 64-46 relative au domaine national	1964
	Décret No. 72-1288, du 27 octobre 1972 relatif aux conditions d'affectation et de désaffectation des terres du domaine national comprises dans les communautés rurales	1972 (2022)
	Décret No. 80-268 du 10 mars 1980 portant organisation des parcours du bétail et fixant les conditions d'utilisation des pâturages	1980
	Decret No. 96-1134 du 27 décembre 1996 portant application de la loi portant transfert de compétences aux régions, aux communes et aux communautés rurales, en matière d'environnement et de gestion des ressources naturelles	1996
	Décret No. 98-555 portant application des dispositions du Code de l'Eau relatives aux autorisations de construction et d'utilisation d'ouvrages de captage et de rejet	1998
	Décret No. 2001-282 du 12 avril 2001 portant application du code de l'environnement	2001
	Décret No. 2007-1253 du 23 octobre 2007 modifiant le décret No. 99-1124 du 17 novembre 1999 relatif aux maisons de justice, à la médiation et à la conciliation	2007
	Décret No. 2011-819 du 16 juin 2011 portant application de la Loi instituant la Parité absolue Homme-Femme	2011
	Décret No. 2019-110 portant application de la loi No. 2018-25 portant Code forestier	2019
	Décret No. 2022-2307 modifiant le décret No. 72-1288 du 27 octobre 1972 relatif aux conditions d'affectation et de désaffectation des terres du domaine national	2022
	ARRÊTE MINISTRE No. 0071 en date du 08 janvier 2003, portant application des dispositions du décret No. 98-555 du 25 Juin 1998 relatives aux autorisations d'installations ou d'utilisation d'ouvrages de déversement, d'écoulement ou de rejet	2003
	Circulaire No. 0989/5/2018 du ministère de l'Agriculture et de l'Équipement rural	2018
	Loi No. 98-03 portant le Code forestier	1998
	Loi No. 2001-01 du 15 janvier 2001 portant Code de l'environnement	2001
	Décret No. 98-164 portant Code forestier	1998
	<b>Secondary Sources:</b> ActionAid. 2015. Implementing the Tenure Guidelines for Women and Small-scale Food Producers: An Analysis of Mozambique, Tanzania, Senegal, and Haiti; FAO. 2019. Guide d'accompagnement. Respecter le consentement préalable, donné librement et en connaissance de cause au Sénégal; World Bank. n.d. Droits Fonciers et Inégalités de Genre au Sénégal. World Bank, Washington, DC.	
Tanzania	The Constitution of the United Republic of Tanzania of 1977	1977 (2005)
	Succession Act	1865
	The Judicature and Application of Laws Act	1920 (1971)
	Succession (Non-Christian Asiatics) Act	1923 (2002)
	The Judicature and Application of Laws Act	1961 (1964)
	Probate and Administration of Estates Act (Cap. 352)	1963 (1987)
	Land Acquisition Act	1967 (2019)
	Islamic Law (Restatement) Act	1967
	Chapter 29, The Law of Marriage Act	1971 (2019)

Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Tanzania	Local Government District Authorities Act No. 7 of 1982, as amended by The Local Government Laws (Miscellaneous Amendments) Act of 1999	1982 (2000)
	The Magistrates Court Act No. 2	1984
	Local Government Laws (Amendment) Act, 1999	1999
	The Land Act, 1999	1999 (2023)
	The Village Land Act, 1999	2001
	The Land Disputes Courts Acts, 2002	2002
	The Forest Act, 2002	2004
	Wildlife Conservation Act	2022
	The Local Customary Law (Declaration) Order, Government Notice No. 279 of 1963	1963
	The Local Customary Law (Declaration (No. 4) Order, Government Notice No. 436 of 1963	1963
	The Wildlife Conservation (Wildlife Management Areas) Regulations	2012
	Tanzania National Forest Policy	1985
	<b>Secondary Sources:</b> Knight, Rachael S. 2010. Statutory recognition of customary land rights in Africa: An investigation into best practices for lawmaking and implementation. FAO Legislative Study 105, FAO, Rome; Rwebangira, Magdalena K. and M.C. Mukoyogo. 1995. The Law of Inheritance in Tanzania: A Status Report. Woman and law in East Africa, Nairobi; Sundet, Geir. 2005. "The 1999 Land Act and Village Act: A Technical Analysis of the Practical Implications of the Acts." Working Draft; Wikigender. 2015. "Africa for Women's Rights: Tanzania." Wikigender; World Bank. 2013. "Women Business and the Law: Tanzania." World Bank, Washington, DC.	
Thailand	Constitution of the Kingdom of Thailand (Interim), B.E. 2560	2017
	Civil and Commercial Code, B.E. 2468	1925 (2024)
	National Reserved Forest Act, B.E. 2507 (1964)	1964
	Commerical Forest Plantation Act, B.E. 2535 (1992)	1992
	Agricultural Land Consolidation Act (B.E. 2558)	2015
	Community Forest Act (B.E. 2562), 2019	2019
	National Land Policy Act 2019 (B.E. 2562)	2019
	National Parks Act, B.E. 2562 (2019)	2019
	Wildlife Conservation and Protection Act, B.E. 2562 (2019)	2019
	Regulation of the Prime Minister's Office on the Issuance of Community Land Title Deeds	2010
	Forest Act, B.E. 2484 (1941)	1942
	National Park Act, B.E. 2504 (1961)	1961
	Wildlife Preservation and Protection Act, B.E. 2535 (1992)	1992
	<b>Secondary Sources:</b> Draft Constitution of the Kingdom of Thailand 2016, Unofficial English Translation. 2016. International IDEA, International Commission of Jurists, and the Office of the United Nations Resident Coordinator in Thailand; FAO Gender and Land Rights Database. 2017. "Country Profile: Thailand." FAO, Rome; The Network of Indigenous Peoples of Thailand. 2016. Civil Society Report on the Implementation of the ICCPR (Contribution to the List of Issue) - Review on the Situation and National Legal and Policy Framework on the Rights of Indigenous and Tribal Peoples in Thailand: In Response to International Covenant on Civil and Political Rights (ICCPR). Inter Mountain Peoples Education and Culture in Thailand Association (IMPECT), Chiang Mai; World Bank. 2015. "Women, Business and the Law: Thailand." World Bank, Washington, DC.	
Venezuela	Constitución de la República Bolivariana de Venezuela, 1999	1999
	Código Civil	1982
	Ley de Igualdad de Oportunidades para la Mujer	1999
	Ley de Demarcación y Garantía del Habitat y Tierras de los Pueblos Indígenas	2001
	Ley Orgánica de Pueblos y Comunidades Indígenas	2005
	Ley de Consejos Comunales	2006
	Ley de gestión de la diversidad biológica	2008
	Ley de Reforma Parcial de la Ley de Tierras y Desarrollo Agrario	2010
	Ley de Bosques	2013
	Ley Orgánica Sobre el Derecho de las Mujeres a una Vida Libre de Violencia	2014 (2021)
	Decreto Ley No. 1.546 de 09 de noviembre de 2001 - Decreto con Fuerza de Ley de Tierras y Desarrollo Agrario	2001
	Sentencia No. 1682 de Tribunal Supremo de Justicia - Sala Constitucional de 15 de julio de 2005	2005
	Ley de Bosques y Gestión Forestal (Decreto No. 6.070)	2008
	<b>Secondary Sources:</b> Bello, Luis J. 2005. Derechos de los Pueblos Indígenas en el Nuevo Ordenamiento Jurídico Venezolano. IWGIA; FAO Gender and Land Rights Database. 2017. "Country Profile: Venezuela." FAO, Rome; OECD. 2014. "OECD Social Institutions and Gender Index: Venezuela." OECD; Pinho de Oliveira, Maria Fátima. 2011. "Los Tratados Internacionales y sus Posibles Conflictos en el Orden Interno a la Luz de la Constitución de la República Bolivariana de Venezuela." CONHISREMI, Revista Universitaria de Investigación y Diálogo Académico, 7(3).	



Country	Legal Instruments and Secondary Sources	Year Enacted (Revised/Amended)
Viet Nam	The Constitution of the Socialist Republic of Viet Nam of 2013	2013
	Law on Gender Equality (No. 73/2006/QH11)	2006
	Law on Marriage and Family (No. 52/2014/QH13)	2014
	Civil Code (No. 91/2015/QH13)	2015
	Law on Forestry 2017 (No. 16/2017/QH14)	2017
	Law No. 72/2020/QH14 on Environmental Protection	2020
	Law No. 17/2023/QH15 on Cooperatives	2023
	Law No. 28/2023/QH15 on Water Resources	2023
	Land Law No. 31/2024/QH15 ("Land Law 2024")	2024
	Decree Detailing a Number of Articles of the Land Law (No. 43/2014/ND-CP)	2014 (2023)
	Decree on Regulations on Land Prices (No. 44/2014/ND-CP)	2014 (2024)
	Decree on Regulations on Compensation, Support and Resettlement upon Land Expropriation by the State (No. 47/2014/ND-CP)	2014
	Decree No. 156/2018/ND-CP providing for enforcement of a number of articles of the Law on Forestry	2018
	Decree No. 10/2023/ND-CP on amendments and supplements to several Articles of Decrees on instructions for implementation of the Law on Land	2023
	Decree No. 12/2024/ND-CP on amendments to Decree No. 44/2014/ND-CP of the Government on land prices and Decree No. 10/2023/ND-CP of the Government on amendments to Decrees on guidelines for the Law on Land	2024
	Decree No. 27/2024/ND-CP on amendments to Decree No. 156/2018/ND-CP elaborating the Law on Forestry	2024
	Resolution of the Judicial Council of the Supreme People's Court 02/2000/ NQ-HDTP	2000
	Law on Forest Protection and Development (No. 29/2004/QH11), as promulgated by Order No. 25/2004/L-CTN	2005
	Law on Water Resources – Order No. 15/2012/L-CTN of 2012	2012
	Land Law (No. 45/2013/QH13)	2013
	Decree No. 181-2004-ND-CP providing for implementation of Law on Land	2004
	Decree on the Implementation of the Law on Forest Protection and Development (No. 23/2006/ND-CP )	2006
	Decree No. 43/2014/ND-CP Detailing a number of Articles of the Land Law	2014
	<b>Secondary Sources:</b> ICRW, ISDS and USAID. 2015. Property and Land Rights in Marriage and Family; IWGIA. 2024. The Indigenous World 2024: Vietnam; Pham, Thuy Thu, Jean-Christophe Castella, Guillaume Lestrelin, Ole Mertz, Dung Ngoc Le, Moira Moeliono, Tan Quang Nguyen, Hien Thi Vu and Tien Dinh Nguyen. 2015. "Adapting Free, Prior, and Informed Consent (FPIC) to Local Contexts in REDD+: Lessons from Three Experiments in Vietnam" Forests 6(7): 2405-2423; Alvarado, Gina, Khuat Thu Hong, Stella Mukasa, Zayid Douglas, Jennifer Schulzman, Nguyen Thi Van Anh, Nguyen Thu Phuong Thao and Vu Xuan Thai. 2015. Training Toolkit: Property and Land Rights in Marriage and Family. The International Center for Research on Women, Washington, DC; FAO Gender and Land Rights Database. 2017. "Country Profile: Vietnam." FAO, Rome; OECD. 2014. "OECD Social Institutions and Gender Index: Viet Nam." OECD.	
Zambia	Constitution of Zambia (Amendment) Act, No. 2 of 2016	(1991) 2016
	The Intestate Succession Act (Chapter 59)	1989
	The Lands Act, 1995	1995 (1996)
	The Lands Tribunal Act, No. 39 of 2010	2010
	Water Resources Management Act	2011
	The Forests Act, No. 4 of 2015	2015
	Zambia Wildlife Act, No. 14 of 2015	2015
	Gender Equity and Equality Act, No. 22 of 2015	2015
	Statutory Instrument No. 11, The Forests Community Forest Management Regulations	2018
	High Court for Zambia decision 2021/HP/1280 of 25 January 2022	2022
	Court of Appeal, Decision No. 104-2020 of 21 April 2022	2022
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# Annex Endnotes

- I. **BRAZIL | Regarding the Exclusion indicator for Projeto de Assentamento Agro-Extrativista (PAE) (Agro-Extractivist Settlement Project), Projeto de Desenvolvimento Sustentável (Sustainable Development Projects) and Projetos de Assentamento Florestal (Forest Settlement Projects) (Unique to the Northern region):** In general, the co-management regime allows members of the community to exclude others. However, there is a notable exception to this exclusion power, as the National Institute for Colonization and Agrarian Reform (*Instituto Nacional de Colonização e Reforma Agrária, INCRA*) () can still approve certain projects for mining and energy. Under IN No. 112/2021, the INCRA can approve projects in these CBTRs, although no project will take place if coexistence with the activities of the settlement are impossible (Art. 1.2).

**Regarding the Due Process and Compensation indicator in Terras Indígenas (Indigenous Lands):** Article 232 of the Brazilian Constitution, 1988, recognizes Indigenous communities and their organizations as legitimate parties for lawsuits. Brazil has also ratified Convention No. 169 of the ILO, the text of which was incorporated into domestic national law, including its consultation obligation (Decree No. 5,051/2007 and Decree No. 10,088/2019). As such, RRI has assessed due process rights as “Full Credit.” However, communities may not be able to exercise such right under their own self-determination. In matters related to land rights, the FUNAI—a government body representing Indigenous Peoples within the executive—and not Indigenous Communities themselves, have the right to initiate a case.

- II. **CAMBODIA | Regarding Community Protected Areas:** Cambodia’s 2023 Code on Environmental and Natural Resources refers only to local communities, removing previously existing references to Indigenous communities.

**Regarding the Due Process and Compensation indicator in Community Forests:** RRI has assessed the compensation component of the indicator as “Full Credit” as communities must 1) receive a written notice six months prior to termination of their Community Forestry Management Agreement explaining the reasons for the termination and 2) the Kingdom must negotiate with the Community Forestry Management Committee to determine a payment policy for the community’s loss (Art. 28, Sub-Decree on Community Forestry Management, 2003). However, in cases of expropriation, communities’ compensation rights are treated differently to the rest of the population, raising issues of discrimination. Notably, the “payment policy” (គណនេយ្យហាប = *Koal Nayoabay*) for termination of the Community Forest tenure differs from “compensation” (សំណង = *Sam Nong*) that would be paid if land under private ownership were expropriated following the provisions of the Land Law. Peer reviewers have indicated that, while compensation will be full market price plus other associated costs including livelihood restoration, the payment policy applicable to Community Forest expropriation is determined based on “appropriateness” by the government, and is often lower than the compensation applicable for private property (Chundy, Huon. 2023. Personal communication.).

- III. **CAMEROON | Regarding the Exclusion indicator in Zones d’Intérêt Cynégétique à Gestion Communautaire (Community Managed Hunting Zone) and in Territoires Communautaires de Chasse dans les Forêts non Permanentes et les Forêts (Community Hunting Areas within Non-Permanent Forests):** While Law 2024-008 does not provide a right to exclude third parties and conditions management rights on the technical supervision of the ministry in charge of wildlife, local communities do have a right of first refusal in the event of the disposal of natural products found in community-managed hunting areas (s. 50(2) of Law 2024-008). This right may provide communities a pathway to exclude third parties by exercising their right of first refusal.

**Regarding the FPIC indicator in all CBTRs in Cameroon:** Cameroon does not have any law providing for FPIC and the Forestry Law of 2024 has only vague provisions on consultation. However, communities may still have pathways to access FPIC rights within REDD+ initiatives through non-binding policy. As part of the REDD+ process, the government of Cameroon has adopted a guide on FPIC that applies to any REDD+ project that needs to be developed. The project proponent must demonstrate that it has obtained the FPIC of communities as a condition to validate its project. This requirement is mentioned in the REDD+ strategy and its procedure manual signed by the Minister of the Environment.

- IV. **CHINA | Regarding the FPIC indicator in Collective Ownership with Individual Property Rights to Forestland:** While it is difficult to assess FPIC rights in China given the lack of recognition for Indigenous Peoples explicitly, local communities do have some rights to consent under Art. 18 of the Forest Law of 1984. The Article requires consent of two-thirds of village council members for villagers to alienate use rights for forest land, contract rural land, or alienate construction land of a collectively held business.

- V. **COLOMBIA | Regarding Resguardos Indígenas (Indigenous Reserves):** The bundle of rights recognized for this CBTR may change if a national park is declared within the area. Article 7 of Decree 622/1977 states that the declaration of a national natural park is not incompatible with the constitution of an Indigenous Reserve. It stipulates that the Colombian Institute of Agrarian Reform and the Colombian Institute of Anthropology should work together in designing a special regime to respect the permanence of communities and their right to the economic use of their lands (Article 2.2.2.1.9.2. of Decree No. 1076-2015). These special regimes limit access, use, management, and exclusion rights.

- VI. **DRC | Regarding Droits des peuples autochtones pygmées (Rights of Indigenous Pygmy Peoples):** The Law on the protection and promotion of Pygmy Indigenous Peoples (Law No. 22/030) was adopted in 2022 but implementing regulations and procedures have yet to be adopted.

- VII. **GABON | Regarding the Exclusion indicator in Forêts Communautaires (Community Forests):** Community Forests do not provide a right to exclude third parties. However, peer reviewers indicate that in practice, communities may be able to access this right on customary land outside community forests, as customary land tenure is lineage-based and segmented. Not everyone benefits from customary use rights everywhere and systematically. Enjoyment of customary land rights is linked to lineage affiliation.

- VIII. **GHANA | Regarding the FPIC indicator in Allodial Interest land:** Although Ghana’s laws do not regulate or provide for FPIC rights, communities may still have certain legal avenues to access decision-making and exercise consultation rights. The Land Law guarantees the participation of traditional leaders in the management boards for the Forestry Commission and other bodies. However, the

communities on their own do not have the right to regulate and make decisions about forest resources (Land Act, 2020, Act 1036, Section 13). Further, under the Environmental Assessment Regulations of 1999 (L.I. 1652), the Environmental Protection Agency (EPA) in Ghana is responsible for overseeing Environmental Impact Assessments (EIAs). These assessments involve public participation, especially when strong concerns are raised about a project's extensive environmental and social impacts. Public hearings are a key form of consultation, allowing stakeholders to influence decision-making, suggest project revisions, or reject proposals.

- IX. GUYANA | Regarding the Exclusion indicator in Titled Amerindian Village Land:** Notably, 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, as required by RRI's analytical framework. Specifically, the government retains the ability to grant permission to third parties to enter Amerindian lands (Sections 5-9, Amerindian Act, 2006). In addition, there are inconsistencies with respect to exclusion rights in this CBTR (Sec. 111 of the Mining Act 1989 in comparison to Sec. 5(2)(e) of the Forests Act 2009).

**Regarding the FPIC indicator in all CBTRs in Guyana:** The FPIC indicator for all CBTRs in Guyana has been scored as "No Credit" given the lack of any legal recognition. However, the government does appear to apply FPIC as a non-binding guidance in certain circumstances. While talking about Land Rights in its 2023 submission to the UN Expert Mechanism on the Rights of Indigenous People, Guyana's government affirmed that "The Government of Guyana promotes Free, Prior and Informed Consent relevant to Art. 10 and Art. 11 (2), Art. 19, Art. 32(2) of UNDRIP and as such where any matter, whether direct or indirectly, or whether relevant to a Village or Community, affects the rights of indigenous peoples, decisions are guided by FPIC." Activists, rightsholders, and civil society have pointed to UNDRIP as a primary reason to review the 2006 Amerindian Act, citing the need to adopt FPIC standards as a priority. Though there have been discussions since 2020 on the reform of the Act, no advancements seem to be reported. (Dey, Antonio. 2023. "Toshaos want speedier action on Amerindian Act reform." Stabroek News, September 3. Available at: <https://www.stabroeknews.com/2023/09/03/news/guyana/toshaos-want-speedier-action-on-amerindian-act-reform/>; Bulkan, Janette, and John Palmer. 2024. "The Indigenous World 2024: Guyana." International Work Group for Indigenous Affairs. Available at: <https://iwgia.org/en/guyana/5383-iw-2024-guyana.html>.)

- X. INDIA | Regarding the Due Process and Compensation indicator in Scheduled Tribes and Other Traditional Forest Dwellers Land:** While this CBTR does provide for protection of all rights under RRI's Due Process and Compensation indicator, these rights may be annulled in cases where the president removes a Scheduled Area. The Indian Constitution determines that the president can, at any time, order the entirety or any specified part of a Scheduled Area to cease to be a Scheduled Area or a part of such an area (Fifth Schedule, Section 6). It does not include any mechanisms for judicial or administrative challenges to such decisions.

- XI. INDONESIA | Regarding the Due Process and Compensation indicator in Hutan Kemasyarakatan (Rural or Community Forest) and Kemitraan (Partnership):** While neither of these CBTRs include a protection for communities' rights to compensation in cases of expropriation, the Due Process and Compensation indicator is assessed as "Full Credit" because these regimes also do not guarantee ownership of land under the Indonesian legal system (rights are recognized under the terms of a management contract). Therefore, compensation in the case of expropriation is not applicable (Article 224 of the Government Regulation n° 23, 2021).

- XII. KENYA | Regarding the Due Process and Compensation indicator in Registered Community Lands:** The Land Value (Amendment) Act, 2019 has critical issues relating to community land. As pointed out by Liz Alden Wily during peer review consultations: a) The law fails to address valuation of community lands in a relevant manner, thereby undermining communities' rights to property; b) Guidance from the National Land Commission on procedures for valuation and compulsory acquisition similarly lack appropriate procedures for community land as compared to private land; c) The approach for valuation presented in the new law is outdated in respect of community lands and fails to consider best practices. Also see: Alden Wily, Liz. 2019. Analysis of the Land Value (Amendment) Act, 2019. Natural Justice. Drylands Learning and Capacity Building Initiative for Improved Policy and Practice in the Horn of Africa. Available at: <https://naturaljustice.org/wp-content/uploads/2020/01/Analysis-of-the-Land-Value-Amendment-Act.pdf>.

**Regarding the Due Process and Compensation indicator in Community Forest Association Participation in the Conservation and Management of Public Forests under Approved Forest Management Plans:** While national law guarantees community rights to judicially and/or administratively appeal actions that would extinguish or infringe upon community-based forest rights (Art. 40(3) of the Constitution) and to receive notice of such actions (Section 51(2-3) of the Forest Conservation and Management Act 2016), the law fails to protect the right to consultation. As such, this indicator receives "Partial Credit" under RRI's methodology.

**Regarding the FPIC indicator in all CBTRs in Kenya:** The Kenyan Constitution has a general principle regarding the right to public participation (Article 10), it does not however guarantee local communities' FPIC rights and as such this indicator receives a "No Credit" score. However, there are legal provisions in land and community legislation and non-binding guidelines that may provide communities with a legal avenue to exercise rights equivalent to those protected by FPIC. For instance, Article 36 of the Community Land Act, 2016, provides sufficient ground for at least some components of FPIC to be exercised in the context of community land as explained below. The National Guidelines for Free, Prior and Informed Consent (National Guidelines) were developed by the Ministry of Environment, Natural Resources and Regional Development Authorities in 2016. Although the Guidelines are non-binding, they provide invaluable insights on the operationalization of FPIC in Kenya. Notably, the Guidelines draw heavily from the normative framework developed by the African Commission in the *Endorois* case and its provision for the recognition of and respect for Indigenous Peoples' statutory and customary rights to land and resources. However, while the Constitution does guarantee public participation, the principle of Free, Prior and Informed Consent (FPIC) reportedly remains a challenge for Indigenous Peoples in Kenya (Kaunga, Mali Ole, and Purity N. Gakuo. 2024. "The Indigenous World 2024: Kenya." International Work Group for Indigenous Affairs. Available at: <https://www.iwgia.org/en/kenya/5354-iw-2024-kenya.html>.)

- XIII. LAO PDR | Regarding the FPIC indicator in Village Forestry (inside and outside Protection Forests, Conservation Forests, and Village Use Forests):** There is no general law recognizing FPIC rights. However, certain specific laws do provide for local people's participation and a degree of consultation regarding allocation of land and land use. The Land Law (No. 70/NA/2019) consistently requires the "participation of the concerned local people" in various processes, including surveys on all types of land, from agricultural and forest land to water areas and land designated for industrial, communication, cultural, and construction purposes (Arts. 33, 40, 46, 51, 57, 63 and 72, Land Law, No. 70/NA/2019). Furthermore, the Land Law mandates community participation in compensation decisions for projects impacting their land. Articles 153 and 154 require the establishment of committees that include land-use rightsholders to assess damages and determine compensation for both public purpose and state investment projects. This ensures that communities have a voice in evaluating the impacts of projects and negotiating fair compensation. The Forestry Law (Revised, No. 64/NA - 2019) requires consultation and agreement with local people before leasing or conceding forestland (Art. 87, Forestry Law



(Revised), No. 64/NA). Finally, the Decree of the Minister of Agriculture and Forestry No. 219/GOV on protected forests also mandates consultation with local people in the designation of Conservation Forests (Article 17) and in decisions related to Conservation Forest Lands (Article 56).

- XIV. MYANMAR | Regarding the Exclusion indicator in Community Forestry Concessions:** While the law provides that communities have the right to protect against illegal exploitations and encroachments inside a Community Forest (CFI 2019, Section 22, Sub-section (d)), this right may not always be enforced. In practice, the Director General can revoke a community forest lease at any time and reallocate it to commercial plantation.

**Regarding the FPIC indicator in Community Forestry Concessions and Village-Owned Firewood Plantations on Reserved Forests or Protected Public Forests:** This indicator receives a “No Credit” score. However, Myanmar’s non-binding Land Policy calls for future legal recognition of FPIC: “the newly formed National Land Use Council (NLUC) begins to develop a national land law that should give effect to the National Land Use Policy (NLUP), recognising among other things, Free, Prior and Informed Consent (FPIC) and customary land registration for Indigenous communities.” (Government of Myanmar. *National Land Use Policy*. Nay Pyi Taw: Ministry of Natural Resources and Environmental Conservation, 2016. Accessed [date you accessed it]. [https://www.burmalibrary.org/docs21/Government-of-Myanmar-2016-01-National\\_Land\\_Use\\_Policy-en.pdf](https://www.burmalibrary.org/docs21/Government-of-Myanmar-2016-01-National_Land_Use_Policy-en.pdf).)

- XV. NEPAL | Regarding the Withdrawal of NFTP indicator in Religious Forests Transferred to a Community:** While there is a general prohibition on using forest products from religious forests for commercial purposes (Section 29 of the Forest Act 2019), the Forest Regulations of 2022 authorize religious entities or groups to sell forest products other than timber and fuel wood, provided the amount earned will be used for religious purposes only. As such, this indicator has been assessed as “Full Credit.”

**Regarding the Due Process and Compensation indicator in Community Forest, Community Leasehold Forest Granted to Communities, Religious Forests Transferred to a Community, Buffer Zone Community Forest, Buffer Zone Religious Forest Transferred to a Community:** In addition to protecting communities’ rights to due process and compensation, including the right to prior notice and consultation and the right to judicially or administratively challenge impactful decisions, all CBTRs in Nepal also include legislation that provide for compensation from private parties who harm communities’ territories. Section 36 (2) of the Environment Protection Act 2019 provides that if any person, institution or local community suffers any loss or damage as a result of the pollution or disposal of a hazardous waste by another person inconsistent with the Act or the rules, guidelines or standards framed under the Act, the person, institution or local community victimized from such act may make an application to the concerned body for getting compensation for the injury caused to such person, institution or community.

**Regarding the FPIC indicator in Community Forests:** Nepal does not have any law providing for FPIC. However, communities may still have pathways to access FPIC rights through non-binding policy. Policies relating to protection, promotion, and use of natural resources mentioned in Article 51(g)(1)(1) of the Constitution, oblige the state to 1) protect, promote, and make environmentally friendly and sustainable use of natural resources available in the country, in consonance with national interest and adopting the concept of intergenerational equity, and 2) make a just distribution of forest resources, giving priority and a preferential right to the local communities. Instead of FPIC, the Constitution requires the state to give priority and preferential rights to local communities. However, Article 55 states that no question can be raised in any court as to whether any matter contained in the Directive Principles and Policies of the State has been implemented or not.

- XVI. NICARAGUA | Regarding the Withdrawal of NFTP indicator in Propiedad Comunal de los Pueblos Indígenas y Comunidades Etnicas (Communal Property of Indigenous Peoples and Ethnic Communities):** While the right to withdrawal of NFTP is recognized under Nicaragua’s Constitution (Art. 89) and Law No. 445 of 2003 (Arts. 29, 39), peer reviewers note that Indigenous community members from the Mayangna Sauni As territory are not allowed to extract wood for domestic purposes unless they present a formal written request to the National Forestry Institute, which is the state agency that grants permits (2019. Personal communication with a community member of Musawas, October).

**Regarding the Exclusion indicator in Propiedad Comunal de los Pueblos Indígenas y Comunidades Etnicas (Communal Property of Indigenous Peoples and Ethnic Communities) and in Comanejo de Areas Protegidas en Propiedades Comunales (Co-management of Protected Areas):** While the law formally does provide exclusion rights, it also creates a legal impossibility to implement such rights because of a conflict between laws recognizing the collective territorial rights of Indigenous Peoples and Ethnic Communities and a transitional provision granting third parties rights to land if they held a lawful title prior to 1987 (Law No. 445, 2003, Articles 35-38). Because many territorial rights are still not implemented, the majority of Communal Property in Nicaragua remains occupied by third parties (Sistema de la Integración Centroamericana- SICA, 2021, p. 233 and peer review interviews). As such, RRI has assessed that rather than an implementation problem, the transition provisions in the law create a legislative gap that justifies keeping this indicator as “No Credit.” RRI acknowledges that the right to self-determination, including the right of communities to make decisions over their own territories, is legally recognized in Nicaragua by international law—through the historically binding decision of the Inter-American Court of Human Rights of August 31st, 2001, Comunidad Mayagna (Sumo) Awas Tingni Vs. Nicaragua, which confirmed the property right of Indigenous communities over their lands and their right of FPIC (Sentence of August 31st, 2001, pp. 35, 79-80), and through Nicaragua’s adoption of ILO Convention No. 169. RRI has supported the efforts of communities to enforce these rights in light of the aforementioned legal conflict, including by supporting local Indigenous authorities to consolidate their norms for territorial governance systems and collective property and negotiate with non-Indigenous actors in their territories. These two critical processes and conditions will enable them to finalize the *saneamiento* process and overcome the legal gap mentioned.

- XVII. SENEGAL | Regarding the Due Process and Compensation indicator in Les forêts gérées par les collectivités locales (Forests Managed by Local Collectives):** Limited compensation is available if communities have created forest plantations. In this case, compensation will be paid to the owner, exclusively for constructions, developments, plantations, and crops existing in the affected area, and carried out by the beneficiaries of the forest management and resources (Arts. 29-32, Implementing Decree No. 64-573 of July 30, 1964). However, there is no fair procedure that includes communities or provides compensation for expropriation of land or rights of usufruct. Therefore, they do not enjoy the rights concerning due process and just compensation in the event of expropriation, and as such RRI has scored this indicator as “No Credit.”

**Regarding the Duration indicator in Les forêts gérées par les collectivités locales (Forests Managed by Local Collectives):** Allocation is for an indefinite period (Art. 3, Decree 72-1288). However, total or partial abandonment may be declared at any time, in the following cases: at the request of the assignee; ex officio if, one year after a formal notice has remained without effect, the mayor

finds that the assignee's land is clearly being poorly maintained at the time of the usual seasonal work, that the land is insufficiently developed, or that there has been repeated and serious non-compliance with the rules governing the use of the land; or ex officio if the assignee ceases to farm the land personally or with the help of his or her family (Decree 72-1288, Art. 9).

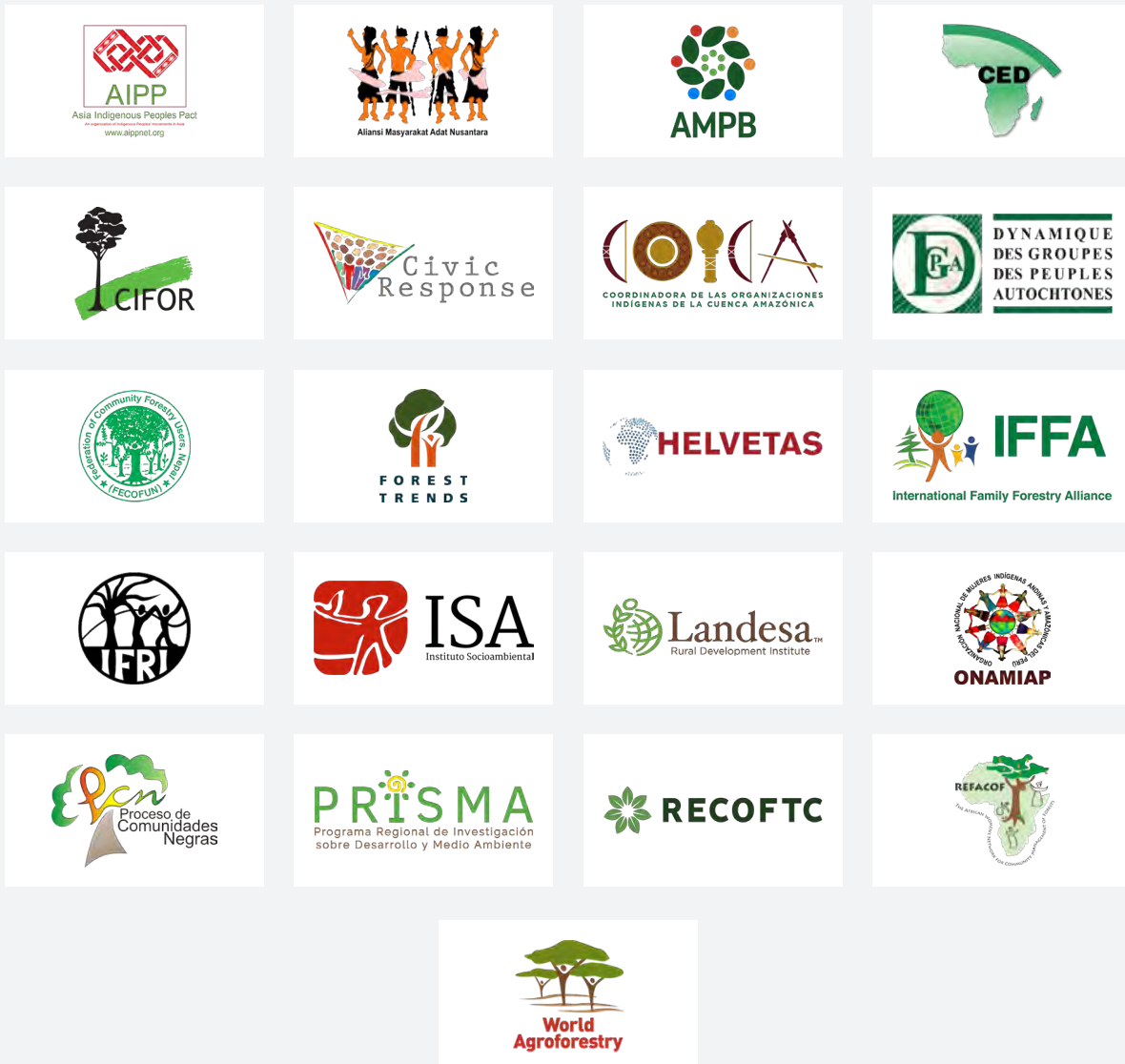
**Regarding the FPIC indicator in all CBTRs in Senegal:** Senegal does not have any law providing for FPIC. However, communities may still have pathways to access some degree of rights related to consultation and participation through land and environmental legislation. The 2023 Environmental Code has access to information and public participation as general obligations of the state's decision-making (Art. 7, Loi No. 2023-15 du 02 août 2023 portant Code de l'environnement). While discussing environmental impact assessments, the Code states that "Public participation is an integral part of the environmental assessment process. It constitutes a condition of validity of the environmental assessment procedure. It is guaranteed by the State in accordance with the principles governing decentralization." (Art. 24, Loi No. 2023-15 du 02 août 2023 portant Code de l'environnement). The general provisions of public participation are reinforced by the General Code on Local Authorities (*Code général des collectivités territoriales*) and the Forest Code (*Code forestier*). The General Code on Local Authorities mandates that the state consult with local councils on projects within their jurisdictions (Art. 300, Loi No. 2013-10 portant Code général des Collectivités locales) and promotes public participation by allowing local authorities to establish consultation frameworks for development plans, projects, and other matters of local interest (Art. 7, Loi No. 2013-10 portant Code général des Collectivités locales). According to the Forest Code, communities have the right to regulate and make decisions concerning forest resources and the territories over which they have recognized access and harvesting rights. In their capacity as community representatives, local authorities can draw up local conventions on the management of natural resources (Art. 2(10) Loi No. 2018-25 portant Code forestier).

**XVIII. VIETNAM | Regarding the FPIC indicator in Forestland Allocated to Communities:** While Vietnam doesn't explicitly enshrine FPIC as a right, its legal framework demonstrates some recognition of community participation in decisions impacting their lands and resources. The Law on Environmental Protection (No. 72/2020/QH14) mandates consultation with affected communities during both strategic environmental assessments and Environmental Impact Assessments (EIA). Article 33 specifically lists "residential communities and individuals" as key consultees in the EIA process, emphasizing their right to be informed and provide input on projects that may affect them. Similarly, the Land Law (No. 31/2024/QH15) reinforces the importance of community participation in land-use planning and management. Article 23 grants citizens the right to participate in development and oversight of land-related policies and laws, while Article 60 requires that land-use planning include the participation of communities and individuals, ensuring transparency and openness. The Law on Forestry (No. 16/2017/QH14) requires consultation with communities during the development of national forestry master plans, and the Law on Water Resources (No. 28/2023/QH15) mandates that project investors obtain and consider community opinions on water exploitation projects. Despite the above, it's important to acknowledge the limitations within Vietnam's legal and political context. Despite constitutional guarantees of citizen participation and the Grassroots Democracy Regulation, centralized approaches to governance can constrain genuine public participation in national-level policymaking (Pham, Thuy Thu, Jean-Christophe Castella, Guillaume Lestrelin, Ole Mertz, Dung Ngoc Le, Moira Moeliono, Tan Quang Nguyen, Hien Thi Vu, and Tien Dinh Nguyen. 2015. "Adapting Free, Prior, and Informed Consent (FPIC) to Local Contexts in REDD+: Lessons from Three Experiments in Vietnam" *Forests* 6, no. 7: 2405-2423. Available at: <https://www.mdpi.com/1999-4907/6/7/2405>).

# About the Rights and Resources Initiative (RRI)

RRI is a global coalition of over 200 organizations dedicated to advancing the forest, land, and resource rights of Indigenous Peoples, Afro-descendant Peoples, local communities, and the women within these groups. 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. Its members capitalize on each other's strengths, expertise, and geographic reach to achieve solutions more effectively and efficiently. 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. For more information, visit [rightsandresources.org](http://rightsandresources.org).

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