

# Scope of Analysis and Methodological Approach Uniting RRI's Tenure Data



Members of the Talang Mamak community in Riau province collect forest products, Indonesia. Photo by Jacob Maentz for Rights and Resources Initiative, 2022.

## 1 Scope of analysis

Figure 1 | Map of 35 Countries Assessed



This analysis provides a critical update to RRI's first global analysis on women's **community-based forest tenure** rights, *Power and Potential* (2017), by reviewing the status of Indigenous, Afro-descendant, and local community women's forest rights under national law. By assessing national-level legal frameworks as of 2016<sup>90</sup> and 2024, this analysis monitors progress and setbacks in the recognition of women's community-based forest rights according to eight indicators under RRI's Gender Methodology. 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>91</sup>

Five countries feature in the dataset for the first time: Ecuador, Ghana, Lao PDR, Madagascar, and Nicaragua. These five new countries were selected for their geographical diversity, significant legal reforms relating to land and forest rights, availability of comparable and underlying Tenure Tracking data, and the presence of the RRI coalition and other grassroots partnerships. All 35 countries have ratified CEDAW (1979) and adopted the Beijing Declaration and Platform for Action (1995).<sup>92</sup>

DEFINITION

**COMMUNITY-BASED FOREST TENURE**

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.



“We women need to work together for the advocacy of women's rights to access land and resources, improve on our knowledge so that we can strengthen policies, so that we can have women leaders.”

**Chouchouna Losale**

*Member of La Coalition des Femmes Leaders Pour l'Environnement et le Développement Durable (CFLEDD) and member of WiGSA, Democratic Republic of the Congo*

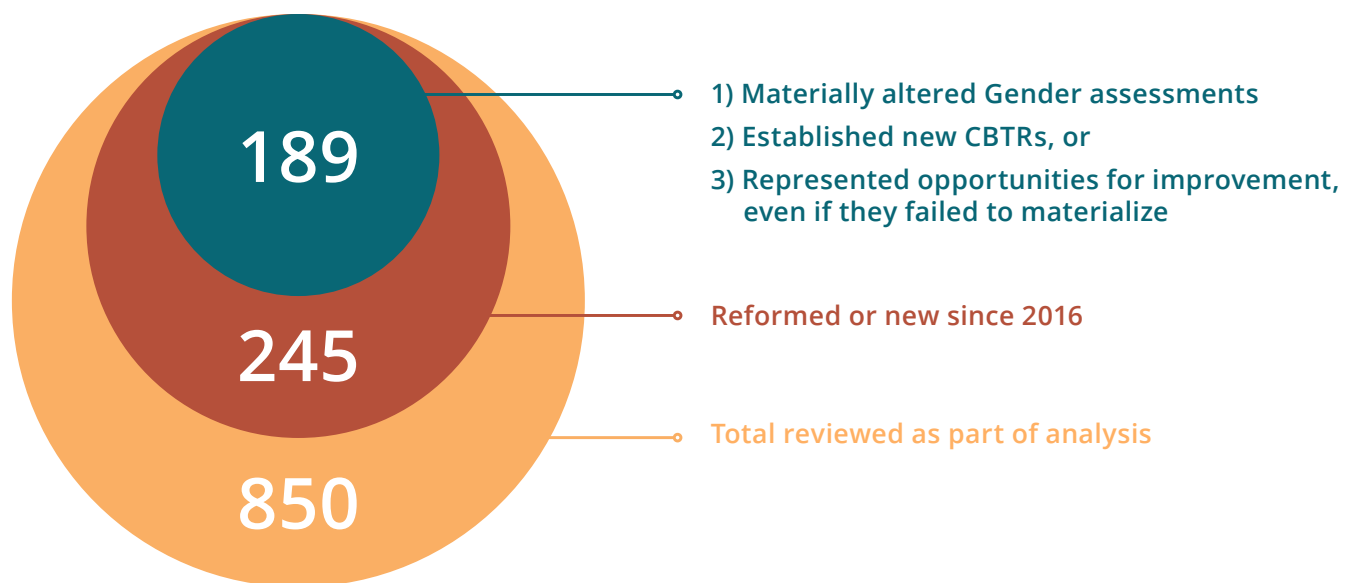
While this analysis focuses mainly on the specific rights of Indigenous, Afro-descendant, and local community women, it relies on pre-existing RRI datasets and associated methodologies to derive insights into the relationship between communities' and community women's forest rights under national law. Of particular importance, this study draws upon RRI's ongoing monitoring of Indigenous Peoples', Afro-descendant Peoples', and local communities' statutorily recognized rights to forestland and resources for the same 35 countries included, as captured by RRI's Depth of Rights Methodology.<sup>93</sup> 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.

**Figure 2 | The Bundle of Rights by Category under RRI's Statutory Tenure Typology**



This analysis also examines the extent to which women’s community-based forest rights are recognized under national-level legal frameworks that were established or subjected to reforms from 2016–2024. Of the nearly 850 laws and judicial decisions reviewed as part of the analysis, more than 245 were enacted or reformed since October 2016—the cut-off point for national laws considered in *Power and Potential*. Of these identified laws, 189 laws across 30 analyzed countries either i) *materially altered* community women’s recognized forest rights, either by improving or diminishing the recognition of community women’s rights as measured in this analysis; or ii) *provided a reasonable opportunity to improve* the recognition of community women’s forest rights.

**Figure 3 | Scope of Laws and Judicial Decisions Considered During Analysis**



## 2 Unit of analysis and key terms

### DEFINITION

#### **COMMUNITY-BASED TENURE REGIME (CBTR)**

a distinguishable set of national, state-issued laws and regulations governing “all situations under which the right to own or manage terrestrial natural resources is held at the community level.”

RRI's Tenure Tracking methodologies are united by their reliance on a common unit of analysis—the **community-based tenure regime (CBTR)**—that allows for identifying and comparing the distinct legal frameworks by which Indigenous Peoples', Afro-descendant Peoples', and local communities' tenure rights are recognized under national law. These distinguishable sets of laws and regulations govern all situations by which rights to land and natural resources are held at the community level.<sup>94</sup> By collecting data on CBTRs, this study assesses the bundle of rights legally held by Indigenous Peoples, Afro-descendant Peoples, and local communities who claim and hold lands at the community level and evaluates the statutory recognition of women's individual rights to the same community forests. Like other RRI tenure analyses, the term “regime” refers to national-level laws constituting “formal legal recognition as expressed in a country's statutes.” This analysis identifies 104 CBTRs in force as of December 31, 2024, across the 35 countries studied. By identifying and assessing distinct CBTRs recognized by the national laws of 35 countries (see Annex 3), this analysis allows readers to isolate the legal frameworks of interest to them, and, where relevant, compare and better understand the differences among them.

All CBTRs captured by this analysis regulate forestlands and/or resources. In some cases, the same CBTRs may also recognize communities' land or territorial rights beyond forested landscapes. For this reason, although legal indicators are assessed based on provisions particularly impacting community-based forest tenure rights, many of the findings also reflect community rights recognized in non-forested lands.

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

- A **community** is a group of people (such as 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>95</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>96</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 from a CBTR which constitutes a distinct set of national, state-issued laws and regulations.<sup>97</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>98</sup>
- **Community lands** and **community forests** are lands or forests subject to community-based tenure.<sup>99</sup>
- **Community women** refers to Indigenous, Afro-descendent, and local community women globally.

## 3 Legal indicators and assessment criteria

### 3.1 Legal indicators

RRI's **Gender Methodology** is the primary methodology employed by this analysis. As summarized in [Table 1](#) below and detailed in [Annex 2](#), it examines eight **legal indicators** to assess the rights of Indigenous, Afro-descendant, and local community women.

Three **Overarching Indicators** are applicable to all women in a country, regardless of their status within a community-based tenure system. They include **Constitutional Equal Protection; Affirmation of Women's Property Rights**; and **Inheritance in Overarching Laws**. Constitutional provisions guaranteeing gender equality and non-discrimination create the foundation from which women's rights can be most comprehensively supported through states' legal systems. The affirmation of equal rights to property is key to ensuring community women's ability to make decisions about the use, maintenance, and alienation of property—which are often prerequisites for both community women's and their broader communities' economic stability. Moreover, Indigenous, Afro-descendant, and local community women's inheritance rights uniquely impact their ability to experience gender equality at both the household and community level. As such, this study examines i) the overarching rights of daughters, widows, and women in consensual unions under overarching inheritance laws governing **intestate succession**;<sup>100</sup> and ii) whether laws specifically regulating community-based forest tenure address the inheritance rights of women at the community level. Taken together, these two sets of inheritance laws determine women's and girls' legal capacity to retain rights to collective resources and to pass down property to their children.

There are also five **CBTR-specific Indicators** that assess community women's forest rights at the community level for each CBTR analyzed in this report. These include indicators on community women's **Membership; Inheritance in CBTR-Specific Laws; Voting; Leadership**; and **Dispute Resolution** rights. In practice, community-level membership is the primary gateway to all other rights related to community lands, forests, and natural resources. In addition to empowering women to exercise their self-determination and participate in community-level decision-making processes, women's right to fully participate in community governance is particularly important during community negotiations with external actors, including processes in which communities' free, prior and informed consent (FPIC) is guaranteed, because community agreements with

#### DEFINITION

#### OVERARCHING LAWS

are national laws of general application protecting fundamental rights and freedoms established through constitutions, national legislation, or decisions of a country's highest national court.

#### DEFINITION

#### INTESTATE SUCCESSION

refers to the legal process for distributing a person's assets and property when they die without a valid will or other equivalent legal document.



Indigenous woman learns to weave at Maria Community Indigenous School, Indonesia. Photo by Rachel Watson for Rights and Resources Initiative, 2024.

states, private corporations, and local elites can have wide-reaching impacts on communities and their territories for generations.

The Voting and Leadership indicators (referenced together as Governance indicators) aim to accommodate diverse community governance structures, including consensus-based decision-making, that require the full participation and agreement of all community members.<sup>101</sup> This aligns with FPIC principles and state obligations under CEDAW, which mandate that states ensure women's right "to participate in all community activities."<sup>102</sup> Whereas the Voting indicator is inclusive of a variety of community-wide governance structures, the Leadership indicator examines whether community women have a statutory right to serve on community-level executive bodies and to take binding actions in this capacity through the inclusion of quota and quorum requirements specific to women.

For further information on RRI's legal indicators, *Power and Potential* provides a detailed overview of all eight indicators and their significance for **community women's** rights.

DEFINITION

**COMMUNITY WOMEN**

refers to Indigenous, Afro-descendent, and local community women globally.



A woman bends over a fire outside a shelter, Honduras. Photo by If Not Us Then Who?

**Table 1 | RRI Gender Methodology: Legal Indicators and Assessment Criteria**

Overarching Legal Indicators	
	<p><b>Constitutional Equal Protection</b></p> <p>Does the constitution contain gender-specific equal-protection provisions or prohibit gender-based discrimination? If the constitution affirmatively recognizes customary law, customary practices, and/or customary rights/tenure, does it also require customary law, customary practices, and/or customary rights/tenure to conform with all other provisions of the constitution?</p>
	<p><b>A.</b> The constitution either prohibits gender-based discrimination or contains a provision guaranteeing equal protection specific to gender. However, the constitution does not affirmatively recognize customary law, customary practices, or customary rights/tenure.</p> <p>- OR -</p> <p><b>B.</b> All three of the following requirements are satisfied:</p> <ol style="list-style-type: none"> <li>1. The constitution prohibits gender-based discrimination or contains a provision guaranteeing equal protection specific to gender.</li> <li>2. The constitution affirmatively recognizes customary law, customary practices, or customary rights/tenure.</li> <li>3. The constitution explicitly requires customary law, customary practices, or customary rights/tenure to conform with all other provisions of the constitution , or renders void all provisions and customs that do not conform with the constitution.</li> </ol>
	<p><b>A.</b> The constitution contains a non-discrimination or equal-protection provision that does not specify gender but does explicitly include all individuals without exception.</p> <p>- OR -</p> <p><b>B.</b> The constitution prohibits gender-based discrimination or has a provision guaranteeing equal protection that specifies gender. The constitution also recognizes customary law, customary practices, or customary rights/tenure, but fails to require customary law, customary practices, or customary rights/tenure to conform with all other provisions of the constitution.</p> <p>- OR -</p> <p><b>C.</b> The constitution does not contain non-discrimination or equal-protection provisions. However, it does establish that treaties are self-executing, and the country has ratified or acceded to CEDAW.</p>
	<p>The constitution does not contain non-discrimination or equal-protection provisions. It also lacks provisions that would make CEDAW self-executing.</p>
	<p><b>Affirmation of Women's Property Rights</b></p> <p>Does the constitution, civil code, land law, or other overarching environmental or agrarian law contain a general provision affirming all women's property rights or prohibiting property-related practices that would adversely affect women's access to or ownership of land?</p>
	<p>The constitution, civil code, land law, or other overarching environmental or agrarian law contains a general provision affirming women's property rights or prohibiting property-related practices that would adversely affect women's access to or ownership of land.</p>
	<p>No general protections for women's property rights exist in the legislation reviewed.</p>
	<p><b>Inheritance in Overarching Laws</b></p> <p>Do overarching national laws provide equal protection for the intestate inheritance rights of daughters, widows, and women in consensual unions?</p>
	<p>Overarching laws mandate that daughters, widows, and women in consensual unions have intestate inheritance rights equal to those of their male counterparts (sons, husbands, and men in consensual unions). For this condition to be met, the law must specifically mention women's mandatory rights to inherit and be nondiscriminatory (for example, a daughter should not inherit a smaller share than a son).</p>
	<p>The law must provide at least some intestate inheritance rights to at least one category of women (for example, daughters, widows, or consensual partners).</p>
	<p>The law provides no specific protection for women.</p>
	<p>A country has multiple, distinctly enumerated intestate inheritance regimes, where at least one regime provides unequal inheritance rights to at least one category of women (daughters, widows, and women in consensual unions) in comparison to their male counterpart. In these circumstances, the overarching inheritance rights of women within the same category will vary according to the applicable inheritance regime.</p>

Full Credit
Partial Credit
No Credit
Case by Case
Not Addressed

### CBTR-specific Legal Indicators



#### Membership

Under CBTR-specific laws, are women explicitly defined as members of the community?

	Membership is explicitly defined as extending to women.
	Membership is explicitly defined to include all/any/every adult in the community.
	Membership provisions explicitly limit community membership to men, define community membership at the household/familial level, or otherwise fail to recognize the individual membership rights of all adults in the community.
	There are no provisions defining membership at the community-level.



#### Inheritance in CBTR-specific Laws

Does the CBTR address inheritance? If so, are women's inheritance rights specified?

	The CBTR addresses inheritance and explicitly allows women to inherit land.
	The CBTR addresses inheritance, but does not explicitly recognize women's right to inherit land.
	The CBTR does not address inheritance.



#### Voting (Governance)

Does the CBTR guarantee that women have the right to vote or take equivalent binding action in community general assemblies or equivalent community decision-making bodies? Additionally, is a quorum of women voters (or decision makers) required to be present in order for the decision-making body to vote or take other legally binding action?

	Women have the right to vote or take equivalent action in a community general assembly or equivalent community decision-making body. Additionally, a quorum of women—that is, a minimum number of women voters/decision-makers—is required to be present for a general assembly to vote or take equivalent, legally binding action.
	Women are specified as having the right to vote or take equivalent action in the general assembly/equivalent community decision-making body, but there is no quorum requirement for women voters/decision makers.
	Women are not specified as having the right to vote or take equivalent action in the general assembly/equivalent community decision-making body. Individual or household voting rights (or other decision-making rights) may be generally discussed.
	Community decision-making processes are not addressed in the CBTR.



#### Leadership (Governance)

Under CBTR-specific laws, do community-level executive bodies require a minimum quota of women to be executive body members, and is a quorum of women executive members required to be present for the executive body to take binding actions?

	Community-level executive bodies require both a minimum quota of women to hold seats in the body and a quorum of women executive members to be present for the body to exercise its decision-making authority.
	A minimum quota of women must be included in community-level executive bodies, but there is no women's quorum requirement.
	There is no quota or quorum requirement related to women's participation within community-level executive bodies.
	Community-level leadership is not addressed in the CBTR.



#### Dispute Resolution

Does the CBTR address mechanisms for resolving forest tenure disputes, and do provisions contain specific considerations for women?

	The CBTR addresses mechanisms for resolving tenure disputes, and provisions contain specific considerations for women.
	The CBTR addresses mechanisms for resolving tenure disputes, but provisions do not contain any specific considerations for women.
	The CBTR does not address mechanisms for resolving tenure disputes.



### 3.2 Assessment criteria

The eight legal indicators under RRI's Gender Methodology reflect rights grounded in international human rights law that are central to the eradication of gender-based discrimination against Indigenous, Afro-descendant, and local community women with respect to land and natural resource tenure. Each legal indicator is assessed on a scale ranging from "full credit" to "not addressed," using relevant criteria. Importantly, criteria for "**full credit**" assessments under each indicator reflect the *minimum* or *adequate* degree of statutory protections for women's community-based tenure rights as mandated under CEDAW, which requires all states to take legislative and other measures to eradicate all forms of gender-based discrimination against women.<sup>103</sup>

Assessment categories corresponding with less robust legal protections for women's rights are "**partial credit**," "**no credit**," "**case-by-case**," and "**not addressed**." Whereas *Power and Potential* used the terminology "Not Applicable" to describe situations in which no provisions addressing community-level membership, voting, leadership, inheritance, or dispute resolution were identified, this analysis instead uses the terminology "Not Addressed" to better reflect the meaning of this assessment category. [Annex 2](#) describes the specific criteria associated with each legal indicator under the Gender Methodology.



“Having a women's network is important to know the different struggles and the resistance that women put up together, uniting in our struggles.”

**Ketty Marcelo Lopez**

*Peruvian leader from the Asháninka Indigenous community of Pucharini, President of the National Organization of Andean and Amazonian Indigenous Women of Peru (ONAMIAP), and member of WiGSA, Peru*

In this analysis, legal protections for women's community-based forest rights are sometimes described as "**women-specific**" and "**adequate**" protections to account for differences in the assessment criteria across the CBTR-specific indicators. "**Women-specific protections**" describe legal acknowledgements of women's community-level forest rights that *explicitly apply to women or are explicitly applicable regardless of gender*. However, such protections do not always correspond to "adequate" protections under the Gender Methodology. In the case of Membership, CBTR-Specific Inheritance, and Dispute Resolution indicators, "women-specific protections" and "adequate" legal protections are synonymous. In the case of Voting and Leadership, "**women-specific protections**" refers to both full and partial credit scores, while "**adequate protections**" require full credit scores (like all other CBTR-specific indicators). Furthermore, the use of "**adequacy**" in this report does not mean that Indigenous, Afro-descendant, and local community women are satisfied with the extent to which their rights are recognized under national law, nor does it indicate that community women have achieved the full realization of their rights. It is simply the threshold level of statutory protection for women's rights to community forests established by this study as consistent with state obligations under CEDAW.

**3.2.1 Assessment of progress 2016–2024** | RRI tracks global progress across legal indicators by comparing the proportion of CBTRs that provide protections for community women's rights across all indicators as of both 2016 and 2024.<sup>104</sup> As of 2016, 97 CBTRs were recognized across the 35 countries analyzed. As of 2024, 104 CBTRs are identified across the same countries. The cumulative increase in CBTRs between 2016 and 2024 is a result of a greater number of new CBTRs having been established than were repealed since October 2016. [Annex 2](#) provides a detailed account of CBTRs that are new, repealed, or retroactively identified in RRI's database.

There are 93 CBTRs<sup>105</sup> which were legally recognized as of 2016, and which continue to be recognized as such under national law as of 2024. Through targeted analysis of these CBTRs, RRI is able to isolate specific instances where legal reforms impacted the assessment of community women's membership, governance, inheritance, or dispute resolution rights between 2016 and 2024. Such reforms may have i) improved an assessment positively through the introduction of newly gender-responsive provisions; ii) negatively impacted an assessment, either because a gender-responsive legal provision was repealed, or a right that previously existed for all community members was eliminated during reforms from 2016–2024; or iii) reflect reforms that are gender-blind in nature because they improved the recognition of communities' collective forest tenure rights while either failing to address women's rights (for example, where scores for Inheritance in CBTR-specific Laws or Dispute Resolution change from "not addressed" to "partial credit") or only addressing the right in question using gender-blind language (that is, where scores change from "not addressed" to "no credit").

Across this analysis, changes in cumulative proportions over time account for post-2016 reforms to CBTRs existing as of 2016, and to the assessment of CBTRs established after October 2016. For instance, the proportion of CBTRs that provide explicit protections for women's membership rights increased by 2 percent between 2016 and 2024 (representing 4 additional CBTRs), and this change reflects positive reforms in 3 CBTRs between 2016 and 2024, in addition to one CBTR that was newly established after 2016. To ensure clarity, this report uses the language of "proportional" when referring to global and regional data, and refers to numerical changes in reference to reforms impacting assessment at the CBTR- and country-level.

### 3.3 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 laws and regulations and, where applicable, decisions of the highest national court. 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', local communities', or the women within those communities' tenure rights in practice, nor does it evaluate the extent to which customary laws guarantee the rights of community women.
- 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 "community women" 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>106</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 on the basis of 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.**

## DEFINITION

**GENDER-TRANSFORMATIVE**

refers to measures, laws, approaches, programs, and actions “capable of changing norms and systems that perpetuate gender inequality, and [that] address the root causes of gender-based discrimination.”

- **By focusing this analysis on women and girls, RRI is not endorsing a binary perspective on sex or gender, nor is it negating the diversity of gender identities and sexual orientations recognized within the many Indigenous Peoples, Afro-descendant Peoples, and local communities across the globe.**<sup>107</sup> Indeed, this report’s focus on the rights of Indigenous, Afro-descendant, and local community women is inherently intersectional. The CEDAW Committee has clearly established that the Convention requires intersectionality as a basic concept for understanding the scope of State Parties’ obligations,<sup>108</sup> and has stated that **“to eliminate all forms of discrimination against women, States parties must also tackle all possible intersecting factors of discrimination,”**<sup>109</sup> including discrimination related to sexual orientation and gender identity.<sup>110</sup> In keeping with CEDAW’s intersectional and human rights-based approach, **achieving true gender justice requires equality for gender diverse people**. RRI further recognizes that every individual has multiple and intersecting social identities outside of sex and gender—including their socioeconomic status, ethnicity, caste, race, disability, indigeneity, age, sexual orientation, and citizenship status.<sup>111</sup> **Importantly, while this report contains recommendations aimed at advancing the community forest, land, and resource rights of community women and girls, this does not imply that gender-transformative laws, policies, and programs concerning community lands and resources should employ a gender binary approach.**<sup>112</sup> **In all instances, laws regulating the land and resource rights of Indigenous Peoples, Afro-descendant Peoples, and local communities should reflect and affirm concepts of gender diversity embraced by these communities to best ensure that all Indigenous, Afro-descendant, and local community members enjoy gender-equal realization of community-based land and resource rights.**
- **The use of the term “women” throughout this report is intended to be inclusive of Indigenous, Afro-descendant, and local community girls.** While this study and the underlying data do not entail an in-depth analysis of the challenges and obstacles faced by community girls that may differ from those of community women, the rights of girls in these communities are considered to different extents in RRI’s Gender Methodology. The Overarching Inheritance indicator directly measures the rights of girls as it evaluates whether inheritance law provides protection for daughters that is equal to that of sons. Two other overarching indicators (Constitutional Equal Protection and Affirmation of Women’s Property Rights) and one CBTR-specific indicator (Community-level Inheritance) readily apply to girls in these communities, whereas CBTR-specific indicators such as Voting, Leadership, and Membership will have different age thresholds for these rights to vest.

## Annex 1 | Methodology Note—Depth of Rights and Gender

### 1. Sources of Law

This analysis tracks the recognition of Indigenous Peoples', Afro-descendant Peoples', and local communities' collective rights to forestlands and resources, as well as the specific rights of women to those same community lands 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); succession; marriage; and other subjects related to women's tenure rights. 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.

### 2. Data Collection and Review

Data were 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 and Gender data last published in *Power and Potential* (2017) were updated for 30 countries to reflect legislative changes affecting the recognition of community-based forest tenure between November 1, 2016 and December 31, 2024. Five additional countries (Ecuador, Ghana, Lao PDR, Madagascar, and Nicaragua) were reviewed for the presence of CBTRs, and Depth of Rights and Gender assessments were conducted for each of the CBTRs identified.

A desk review of national constitutions and legislation broadly concerning land and forests, marriage, and inheritance was also conducted to inform the assessment of the overarching indicators in the study.

The desk review was followed by an expert review process during which preliminary data for both the bundle of rights assessments and the Gender assessment were 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.

### 3. Methodologies Relied on in this Analysis

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 two of RRI's core methodologies. The **Depth of Rights** methodology provides the basis for this analysis in the way of CBTRs and the rights recognized as part of these regimes. The **Gender Methodology** is the fundamental methodology driving this analysis, as it presents a comparative analytical framework that assesses **if** and **how** women's forest rights are considered within national legal frameworks recognizing CBTRs.

While both the Depth of Rights and Gender methodologies assess the rights that communities, as well as women within those communities, hold under national laws, neither methodology systematically assesses the realization of those rights in practice.

#### 4. Changes in the Number of CBTRs Assessed

During the analysis underpinning *Power and Potential*, RRI identified a total of 80 CBTRs recognized across 30 countries as of October 2016. In this update, RRI has identified a total of 97 CBTRs recognized across 35 countries as of 2016, and 104 CBTRs recognized across the same countries as of December 2024:

1. 76 CBTRs that were recognized as of October 2016 and for which data was published in *Power and Potential* still exist as of December 2024 and are therefore included in this analysis.
2. 4 CBTRs that were legally recognized in 2016 have since been repealed or replaced as a result of legal reforms and, therefore, are not included in the 2024 analysis.

In addition to the 76 CBTRs retained from *Power and Potential*, RRI identified and incorporated **28 additional CBTRs to the data set for this study**. CBTRs were added to RRI's database for one of three reasons:

1. **Entirely new CBTRs:** A total of 11 CBTRs were created by laws that entered into force between *Power and Potential's* cut-off date for data collection (October 2016) and this study's cut-off date (December 2024).
2. **CBTRs identified in 5 new countries:** A total of 8 CBTRs were 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).
3. **CBTRs retroactively added to RRI's Gender 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 included in *Power and Potential*. 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.

#### 5. 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.



##### A. 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.

Previously, RRI assessed the recognition of communities' Due Process and Compensation rights affirmatively or negatively in the aggregate by considering i) whether communities can judicially challenge a government's efforts to extinguish, alienate, or revoke their rights; and ii) if, in these cases, rightsholders within the community are entitled to compensation for the lost resources. To better reflect the vast legal realities under which communities live and a comprehensive legal understanding of the rights to due process and compensation, RRI has expanded both the question and universe of answers that evaluate the right to due process. Under RRI's revised legal indicator on Due Process, the law must recognize communities' rights **to both prior notice and consultation and to challenge the proposed action where there would be an impact on their rights** in order to receive a "full credit" assessment. If only the right to challenge the proposed action exists in law, then a "partial credit" is assessed. If neither right is recognized, then the CBTR receives "no credit."

Due Process	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?
 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 communities' right 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' 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.

Compensation	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 or a private entity 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 ([see Figure 2](#)), Due Process and Compensation rights are required for classification of a CBTR as "owned by Indigenous Peoples, Afro-descendant Peoples, and local communities." To maintain continuity with RRI's previous analyses, RRI will hereafter consider both "full" and "partial" assessments of the Due Process and Compensation indicator to constitute a sufficient basis for a CBTR to be considered legally owned by communities. As such, while RRI's methodology now entails the collection of more detailed data on communities' recognized due process and compensation rights, the overall analysis of CBTRs according to Tenure Category is not significantly impacted.

## B. New Procedural Indicator: Free, prior and informed consent

As discussed in [Box 1](#), RRI has developed a legal indicator to assess the recognition of Indigenous Peoples', Afro-descendant Peoples', and local communities' right to free, prior and informed consent (FPIC) as applicable to specific CBTRs for the first time. *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 the components of FPIC rights using a wide array of terms and without due regard for communities' self-identification as "Indigenous" or other identities. This new FPIC indicator is designed to capture the diversity of rightsholders and acknowledge that Indigenous Peoples, Afro-descendant Peoples, and local communities have distinct rights.

Free, Prior and Informed Consent (FPIC)	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?
☑ Full Credit	National law guarantees FPIC rights for all Indigenous Peoples, Afro-descendant Peoples, or local communities—or their self-appointed representative institution—regulated under the CBTR.
Ⓒ/Ⓒ Case by Case	FPIC rights are guaranteed for a subset of communities regulated by the CBTR.
☒ No Credit	National law does not guarantee FPIC rights for Indigenous Peoples, Afro-descendant Peoples, or local communities—or their self-appointed representative institutions.

## 6. Changes to Legal Indicators and Assessment Criteria under the Gender Methodology

### A. Assessment of Constitutional Equal Protection

Under RRI's overarching **Constitutional Equal Protection** indicator, countries can receive a "full score" assessment in two scenarios:

- **Condition A:** The constitution either prohibits gender-based discrimination or contains a provision guaranteeing equal protection specific to gender. However, the constitution does not affirmatively recognize customary law, customary practices, or customary rights/tenure.
- **Condition B:** All three of the following requirements are satisfied: i) The constitution prohibits gender-based discrimination or contains a provision guaranteeing equal protection specific to gender; ii) the constitution affirmatively recognizes customary law, customary practices, or customary rights/tenure; and iii) the constitution explicitly requires customary law, customary practices, or customary

- rights/tenure to conform with all other provisions of the constitution. In prior assessments, the third requirement under condition B was only found to be satisfied in cases where the text explicitly established a requirement that customary law conform with the constitution. In this study, **a provision voiding all laws and customs that do not conform with the constitution is considered sufficient to meet this requirement under condition B.\***

## B. Assessment of the Affirmation of Women's Property Rights

In previous analysis, the methodology underpinning the **Affirmation of Women's Property Rights** overarching indicator was limited in scope to protections found in the constitution, land law, or other overarching environmental or agrarian law. The scope of this indicator has been expanded to also consider protections for all women's land rights that are found in civil codes or other pertinent framework legislation. As a result of the inclusion of civil codes in analysis for this indicator, 1 country (Cambodia) that was previously found not to affirm women's property rights in *Power and Potential* now receives "full credit," and 2016 results for the indicator have been retroactively revised for the present analysis.

## 7. Retroactive Changes to *Power and Potential* Data

Due to in-depth analysis, expansion of legal instruments captured in data collection and identification of new information and peer-reviewed data, RRI has identified 28 instances where the assessment of Gender indicators required a retroactive change. This means that 29 indicator assessments across 21 CBTRs have been retroactively revised to reflect updated understandings of laws and regulations that were in force as of October 2016. There were 2 retroactive changes for the overarching indicator on the Affirmation of Women's Property Rights, 9 retroactive changes for 9 CBTRs' Membership indicator, 4 retroactive changes for 4 CBTRs' Voting indicator, 2 retroactive changes for 2 CBTRs' Leadership indicator, 8 retroactive changes for 8 CBTRs' CBTR-specific Inheritance indicator, and 6 retroactive changes for 6 CBTRs' Dispute Resolution indicator. Retroactive changes to more than 1 indicator per CBTR occur in 6 CBTRs.

## 8. RRI's Legislative Pathways Methodology




As discussed in Chapters 4, 5, and 6, 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 below:

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\* For example, in Colombia, Article 4 of the Constitution establishes that the Constitution is the supreme law and that the Constitution will be applied over all laws or norms in cases of incompatibility. In Ghana, Article 1(2) establishes the supremacy of the Constitution and establishes that all inconsistent laws shall be void to the extent of the inconsistency. Both provisions, regardless of the negative or positive legal language, would be sufficient within RRI's methodology to satisfy requirement 3 under Condition B for a full credit score under the Equal Constitutional Protection overarching indicator.



## Legislative Pathways for securing the tenure rights of Indigenous Peoples, Afro-descendant Peoples, and local communities

Legislative Pathways		Definition
 <p><b>Community-Oriented CBTRs</b></p>	<p>CBTRs established to recognize customary or community-based rights</p>	<p>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.</p>
 <p><b>Conservation-Oriented CBTRs</b></p>	<p>CBTRs established to further the conservation of land and natural resources</p>	<p>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.**</p>
 <p><b>Use / Exploitation-Oriented CBTRs</b></p>	<p>CBTRs established to regulate the use and exploitation of land and natural resources</p>	<p>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.</p>

\*\*\*It is important to note that conservation-focused regimes do not include those cases where Indigenous Peoples or local communities willingly decide to formally insert their traditional land or territory into the national conservation system. In those cases, the law would continue to recognize the ownership of land and resources, but the recognition of the communities’ rights was not premised on conservation,” Almeida 2017, 22.

**Retroactive changes to 2016 data for CBTR-specific indicators:** A total of 29 CBTR-level indicator assessments across 21 CBTRs and 12 countries have been retroactively revised by RRI. The following retroactive revisions to assessments as of 2016 of CBTR-specific indicators have been carried out:

## Bolivia

- The assessment of Membership for Títulos Comunes para Comunidades Agro-extractivistas (Norte Amazónico) (Communal Titles for Agricultural-Extractivist Communities in the Northern Amazonian Region) was revised from "Not Addressed" to "No Credit," due to the identification of Decree No. 29.215 which defines membership at the family level.
- The assessment of Dispute Resolution for Agrupaciones Sociales del Lugar (ASL) (Location-Based Social Associations) was revised from "Not Addressed" to "Partial Credit," due to the identification of a special procedure for disputes concerning forest concessions under Supreme Decree No. 24453 of 1996.

## Brazil

- The assessment of Membership for 3 CBTRs (Florestas Nacionais (FLONA) (National Forests); Reserva Extrativista (RESEX) (Extractive Reserve); and Reservas de Desenvolvimento Sustentável (Sustainable Development Reserves)) was revised from "Not Addressed" to "No Credit," given that provisions explicitly define community membership at the household/familial level.
- The assessment of Membership for 3 CBTRs (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)) was revised from "Full Credit" to "No Credit," given that provisions explicitly define community membership at the household/familial level.
- The assessment of CBTR-specific Inheritance for 3 CBTRs (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)) was revised from "Partial Credit" to "Not Addressed." This indicator previously received "partial credit" on the basis that the acquisition of rural land might be realized through inheritance (Article 2 of Decree No. 59428/66). However, peer reviewers José Heder Benatti and Ana Luisa Santos Rocha have since clarified that "the acquisition of rural properties referred to in Decree No. 59.428/1966 does not apply to federal public areas designated for environmentally differentiated settlements."

## China

The assessment of Dispute Resolution for Collective Ownership with Individual Property Rights to Forestland was revised from "Partial Credit" to "Full Credit," due to the identification of the 2005 version of the Law on the Protection of Women's Rights and Interests which was not considered in the original analysis and addresses women's rights to arbitration and litigation, including in the context of their rights being infringed upon on the context of collective economic organizations.

## Colombia

The assessment of Dispute Resolution for Tierras de las Comunidades Negras (Afro-Colombian Community Lands) was revised from "Partial Credit" to "Full Credit," because the General Assembly and Community Council, which have jurisdiction to act on dispute resolution and internal conflicts, must be composed of 30 percent women (Article 22 of Law 731 of 2002).

## DRC

The assessments of Voting and Leadership for Concessions Forestières Communautaires (Local Community Forest Concessions (LCFC)) were both revised from "No Credit" to "Partial Credit." *Power and Potential* assessed this as "No Credit" because, while Article 4 of Loi No. 15/013 reiterates that "women are equitably represented in all nominative and elective positions within...local institutions," "equity" is not defined in terms of numerical equality, and because women's right to vote or take equivalent action in local institutions is not otherwise specified. However, this was retroactively revised as the same law also requires a 30 percent quota for women's participation, a provision confirmed to apply by peer reviewers.

## India

The assessment of Dispute Resolution for Scheduled Tribes and Other Traditional Forest Dwellers Land was revised from “Partial Credit” to “Full Credit,” to reflect that the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 requires the Sub-Divisional Level Committee that hears and adjudicates disputes between Gram Sabhas on the nature and extent of forest rights (6(f)) to be composed of a subdivisional officer, a forest officer, three members of the Block or Tehsil level Panchayats, with at least two belonging to Scheduled Tribes and one being a women (5(c)).

## Mali

The assessment of CBTR-specific Inheritance for Forêts gérées par les communautés dans le domaine forestier des collectivités territoriales décentralisées (Community-Managed Forests within the Forest Domain of Decentralized Territorial Collectives) was revised from “Partial Credit” to “Not Addressed” as a result of improved understanding of the legal framework. This CBTR exists due to an allowance under Article 12 of Law No. 96-050 of 1996 for Decentralized Territorial Collectives to **delegate their management authority to village authorities**, or to even more localized bodies, thus creating a “community managed forest within the forest domain of decentralized territorial collectives” (Article 14, Law No. 96-050, 1996). As such, the laws comprising this CBTR do not address inheritance.

## Nepal

- The assessments of Membership and Voting for Buffer Zone Community Forest were revised from “No Credit” and “Not Addressed,” respectively, to “Partial Credit” due to the identification of the 1999 Forest Guidelines.
- The assessments of Voting, Leadership, and Dispute Resolution for Community Leasehold Forest Granted to Communities were revised from “Not Addressed” to “Partial Credit.” The assessment of CBTR-specific Inheritance for this same CBTR was revised from “Not Addressed” to “Full Credit,” due to the identification of a Leasehold Forest Implementation Guideline approved by the Department of Forests, which RRI was unable to access at the time *Power and Potential* was published.

## Peru

The assessment of Membership for Reservas Comunales en suelo forestal (Communal Reserves in Forest Land) was revised from “No Credit” to “Not Addressed,” as a result of a more fulsome review of the applicable law which determined that, while women are not expressly defined as members of the community in Law No. 26834/1997 or Resolution No. 19/2005, membership itself is not defined within the norms regulating this specific tenure regime.

## Philippines

The assessment of Voting for Community-Based Forest Management was revised from “Not Addressed” to “No Credit,” due to the identification of a 2016 Guideline establishing the role of the General Assembly in processes for the management and decision-making within this CBTR. Because section 7(ix) of DENR Adm. Order No. 2004-29 does not provide for the rights of women, this has been retroactively revised to “No Credit.”

## Tanzania

The assessment of CBTR-specific Inheritance for 3 CBTRs ((Non-reserved) Forests on Village Lands; Community Forest Reserves; and Village Land Forest Reserve (VLFR)) were revised from “Not Addressed” to “Case-by-Case” because, upon further examination of the law, this assessment identified that at the overarching level some statutory laws related to customary law may allow for discriminatory provisions.

## Viet Nam

The assessment of Dispute Resolution for Forestland Allocated to Communities was revised from “Not Addressed” to “Partial Credit,” due to the identification of applicable provisions as of 2016. The state is responsible for resolving land disputes (Article 22 of the Law on Land of 2013) and two mechanisms for solving land disputes are peoples’ courts (Article 84 of the Law on Forest Protection and Development) and district or provincial-level Peoples’ Committees (Article 89 of Decree 43 of 2014).

# Endnotes

- 90** Note that 2016 data reflect legislation in force as of October 31, 2016.
- 91** FAO 2022.
- 92** UN Women. “World Conferences on Women.” Accessed March 9, 2025. Available at: <https://www.unwomen.org/en/how-we-work/intergovernmental-support/world-conferences-on-women>; United Nations. 1996. Report of the Fourth World Conference on Women. Beijing, 4–5 September 1995. A/CONF.177/20/Rev.1. United Nations, New York. Available at: <https://www.un.org/womenwatch/daw/beijing/pdf/Beijing%20full%20report%20E.pdf>.
- 93** Learn more at Rights and Resources Initiative. “Tenure Tracking.” Available at: <https://rightsandresources.org/tenure-tracking/>.
- 94** Rights and Resources Initiative 2017, 16, citing Rights and Resources Initiative 2015.
- 95** Rights and Resources Initiative 2017, 16.
- 96** Rights and Resources Initiative 2020, 19.
- 97** Rights and Resources Initiative 2017, 17.
- 98** Rights and Resources Initiative 2017, 16, citing Rights and Resources Initiative 2015.
- 99** Rights and Resources Initiative 2017, 17.
- 100** Intestate succession refers to the legal process for distributing a person's assets and property when they die without a valid will or other equivalent legal document.
- 101** Findings from an empirical study of women's participation in community forestry in a village in India's Maharashtra state: “The Forest Protection Committee and the Village Council in Village 1 are one and the same, so the Village Council serves as the participatory forum where Joint Forest Management issues are discussed. ... All of the village are members of the Village Council and hence by default are part of the Forest Protection Committee. Moreover, there are no membership conditions, e.g., property, literacy, etc. ... The Village Council's decisions are based on consensus, meaning that there needs to be some basic agreement among the villagers on an issue and even though not everyone may completely agree with the decision, no one is completely against it. The villagers explained that they preferred consensus decision-making since they felt it reflected a more democratic process.” Gupte, Manjusha. 2004. Participation in a gendered environment: the case of community forestry in India. *Human Ecology* 32(3): 365–382, 383. Available at: [www.rmportal.net/framelib/participation-in-a-genderedenvironment-india.pdf](http://www.rmportal.net/framelib/participation-in-a-genderedenvironment-india.pdf); findings from another study of internal governance mechanisms of communities in Mexico: “Each ejido and comunidad has a General Assembly, which is the supreme governing body that decides on all principal issues within the community. In the GA, each registered member of the community has one vote. Voting is by consensus or majority rule, depending on community practices. Assemblies meet a minimum number of times per year as required by law.” Antinori, Camille and Gordon Rausser. 2007. Collective choice and community forestry management in Mexico: an empirical analysis. *Journal of Development Studies* 43(3): 512–536, 515.
- 102** CEDAW 1979, Art. 14(f).
- 103** CEDAW 1979, Arts. 1–3.
- 104** Power and Potential (Rights and Resources Initiative 2017) analyzed 80 CBTR across 30 countries in Africa, Asia, and Latin America. This analysis retroactively revises the 2016 data set to include CBTRs recognized as of October 31, 2016, in five additional countries, as well as additional CBTRs recognized in the 30 countries originally analyzed that were legally recognized as of October 31, 2016, but were identified after the publication of Power and Potential through subsequent RRI tenure analyses. See Annex 2 for more information.
- 105** The 97 CBTRs examined for 2016 include 4 CBTRs that were legally recognized in 2016 but have since been repealed or replaced as a result of legal reforms and therefore are not included in the 2024 analysis. For this reason, in 2024, there are only 93 CBTRs that are examined as existing in both years and are therefore comparable. See Annex 2 for a detailed account.
- 106** See the treatment of “distinct and differentiated rights” by the Land Rights Standard. Indigenous Peoples Major Group for Sustainable Development (IPMG) and Rights and Resources Initiative. 2024. *The Land Rights Standard: Principles for recognizing and respecting Indigenous Peoples, local communities, and Afro-descendant Peoples' land and resource rights in Climate, Conservation and Development Actions and Investments*. Rights and Resources Initiative, Washington, DC, 1–2. Accessed March 7, 2025. Available at: <https://rightsandresources.org/land-rights-standard/>; Cali Tzay, José Francisco, Sheryl Lightfoot and Dario José Mejía Montalvo. 2023. Statement by the United Nations Permanent Forum on Indigenous Issues, Special Rapporteur on the Rights of Indigenous Peoples, and the Expert Mechanism on the Rights of Indigenous Peoples. United Nations Expert Mechanism on the Rights of Indigenous Peoples, Geneva. Available at: [https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/emrip/Statement\\_EM RIP\\_July\\_2023.pdf](https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/emrip/Statement_EM RIP_July_2023.pdf). For further discussion, see: Hofschneider, Anita. 2024. “IPLC: The acronym that is keeping Indigenous advocates up at night.” March 27. Accessed February 11, 2025. Available at: <https://grist.org/global-indigenous-affairs-desk/iplc-the-acronym-that-is-keeping-indigenous-advocates-up-at-night/>.

- 107** Gender and sexual diversity have existed since pre-colonial times, and evidence of such concepts within Indigenous Peoples, Afro-descendant Peoples and local communities is documented. For example, in Juchitán, Mexico, muxes are neither men nor women, but a Zapotec gender hybridity. In Hawai'i, the māhū embrace both the feminine and the masculine. The Māori term takatāpui describes same-sex intimate friendships. The quariwarmi (man-woman) embodied a third creative force between the masculine and the feminine in Andean philosophy. In South Asia, hijras have been a celebrated part of the culture for thousands of years. Mashoga is a Swahili term that connotes a range of identities on the gender continuum. Although male-bodied, the sekrata of Madagascar exhibit feminine behaviours from early childhood that are accepted by society, and they have a social role related to their spiritual status. In Samoa, fa'afafine and fa'afatama are fluid gender roles that move between male and female worlds. For more details on the above, see Picq, Manuela L. and Josi Tikuna. 2019. *Indigenous Sexualities: Resisting Conquest and Translation*. E International Relations. Accessed March 9, 2025. Available at: <https://www.e-ir.info/2019/08/20/indigenous-sexualities-resisting-conquest-and-translation>; Natural History Museum of Los Angeles. 2020. "Beyond Gender: Indigenous Perspectives, Fa'afafine and Fa'afatama - A limited series on some of the world's third gender Indigenous people." Accessed March 9, 2025. Available at: <https://nhm.org/stories/beyond-gender-indigenous-perspectives-faafafine-and-faafatama>; PBS Independent Lens. 2023. "A Map of Gender-Diverse Cultures." Accessed January 12, 2025. Available at: [https://www.pbs.org/independentlens/content/two-spirits\\_map-html/](https://www.pbs.org/independentlens/content/two-spirits_map-html/); Rock, Erik. 2016. "Global Genders." Accessed January 12, 2025. Available at: <https://www.colorado.edu/honorsjournal/archives/2016/gender-and-ethnic-studies-2016>.
- 108** CEDAW. 2024. General Recommendation No 40. on the equal and inclusive representation of women in decision-making systems, para. 17. Available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-40-equal-and-inclusive#versions>.
- 109** CEDAW 2024, para. 27. See also CEDAW 2022, which recommends that in developing policies to eliminate discrimination against Indigenous women and girls, States parties, "should include measures to address intersectional discrimination faced by Indigenous women and girls, including persons with disabilities and those with albinism; older women; lesbian, bisexual, [and] transgender and intersex women" (para. 23).
- 110** Campbell, Meghan, Loveday Hodson, Catherine O'Rourke, Katie Capstick, Lucía Baca, Marion Bethel, Mel Duffy, Niels-Erik Hansen, Marisa Hutchinson, Imani Kimiri, Kseniya Kirichenko, Lia Nadaraia, Victor Madrigal-Borloz, Alexa Moore and Danielle Roberts. 2021. *The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Sexual Orientation and Gender Identity: Workshop Report* (Transitional Justice Institute 2021). Transitional Justice Institute, Newtownabbey and Derry-Londonderry. Available at: <https://ohrh.law.ox.ac.uk/wp-content/uploads/2022/07/CEDAW-and-SOGI-Report.pdf>.
- 111** Boyer, Meijer and Gilligan 2020, 8, 50.
- 112** UN Human Rights Council 2023, para 11.

# Annex Endnotes

**I BOLIVIA | Regarding the Leadership indicator for Territorio Indígena Originario Campesino (Original Peasant Indigenous Territory) in Bolivia:** In some instances, communities in Bolivia have adopted a quorum requirement for women into their internal rules (personal correspondence with Ivan Bascope, 2016).

**II BRAZIL | Regarding the Membership indicator for Terras Indígenas (Indigenous Lands) in Brazil:** Because the definition of “Indio or Silvicola” pertains more closely to ethnicity, rather than defining the composition of the “Indigenous Community or Tribal Group,” the Membership Indicator for Indigenous Lands received “no credit” (see Art. 3 of Lei No. 6.001 de 19 de dezembro de 1973 - Estatuto do Índio).

**Regarding the Membership indicator for Reserva Extrativista (Extractive Reserve), Reservas de Desenvolvimento Sustentável (Sustainable Development Reserves), and Florestas Nacionais (FLONA) (National Forests) in Brazil:** Under Brazilian law, the rights recognized under RESEX, RDS and FLONA Conservation Units are recognized for beneficiary families, so there is no recognition of the individual membership rights of all adults in the community and therefore no explicit recognition of women’s membership rights. It is worth noting, however, that some legal instruments could be interpreted to enforce a membership right for women if such was denied. The National Policy for the Sustainable Development of Traditional Peoples and Communities (Decree No. 6,040/2007), establishes as one of its specific objectives: “to implement and strengthen programs and actions aimed at gender relations in traditional peoples and communities, ensuring women’s vision and participation in government actions, valuing the historical importance of women and their ethical and social leadership” (Art. 3, XII, Annex). In addition, Normative Instruction 35/2013, which establishes the administrative process to homologate beneficiary families in RESEX, RDS and FLONA, establishes that the criteria to determine a beneficiary family cannot include criteria that would involve prejudice on the basis of race, sex, color, age, religion, philosophical or political ideology.

**Regarding the Voting and Leadership indicators for Reserva Extrativista (Extractive Reserve), Reservas de Desenvolvimento Sustentável (Sustainable Development Reserves) Florestas Nacionais (FLONA) (National Forests), Territórios Quilombolas (Quilombola Communities) and Terras Indígenas (Indigenous Lands) in Brazil:** Peer reviewers José Heder Benatti and Ana Luisa Santos Rocha note that “it is important to emphasize the role of consultation protocols, which can also be developed by traditional peoples and communities, in which collective decision-making processes are established.”

**Regarding the Dispute Resolution indicator for Reserva Extrativista (Extractive Reserve), Reservas de Desenvolvimento Sustentável (Sustainable Development Reserves) and Florestas Nacionais (FLONA) in Brazil:** While there is no specific mechanism for the resolution of tenure disputes in the laws comprising these CBTRs, the following laws and regulations indicate a legal ecosystem where communities could exercise rights of access to justice and dispute resolution: Indigenous Peoples and their communities have legal standing and the right to activate the justice system in defense of their rights and interests, upon which the government must intervene in the process (Art. 232, Constitution); one of the specific objectives of the National Policy of Sustainable Development of Traditional Peoples and Communities is to resolve or minimize conflicts related to the implementation of Conservation Units in traditional territories (Law 6040/2007, Art. 3.II); the ICMBio has the power to act as environmental police for the protection of Conservation Units; the Directive Councils of communities created for the management of Conservation Units must support decision-making mechanisms that support the participation of members of the community (IN No. 02/2007, Art. 3); the creation of “mosaics of Conservation Units” (a mosaic of nearby, adjoining or overlapping protected areas of Brazil that are managed as a whole) is recognized to, among others, propose directions and actions to harmonize the relationship with the population living in the mosaic area and express its opinion on proposed solutions for overlapping conservation units (Decree 4340/2002, Chapter III). As a result of this array of legislation, some Directive Council’s Internal Rules, approved by the ICMBio, do recognize the Council’s management power to propose solutions to problems within the Conservation Unit through appropriate measures (Reglamento Interno RDS Piagacu Purus; Reglamento Interno RDS Puranga Conquista).

**III CAMBODIA | Regarding Cambodia’s Affirmation of Women’s Property Rights indicator:** Analysis conducted in 2016 for Power and Potential overlooked Arts. 2 and 974 of the 2007 Civil Code. Although Art. 44 of the Constitution upholds property rights for all individuals in a gender-blind manner, the Civil Code addresses women’s property rights. Art. 2 states as a fundamental concept that “[t]his Code gives concrete embodiment to the concepts of the dignity of the individual, the equality of the sexes and the guarantee of property rights provided in the Constitution.” Moreover, Art. 974 states that “a husband and wife shall have equal rights to use, enjoy the benefit from and manage common property, and each of them shall have the right to use, enjoy the benefit from and manage their own property. [...]” Based on these provisions, the assessment of the Affirmation of Women’s Property Rights indicator has been revised from “no credit” to “full credit” for both 2016 and 2024.

**Regarding the Leadership indicator for Community Forests in Cambodia:** Although the Sub-Decree on Community Forestry Management of 2003 (see, for example, Arts. 18 and 19) and the Prakas on Guidelines on Community Forestry of 2006 encourage women’s participation in Community Forest Management Committees, there is neither a quota nor quorum requirement for women’s participation. Cambodia’s Ministry of Agriculture, Forestry and Fisheries’ Gender Mainstreaming Plan (which is not legally binding) sets a target of 15–20 percent of women representatives in the Community Forest Management Committees. According to Donal Yeang, this percentage has been enforced by all stakeholders during the election process for the committees. See Cambodia’s Ministry of Agriculture, Forestry and Fisheries. 2022. Gender Mainstreaming Policy and Strategic Framework in Agriculture 2022–2026. Available at <https://faolex.fao.org/docs/pdf/cam217024.pdf>.

**IV COLOMBIA | Regarding the Leadership indicator for Tierras de las Comunidades Negras (Afro-Colombian Community Lands) in Colombia:** Art. 22 of Law 731 of 2002 on Rural Women states that participation of rural Afro-Colombian women in the Junta del Consejo Comunitario, as well as the Regional and High-Level Departmental Consultative Committees, should not be less than 30 percent. However, implementing legislation fails to follow up on these requirements. Decree No. 1640/2020 regulating the registration of these Consejos and other forms of internal organization of Black communities does not mention women directly and mandates only the respect and promotion of human rights, as well as “territorial, social, economic, cultural, environmental and/or political rights of the black, Afro-Colombian, Raizal or Palenquera communities.” This decree establishes that these representative organizations must have at least fifteen members but does not specify the inclusion of women. Nevertheless, since Law 731/2002 is hierarchically stronger, this indicator receives “full credit.”

**Regarding the Leadership indicator for Zonas de Reserva Campesinas (Peasant Reserve Zones):** The laws analyzed do not include provisions on the composition of executive bodies within the community. However, under Decree 1147 of 2024, the Ministry of Agriculture and Rural Development, in conjunction with ZRCs, must contribute to the incorporation of a gender focus and the elaboration of management plans that prioritize access to land for women, as well as inclusion and affirmative action for youth.

**V CONGO, REPUBLIC OF THE | Regarding Forêts Communautaires (Community Forest) in Republic of Congo:** This CBTR was referred to as “Des forêts des communes et autres collectivités locales” in Power and Potential. Community Forest is a new CBTR (Loi No. 33-2020, Art. 15-21), which replaces the previous CBTR “Des forêts des communes et autres collectivités locales” (Code Forestier, Loi 16-2000, Art. 11-12).

**VI GABON | Regarding Gabon’s Affirmation of Women’s Property Rights indicator:** Despite the lack of any explicit provision recognizing all women’s equal rights to property, provisions do provide for some recognition of the equal rights of married women. The Civil Code of 1972 presumes that marital property is common property (Art. 320), except for the property acquired before marriage, by donation, or by legal or testamentary succession. In these cases, property is considered to be “personal property” (Arts. 320 and 321). Furthermore, Art. 336 of the Civil Code, as amended in 2015, states that no spouse may dispose of common property without the other spouse’s consent.

**Regarding Gabon’s Overarching Inheritance indicator:** Analysis conducted in 2016 for Power and Potential overlooked the 2015 amendment of the Civil Code (brought by Law No. 002/2015, altering Arts. 691, 692 and 696) that eliminated the overtly discriminatory provision previously found in Art. 692 of the 1989 Civil Code, which deprived a widow of her right to usufruct when she remarried outside of the family, upon legal separation, or if spouses had not cohabited for more than six months. While this revision does not alter the “partial credit” assessment, the rationale for this indicator has been updated accordingly.

**VII GHANA | Regarding Ghana’s Affirmation of Women’s Property Rights indicator:** Ghana’s legislation does not explicitly affirm and/or protect all women’s land and property rights. However, some protections for women are embedded in provisions regarding protections for spousal rights (see Art. 22 of the Constitution of Ghana), joint ownership, and collective ownership under customary laws. For example, the 2020 Land Act legalizes the usufructuary interest in land, granting inherent rights to both male and female members of the land-owning groups in Ghana. However, the law does not go beyond that to explicitly protect against the limitations women may face within the customary land governance system before accessing and securing their rights under the usufructuary interest.

**Regarding the Voting and Leadership indicators for Allodial Interest in Ghana:** The members of the traditional leadership make decisions on behalf of all the communities, with processes defined by the different customs and traditions. The Traditional Council is not composed solely of male chiefs and elders; it is composed of the Chiefs, Queen Mothers, clan heads, youth leaders and traditional priests from particular traditional settings. Although women leaders may be involved in the decision-making processes at the traditional council level in practice, this analysis does not consider this to be sufficient for “full” or “partial” credit.

**VIII GUATEMALA | Regarding the Dispute Resolution indicator for Tierras Comunales (Communal Lands) in Guatemala:** Peer reviewer Silvel Elías (2023) notes that the dispute resolution mechanism established by the Specific Rules for the Recognition and Declaration of Communal Land of 2009 “is insufficient because after 15 years it has not resolved any case in favor of women.”

**IX GUYANA | Regarding Voting and Leadership indicators for Community Forest Management Agreement (CFMA) in Guyana:** While legal provisions do not address voting mechanisms or women’s role in these, the internal voting procedures of each CFMA provide for specific provisions.

**Regarding Leadership indicator for Titled Amerindian Village Land in Guyana:** While there are no quota or quorum requirements for women within the Village Council, women may enjoy some leadership rights at the national level through the Indigenous Peoples’ Commission. Of the 12-member Indigenous Peoples’ Commission, three are nominated by the National Toshias Council (one of whom must be a woman as per Art. 212 S (b)) and two are nominated by Amerindian organizations (one of whom must be a woman as per Art. 212 S (c)).

**X INDIA | Regarding India’s Constitutional Equal Protection Indicator:** India’s Constitution (2015) prohibits discrimination based on sex, guarantees all persons equal protection under the law, and requires customary law to conform to the Constitution (Arts. 13, 14 and 15). However, contradicting judicial decisions make the status of such protections ambiguous and puts women’s equality at risk in instances where customary laws apply. For example, the 1951 judgment in State of Bombay vs Narasu Appa Mali held that personal status law/family law is not “law” under Art. 13, and so it can contain provisions that violate fundamental rights (especially to equality and non-discrimination). In another judgement, the Himachal Pradesh High Court struck down tribal customary law that discriminates against women as unconstitutional and held that it also violated CEDAW provisions (Bahadur vs Bratiya & Others, 2016). Nevertheless, because the Supreme Court has not ruled that Arts. 14 and 15 are invalid as of 2024, India’s Constitutional Equal Protection Indicator receives a “full credit” assessment in this analysis.

**XI INDONESIA | Regarding Indonesia's Overarching Inheritance indicator:** Peer reviewer Avi Mahaningtyas (2023) notes that the implementation of legislative protections is problematic and that there is “unequal access to legal procedures and certainty to receive protection for inheritance rights, [which are] very dependent to the custom, tradition and religions.”

**Regarding the repeal of Hak Komunal (Communal Rights) in Indonesia, included in 2016 analysis:** Hak Komunal was originally established by Ministerial Decree 10/2016 (Permen 10 Tahun 2016). However, this was repealed by the Regulation of the Minister for Agrarian and Spatial Planning no. 18 of 2019. As such, RRI considers that the Hak Komunal CBTR has been repealed.

**XII KENYA | Regarding Kenya's Constitutional Equal Protection and Overarching Inheritance indicators:** Kenya's Constitutional Equal Protection indicator received a “full credit” assessment because the Kenyan Constitution of 2010 guarantees women and men equal protection (Art. 27(3)), affirmatively recognizes customary laws (Art. 2(4)) and requires customary laws to conform to the Constitution (Art. 2(4)). However, under the Constitution's Bill of Rights Art. 24(4): “The provisions of this Chapter on equality shall be qualified to the extent strictly necessary [emphasis added] for the application of Muslim law before the Kadhis' courts, to persons who profess the Muslim religion, in matters relating to personal status, marriage, divorce and inheritance.” Art. 24(4)'s restriction on constitutional equality does not alter the full credit assessment for Kenya's Constitutional Equal Protection indicator because it relates specifically to persons that voluntarily “profess” the Muslim religion and because under Art. 170(5) of the Constitution the jurisdiction of a Kadhis' court is limited to “proceedings in which all the parties profess the Muslim religion and submit to the jurisdiction of the Kadhi's courts.” Peer reviewers also indicated that women who profess the Islamic faith can opt to go through the normal courts in cases where they feel that the Kadhi's court will not give them justice. However, their ability to do so is often curtailed by cultural and social norms.

**Regarding Registered Community Lands:** The Wildlife Conservation and Management Act (WCMA) of 2014 allows communities to establish wildlife conservancies and sanctuaries on community lands, as established by the Community Land Act (CLA) of 2016 (see WCMA Arts. 11, 39, 40, 41 and 44). The establishment of a wildlife conservation area on community land does not alter the community's ownership of community lands, and the provisions of the CLA remain applicable.

**Regarding Voting and Leadership indicators for Registered Community Lands in Kenya:** With regard to the two-thirds gender rule, a Supreme Court decision interpreted the rule as being subject to progressive rather than immediate implementation. See Supreme Court Advisory Opinion No. 2 of 2012.

**Regarding the Dispute Resolution Indicator for Registered Community Lands in Kenya:** Section 39 of the Community Land Act (CLA) grants communities the right to use traditional dispute resolution mechanisms to resolve community land conflicts and prioritizes alternative methods of dispute resolution. Notably, CLA Section 39 does not consider women. However, the Dispute Resolution indicator has received “full credit” due to constitutional provisions that prohibit gender-based discrimination and regulate the actions of traditional dispute resolution forums. Art. 27(3) of Kenya's 2010 Constitution states that “women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres” and Art. 27(5) prohibits persons from discriminating against women. Under Art. 159(3) of the Constitution, traditional dispute resolution mechanisms are prohibited from being used in a way that “(a) contravenes the Bill of Rights; (b) is repugnant to justice and morality or results in outcomes that are repugnant to justice or morality; or (c) is inconsistent with this Constitution or any written law.” Thus, Kenya's Constitution prohibits traditional adjudicatory bodies from discriminating against women or taking any action that results in a discriminatory outcome for women. The “full credit” assessment accorded to the Dispute Resolution indicator also reflects the fact that under Section 30(4) of the CLA: “A registered community shall not directly or indirectly discriminate against any member of the community on any ground including ... gender [or] marital status. ...”

**Regarding the Dispute Resolution indicator for Community Forest Association Participation in the Conservation and Management of Public Forests under Approved Forest Management Plans in Kenya:** No dispute resolution mechanism is addressed within the laws comprising this CBTR. However, under Section 45 of the Forest Conservation and Management Act, forest management agreements between the Kenya Forest Service and any person, institution or organization must specify the “mechanism for settlement of disputes arising in respect of the agreement.” Where a traditional dispute resolution mechanism is invoked in the agreement, women's rights would be protected as under Art. 159(3) of the Constitution: “Traditional dispute resolution mechanisms shall not be used in a way that: (a) contravenes the Bill of Rights; (b) is repugnant to justice and morality or results in outcomes that are repugnant to justice or morality; or (c) is inconsistent with this Constitution or any written law.” Kenya's Constitution prohibits gender-based discrimination and guarantees women equal protection under the law.

**XIII LAO PDR | Regarding Lao PDR's Affirmation of Women's Property Rights indicator:** While Lao PDR's laws affirm women's equal rights to property and there has been progress through the adoption of the 2019 Land Law, certain previously gender-sensitive provisions of the 2003 Land Law have been removed and replaced by gender-neutral language. The Land Law of 2019 no longer includes the protection clause for married women, and the reference to “joint ownership” of husband and wife in case of matrimonial property is omitted.

**XIV LIBERIA | Regarding Community Forests:** This tenure regime includes Aboriginal Land Grant Deeds and Public Land Sale Deeds. These fee simple deeds, like others issued under laws passed prior to 1956, were issued to chiefs in the name of a particular community or people (personal correspondence with Caleb Stevens, September 27, 2016.) See also De Wit and Stevens 2014; Alden Wily 2007; and Namati 2012. Pursuant to Chapter 1, Section 2.3 of the Community Rights Law of 2009 with Respect to Forest Lands, forested land subject to Aboriginal Land Grant Deeds and Public Land Sale Deeds are classified as Community Forests. Consequently, this study considers both deeds to fall within the larger purview of Community Forests.

**Regarding Liberia's Overarching Inheritance indicator:** Section 25.3 of the Civil Procedure Law establishes that “persons who live together as husband and wife and hold themselves out as such are presumed to be married” under the law. However, no



laws address the inheritance rights of these parties, and the Supreme Court has reportedly been hesitant to apply the marriage presumption. See Dolo-Barbu 2015; and Scalise and Hannay 2013. As a result, RRI has not interpreted partners in consensual unions as having recognized intestate inheritance rights in Liberia, and this indicator has received “partial credit” (due to the existing rights of spouses and daughters).

**Regarding Voting and Leadership indicators for all CBTRs in Liberia:** Although not directly related to the assessment of Voting and Leadership, Section 15 of the Land Rights Act Regulations (2022) notably includes several gender-sensitive requirements in the process of advertising for a Community By-Laws meeting.

**Regarding the repeal of Communal Forests in Liberia, included in 2016 analysis:** Communal Forests, originally established by the National Forestry Reform Law of 2006, are considered to have been subsumed by Customary Lands as recognized by the 2018 Land Rights Act.

**XV MADAGASCAR | Regarding the Voting and Leadership indicators for Communautés de base agréées avec contrats de gestion (Agricultural Communities with Management Contracts) in Madagascar:** While this study finds that national laws applicable to the CBTR do not protect women’s governance rights, each community’s convention may still do so. The basic community is regulated by the *Dina*, a community convention that has the force of law among the community. The *Dina* is a written agreement that is legally enshrined in Law 2001-004 on the *Dina* (Art. 1). The regulation of women’s governance rights would, therefore, be determined by the *Dina*.

**XVI MALI | Regarding Mali’s Affirmation of Women’s Property Rights indicator:** Despite Art. 396 of Law No. 2011-087 (The Family Code) guaranteeing men and women equal ownership rights to immovable property, several discriminatory provisions remain, including that women shall obey their husbands, under the limit of the rights and duties of the Code (Art. 316); the husband is the head of the family (chef de famille), relinquishing this to the wife only in cases of abandonment, interdiction, or incapacity (Art. 319).

**Regarding Forêts gérées par les communautés dans le domaine forestier des collectivités territoriales décentralisées (Community-Managed Forests within the Forest Domain of Decentralized Territorial Collectives) in Mali:** This CBTR was referred to as “the Forest Domain of Decentralized Territorial Collectives” in Power and Potential. This CBTR’s name has been updated to properly reflect the nature of the CBTR (a delegation of power by Decentralized Territorial Collectives to communities) and in order to more clearly differentiate the scope of this CBTR from that of the CBTR regarding use rights in State Forests and Forest Domain of Decentralized Territorial Collectives.

**Regarding 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) in Mali:** This CBTR was referred to as “Le domaine forestier de l'état (State Forests)” in Power and Potential. This CBTR’s name has been updated to properly reflect the nature of the CBTR, which grants communities use rights within State Forests and Forest Domain of Decentralized Territorial Collectives.

**Regarding the Leadership indicator for Forêts gérées par les communautés dans le domaine forestier des collectivités territoriales décentralisées (Community-Managed Forests within the Forest Domain of Decentralized Territorial Collectives) in Mali:** Changes to Law No. 06-023 may result in overt discrimination against women at the General Assembly of the village. Previously, Art. 29 of Law No. 06-023 stated: “In each village, hamlet, or district, a council is established, composed of members appointed at the General Assembly of heads of families or their delegates in the presence of the State representative at the communal level and the mayor.” The amended Art. 29 removes the General Assembly and stipulates that members are “appointed and replaced according to the customs and traditions recognized in each locality.” The Village Chief is the executive representant of the village. The Village Council recommends a name to the state, and the state proceeds with the designation of the Village Chief (Art. 8, Law No. 06-023, 2006). The Village Council is the decision-making body at the village level. Their members are “appointed and replaced according to the customs and traditions recognized in each locality” (Art. 29, Law No. 06-023, 2006, as amended by Ordinance No. 2024-019/PT-RM). The analysis of this indicator revealed that, in practice, heads of families held voting power at the General Assembly. Since “the Family Code of 2011 defines that only husbands are the heads of the family (chefs de famille), and they can be replaced by their wives only in cases of abandonment, interdiction, or incapacity (Art. 319, Law No. 2011-087),” heads of families are predominantly men. Consequently, voting members are mostly men, resulting in very low female representation on the Village Council.

**Regarding the repeal of Droits fonciers coutumiers sur les terres non-immatriculées (Customary Rights on Non-classified Land) in Mali, included in the 2016 analysis:** This CBTR was effectively discontinued by the 2017 Agriculture Law, and is therefore not included in the 2024 analysis.

**XVII MEXICO | Regarding the Leadership indicator for Ejidos Localizados en Tierras Forestales (Ejidos Located on Forestlands) and Comunidades (Communities) in Mexico:** A November 2016 amendment of Article 37 of the Agrarian Law, 1992 (after the October 2016 cutoff for Power and Potential), established a special quota to form the “consejo de vigilancia” and the “comisario ejidal,” which are the two executive bodies for Ejidos and Comunidades. Candidates to both of these bodies cannot exceed 60 percent for a same gender; therefore, a minimum of 40 percent must be women. In April 2023, the Agrarian law was reformed again and changed to require that the composition of these bodies be consistent with the constitutional principle of gender parity recognized in 2019. “Parity” refers to actual equal representation (at a minimum, a 50/50 principle) and it has been interpreted as such in domestic law. Art. 26 of the General Law on Electoral Procedures and Institutions establishes that Indigenous Peoples and Communities shall elect their authorities and representatives under their own political and governance systems guaranteeing both equality and parity between man and woman in accordance with the rules established in the Constitution, local constitutions and applicable laws (which would include electoral laws). See also Art. 234. The electoral laws of different states (which include the

obligation of Indigenous elections respecting parity): For example, the electoral codes of the State of Mexico (one of the states with the highest concentration of Ejidos and Comunidades along with Oaxaca, Chiapas and Guerrero), the State of Jalisco, and the State of Michoacan define parity as guaranteed by the division of seats and candidatures on a 50/50 basis for women and men. The Code of the State of Oaxaca defines parity as the principle that guarantees equal participation of women and men, in which candidacies for access to public office and popular representation are distributed equally between genders or at least with minimal percentage differences. Moreover, the movement from quotas to parity had strong advocacy backing from women's rights organizations and civil society and was considered a significant win by those movements as it moved from the formulas of 60/40 to context-specific regulations of equal distribution. Thus, as of the 2023 reform, this indicator receives "partial credit."

**XVIII MOZAMBIQUE | Regarding Mozambique's Overarching Inheritance indicator:** De facto unions are recognized in Art. 203 of the Family Law of 2004, and surviving partners in such unions lasting more than five years are entitled to the limited inheritance rights of 1/8 of the deceased's assets, to be used for subsistence purposes (Art. 424). However, this indicator receives a "partial credit" assessment because the inheritance rights of partners in consensual unions are neither equivalent nor comparable to those of surviving spouses. Under this analysis, where only one or two classes of women (widows, daughters and women in consensual unions) possess equal rights to inherit with respect to their male counterparts, the Inheritance in Overarching Laws indicator receives a "partial credit" assessment.

**Regarding the Voting and Leadership indicators for DUATs Comunitários Certificados e Não-Certificados (Uncertified and Certified Community DUATs) in Mozambique:** Art. 30 of the Land Law 1997 states that, "the mechanisms for representation of, and action by local communities, with regard to the rights of land use and benefit, shall be established by law." Despite the reference to "action by local communities," these indicators continue to be assessed as "not addressed" because implementing legislation has yet to be established by law. In 2023, peer reviewer André Calengo noted that "Ministerial Diploma 158/2011, of June 15, sought to regulate the process of community consultations in the context of the titling of the right to use and enjoy the land. However, it does not respond to the void brought about by Article 30 of the Law, nor does it expressly impose the presence of women in the consultation, much less any quota for such presence."

**Regarding the CBTR-specific Inheritance indicator for DUATs Comunitários Certificados e Não-Certificados (Uncertified and Certified Community DUATs) in Mozambique:** Although inheritance in CBTRs receives "full credit" on the basis of Art. 16 of the Land Law of 1997, a study by Save the Children Mozambique reportedly found that more than half of 384 people (children, women, justice officials, etc.) from four different districts believe that existing customary social norms allow land and money to be equally inherited by men and women. In practice, however, the study recorded that in both patrilineal and matrilineal communities, men are more likely to inherit the more valuable items, such as the house and commercial assets, while women and children inherit crockery, clothing, some furniture, and some money." See Cooper, Elizabeth. 2011. Challenges and Opportunities in Inheritance Rights in Mozambique. Policy Notes: February 2011. Chronic Poverty Research Centre. Available at: <https://assets.publishing.service.gov.uk/media/57a08adde5274a27b20007ef/PN-Inheritance-Mozambique.pdf>.

**XIX MYANMAR | Regarding Myanmar's Constitutional Equal Protection indicator:** Since the military coup that took place on February 1, 2021, and the subsequent declaration of a state of emergency, both Arts. 354 and 365, which protect the ability to enact customary laws, have been used by the State Administrative Council (SAC) to revoke the rights of communities, particularly as it relates to the exercise of cultural practices. In light of this, we interpret that, as of 2021, the Constitution is not currently being interpreted by the SAC as recognizing customary rights insofar as they conform with the Constitution.

**Regarding the Dispute Resolution indicator for Community Forestry Concessions in Myanmar:** This analysis assessed CBPA Law 2018, which includes dispute resolution provisions outlined in Section 9(e), Chapter IV. While this is sufficient for the assessment of "partial credit," implementation gaps remain. As pointed out by an anonymous peer reviewer, the dispute mechanisms for the CBPA Law 2018 have yet to be implemented and the associated Rules have not been passed by parliament.

**Regarding Forest Lands Managed by Organizations in Myanmar:** While Forest Lands Managed by Organizations was analyzed as a CBTR in 2016 as part of Power and Potential, this has been removed from the 2024 analysis based on feedback that this CBTR is not used as a pathway for community-based tenure rights as of 2018 and identification of the Forest Rules as of 2019 which both establish that the objective of this regime is to promote private sector investment in the forestry sector (Art. 53).

**XX NEPAL | Regarding the Membership indicator for Community Forests in Nepal:** The 2014 Community Forest Development Program Guidelines define membership at a household level but also require that a woman member of each household participate in the Community Forest User Group (CFUG) management committee. While the provisions do not permit every adult to participate in the CFUG management committee, the provisions requiring both sexes to do so imply that membership—a prerequisite of CFUG management committee participation—is afforded to all/any adults within the community. As a result, the Membership indicator has received a "partial credit" assessment.

**Regarding the Voting indicator for Community Forests in Nepal:** One man and one woman from each household are required to participate in the General Assembly. Women have a right to vote in the CFUG General Assembly and Executive Committee (Rule 42 and Schedule 19, Forest Regulation 2022; Community Forest Development Program Guidelines 2014). However, forest-dependent rural women are struggling to operationalize these legal rights, resulting in direct criticism and opposition from rightsholder organizations to Nepal's updated 2022 Forest Regulation. See Federation of Community Forestry Users Nepal (FECOFUN). 2024. "Repeal the forest regulation 2022 which is against the constitution, federalism, human rights, women's rights and community forest." FECOFUN, Bhaktapur. Accessed March 5, 2025. Available at: <https://fecofun.org.np/2020/07/08/4507/>.

**XXI NICARAGUA | Regarding Dispute Resolution indicator for Propiedad Comunal de los Pueblos Indígenas y Comunidades Étnicas (Communal Property of Indigenous Peoples and Ethnic Communities) in Nicaragua:** Peer reviewers note that,

although CONADETI is meant to resolve conflicts over land incursions and land use changes, it has not tended to intervene in conflicts over community property.

**XXII PANAMA | Regarding Territorios de los Pueblos Indígenas (Indigenous Peoples' Territories): Prior to 2008, federal laws recognized five Indigenous districts of Panama:** Gunayala, Emberá and Wuonaa, Kuna de Madungandí, Kuna de Wargandí, and Ngäbe-Buglé (known as "Comarcas"). Ley 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 establishes a special, unified procedure for the free adjudication of properties collectively inhabited by Indigenous Peoples and communities, which had not previously been incorporated by any of the five Comarcas mentioned above. The intent of the law was to clarify and unify the specific procedures for the recognition of new collective land rights in contrast to the ad hoc legislation enacted to that point. In light of this unifying legislation, Indigenous Peoples' Territories have been considered to be inclusive of Comarcas (including those established since 2008) for the purposes of this analysis.

**Regarding the Tenure Categorization of Territorios de los Pueblos Indígenas (Indigenous Peoples' Territories):** Although the right to exclude, particularly in the context of natural resource exploration and exploitation concessions, may vary across the Comarcas, we have determined that the consultation procedures outlined in Art. 12 of Ley 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, Arts. 96–105 of Ley No. 41 de 1 de julio de 1998, and Art. 44 of the Ley No. 1 de 3 de febrero de 1994 (Legislación Forestal de la República de Panamá) are sufficient to consider Indigenous People's Territories as "owned by" Indigenous Peoples under RRI's Statutory Tenure Typology.

**XXIII PAPUA NEW GUINEA | Regarding the Voting indicator for Common Customary Land in Papua New Guinea:** Notably, voting procedures are addressed in Section 14D of the Land Groups Incorporation (Amendment) Act 2009, which states that "all members of an incorporated land group shall be entitled to attend the meeting of the group and vote" and that "no business shall be transacted at a meeting of the members unless at least sixty percent of the members of the group are present at the meeting, out of which, at least 10% are of the other gender." However, as customary communities are not required to incorporate their lands and customary governance procedures are not defined in the legislation regulating Common Customary Land, the Voting indicator is assessed as "not addressed."

**Regarding the Leadership indicator for Common Customary Land in Papua New Guinea:** Notably, the Land Groups Incorporation (Amendment) Act 2009, Schedule 5(16) states that "the management committee of the group shall consist of a chairman, vice-chairman, secretary, treasurer, and three other members, of whom not less than two shall be elected from amongst the group members of the other gender," although no quorum of women is required in order for actions taken by the management committee to be valid. However, as customary communities are not required to incorporate their lands and customary governance procedures are not defined in the legislation regulating Common Customary Land, the Leadership indicator is assessed as "not addressed."

**Regarding the Dispute Resolution indicator for Common Customary Land in Papua New Guinea:** Notably, the Land Groups Incorporation (Amendment) Act 2009 contains provisions regarding dispute resolution (see Arts. 7, 20–25). However, as customary communities are not required to incorporate their lands, these provisions have not factored into the assessment of the Dispute Resolution indicator.

**XXIV PHILIPPINES | Regarding the Philippines' Overarching Inheritance indicator:** As per rule IV, Section 15 of the Implementing Rules and Regulations of Republic Act No. 9710, "the executive–legislative body shall prioritize bills that will amend or repeal discriminatory provisions of existing laws, inter alia [within 3 years of this Act]: ... [including the] Code of Muslim Personal Laws." However, as of 2024, widows and widowers continue to hold unequal legal succession rights under Muslim Personal Laws in contradiction of these Rules and Regulations.

**Regarding the Voting and Leadership indicators for Protected Area Community-Based Resource Management Agreement (PACBRMA) in the Philippines:** While voting and decision-making provisions are not recognized by the laws comprising the CBTR itself, Section 11 of DENR Administrative Order No. 2019-05 provides that at least 40 percent of the Protected Area Management Board members shall be women, pursuant to Republic Act No. 9710 (The Magna Carta of Women).

**XXV SENEGAL | Regarding the Voting and Leadership indicators for 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) in Senegal:** While national laws do not address community-level voting and leadership mechanisms, customary provisions may provide protections for women. According to peer reviewer Kader Fanta Ngom (2023), "local provisions and mechanisms are put in place by local authorities. These instruments include specific provisions for women. Examples include land governance charters and land use plans. Women are members of zonal commissions (set up by communes as part of the implementation of their land-use plans) responsible for adjudicating rural conflicts."

**Regarding the Leadership indicator for Les forêts gérées par les collectivités locales (Forests Managed by Local Collectives) in Senegal:** The Law on parity does not apply to village committees as they are not part of the scope of the law (Marie Gagne, 2023).

**XXVI TANZANIA | Regarding Tanzania's Overarching Inheritance indicator:** Tanzania's overarching laws on inheritance defer the matter of inheritance to customary and religious legal regimes and, as such, this indicator receives a "case-by-case" assessment. RRI has identified overtly discriminatory provisions in Tanzania. Local Customary Law (Declaration) Order Government Notice No. 279 of 1963 and Local Customary Law (Declaration) (No. 4) Order Government Notice No. 436 of 1963 both contain overtly discriminatory inheritance provisions. Declaration No. 4 states that women and girls are prohibited from inheriting clan land under Islamic

customary law (see the Second Schedule of Declaration No. 4). While Government Notice No. 279 does acknowledge women's non-marital relationships, it does not protect their inheritance rights; it also states that the father of the bride has the right to receive bride wealth but forbids the mother of the bride from receiving this bride wealth if the father of the bride is deceased.

**Regarding the Membership indicator for Community Forest Reserves in Tanzania:** Notably, "where a [community forest management] Group is to be formed for purposes of managing a community forest reserve, that Group shall be guided by the following principles: (a) all persons within the neighbourhood or living in close proximity to or deriving their livelihood from or otherwise having strong traditional ties to the forest in respect of which it is proposed to apply to manage as a community forest reserve shall be given an opportunity to join the Group (Art. 42(2)(a) Forest Act 2002)." However, because this is only a guiding principle rather than a necessary process, this analysis has determined that Community Forest Reserves do not meet the criteria for "partial credit."

**Regarding the Voting and Leadership indicators for Joint Forest Management in Tanzania:** This assessment is applicable where at least one party to the Joint Forest Management Agreement is a Village Council. It is unclear whether Joint Forest Management Agreements are formed in circumstances where neither party to the agreement is a Village Council.

**Regarding Dispute Resolution indicator for Joint Forest Management in Tanzania:** No dispute resolution bodies were identified specifically regarding community-level disputes within communities that are part of Joint Forest Management Agreements. However, this analysis infers that the Village Adjudication Committee (as applicable to Village Land Forest Reserves, above) would likely have the authority to oversee disputes where a Village Council is a party to a Joint Forest Management Agreement. Because this is not necessarily the case, this indicator has received "no credit."

**XXVII VENEZUELA | Regarding the Membership indicator for Hábitat y tierras de los pueblos y comunidades indígenas (Habitat and Land of Indigenous Peoples and Communities within Forest Lands) in Venezuela:** Art. 109 of the Organic Law of the Indigenous People and Communities of 2005 promotes women's participation in the communities by stating that: "Indigenous women carry the essential values of the culture of indigenous peoples and communities. The State, through its constituted bodies, together with indigenous peoples and communities, guarantee the conditions required for their integral development, promoting the full participation of indigenous women in the political, economic, social and cultural life of the Nation." However, because this is only a guiding principle and legal provisions do not address women's membership or describe the composition of Indigenous communities, this analysis has assessed Membership as "not addressed."

**XXVIII VIET NAM | Regarding the Dispute Resolution indicator for Forestland Allocated to Communities in Viet Nam:** While women's ability to participate in community-level dispute resolution is not addressed by the law, women may be able to access these mechanisms on a case-by-case basis. Representatives of the Women's Union may be invited to the dispute resolution body (Decree No. 43/2014/ND-CP of 2014, Art. 88.1.b).

**XXIX ZAMBIA | Regarding Zambia's Affirmation of Women's Property Rights indicator:** Analysis conducted in 2016 for Power and Potential overlooked the Gender Equity and Equality Act of 2015. As a result of the identification of this Act, the assessment of the Affirmation of Women's Property Rights indicator has been revised from "no credit" to "full credit" for both 2016 and 2024.



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