Land Area Methodology

The Land Area methodology underpinning "Who Owns the World's Land? The Second Edition" and associated data presented on the RRI Tenure Tool compares and tracks the national-level legal recognition of community-based tenure rights. The methodology adapts and builds on existing RRI methodologies for conceptualizing and tracking community forest tenure rights.

Scope of Analysis

This Land Area dataset provides a critical view of the land areas legally held by Indigenous Peoples, Afro-descendant Peoples, and local communities under the national laws of 73 countries covering 85% of the world's land. It goes beyond RRI's Forest Tenure analyses to capture the extent of communities' statutory rights across all terrestrial ecosystems, including forests, grasslands, drylands, and more domesticated landscapes such as agricultural lands. Among the 73 countries analyzed, 64 countries are classified as low and middle income as of 2020.
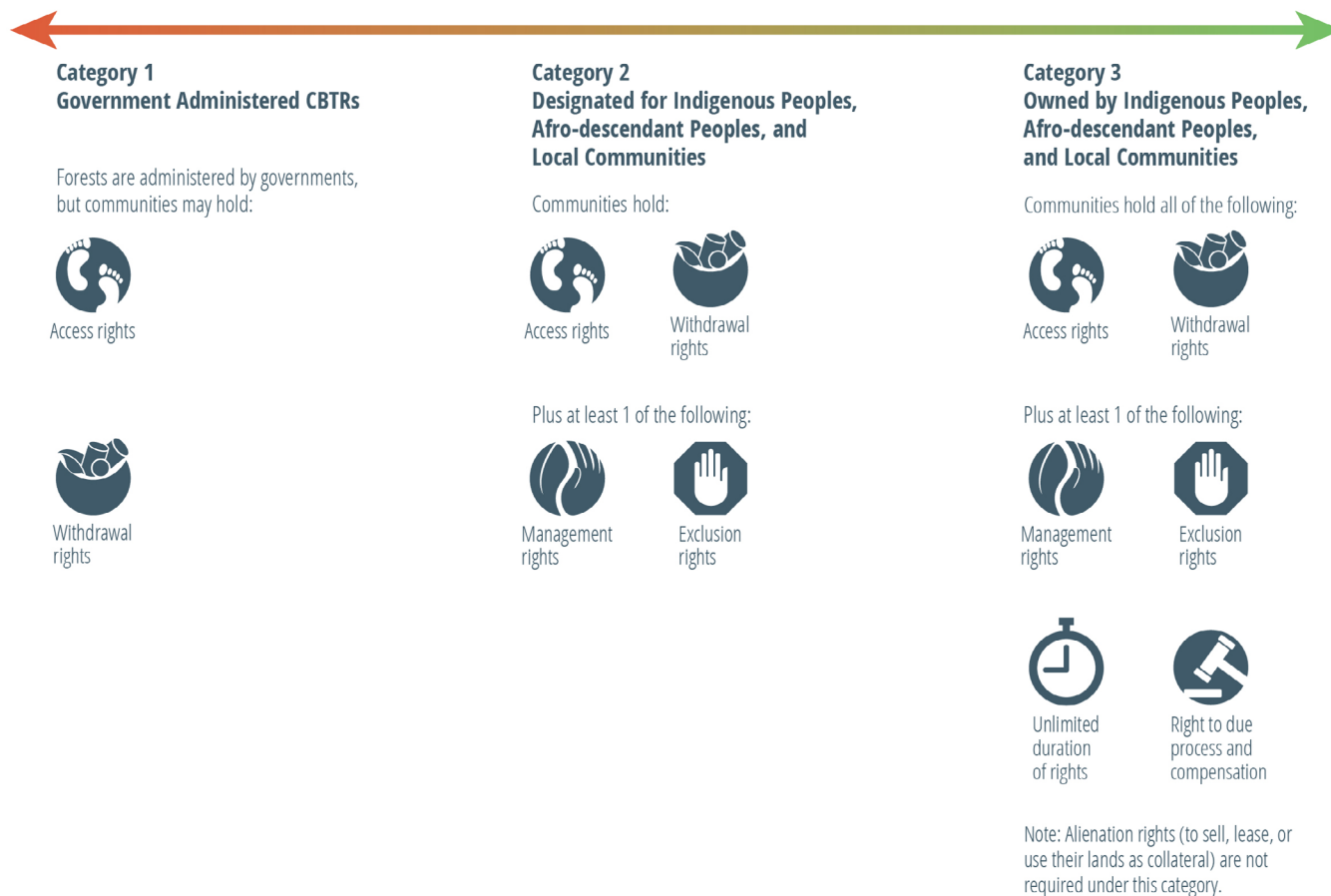
Methodology

RRI advocates for and collects data on the community-based land and natural resource tenure rights of Indigenous Peoples, Afro-descendant Peoples, and local communities.

The unit of analysis underpinning all of RRI's Tenure Tracking methodologies and associated databases is the **community-based tenure regime (CBTR)**, defined as *a distinguishable set of national laws, regulations, and case law governing all situations under which the right to own or manage terrestrial natural resources is held at the community level*.

The national laws and regulations of a country may establish any number of distinct CBTRs, or none. Although data is collected and peer reviewed at the CBTR level, results are aggregated and presented at the national level in the Tenure Tool according to their tenure classification under RRI's Depth of Rights methodology.

RRI's Depth of Rights methodology allows for the classification of CBTRs according to the strength of the rights afforded to Indigenous Peoples, Afro-descendant Peoples, and local communities. CBTRs may be classified as "government administered;" "designated for Indigenous Peoples, Afro-descendant Peoples, and local communities;" or "owned by Indigenous Peoples, Afro-descendant Peoples, and local communities" based on the combination of rights recognized under a country's national laws, regulations, or Supreme or Constitutional Court decisions. The minimum bundle of rights constituting each classification is shown in the following figure.

The Bundle of Rights by Tenure Category under RRI's Statutory Typology

Category 1
Government Administered CBTRs

Forests are administered by governments, but communities may hold:

Access rights

Withdrawal rights

Category 2
Designated for Indigenous Peoples, Afro-descendant Peoples, and Local Communities

Communities hold:

Access rights

Withdrawal rights

Plus at least 1 of the following:

Management rights

Exclusion rights

Category 3
Owned by Indigenous Peoples, Afro-descendant Peoples, and Local Communities

Communities hold all of the following:

Access rights

Withdrawal rights

Plus at least 1 of the following:

Management rights

Exclusion rights

Unlimited duration of rights

Right to due process and compensation

Note: Alienation rights (to sell, lease, or use their lands as collateral) are not required under this category.

The Land Area dataset focuses its attention on CBTRs that are designated for and owned by Indigenous Peoples, Afro-descendant Peoples, and local communities, rather than on CBTRs that are classified as "government administered." While community-based rights within government-administered CBTRs may extend over entire classes of land, they are often limited in nature, insufficiently outlined under the law, and inadequate in terms of withdrawal, management, and exclusion rights. In the absence of these rights, communities generally lack the authority to participate in making, implementing, or enforcing decisions concerning the governance of these lands. By contrast, communities within CBTRs classified as "designated for" or "owned by" Indigenous, Afro-descendant, and local communities have minimum rights of access, withdrawal, and at least exclusion or management that allow a higher degree of control over their lands and resources. RRI advocates for a doubling of community-owned land, as established in the Land Rights Now target set in 2015.

Unrecognized Data

In addition to collecting data on the extent of communities' legally recognized tenure rights, RRI also sought out expert estimates of the areas where Indigenous Peoples, Afro-descendant Peoples, and local communities have customary or historic claims, but where their rights are not yet recognized. Due to data limitations, it was possible to determine estimates for 49 of the countries in this study, which account for 56.6% of the world's land area.

Broadly speaking, these estimates rely on a combination of official or civil society organizations' data concerning formal land claims, government targets on the recognition of community-based tenure, and expert estimates on the likely extent of Indigenous, Afro-descendant, and local communities' unrecognized lands. Many estimates included here are conservative, and overall the area that has historically constituted these communities' territories is likely to be underestimated. More information on the data sources and methodology employed can be found in the technical notes annex of "Who Owns the World's Land? The Second Edition."

Rights and Resources Initiative. 2023. Who Owns the World's Land? Global State of Indigenous, Afro-descendant, and Local Community Land Rights Recognition from 2015–2020. Rights and Resources Initiative, Washington, DC. doi: 10.53892/MHZN6595