

# The Land Rights Standard<sup>1</sup>

*Principles for recognizing and respecting Indigenous Peoples', local communities', and Afro-descendant Peoples' land, territorial 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,<sup>2</sup> and Afro-descendant Peoples.<sup>3</sup> 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, youth and elders within these groups.

To address this shortcoming and trigger a race to the top, the Indigenous Peoples Major Group for Sustainable Development (IMPG) 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, waters 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);<sup>4</sup>
  - 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"), the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, and the Convention of the Elimination of All Forms of Racial

- Discrimination (ICERD) and its general recommendations 34 (racial discrimination against people of African descent) and 23 (Indigenous Peoples);
- 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), along with the Committee on the Elimination of Discrimination against Women (CEDAW Committee) general recommendations, namely General Recommendations 39 (on the rights of Indigenous Women and Girls), 37 (on Gender-related dimensions of disaster risk reduction in the context of climate change), and 34 (on the rights of rural women);
  - The equal roles and rights of youth, within these peoples and communities, with special attention to the rights of girls, as affirmed by the aforementioned legal instruments and the Convention on the Rights of the Child, along with the Committee on the Rights of the Child general comments, namely general comment No. 11 on Indigenous children and their rights and the CEDAW Committee's General Recommendation 39 as it pertains to the rights of Indigenous girls; 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, and 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 equal

partnership and solidarity with the aforementioned rightsholders, taking into account and respecting their distinct and differentiated rights, including their autonomy, priorities and cosmovisions.

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 practices 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, waters, coastal seas and resource rights**<sup>5</sup> 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 Convention No. 169, the ICERD and its general recommendation 34, and the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, and particularly the women within these groups<sup>6</sup>, as affirmed by CEDAW and its general recommendations, namely General Recommendations 39 (on the rights of Indigenous Women and Girls), 37 (on Gender-related dimensions of disaster risk reduction in the context of climate change), and 34 (on the rights of rural women). These rights include the aforementioned groups' community-based rights to the lands, territories, waters, coastal seas, and resources they customarily own or use, regardless of whether such rights are legally recognized by a state,<sup>7</sup> and by extension, rights to all related ecosystem functions and services<sup>8</sup> generated, maintained or enhanced within these areas by the direct or indirect actions of the aforementioned rightsholders.
2. To **promote effective legal recognition** of these community-based rights to lands, territories, waters, coastal seas, and resources, and the associated customary tenure systems, governance structures and customary laws of Indigenous Peoples, local communities, and Afro-descendant Peoples.<sup>9</sup>
3. To **plan, implement and monitor all landscape-level projects, programs and initiatives**<sup>10</sup> in **full collaboration** with Indigenous Peoples, local communities, and Afro-descendant Peoples—inclusive of women, youth and elders 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 the women, elders 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. Agreements, negotiations and any engagements with Indigenous Peoples, local communities, Afro-descendant Peoples must include policies developed with those communities through participatory, inclusive, and accessible processes, addressing the principles of ownership, control, access and possession of their traditional knowledge, and data in this Principle, including for the provision of remedies and redress where such principles are not respected.

5. To **respect the free, prior and informed consent of Indigenous Peoples**, particular 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. The right to free, prior and informed consent is dynamic, not a one-off process, and consent can be given or withheld in phases, over specific periods of time, or be reconsidered upon changes or as new information arises. Likewise, the **rights of local communities and Afro-descendant Peoples**, particular women and youth within these groups, **to free, prior, informed and substantive participation in consultative processes and decisions** that may impact their lands, territories, waters, coastal seas, and resources, or ability to meet their livelihood needs and/or social and environmental welfare **should be fully respected and upheld**, including rights to self-determination and/or free, prior and informed consent where applicable. In furtherance of these rights, entities should provide relevant information about interventions to the aforementioned rightsholders in a systematic, proactive, timely, regular, accessible, culturally appropriate, inclusive, participatory 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, waters, coastal seas, 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, waters, coastal seas 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, persons with disabilities, youth and elders within these groups ensuring their participation as decision-makers and active actors in these processes.
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.<sup>11</sup>

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, waters, coastal seas 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, waters and resources, and to ensure zero tolerance for violence, harassment or intimidation against women and girls 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 and ensure all such measures provide timely, appropriate and effective remedies for women and youth, particularly where they are survivors of discrimination and gender-based violence.
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 implementing these principles as binding, regardless of the status of the rights herein recognized under formal law**, 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 implementation measures.

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<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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.

<sup>4</sup> 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).

<sup>5</sup> 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.

<sup>6</sup> 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 consistency 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 the [Convention on the Elimination of All Forms of Discrimination Against Women](#) (CEDAW).

<sup>7</sup> Execution of this Standard includes identifying, in collaboration with Indigenous Peoples, local communities, Afro-descendant Peoples, the women within these groups and other rightsholder 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.

<sup>8</sup> Ecosystem functions refer to the flow of energy and materials through the biotic and abiotic components of an ecosystem that are essential to the maintenance of terrestrial life. They include biomass production, carbon capture and storage, nutrient cycling, water dynamics and heat transfer, amongst others. Ecosystem services are the set of ecosystem functions or processes that benefit people or that generate value for individuals or society. See IPBES Glossary [here](#).

<sup>9</sup> 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.

<sup>10</sup> The word “landscape” is used herein to denote all lands, territories 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.

<sup>11</sup> 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 rightsholders’ diverse experiences and expectations as expressed during meaningful, substantive and effective consultation throughout the grievance and redress mechanism design, reform and implementation process.