

The Land Rights Standard¹

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

BACKGROUND AND PURPOSE

There is now growing recognition that to sustainably manage, use and conserve the world's forests, landscapes and natural resources, actions, decisions and investments must be pursued in a manner that recognizes and respects the land, territorial and resource rights of Indigenous Peoples, local communities,² and Afro-descendant Peoples.³ While a wide range of social and environmental frameworks, standards and certification systems have been developed to support such ends, efforts to date have largely been uncoordinated, and absent from these is a common set of globally recognized principles grounded in international human rights law and the aspirations of Indigenous Peoples, local communities, Afro-descendant Peoples, and the women within these groups.

To address this shortcoming and trigger a race to the top, the Indigenous Peoples Major Group (IPMG) for Sustainable Development and the Rights and Resources Initiative (RRI) instigated a process to develop a comprehensive set of principles in consultation with Indigenous, local community, and Afro-descendant organizations from across the world with the dedicated support of the Forest Peoples Programme (FPP) and the Global Landscapes Forum (GLF). These principles are aimed at guiding non-state actors in all current and future landscape-level interventions.

Goals of the Standard

- Establish a rightsholder driven and determined framework for guiding rights-based climate, biodiversity and sustainable development actions and investments in the world's lands, forests and other natural ecosystems;
- Strengthen respect, recognition and protection of:
 - The distinct and differentiated rights of Indigenous Peoples, as affirmed by [the UN Declaration on the Rights of Indigenous Peoples and ILO Indigenous and Tribal Peoples Convention, 1989](#) (No. 169);⁴
 - The rights of local communities, Afro-descendant Peoples, and other marginalized ethnic groups, as affirmed by multiple instruments including

ILO Convention No. 169 (applicable to “tribal peoples”) and the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas;

- The equal roles and rights of women within these peoples and communities, as affirmed by the aforementioned legal instruments and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and
- The rights of youth within these peoples and communities.
- Encourage all entities to continuously improve their own standards, human rights and environmental due diligence systems, certification systems, commitments, and implemented actions for rights-based approaches to sustainable landscapes.
- Help deliver on global goals and commitments, including the Paris Climate Agreement, the Sustainable Development Goals and the post-2020 Global Biodiversity Framework.
- Pave the way for a more sustainable, equitable and just future for all by strengthening partnerships with Indigenous Peoples, local communities, and Afro-descendant Peoples via the adoption of rights-based approaches to landscape restoration, conservation, and sustainable land and resource use.

THE LAND RIGHTS STANDARD PRINCIPLES

Preamble

Respect for human rights, including the right to a safe, clean, healthy and sustainable environment, is key to the realization of sustainable and productive landscapes for all. The corresponding rights and obligations must be given effect without discrimination, and with prompt, fair and effective remedies provided, recognizing that due to specific conditions, characteristics and needs, certain persons or groups have distinct and specific sets of rights. Building on the rights affirmed in international human rights instruments and the aspirations of Indigenous Peoples, local communities, Afro-descendant Peoples, and those of women and youth within these groups, the following Standard was developed to ensure that all programs, projects and initiatives in landscapes are undertaken in partnership and solidarity with the aforementioned rightsholders, taking into account and respecting their distinct and differentiated rights, including their autonomy, priorities and cosmovision.

Advancing this Standard will enable and encourage the development of innovative collective responses and solutions to climate change, biodiversity loss, other forms of environmental harm

and sustainable development. To ensure consistency with developments in international human rights law, emerging best practice and the very aspirations of the undersigned Indigenous, local community, and Afro-descendant constituencies, the Principles outlined herein will be periodically reviewed and updated, as appropriate and applicable.

The Standard

All entities engaged in promoting climate, conservation or development actions commit to respect and uphold human rights, both individual and collective, and therefore undertake the following:

1. To **acknowledge, respect and protect all land, territorial and resource rights**⁵ of: Indigenous Peoples, as affirmed by the UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169; local communities and Afro-descendant Peoples, as affirmed by ILO 169 and the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, and particularly of the women within these groups.⁶ These rights include the aforementioned groups' community-based rights to the lands, territories and resources they customarily own or use, regardless of whether such rights are legally recognized by a state.⁷
2. To **promote effective legal recognition** of these community-based rights to lands, territories and resources, and the associated customary tenure systems, governance structures and customary laws of Indigenous Peoples, local communities, and Afro-descendant Peoples.⁸
3. To **plan, implement, and monitor all landscape-level projects, programs and initiatives**⁹ **in full collaboration** with Indigenous Peoples, local communities, and Afro-descendant Peoples—inclusive of women and youth within these groups—taking into account their self-determined priorities and locally defined approaches, and mitigating any obstacles to women's and other community members' active, free, effective, meaningful and informed participation in collaborative processes through capacity building and other measures designed to promote access to information and to surmount obstacles related to linguistic differences, literacy, mobility, transportation, technology, gender and other potential barriers.
4. To **respect rights to cultural heritage and traditional knowledge**, recognizing that cultural heritage is perceived and defined by the owners of that heritage, with Indigenous Peoples, local communities, Afro-descendant Peoples, and particularly women and youth within these groups, as having the right to maintain, control, protect and develop their cultures and to control the manifestation of their cultural knowledge and heritage, including their ecological knowledge and locally-adapted governance institutions.
5. To respect the **free, prior and informed consent of Indigenous Peoples**, particularly the women and youth within them, and their right to self-determination, including to fully respect and prohibit any contact with Indigenous Peoples in voluntary isolation. Likewise, the following **rights of local communities and Afro-descendant Peoples, and particularly women and youth within these populations, should be fully respected and**

upheld: rights to free, prior, informed and substantive participation in consultative processes and decisions that may impact their lands, resources or livelihoods; or, where applicable, rights to self-determination and/or free, prior and informed consent. In furtherance of these rights, entities should provide relevant information about interventions to the aforementioned rightsholders in a systematic, proactive, timely, regular, accessible and comprehensive manner, and should mitigate any obstacles to women's and other community members' active, free, effective, meaningful and informed participation in consultative and decision-making processes, as defined in Principle 3.

6. To ensure that the terms of partnerships and agreements with Indigenous Peoples, local communities, Afro-descendant Peoples, and the women within these groups, concerning activities impacting their lands, resources, and territories are developed and fully implemented in good faith without coercion, and that these terms provide for: (i) **mutually agreed and equitable sharing of benefits**; (ii) **respect for traditional knowledge**; (iii) **fair compensation for any current and future impacts** on their lands, territories and resources; and (iv) **the preservation of locally-defined livelihoods and priorities**. All negotiations of such partnerships and agreements should include the substantive, meaningful and effective engagement of Indigenous, local community, and Afro-descendant representatives, including the women within these groups.
7. To provide—and to establish written agreements prior to parties' participation in any interventions that ensure—**effective grievance and redress mechanisms** that are independent, accessible, equitable, predictable, transparent, human rights-compatible, designed and implemented based on engagement and dialogue with Indigenous Peoples, Afro-descendant Peoples, and local communities, and deemed to be legitimate by these rightsholders; **as well as effective remedies** for actual and potential harms that an intervention causes or contributes to, including historic harms and legacy issues.¹⁰
8. To advance and facilitate, regardless of the status of their tenure rights under formal law, the realization of **Indigenous, Afro-descendant, and local community women's equal rights** to collective lands, territories and resources, including women's equal participation and inclusion in the governance of such areas and their receipt of equal benefits from engagements involving collective lands and resources, and to ensure zero tolerance for violence, harassment or intimidation against women in all project operations.
9. To respect, promote and protect the **fundamental rights and freedoms of Indigenous Peoples, Afro-descendant Peoples, and local communities and particularly environment defenders**; provide support for access to justice and effective remedy to victims, defenders and their families; and actively support initiatives and establish internal policies and procedures to prevent criminalization, threats, reprisals and violence against them.
10. To **promote the adoption of these Land Rights Standard principles** by private sector actors, investors, financial institutions, civil society organizations, multilateral agencies and donors, and to encourage these actors to commit to transparency in these principles' implementation, the adoption of participatory assessments, full and effective

cooperation with independent monitoring mechanisms involving Indigenous Peoples', local communities', and Afro-descendant Peoples' representatives, and reporting on the effectiveness of implementing measures.

List of Endorsing Organizations (As of September 21, 2021):

In Alphabetical Order

See original list here for live updates:

<https://docs.google.com/spreadsheets/d/1L1m3sPTWk0K67cnsx59sNwZEmCtZacvzgAdtUrqCLDg/edit?usp=sharing>

1	Adibasi Janajati y Dalit Study Center, Nepal
2	African Women's Network for Community Management of Forests (REFACOF)
3	AIDA, Colombia
4	AKAR Foundation, Indonesia
5	Alianza Mesoamericana de Pueblos y Bosques (AMPB)
6	Amazon Conservation Team, Colombia
7	Asia Indigenous Peoples Pact (AIPP)
8	ASM Law Office, Indonesia
9	Asociación Ambiente y Sociedad (AAS)
10	Asociación Interétnica de desarrollo de la selva peruana (AIDASEP), Peru
11	Bantaya Association, Indonesia
12	CABILDO, Colombia
13	CAGDFT, DRC
14	Carmer Kifukieto, Kenya
15	Center for Autonomy and Development of indigenous People (CADPI), Nicaragua
16	Center for Environment and Development (CED)
17	Center for Indigenous Peoples' Research and Development (CIPRED), Nepal
18	Center for International Forestry Research (CIFOR)
19	CFLEDD, DRC
20	Chirapaq, Peru
21	Civic Response
22	CODELT, DRC
23	Community Land Action Now (CLAN), Kenya
24	CONAQ, Brazil
25	Confederación Campesina del Perú (CCP)
26	Confederación Nacional Agraria (CNA), Peru
27	Congolese Resources Institute, DRC
28	Contemporary Research Center, Nepal

29	Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica (COICA)
30	CTIDD, DRC
31	Derecho Ambiente y Recursos Naturales (DAR), Peru
32	Dura Service Society (DSS), Nepal
33	Dynamique des Groupes de Peuples Autochtones (DGPA), DRC
34	Epistema Institute, Indonesia
35	Federation of Community Forestry Users Nepal (FECOFUN)
36	Green Foundation, Nepal
37	Group de Travail Climat REDD Rénové, DRC
38	HIMAWANTI, Nepal
39	HUMA, Indonesia
40	IBC, Peru
41	Indonesia Community Mapping Network (JKPP), Indonesia
42	Indonesian Institute for Forest and Environment (RMI), Indonesia
43	Instituto Sociedade, População e Natureza, Brasil
44	International Forestry Resources and Institutions (IFRI)
45	Jan Chetna Sansthan, India
46	Just Nepal Foundation, Nepal
47	Kerio Valley Community Organization (KVCO), Kenya
48	Landesa
49	LaPPA laboratorio e extensao com povos tradicionais, amererindios e afroamericns (CERES-IFCH)
50	LiVE, Indonesia
51	Mountain Spirit, Nepal
52	Nareto Latia Indigenous Peoples' Program, Kenya
53	National Commission of Indigenous Territories (CNTI), Colombia
54	National Indigenous Organization of Colombia (ONIC)
55	Nepal Federation of Indigenous Nationalities, Nepal
56	NTFP-EP, Indonesia
57	Nucleo Afro do CEBRAP, Brazil
58	Ofraneh, Honduras
59	OPIAC, Colombia
60	Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú (ONAMIAP)
61	PEREMPUAN AMAN, Indonesia
62	Proceso de Comunidades Negras (PCN)
63	Regional Community Forestry Training Center for Asia and the Pacific (RECOFTC)
64	Rights and Rice Foundation (RRF), Liberia
65	Sajogyo Institute, Indonesia
66	SIF, Madagascar
67	Social Entrepreneurs for Sustainable Development (SESDev), Liberia

68	The Ancestral Domain Registration Agency (BRWA), Indonesia
69	The Continental Network of Indigenous Women (ECMIA)
70	TuK, Indonesia
71	Walestra, Indonesia
72	Wumweri Ghodu CBO, Kenya
73	Yayasan Pusaka Bentala Rakyat, Indonesia

¹ An initiative instigated and developed by the Indigenous Peoples Major Group for Sustainable Development (IPMG) and the Rights and Resources Initiative (RRI), with the support of the Forest Peoples Programme (FPP) and the Global Landscapes Forum (GLF).

² There is no formal definition of “local communities” under international law, and social movements of local communities are often regionally specific and diverse. For the purpose of this Standard, we do not advance a specific singular definition. Further guidance on how this term is understood and expressed can be found in regional processes, such as the recent [Criteria to Identify and Protect Local Communities](#) developed in Latin America, and in the diverse regional and national experiences shared within the [Report of the Expert Group Meeting of Local Community Representatives within the Context of Article 8\(j\) and Related Provisions of the Convention on Biological Diversity](#) (UNEP/CBD/WG8J/7/8/Add.1). In the latter report, see specifically paragraphs 17-21 and the list of common characteristics presented in Advice and recommendations arising from the Expert Group Meeting (pp. 12-13).

³ The term ‘Afro-descendant Peoples’ refers to individuals, groups of individuals or people descended from African persons— most commonly in the context of post-slavery populations in Central and South America but not restricted to there—who traditionally and primarily hold resource rights at the community-level. The UN human rights system has elaborated on the rights of these individuals, groups, and peoples through a dedicated [Working Group on Persons of African Descent](#), among other processes.

⁴ The International Labor Organization (ILO) [Convention No. 169](#) recognizes the inherent rights of Indigenous and Tribal Peoples. ILO Convention No. 169 is credited for the recognition of many non-indigenous ethnic groups across Latin America, Africa, and Asia, including the territorial and FPIC rights of Afro-descendant Peoples in Latin America (e.g., Colombia, Brazil, Honduras)

⁵ This includes community-based resource rights that are especially foundational to securing community-based land and resource tenure, including: access, use or withdrawal, governance (including rule-making, planning, management, internal dispute resolution, and enforcement of community rules against third parties), exclusion, domestic and transboundary due process, compensation, alienation and transfer (where demanded by rightsholders), as well as the ability to exercise these rights for an unlimited duration of time.

⁶ While gender norms and the security of women’s land, forest and resource tenure vary widely across community-based tenure systems, national laws recognizing the following rights for Indigenous, Afro-descendant, and local community women consistently fall below international standards: community membership, inheritance, participation in community-based leadership and decision-making bodies (governance), and the utilization of community-level dispute resolution processes. As a result, national laws also fail to reflect existing gender-equitable practices amongst Indigenous Peoples, local communities, and Afro-descendant Peoples, while enabling other community practices that discriminate against women. See [Convention on the Elimination of All Forms of Discrimination Against Women](#).

⁷ Execution of this Standard includes identifying, in collaboration with Indigenous Peoples, local communities, Afro-descendant Peoples, women within these groups, and other rights-holder groups, the extent of those rights through Human Rights Impact Assessments that explicitly include cultural rights (and that are conducted in addition to environmental and social impact assessments). All activities contributing to the realization of this Standard should be grounded in the understanding that land, territorial, and resource rights are defined by customary use and ownership for Indigenous Peoples, and many Afro-descendant Peoples and local communities.

⁸ This includes simple and low-cost procedures to support implementation and eliminate administrative burdens that hinder communities’ abilities to govern, manage, use or otherwise uphold their land, territorial, and resource rights.

⁹ The word “landscape” is used herein to denote all lands and resources that are customarily owned, managed or otherwise used and occupied by Indigenous Peoples, local communities and Afro-descendant Peoples, inclusive of connected fresh waters and coastal marine systems.

¹⁰ To be “effective”, remedies must be accessible, affordable, adequate, and timely from the perspective of intervention-affected Indigenous Peoples, local communities, Afro-descendant Peoples, and the women within these groups; they must also be responsive to these rights-holders’ diverse experiences and expectations as expressed during meaningful, substantive, and effective consultation throughout the grievance and redress mechanism design, reform, and implementation process.