Who Owns the World’s Land?

GLOBAL STATE OF INDIGENOUS, AFRO-DESCENDANT, AND LOCAL COMMUNITY LAND RIGHTS RECOGNITION FROM 2015–2020

Second Edition
June 2023
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Any omissions of contributors are unintentional, and any errors are the authors’ own.
Abbreviations and Acronyms

ACOFOP  Asociación de Comunidades Forestales de Petén  
AMAN  Aliansi Masyarakat Adat Nusantara  
CBTR  Community-Based Tenure Regime  
CLARIFI  Community Land Rights and Conservation Finance Initiative  
COP26  26th Conference of the Parties to the United Nations Framework Convention on Climate Change  
CSO  Civil society organization  
DRC  Democratic Republic of the Congo  
FAO  Food and Agriculture Organization of the United Nations  
FUNAI  Fundação Nacional dos Povos Indígenas  
ha  hectares  
JKPP  Jaringan Kerja Pemetaan Partisipatif  
Lao PDR  Lao People’s Democratic Republic  
Mha  million hectares  
KPA  Consortium for Agrarian Reform  
RRG  Rights and Resources Group  
RRI  Rights and Resources Initiative  
SDGs  Sustainable Development Goals  
WALHI  The Indonesia Forum for the Environment/Friends of the Earth Indonesia  
WiGSA  Women in Global South Alliance for tenure and climate
Ipeti-Emberá community, Panamá City. Photo by Tova Katzman for RRI.
1. Introduction

Since the Rights and Resources Initiative (RRI) published the first edition of *Who Owns the World’s Land?* in 2015, global acknowledgement of the importance of legally recognizing and securing the community-based land and resource tenure rights of the world’s 2.5 billion Indigenous Peoples, Afro-descendant Peoples, and local communities has reached unprecedented heights. Following decades of national and international advocacy by rightsholders and their allies, land tenure security for both communities and community women is now recognized as an integral component of the 2030 Agenda, without which the Sustainable Development Goals (SDGs), the Kunming–Montréal Global Biodiversity Framework, and Paris Agreement objectives cannot be achieved. Moreover, mounting evidence concludes what Indigenous Peoples, Afro-descendant Peoples, and local communities have long maintained—that they are the best managers of their lands and resources.

The second edition of *Who Owns the World’s Land?* reports on progress over the first five years (2015–2020) of the landmark SDGs, the Paris Agreement, and the Land Rights Now target to double the area of community-owned land by providing updated data on the extent of lands legally recognized as designated for and owned by Indigenous Peoples, Afro-descendant Peoples, and local communities in 73 countries covering over 85 percent of global lands. It also revisits and expands upon estimates of the land area that Indigenous, Afro-descendant, and local communities traditionally hold and use, but to which their rights are not yet legally recognized by national governments.

Taken together, this report presents the most comprehensive and up-to-date picture of global progress towards the legal recognition of community-based land tenure, and offers a baseline against which the Kunming–Montréal Global Biodiversity Framework 2030 Targets can be monitored.
KEY FINDINGS

1. The area legally designated for and owned by Indigenous Peoples, Afro-descendant Peoples, and local communities across 73 countries—covering 85 percent of global land area—increased by 103 Mha from 2015–2020. The land area designated for or owned by communities increased in at least 39 countries during this period.

2. Across the 73 countries analyzed, at least 11.4 percent of land is legally owned by Indigenous Peoples, Afro-descendant Peoples, and local communities, and their more limited designation rights are recognized over 7.2 percent of land as of 2020.

3. Critically, over 85 percent of newly recognized areas are recognized as owned by Indigenous Peoples, Afro-descendant Peoples, and local communities, with increases observed across 21 countries. In 4 of these countries, increases were due to the establishment of new community-based tenure regimes (CBTRs).

4. New community-based tenure regimes were established in 12 countries from 2015–2020.

5. In 49 countries with available data, at least 1,375 Mha of Indigenous, Afro-descendant, and local communities’ lands have not yet been recognized under national laws and regulations.

6. Implementation of existing legal frameworks could increase the total area legally owned by or designated for communities by at least 260 Mha in 19 countries, more than doubling the total area recognized between 2015–2020 across 73 countries. This suggests investment should target promoting and scaling up legal implementation in these countries.
Women from the Maju Bersama KPPL plant ginger flowers in the Kerinci Seblat National Park. Ginger flowers are grown, harvested, and processed into a syrup as a form of livelihood. Location: Sumatra, Indonesia. Photo by Jacob Maentz for RRI.
2. Methodology

2.1 SCOPE OF ANALYSIS
This report provides a critical update on the land areas legally held by Indigenous Peoples, Afro-descendant Peoples, and local communities under the national laws of 73 countries covering 85.2 percent of the world's land. It goes beyond RRI’s Forest Tenure analyses\(^\text{10}\) 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.\(^\text{11}\)

2.2 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\(^\text{12}\) governing all situations under which the right to own or manage terrestrial natural resources is held at the community level.\(^\text{13}\)

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 Table 1 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

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**Community-based tenure regime (CBTR)**

* 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.
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 Figure 1.

This report 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 2015.14

This report also updates estimates on the land area where Indigenous Peoples, Afro-descendant Peoples, and local communities have customary or historic claims, but where their rights are not yet recognized under any national level CBTR. The methodology for estimating these areas is explained in further detail in Section 5.
A Maasai pastoralist prepares to take her livestock out to graze nearby. Her home, the Maji Moto group ranch, has been the site of a yearslong legal struggle for state recognition of land rights justice implementation. Location: Maji Moto, Narok, Kenya. Photo by TonyWild for RRI.
3. Global Findings

3.1 OVERVIEW

This analysis finds that the total area legally designated for or owned by Indigenous Peoples, Afro-descendant Peoples, and local communities has increased in at least 39 of the 73 countries studied, resulting in the recognition of nearly 103 Mha of community land over the 2015–2020 period. **As of 2020, 800 Mha (7.2 percent) of the global land area is designated for communities and 1,264.6 Mha (11.4 percent) is owned by communities.** This is an increase from 2015, when 785.7 Mha (7.1 percent) of the global land area was designated for communities and 1,176.1 Mha (10.6 percent) was owned by communities.

The recognition of 103 Mha of land as legally designated for and owned by Indigenous Peoples, Afro-descendant Peoples, and local communities across 39 countries over the five-year period—averaging a 20.6 Mha increase per year—demonstrates that widespread progress continues.

However, global progress over the period was largely driven by a handful of countries and complemented by incremental advances across a larger subset of countries: in more than half (20) of the 39 countries that experienced an overall increase in the national recognition of community-based tenure, the gain in area designated for or owned by communities represented less than 1 percent of total country area. Table 1 presents the area legally designated for or owned by Indigenous Peoples, Afro-descendant Peoples, and local communities in each of the countries analyzed, organized by region.

Importantly, this analysis finds that 86.1 percent of the 103 Mha of land recognized for communities over the 2015–2020 period were legally recognized as owned by them. These advancements are attributable to sustained advocacy and engagement by rightsholder and civil society groups that resulted in new legislative developments in Indonesia, Kenya, and Zambia during the period, as well as ongoing implementation in additional countries with previously existing legal frameworks.
### Table 1

**Area Designated for andOwned by Indigenous Peoples, Afro-descendant Peoples, and Local Communities, 2015–2020**

<table>
<thead>
<tr>
<th>Country</th>
<th>Total land area (2020)</th>
<th>2015 area (Mha)</th>
<th>% of land area</th>
<th>2020 area (Mha)</th>
<th>% of land area</th>
<th>2015 area (Mha)</th>
<th>% of land area</th>
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Dashes (-) denote situations where the tenure category in question is not legally possible under national law.

n.d. = no data
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<th>Country</th>
<th>Total land area (2020)</th>
<th>2015 area (Mha)</th>
<th>% of land area</th>
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<td>162.76</td>
<td>9.43</td>
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<td>Oceania</td>
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<td>Australia</td>
<td>769.20</td>
<td>45.74</td>
<td>5.95</td>
<td>40.56</td>
<td>5.27</td>
<td>106.03</td>
<td>13.80</td>
<td>133.50</td>
<td>17.36</td>
</tr>
<tr>
<td>Papua New Guinea</td>
<td>45.29</td>
<td>-</td>
<td>0.00</td>
<td>-</td>
<td>0.00</td>
<td>43.93</td>
<td>97.00</td>
<td>43.93</td>
<td>97.00</td>
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<tr>
<td>Oceania</td>
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<td>45.74</td>
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<td>40.56</td>
<td>4.98</td>
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<td>18.43</td>
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<tr>
<td>Global Total</td>
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<td>785.68</td>
<td>7.05</td>
<td>799.97</td>
<td>7.18</td>
<td>1176.06</td>
<td>10.55</td>
<td>1264.63</td>
<td>11.35</td>
</tr>
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</table>
This is also consistent with trends observed in the legal recognition of community-based forest tenure, where recognition of community forest ownership comprised almost two-thirds (18 Mha) of the nearly 28 Mha of community forests (both owned by and designated for communities) recognized during the 2013–2017 period.\textsuperscript{16}

Consistent with 2015 findings, China, Canada, Australia, Brazil, and Mexico contain the largest total area of recognized community lands. Together, these five countries account for 61.4 percent of total lands designated for or owned by communities globally, despite accounting for just under 33 percent of total land area covered by the study.

Among the 63 low- and middle-income countries analyzed,\textsuperscript{17} 15.7 percent of land is owned by Indigenous Peoples, Afro-descendant Peoples, and local communities, and their more limited designation rights are recognized over 5.4 percent of land.

As a proportion of their respective land area, five countries emerged as leaders in the recognition of community-based tenure rights over the 2015–2020 period. Table 2 illustrates the widespread progress being made in the recognition of community-based tenure by national governments around the world.

In a small number of countries, the area recognized as owned by or designated for communities decreased over the 2015–2020 period.\textsuperscript{18} In Mexico, the area owned by communities decreased by 0.3 Mha, in part due to urbanization incentives that allow ejidos to be dissolved in areas without forest-land.\textsuperscript{19} Similarly, the almost 3 Mha decrease in Communal Lands in Namibia may be attributed to local authorities designating these areas as urban or peri-urban lands.\textsuperscript{20} While the observed scale of declines in statutory tenure recognition through 2020 were small, there were also other de facto incursions into collective lands that prevented communities from exercising rights to the full area recognized by national laws (see Box 2).
3.2 LEGISLATIVE DEVELOPMENTS

Over the 2015–2020 period, new CBTRs recognizing communities' ownership of their lands and/or forests were established in four countries. Among these, the enactment of the Community Land Act (2016) in Kenya had the effect of recognizing an estimated 38 Mha of communities’ customary land, which is held in trust by county governments until such time as it is registered.

Notably, while Kenya’s Ministry of Lands and Physical Planning published its Community Land Regulations laying down the procedure for community land registration in 2017, the registration of Community Lands has been slow due to lack of political will, insufficient funding, and capacity for implementation. Similarly, the 2018 Land Rights Act in Liberia, which recognized communities’ Customary Land Ownership as valid and enforceable without registration and prior to the issuance of a Statutory Deed or completion of a Confirmatory Survey, provides for the recognition of an estimated 7 Mha\(^2\) of community-owned Customary Land.

---

**Table 2**

Top Five Gains in Land Designated for and Owned by Indigenous Peoples, Afro-descendant Peoples, and Local Communities 2015–2020, by percent of total country land area

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenya</td>
<td>6.17</td>
<td>67.06</td>
<td>60.89</td>
</tr>
<tr>
<td>Liberia</td>
<td>31.73</td>
<td>72.67</td>
<td>40.95</td>
</tr>
<tr>
<td>Panama</td>
<td>12.67</td>
<td>25.65</td>
<td>12.98</td>
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<tr>
<td>Kyrgyzstan</td>
<td>40.07</td>
<td>52.83</td>
<td>12.76</td>
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<tr>
<td>Philippines</td>
<td>22.13</td>
<td>32.41</td>
<td>10.29</td>
</tr>
</tbody>
</table>
Ipeti-Emberá community, Panamá City. Photo by Tova Katzman for RRI.
4. REGIONAL FINDINGS

4.1 ASIA

Asia is home to an estimated 333.6 million Indigenous people, or 70 percent of the world’s total Indigenous population. At first glance, the region appears to have the greatest area owned by Indigenous Peoples and local communities, with 21.5 percent of land across the 17 countries in the region owned by communities. However, nearly 98 percent of all recognized community-owned land in Asia is in China, where collective ownership of forestland and an extensive pasture contract system cover nearly half the country’s land area. Consequently, if China is excluded from regional results, Asia has the lowest percentage of community ownership of any region, at only 0.8 percent.

Across the 10 countries analyzed in South and Southeast Asia, less than 3 percent (18 Mha) of land is designated for or owned by Indigenous Peoples and local communities. Over half of this area (more than 10 Mha) is owned by Indigenous Peoples and local communities within Cambodia, India, Indonesia, and the...
Philippines—the only four South and Southeast Asian countries with national legal frameworks recognizing community-based ownership.

Several countries across the region did make modest but important progress in terms of both implementation and legislative reform during the 2015–2020 period:

- **The Philippines** saw over 800,000 ha of Ancestral Domains titled during the period.
- In **India**, the land owned by Scheduled Tribes and Other Traditional Forest Dwellers increased from 0.1 Mha (0.04 percent of total country area) in 2015 to over 2.4 Mha (0.8 percent of total country area) in 2020.
- In **Thailand**, a Community Forest Act (B.E. 2562) was passed in 2019 following over a decade of advocacy, operationalizing provisions concerning community management of natural resources in the 2017 Constitution.
- In **Indonesia**, the total area owned by or designated for Indigenous Peoples and local communities through social forestry, national recognition of customary lands and forests, and agrarian land redistribution, increased by more than 2.4 Mha over the 2015–2020 period, comprising 1.5 percent of total country area in 2020 (see Box 1).
- And in **Nepal**, a new Forest Act was passed in 2019 with provisions ensuring due process and compensation rights for Community Forest User Groups, and the area designated for Indigenous Peoples and local communities increased from 13.4 percent in 2015 to 18.2 percent of total country area in 2020, the biggest such increase for any country in South or Southeast Asia.

While recognition in India and Indonesia appears small when viewed as a percentage of total country land area, they represent enormous progress when compared against the 2015 baseline: communities’ recognized land area increased by 18 times in India and nearly seven times in Indonesia over the 5-year period.

Additionally, reforms to constitutions, land laws, forest laws, and civil codes have occurred in several countries over the 2015–2020 period. Lao PDR has seen an influx of reforms impacting both communities’ and community women’s rights since 2015. Although its Land Law and Forest Law enacted in 2019 are both gender-blind, representation of the Lao Women Union in Village Mediation Committees and equal access to complaint mechanisms are ensured by the 2016 Law on Women Union and 2019 Law on Gender Equality, respectively.\(^{24}\) In the Philippines, on the other hand, DENR Administrative Order nº 2019-05 provides that at least 40 percent of Protected Area Management Board members shall be women.\(^{25}\)

All of these data suggest that momentum is gathering for the recognition of community lands and that the enabling infrastructure to do so exists in several countries, but progress must be scaled up dramatically, as these gains still represent only a fraction of the lands claimed by communities (see Section 6).
As a region, Latin America has a long history of collective titling and legal recognition of Indigenous Peoples’, Afro-descendant Peoples’, and local communities’ land tenure rights. In addition to the present analysis of statutory land tenure recognition, RRI’s longstanding monitoring of the distribution of statutory forest tenure since 2002 shows that Latin America has consistently been ahead of other regions in recognizing Indigenous Peoples and local communities’ forest tenure rights, and is the region with the highest proportion of forest area that is recognized as owned by or designated for Indigenous Peoples, Afro-descendant Peoples, and local communities (36.25 percent). Recognition of communities’ collective ownership rights are enshrined in the national Constitutions of a number of countries including Bolivia, Brazil, Colombia, Ecuador, Mexico, Nicaragua, Panama, and Peru; the CBTRs in Mexico date back to 1917.

As of May 2020, an additional 3.66 Mha of customary land rights had been recognized at the local level through local regulations. Indonesia’s Ministry of Agrarian and Spatial Planning/National Land Agency is in the process of developing OneMap, which will integrate geospatial data from different government agencies into a single platform, with the stated intention of promoting transparency and accountability in governance. The Participatory Mapping Network, a coalition of Indigenous, local community and civil society organizations known as JKPP, has been conducting participatory mapping across the archipelago, and as of December 2022, had already mapped 22.6 Mha of customary territories. JKPP’s goal is for these community-generated maps to be integrated into OneMap.

4.2 LATIN AMERICA

As a region, Latin America has a long history of collective titling and legal recognition of Indigenous Peoples’, Afro-descendant Peoples’, and local communities’ land tenure rights. In addition to the present analysis of statutory land tenure recognition, RRI’s longstanding monitoring of the distribution of statutory forest tenure since 2002 shows that Latin America has consistently been ahead of other regions in recognizing Indigenous Peoples and local communities’ forest tenure rights, and is the region with the highest proportion of forest area that is recognized as owned by or designated for Indigenous Peoples, Afro-descendant Peoples, and local communities (36.25 percent). Recognition of communities’ collective ownership rights are enshrined in the national Constitutions of a number of countries including Bolivia, Brazil, Colombia, Ecuador, Mexico, Nicaragua, Panama, and Peru; the CBTRs in Mexico date back to 1917.

Box 1

Spotlight on Indonesia

In 2013, Indonesia’s momentous Constitutional Court Ruling No. 35/2013 mandated the formalization of Indigenous Peoples’ ownership over their customary forests. The first Adat Forest was recognized at the national level in 2015, covering 5,000 ha. As of 2020, 44,683 ha of Adat land had been recognized at the national level by Ministry of Environment and Environment decree. This progress on national-level recognition of the Adat territories remains unacceptably slow, given that these territories are estimated to cover over 40 Mha of forests and lands, yet, significant progress has been made at subnational levels.

As of May 2020, an additional 3.66 Mha of customary land rights had been recognized at the local level through local regulations. Indonesia’s Ministry of Agrarian and Spatial Planning/National Land Agency is in the process of developing OneMap, which will integrate geospatial data from different government agencies into a single platform, with the stated intention of promoting transparency and accountability in governance. The Participatory Mapping Network, a coalition of Indigenous, local community and civil society organizations known as JKPP, has been conducting participatory mapping across the archipelago, and as of December 2022, had already mapped 22.6 Mha of customary territories. JKPP’s goal is for these community-generated maps to be integrated into OneMap.


Figure 5

Results for 16 Countries in Latin America in 2020

<table>
<thead>
<tr>
<th>Area Owned by Governments, Private Individuals, or Firms</th>
<th>79.28%</th>
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<tr>
<td>Area Owned by Indigenous Peoples, Afro-descendant Peoples, and Local Communities</td>
<td>17.55%</td>
</tr>
<tr>
<td>Area Designated for Indigenous Peoples, Afro-descendant Peoples, and Local Communities</td>
<td>3.17%</td>
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</table>

Includes: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Peru, Suriname, Venezuela
Despite these positive precedents, Latin America experienced considerable threats of rollback during the 2015–2020 period (see Box 2) and increases in legal recognition of collective lands were, in many countries, marginal to nonexistent. Across the 16 countries analyzed, the area designated for Indigenous, Afro-descendant, and local communities increased by just 4 Mha (from 3.0 percent of land in 2015 to 3.2 percent of land in 2020). The area owned by Indigenous, Afro-descendant, and local communities increased by 17 Mha (from 16.7 percent of land across the region in 2015 to 17.6 percent of land in 2020), but this likely overstates progress in the region: An apparent increase in the area owned by communities in Bolivia between 2015 and 2020 reflects the Bolivian government making available more comprehensive data on Propiedades Comunitarias and may not necessarily reflect real changes on the ground.

Box 2

Rollback of Rights in Latin America

Even in already legally recognized areas, many communities experienced land tenure insecurity due to illegal but unchecked invasions of their collective territories—sometimes encouraged by antagonistic governments. The threat was perhaps most pronounced in Brazil, where former President Jair Bolsonaro, on his second day in office in 2019, cut funding from the country’s Indigenous affairs agency (FUNAI) and issued an executive order giving Brazil’s agricultural ministry, which supports the expansion of cattle ranching, increased power over Indigenous lands. To protect their territories, communities have pursued legal action in Brazil’s national courts as well as at the International Criminal Court.

Across the region, communities also had to fight extensive legal battles to protect their lands: In Peru, Indigenous communities in the Amazon and the Andes filed lawsuits and organized protests to oppose oil and mining concessions that were granted without proper consultation of the affected communities. In Guatemala, communities who were granted 25-year concessions in the 1990s, and who have since demonstrated impressive track records of environmental management of their lands, nevertheless had to engage in sustained advocacy to have their concessions renewed.

The defense of community lands also cost the lives of land defenders—more in Latin America than in all other regions combined. Between 2012 and 2021, 1,733 land and environmental defenders were killed worldwide, and 1,155 (or 66 percent) of these were in Latin America. Brazil and Colombia were the two most dangerous countries in the world for land defenders, witnessing 342 and 322 killings respectively during this period.

a. Rights and Resources Initiative (RRI) and Amazon Conservation Team (ACT) documented 1,011 cases of invasions of collective territories in six countries (Brazil, Colombia, Guatemala, Honduras, Mexico, Peru) between 2017-2021. Available at: https://experience.arcgis.com/experience/bb14d1fa027bd7982b4ec90243b9606/page/Home/
Nevertheless, several success stories stand out: A series of historic rulings in Panama, including a major Supreme Court case, recognized the rights of the Indigenous Naso Tjër Di people to over 160,000 ha of land, and established a precedent for the titling of Indigenous lands that currently overlap with protected areas. And Guyana recognized the Kanashen Amerindian Protected Area, the first of its kind in the country, covering 3.3 percent of Guyana’s land area.

In several countries across the region, communities have also won important victories in court, but these have not yet translated to change on the ground. For instance, the Inter-America Court of Human Rights has ruled in favor of land claims of Indigenous Peoples in Argentina and Suriname, and Afro-descendant Peoples in Honduras, but none of these decisions have yet to be implemented by the respective national governments.

Additionally, despite the many threats to communities in Brazil, several new laws and regulations were put in place during this period to strengthen women’s equal land tenure rights in the Amazon and in agrarian settlements.

### 4.3 Sub-Saharan Africa

Between 2015 and 2020, Sub-Saharan Africa witnessed the most notable acceleration of legal recognition of community land rights of any region. The total area owned by Indigenous Peoples and local communities increased by 12 percent, a gain of 35 Mha in five years. As of 2020, 9.6 percent of land across the 23 countries analyzed are owned by communities, an increase from 7.4 percent in 2015.

Nearly all the known increases in area owned by communities in Sub-Saharan Africa occurred in two countries: Kenya, which passed the 2016 Community Land Act; and Liberia, which passed the 2018 Land Rights Act recognizing customary lands and began implementing community forestry under its 2015 Forest Act.

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Box 3

A Note on Legal Recognition and Registration of Community Lands

Of the 73 countries included in this study, the two that saw the greatest increase in area owned by communities between 2015 and 2020 were Kenya and Liberia. This is a direct result of both countries passing progressive land rights legislation that recognizes communities’ historic land rights, with or without registration, a result of years of community organizing and advocacy. Kenya passed the Community Land Act in 2016 and Liberia passed its Land Rights Act in 2018. Several other countries, including Mali, Mozambique, and Uganda, also recognize community ownership of land based on customary occupation, rather than formal registration or certification.

These countries demonstrate that governments can proceed with recognition of historic land claims prior to the costly and time-consuming processes of demarcation and titling, thereby affording communities a measure of legal security even as administrative procedures are ongoing. Nevertheless, registration can hold additional benefits in the form of tenure security or recognition of additional land use or management rights, for example, and therefore remains a high priority for many communities.
New legislation in Kenya and Liberia represents a significant achievement not only for communities as a whole, but also for the women within them. For example, the Community Land Act in Kenya automatically grants community membership to spouses, and membership subsists until a woman remarries after divorce from or death of her spouse. Similarly, Liberia’s Land Rights Act recognizes women’s membership rights based on birth, marriage, or long-term residency, and affirms that all community members have equal rights to the use and management of community land regardless of gender.

Several countries also took the first steps toward implementing legal frameworks designating lands for Indigenous Peoples and local communities that had previously existed only on paper. These included DRC, which began issuing Local Community Forest Concessions in 2017 based on a decree passed in 2014; and the Central African Republic, which recognized the country’s first community forest in 2019, on the basis of the 2008 Forest Code.

Notably, however, the overall area designated for communities across Sub-Saharan actually decreased by 2.4 Mha (from 9.6 percent of land across the 23 countries analyzed as of 2015 to 9.4 percent of land across the same countries in 2020), as modest increases in a handful of countries were offset by large expropriations of communal land in Namibia.
4.4 OTHER REGIONS

Russia added roughly 1 Mha to Traditional Indigenous Collectives under state or municipal ownership but these afford communities limited designation rights. The land area recognized for Indigenous Peoples and local communities in the three Nordic countries (Finland, Norway, Sweden) included in this report remained constant.

The Middle East and North Africa is the only region in this study that has yet to establish legal frameworks for the recognition of community-based land ownership. Among the nine countries analyzed, four have legal frameworks that provide designation rights and an overlapping set of two countries recognize even more limited usufruct rights. Four countries have no statutory framework to recognize community-based tenure rights at all.

In North America, there were significant additions (over 8 Mha) to the area designated for Indigenous Peoples in Canada, but very little increase (0.3 Mha) in legally recognized ownership of land. Most of the increase in land area designated for Indigenous Peoples was driven by provincial-level forestry agreements in four provinces. In the United States, the area owned by Indigenous Peoples increased by 0.9 Mha, aided by a court-ordered Land Buy-Back Program for Tribal Nations.

In Oceania, the total area owned by or designated for Indigenous Peoples in Australia increased by 22 Mha, the second largest absolute increase of any country in this study. The apparent decrease in the area designated for Indigenous Peoples and increase in area owned by them is partially due to improvements in Australia’s Bureau of Agricultural and Resource Economics and Sciences (ABARES) methodology and the ability to distinguish among the complex array of combinations of Indigenous estate attributes by tenure classes. Due to previous methodological limitations, some Indigenous-owned areas were included in the area of land designated for Indigenous Peoples in 2015. In Papua New Guinea, the official figure for customary land owned by kinship groups is 97 percent of the total country land area—the highest of any country in this study—but this estimate has not been updated since 2010.
Location: Colombia. Photo by William Martinez for RRI.
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 not possible to determine estimates for all the countries in this study. For 49 countries, which account for 56.6 percent of the world’s land area, RRI found the following estimates (Table 3).

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.

Across the 49 countries where estimates were available, at least 21.1 percent (1,375 Mha) of land remains to be recognized for Indigenous Peoples, Afro-descendant Peoples, and local communities by national governments. Overall, this data provides further evidence that approximately half (48.1 percent) of the world’s land is traditionally held and used by communities, and illustrates the chasm between their recognized rights and the full extent of their territories in many countries.
Table 3

Recognized and Unrecognized Lands in 49 Countries

<table>
<thead>
<tr>
<th>Region</th>
<th>Country</th>
<th>Total Land Area (Mha)</th>
<th>2020 Area (Mha)</th>
<th>% of land area</th>
<th>2020 Area (Mha)</th>
<th>% of land area</th>
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<tbody>
<tr>
<td><strong>Land area legally recognized as owned by or designated for communities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>42.05</td>
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### Land area legally recognized as owned by or designated for communities235

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<tr>
<th>Country</th>
<th>Land Area</th>
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<tbody>
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#### MENA

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<td>14.40, 32.27</td>
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#### Other regions

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<th>Community Lands</th>
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<tr>
<td>Australia</td>
<td>769.20</td>
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<td>Canada</td>
<td>896.56</td>
<td>378.50, 42.22</td>
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<tr>
<td>Finland</td>
<td>30.39</td>
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<tr>
<td>Norway</td>
<td>36.43</td>
<td>5.18, 14.22</td>
</tr>
<tr>
<td>Sweden</td>
<td>40.73</td>
<td>24.24, 59.50</td>
</tr>
</tbody>
</table>

| Total Across 49 Countries | 6517.33 | 1761.25 | 27.02% | 1374.99 | 21.10 |

n.d. = No data

---

**Box 5**

**Government Administered Lands with Limited Community Rights**

In addition to the areas of recognized community lands presented in Tables 1 and 3, at least an additional 500 Mha of land falls under government-administered CBTRs. In these areas, communities have limited rights of access and withdrawal, but do not have rights to manage or exclude third parties from their lands. Lack of documentation can often leave communities vulnerable to inconsistent or even violent enforcement by local officials and can make it difficult for communities to take advantage of any dispute resolution, due process, and/or compensation mechanisms that may exist when their rights are infringed upon by government actors, companies, or individuals.
Maji Moto residents greet RRI collaborating filmmaker, Anthony Ochieng Onyango, before joining an interview to discuss personal experiences throughout the community’s successful journey to achieve legal recognition of their rights to group ranch land. Location: Maji Moto, Narok, Kenya. Photo by TonyWild for RRI.
The struggles for recognition of community-based land tenure rights are ongoing, and will differ from country to country, and even from community to community within the same country; however, 65 of the 73 countries in this study now have at least one CBTR that recognizes communities’ ownership or designation rights. By comparing existing legal frameworks against the estimates of areas where communities have customary or historic claims, but where their rights are not yet recognized, RRI has identified 19 countries where CBTRs exist that directly correspond to communities’ claims.37

Implementation of existing legal frameworks in these 19 countries could provide recognition to over 260 Mha of lands where communities already have customary rights or claims, more than double the total area recognized between 2015–2020 across 73 countries. In some cases, communities have already formally initiated the request for recognition, in accordance with national law.
Fishermen in the Caribbean region of Colombia.

Photo by William Martinez for RRI.
The data presented in this report is reflective of tenure recognition up to December 31, 2020. However, in the time since, the global context has shifted in historic ways.

**7.1 IMPACT OF THE COVID-19 PANDEMIC AND SHRINKING OF CIVIC SPACE**

The dataset on which this report is based considers legislative changes and statutory recognition of community-based tenure rights through the end of 2020. Although there have been encouraging developments in several countries since 2021, the Covid-19 pandemic has also had a significant impact on the security of communities’ lands and has accelerated an already worrying trend of authoritarian governments shrinking civic space.

In many countries, governments used the pandemic as a pretext for further limiting the ability of communities to openly and safely advocate for their land rights. According to Human Rights Watch, at least 83 governments worldwide have used the pandemic to justify violating the exercise of free speech and peaceful assembly. Rights that were already enshrined in law, and which are integral to land tenure security, were weakened under the guise of public health restrictions; notably, several countries altered communities’ rights to Free, Prior and Informed Consent by requiring only ‘virtual’ consultations, or limiting the number of community members consulted.

Several governments in Asia used the public health mandated shutdowns as a pretext for further shrinking democratic space and advancing controversial legislation that had been contested before the pandemic. Under the guise of economic recovery imperatives, governments across different regions also gave incentives to extractive industries and relaxed social and environmental regulations, creating a context of impunity for malevolent actors and one of extreme vulnerability for many communities.
countries in Latin America (Brazil, Colombia, Guatemala, Honduras, Mexico, and Peru), 1,964 communities experienced violations of collective rights from 2020–2021, including 751 invasions of collective territories.43

In other countries, including Cambodia and Kenya, the disruption and diversion of public resources and priorities led to closures of land offices, and further delays in already lengthy processes of land titling and registration.44

7.2 RECENT ADVANCEMENTS IN LEGAL REFORMS AND IMPLEMENTATION

Since December 2020, several notable advancements have occurred in the form of legislative reforms, positive judicial rulings, administrative developments, and implementation.

› In Timor-Leste, a Department of Community Forestry was established in February 2021. This represents a critical step towards operationalizing Community Forest Management in a country where nearly 90 percent of rural land is claimed by Indigenous Peoples and local communities.45

› In the Democratic Republic of the Congo, a new law recognizing the rights of the Indigenous Pygmy peoples was adopted in 2022, following years of sustained advocacy by community advocates.

› In the Philippines, in the case of Diosdado Sama vs. People of the Philippines, the Supreme Court upheld the right of communities to use resources within their Ancestral Domains that are overlapped by reservations.

› In Mexico, following the first constitutional recognition of Afromexican peoples as part of the pluricultural composition of the nation in 2019 and the inclusion of Afromexican, Afro-descendant, or Black self-identification categories for the first time in the 2020 Census,46 laws and regulations have begun to explicitly recognize their rights. The Regulations to the General Law of Sustainable Forestry Development (2020)47 and the Federal Law for the Protection of the Cultural Heritage of Indigenous and Afromexican Peoples and Communities (2022) both explicitly mention Afromexican peoples and communities.

Several South American countries have experienced political shifts that could have far-reaching consequences for communities’ land tenure security:

› In Peru, two Reserva Indígenas (Yavarí Tapiche and Kakataibo Norte y Sur) were recognized in 2021, cumulatively covering 1.2 Mha. But the country has, since December 2022, been shaken by a political crisis following the removal of former President Pedro Castillo from office after he attempted to dissolve Congress. A troubling new law recently proposed and debated in Congress, if passed, could also lessen the protection for Indigenous Peoples in voluntary isolation and initial contact.48

› In Brazil, after four years under the presidency of Jair Bolsonaro, during which Indigenous Peoples, Afro-descendant Peoples, and local communities faced multiple ongoing threats, particularly in the Amazon (see Box 2), Brazil elected Luiz Inácio Lula da Silva as President in 2022. Among Lula’s first acts were the creation of a new Ministry of Indigenous Peoples, and decrees reversing anti-Indigenous measures passed by Bolsonaro’s government.49 In April 2023, Lula demarcated six new Indigenous territories covering over 612,000 ha—the first demarcations to take place since before the Bolsonaro government took office.50

› In Colombia, community activists are optimistic following the 2022 election of President Gustavo Petro and Vice-President Francia Márquez (the first Afro-Colombian Vice-President in the country’s history),
and a subsequent pledge by Marquez to title 1 Mha of Afro-Colombian lands. Although there are
quidations about whether the new government has the resources to deliver on this ambitious pledge,
Afro-Colombian community leaders have already reported an acceleration in land titling.\textsuperscript{51} The new gov-
ernment has already titled 10 new Indigenous Reserves covering nearly 300,000 ha.\textsuperscript{52} Marquez will also
lead the newly created Ministry of Equality, which is tasked with advancing, among others, the equality
of men and women, and the empowerment of historically marginalized territorial communities.\textsuperscript{53}

7.3 PRIVATE SECTOR COMMITMENTS TO ADDRESS TENURE SECURITY
WITHIN SUPPLY CHAINS

Many progressive companies and investors now recognize that the failure to eliminate deforestation from
their supply chains by 2020, in line with the commitments of the New York Declaration on Forests,\textsuperscript{54} was
due, among other factors, to insecure community tenure.

The most promising opportunity to engage the private sector in the land tenure movement is the growing
implementation of “Forest Positive” policies and commitments by industry associations, such as the Con-
sumer Goods Forum (CGF) and Palm Oil Collaborative Group, to eliminate deforestation in supply chains
and contribute to rural livelihoods, which includes a focus on improving community tenure security. Leading
companies are assessing landscapes to pilot new rights-based strategies to fulfill their Forest Positive tar-
gets, including Community Monitoring (CM) of their supply chains.\textsuperscript{55} For example, Nestlé recently released
its Salient Issues Action Plan on Indigenous Peoples’ and Local Communities’ Land Rights, which links land
tenure with local livelihoods and food security and commits to piloting CM in its supply chain to monitor
its social and environmental impacts and to support community-led economic and land rights initiatives.\textsuperscript{56}
Commitments like these are potentially precedent-setting for other industry actors.

In addition to these voluntary commitments, proposed legislation in the European Union, such as
the Draft Directive on Corporate Sustainability Due Diligence and regulations on deforestation-free
products, would target current and potential adverse human rights and sustainability risks by setting
out obligations for companies and their subsidiaries, with specific requirements to respect traditional
communities’ tenure.\textsuperscript{57} Major institutional investors have supported the development of guidance and
tools to ensure that companies within their portfolios are not complicit in deforestation or violation
of Indigenous Peoples’, Afro-descendant Peoples’, and local communities’ land rights.\textsuperscript{58} Development
finance institutions have recently revised policies that guide how they engage with Indigenous Peoples
and local communities and provide support to rights-based approaches.\textsuperscript{59} This is critical progress given
the amount of capital poised to flow into tropical forests and rural landscapes.

7.4 THE GLOBAL FINANCE LANDSCAPE FOR SECURING
INDIGENOUS PEOPLES’, AFRO-DESCENDANT PEOPLES’, AND
LOCAL COMMUNITIES’ TENURE

Since 2015, the funding landscape has shifted dramatically, with several financing mechanisms emerging
to facilitate improved access to and rightsholder control over investments in their land rights and tenure
security.

Following a multi-year pilot phase coordinated by the Rights and Resources Group (RRG) from 2014–2017
to provide technical assistance to advance community mapping, self-identification, and titling initiatives
in six countries with established legal frameworks recognizing community-based tenure rights (Cameroon, Indonesia, Liberia, Mali, Panama, and Peru), RRI formally established the International Land and Forest Tenure Facility as an independent legal entity in 2017. To date, the Tenure Facility has provided over US$20 million in grants to Indigenous and local community organizations and allied NGOs. Between 2019 and 2022, this contributed to titling and other types of formal government recognition at national and sub-national levels of over 8.3 Mha, and to progress with community land and forest rights in over 10 million additional hectares.

Recognizing the essential role of Indigenous Peoples, Afro-descendant Peoples, and local communities in safeguarding their lands, forests, and natural resources, national governments and philanthropists at COP26 in November 2021 collectively pledged US$1.7 billion to support community tenure. Over the 2021–2025 period, this funding seeks to galvanize ongoing reform, demarcation, and registration processes.60

Building on this momentum, RRI and Campaign for Nature launched the Community Land Rights and Conservation Finance Initiative (CLARIFI) in 2022 to contribute towards raising an additional US$10 billion across the sector by 2030 to directly and flexibly fund Indigenous Peoples, Afro-descendant Peoples, and local communities in securing their tenure rights and exercising self-determination within their territories.

Collectively, these emerging mechanisms open up an enormous opportunity to provide rightsholders with the financing they need to advance the recognition of their territorial, land, and natural resource rights in accordance with their self-determined priorities. As evidenced in Section 6, implementation alone could drastically improve the global status of community-based tenure.

Several rightsholder-led funds are also emerging at national and regional levels. These include:

› The Mesoamerican Territorial Fund, comprised of 11 Indigenous and local community organizations across Costa Rica, Guatemala, Honduras, Mexico, Nicaragua, and Panama, piloted 10 projects aimed at strengthening governance, rights, and community-led economic ventures over the 2020–2021 period and is now further developing its governance and funding sources in order to scale up.61

› The Nusantara Fund was launched by AMAN, KPA, and WALHI in May 2023 as a direct funding mechanism to support Indigenous Peoples and local communities in Indonesia in the protection, recognition, and self-determined economic development of Indigenous Territories, Community-Managed Areas, and Priority Agrarian Reform Locations.62

› The Pacifico Task Force was established during the Covid-19 pandemic to respond to the health, food security, education, and adaptation needs of Afro-descendant communities in the Colombian Pacific Coastal Region.63

› Brazil has multiple funds led by rightsholders. These include the Fund for Indigenous Organizations of the Rio Negro (FOIRN), the Babassu Community Fund, and Podáali, a fund managed and led by Indigenous representatives from the Brazilian Amazon which began grantmaking in 2022.64

However, for finance to be effective, inclusive, and sustainable, it will also need to directly and adequately channel support to Indigenous, Afro-descendant, and local community women’s groups specifically through flexible, long-term, and gender-inclusive mechanisms. Canada, the United Kingdom, and the United States together committed over US$7 billion at COP26 towards investments at the intersection of gender and climate action, but history shows that little of the earmarked gender funding tends to
reach grassroots women’s rights organizations and just 0.7 percent of human rights funding between 2010–2013 went to Indigenous women’s organizations. The newly launched Women in Global South Alliance for tenure and climate (WiGSA) seeks to mobilize governments and donors to provide dedicated and direct financial support to Indigenous, Afro-descendant, and local community women’s groups, organizations, associations, and collectives. 65

Taken together, these developments suggest that the financial infrastructure now exists to invest in rapidly scaling up communities’ land tenure security.
Cauca, a department of southwestern Colombia.
Photo by William Martinez for RRI.
Conclusion

This report serves as both a barometer of the current state of community-based tenure recognition, and as a call to action: Although there has been some progress in the recognition of community land rights since the publication of the first *Who Owns the World’s Land?*, it has not been at a scale or pace sufficient to accelerate progress towards greater equity, sustainable development, and poverty eradication.

This should spur action by governments, bilateral and multilateral donors, international organizations, philanthropists, and other stakeholders to accelerate adoption and implementation of tenure reforms that recognize the critical role of Indigenous Peoples, Afro-descendant Peoples, and local communities in managing the lands where they have lived for generations.
NOTES ON THE COLLECTION AND REVISION OF DATA ON UNRECOGNIZED COMMUNITY LANDS

Section 5 of this report revisits and amends data first published in the 2020 RRI report *Estimate of the area of land and territories of Indigenous Peoples, local communities, and Afro-descendants where their rights have not been recognized.*

Estimates of Indigenous Peoples’, Afro-descendant Peoples’, and/or local communities’ lands that have not yet been legally recognized should not be interpreted as comprehensive. Partial or otherwise limited data is presented where available to account for minimum areas known to be claimed or traditionally held and used by Indigenous Peoples, Afro-descendant Peoples, and local communities.

Estimates of unrecognized community lands rely on a combination of the following data sources:

- Data on formal land claim submissions and petitions, as available through official government data or compiled by civil society organizations (CSOs).
- Estimates provided by Indigenous, Afro-descendant, and local community representatives and other national experts obtained during the course of the original 2020 study, development of the 2021 report *Significance of Community-Held Territories in 24 Countries to Global Climate,* and the peer review of this report.
- Targets or goals set by national governments with respect to the implementation of specific CBTR(s) (accounting for areas known to have been recognized through the same CBTR(s) since the time the target was originally set).
Areas claimed by Indigenous Peoples, Afro-descendant Peoples, and local communities through court cases brought at the national or international level.

The authors made their best efforts to account for potential overlaps between data on recognized and unrecognized community lands, as well as to avoid double counting of unrecognized areas that may be subject to multiple claims. However, due to limited availability of georeferenced data, there is a possibility of unknown overlaps among various claims and estimates. The process of legal recognition is important not only for securing communities’ tenure rights but for resolving competing claims and other tenure conflicts.

Estimates of unrecognized community lands first published in RRI’s 2020 report may have been revised under the following circumstances:

- Areas previously understood to be pending formal government recognition through agreement, registration, title, or other statutorily defined procedures are now known to have attained such recognition on or before December 31, 2020, and are therefore included within this report’s figures on the legally recognized lands of Indigenous Peoples, Afro-descendant Peoples, and/or local communities.
- New or more reliable information on the area of Indigenous Peoples’, Afro-descendant Peoples’, and/or local communities’ claimed or traditionally held and used lands has been identified.
- Refinements in methodological approach resulted in more precise estimates.

In some countries, such as Kenya, Liberia, and Mozambique, the statutory recognition of community-based tenure rights is not dependent on formalization procedures such as delimitation, registration, certification, or titling. Although undergoing such procedures may provide communities with an added layer of real or perceived tenure security, a lack of formalization does not reflect an absence of statutory recognition and these areas are included within calculations of legally recognized community lands.

**CHANGES TO THE BUNDLE OF RIGHTS FRAMEWORK**

RRI has been collecting data on the rights of Indigenous Peoples, Afro-descendant Peoples, and local communities to access, withdrawal, management, exclusion, and due process and compensation, and on the duration of those rights, since 2012. In RRI’s original Bundle of Rights analyses (see RRI 2012, and RRI 2014) and in the first edition of *Who Owns the World’s Land?*, community land and forest “ownership” was defined according to RRI’s statutory typology as situations in which Indigenous Peoples and local communities (including Afro-descendant Peoples) have the rights of exclusion and of due process and compensation for an unlimited duration.

Although access, withdrawal, and management rights were not specified as essential for community ownership in these earlier analyses, in practice these rights have always been present where community ownership has been identified. RRI holds the view that, with limited exceptions discussed below, minimum rights of access, withdrawal, and management are crucial for the meaningful ownership of land and forests by Indigenous Peoples, Afro-descendant Peoples, and local communities. Therefore, in 2017, RRI updated its definition of community ownership to specify that Indigenous Peoples and local communities hold all six of the rights in the bundle of rights.
Importantly, this change in the conceptual framework does not alter the classification afforded to any CBTR under RRI’s statutory typology; all CBTRs considered as “owned by Indigenous Peoples and local communities” based on a full bundle of rights analysis have been found to hold all six rights.

**CHANGES TO TOTAL COUNTRY AREA**

The data for total country land area (which is used to calculate the percentage of land area that is owned by or designated for Indigenous Peoples, Afro-descendant Peoples, and local communities) is taken from the UN Food and Agriculture Organization (FAO). For the vast majority of countries, total land area was the same in 2015 and 2020. For six countries, however, there were slight changes in official figures; these may be due to actual biophysical changes (e.g., rising sea levels) or methodological factors (e.g., changes to surveying methods). In all cases, the percentage of community-owned or designated lands in a given year were calculated based on the total country area for that year.
ENDNOTES

MAIN TEXT

1. The Commission on Legal Empowerment of the Poor and United Nations Development Programme affirmed in 2008 that around 1.6 billion people in the world regulate their land relations through customary or Indigenous systems and live below the poverty line of US$2 per day (pg. 79). In the same report, it is estimated that “Customary land holders comprise roughly two billion people in Africa, South East and South Central Asia and Latin America and the Caribbean.” This estimate excluded Indigenous Peoples and other customary landholders in other regions, such as (but not limited to) “Native Americans in North America, Sami in the northern polar areas of Europe and Russia and native peoples of Australia and New Zealand.” Taking these regions into account yields an estimate of 2.5 billion people worldwide. This is consistent with Alden Wily, Liz. 2011. The Tragedy of Public Lands: The fate of the commons under global commercial pressure. International Land Coalition; Chao, S. 2012. Forest Peoples: Numbers across the world. Forest Peoples Programme, Moreton-in-Marsh.

2. As described in the Land Rights Standard, a Standard developed by the Indigenous Peoples Major Group for Sustainable Development (IPM) and Rights and Resources Initiative (RRI), with the support of Forest Peoples Programme (PPP) and Global Landscapes Forum (GLF) and endorsed by 74 institutions, organizations, companies, and investors, “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).” Indigenous Peoples Major Group for Sustainable Development (IPM) and Rights and Resources Initiative. 2022. 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. Available at: https://rightsandresources.org/wp-content/uploads/Land-Rights-Standard_Updated-04-2022.pdf.

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." Indigenous Peoples Major Group for Sustainable Development (IPM) and Rights and Resources Initiative. 2022. Although not explicitly referenced in the First Edition of Who Owns the World’s Land? (Rights and Resources Initiative 2015), previous analysis captured data on Afro-descendant Peoples’ tenure rights where their community-based tenure rights were statutorily recognized as of 2015.

4. As described in the Land Rights Standard, “There is no formal definition of ‘local communities’ under international law, and social movements of local communities are often regionally specific and diverse. ... 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/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).” Indigenous Peoples Major Group for Sustainable Development (IPM) and Rights and Resources Initiative 2022.

5. Throughout this report, “community women” refers to women who rely on community-based tenure.


10. Since its founding, RRI has monitored and reported on trends in the distribution of statutory forest tenure for an expanding number of countries around the world. RRI’s most recent Forest Tenure data can be found on RRI’s Tenure Tool. Available at: https://rightsandresources.org/rri-tenure-tool/.

12. Refers to Supreme and Constitutional Court decisions only.
15. The Zambian Forest Act was enacted in August 2015, after the first Edition of Who Owns the World’s Land? was published. The first Community Forests were recognized in 2018.
17. Excluding Russia.
18. Decreases in the area designated for communities in Australia, Honduras, and Tanzania are likely due to irreconcilable methodological differences between available data for 2015 and 2020.
21. Note that some of this area had already been considered owned by communities through legal frameworks that were brought under the LRA.
23. These 10 countries are: Cambodia, India, Indonesia, Lao PDR, Myanmar, Nepal, Philippines, Thailand, Timor-Leste, and Viet Nam.
30. Inter-American Court of Human Rights. 2015. Garífuna Triunfo de la Cruz Community and its Members v. Honduras
31. Government of Brazil. 2020. Decreto 10.592, 2020, which regulates the Law of Land Tenure Regularization of Occupations in the Legal Amazon (Law 11.952, 2009), guarantees that the titles of domain and concession of the real right of use will be issued in the name of both woman and man when they are spouses or cohabitants in consensual unions, and in both names of the cohabitants in same-sex unions (Article 17, I, II, Decreto 10.592, 2020). In other situations, these titles will be issued preferably to women (Article 17, III, Decreto 10.592, 2020). Government of Brazil. 2019. INCRA Normative Instruction No. 99, 2019, also establishes that The Concession of Use Agreement (Contrato de Concessão de Uso), the Concession of Real Right of Use (Concessão de Direito Real de Uso), and the Title of Domain may be granted to the man and woman in legal and consensual unions (Article 6, INCRA Normative Instruction No. 99, 2019). The same norm also guarantees to women the preference to remain
on the property in cases of dissolution of the conjugal union, except if the man has the custody of minor and incapable children (Article 7º, INCRA Normative Instruction No. 99, 2019).

32. CLA Section 30(3-4); RRI 2017.

33. LRA Articles 2, 3, and 34.

34. Egypt, Libya, Oman, and Saudi Arabia.

35. British Colombia, Nova Scotia, Ontario, and Quebec.


37. These countries are: Argentina, Bolivia, Brazil, Cambodia, Chile, Colombia, Democratic Republic of the Congo, Costa Rica, Guatemala, India, Indonesia, Kenya, Mexico, Namibia, Nepal, Peru, Philippines, and Venezuela.


43. See data available at: https://experience.arcgis.com/experience/bb14d1fa027b47a982b4ec90243b9060/page/Data/.


51. Salazar Sutil, Nicolas. 2023. La promesa del gobierno de titular un millón de hectáreas para el pueblo afrocolombiano es una apuesta para el futuro de todo el país. International Land and Forest Tenure Facility, Stockholm. Available at: https://thetenurefacility.org/article/la-promesa-del-gobierno-de-titular-un-millon-de-hectareas-para-el-pueblo-afrocolombiano-es-una-apuesta-para-el-futuro-de-todo-el-paí.


55. Community Monitoring (CM) is another promising opportunity to link the private sector with collective tenure reform. CM is a grassroots tool/pathway through which communities can bridge the power asymmetries that have historically hindered their ability to influence the investments that impact their rights and livelihoods. This power asymmetry is hindering not only communities, but progressive companies, investors, and governments, too. In Indonesia, the operations of PT Inecda are directly connected to the supply chains of global brands with Forest Positive commitments; however, the actions of the supplier and status of local land rights run counter to those policies. Yet brands lack the grassroots information needed to effectively engage the supplier to advocate for improved practices that support the recognition of community rights. In Liberia, the government committed to ensuring that the palm oil sector would drive inclusive rural economic development but lacks the tools to assess the sector's impacts in rural areas. Similarly, palm oil companies in Liberia have been unable to implement the sustainability elements of their concession agreements because they lack a shared, agreed set of information to support engagements and negotiations with rural communities. CM is not a panacea, but there are clear opportunities to leverage this tool, in tandem with strategic networks, to influence investor practice and government policy to drive improved social, environmental, and development outcomes—along with recognition of community land tenure rights—for local peoples.


61. See the Mesoamerican Territorial Fund by the Mesoamerican Alliance of Peoples and Forests (AMPB). Available at: https://foresttenure.org/gallery/MTF.pdf.


63. See the Pacífico Task Force. Available at: https://pacificotaskforce.com/en/.

64. See the Podaali Fund. Available at: https://fundopodaali.org.br/.


66. Australia, Finland, Mongolia, Myanmar, Norway, and Sweden.
TABLES

67. All land area data presented in this column comes from the Food and Agriculture Organization of the United Nations (FAO) as reported for 2020, and is defined as the total “Country area excluding area under inland waters and coastal waters.” In a small number of countries (Australia, Kazakhstan, Mongolia, Myanmar, Norway, and Sweden), the land area reported for 2015 differs from the area presented in this column. In these countries, the percentage of areas designated for and owned by communities in 2015 was calculated as a percentage of the reported land area for 2015. FAO. 2023. FAOStat. Accessed May 24, 2023. Available at: https://www.fao.org/faostat/en/#data/RL.


73. Ibid.


75. Refers to Scheduled Tribes and Other Traditional Forest Dwellers Land. Baseline numbers for this figure come from: CFR-LA. 2016. Promise and Performance: Ten Years of the Forest Rights Act in India; Citizens’ Report on Promise and Performance of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, after 10 years of its Enactment. To this figure, we have added the increase in the area recognized in Chhattisgarh and Odisha, as reported in: Ministry of Tribal Affairs. 2021. Monthly Update on the Status of Implementation of the Scheduled Tribes and Other Traditional Forest Dweller (Recognition


81. Ibid.


83. Refers to Pasture lands within State Forest Fund delegated to Local Self Government, and then in use by pasture user associations; Forest lands leased to communities in the State Forest Fund and administered by the State Forest Department; and Agricultural land categorized as pastures, delegated to local self-government and managed and used by pasture user associations. Legislation consulted: Kyrgyz Republic. 2009. Law on Pastures No. 30. January 26; Kyrgyz Republic. 1999. Forest Code of the Kyrgyz
87. Ibid.

### 90. References


### 91. References


### 92. References

Refers to Protected Area Community Based Resource Management Agreements (PACBRMAs) and Community-Based Forest Management Agreements (CBFMAs). An unknown amount of Community Based Forest Management Agreements may overlap with CADTs and/or CALTs. Where CBFMAs were issued prior to recognition of Ancestral Domain, the Indigenous Peoples (IPs)/Indigenous Cultural Communities (ICCs) are required to respect the CBFMA for a period of 25 years. After this time, if the IPs/ICCs want to renew the agreement for an additional 25 years, a Memorandum of Agreement must be forged during the FPIC process. Area data for PACBRMAs from: Department of Environment and Natural Resources. 2013. 2013 Philippine Forestry Statistics. Department of Environment and Natural Resources, Forest Management Bureau, Quezon City, 34. Available at: https://forestry.deni.gov.ph/pdf/PSF/PSF2013.pdf; Maguigad, Edna. 2015. Personal communication, Lawyer, April 17. Area data for CBFMAs from: Department of Environment and Natural Resources. 2012. Compendium of ENR Statistic 2012: PACBARMA Issued as of December 2012 Republic of the Philippines. Accessed August 19, 2015.

### 93. References

Refers to Protected Area Community Based Resource Management Agreements (PACBRMAs) and Community-Based Forest Management Agreements (CBFMAs). Area data from: Department of Environment and Natural Resources. 2018. Compendium of ENR Statistics-PACBARMA Issued as of December 2018. Republic of the Philippines. Available at: https://drive.google.com/file/d/19o6gbnaDqJrAVWZkJm5hSo6Wn6sA/view.

### 94. References


### 95. References

Refers to Certificates of Ancestral Domain Title (CADTs), Certificates of Ancestral Domain Title (CADTs), and Collective Certificate of Land Ownership Awards (CLOAs). Area for CADTs refers to 250 approved CALTs as of August 31, 2020. Ancestral Domains Office, Recognition Division. 2020. Master List of Approved CALTs. Available at: https://www.doe.gov.ph/requests/aglzfMnbi2kteGtvHsgSB0Vb1RbnnRlbnOEjEDSvAtnjz2MjM4ODkzMTY2DA.


99. Ibid.

100. Uzbekistan does not have a statutory or regulatory framework that recognizes Indigenous Peoples' or local communities' management or ownership rights.


104. Ibid.

105. Refers to Indigenous/Local ownership (Svartskogsaken), Indigenous/Local ownership of the Finnmark Estate, and the Bygd Commons (Bygdeallmenning), Legal basis for Indigenous/Local ownership (Svartskogsaken) from: Supreme Court of Norway. 2001. Norwegian Supreme Court Ruling Rt. 2001. s.1229. Legislation consulted for Indigenous/Local ownership of the Finnmark Commons (Bygdeallmenning), Legal basis for Indigenous/Local ownership (Svartskogsaken) from: Supreme Court of Norway. 2001. Norwegian Supreme Court Ruling Rt. 2001. s.1229.
106. Ibid.


109. Refers to Cossack Associations in shared ownership. For legislation consulted and source of area data, see endnote 41.


112. Refers to Sámi Reindeer Herding Rights, Indigenous co-management of Laponia tjuottjudus (Laponia World Heritage), and Historical use of the land since time immemorial (Urminnes håvd). Legislation consulted for Sámi Reindeer Herding Rights includes: Government of Sweden. 2011. Högsta domstolens referat NJA 2011 s.109 (nr 14). April 27, 2011; Government of Sweden. The Reindeer Husbandry Act (SVensk författningssamling 1971:437). The area of Sámi Reindeer Herding Rights includes both year-round and seasonal rights and is calculated as the total Reindeer Herding Area (22.6 Mha), less the area of the Girjas Sameby,
which is subject to the Swedish Supreme Case No. T 853-18 of 2020 in addition to rights immemorial that have been transferred to Girjas Sameby and is captured separately. Area includes both year-round and seasonal rights. Data from: Sandström, P., Cory, N., Svensson, J., Hedenäs, H, Jougda, L., & Brochert, N. 2016. On the decline of ground lichen forests in the Swedish boreal landscape – Implications for reindeer husbandry and sustainable forest management. Ambio 45(4): 416-419. Available at: https://www.researchgate.net/publication/290219235_On_the_decline_of_ground_lichen_forests_in_the_Swedish_boreal_landscape.


114. Ibid.


116. Ibid.


118. Ibid.


120. Ibid.


128. Refers to Areas protegidas con convenios de administración con comunidades and Concesiones de Uso. Area data for Concesiones de Uso is the same for 2020 as 2015. The 2020 figure for Areas protegidas con convenios de administración con comunidades includes Reserva Nacional Las Flamencos (0.0739865 Mha) and Parque Nacional Rapa Nui (0.00690806 Mha). Corporación Nacional Forestal (CONAF). 2019. Listado Oficial de Áreas Silvestres Protegidas del Estado (SNASPE). Available at: http://www.conaf.cl/wp-content/files_mf/1566399007listadooficialsnaspeagosto2019.pdf.


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134. Ibid.


142. Refers to Tierras Comunales (Communal Lands). Area calculated as the sum of Tierras Comunales as of 2015 (see previous endnote) and an additional 19 communal lands (0.21847 Mha) recognized by the Registro de Información Catastral. Mesa de Tierras Comunales, Guatemala. 2021. Informe de actividades (documento de uso interno no publicado). As cited by Elías, Silvel. 2021. Personal communication, Professor of Agronomy, University of San Carlos de Guatemala, August 23.


162. Includes Modern Treaty Lands, First Nation Woodland Licenses (British Columbia), Sustainable Forest Licenses (Ontario), and Ententes de délégation de gestion (Québec). For Modern Treaties, the source of all data is the text of individual treaties. For more information on these treaties, see Government of Canada. 2022. Fact Sheet: Implementation of Final Agreements. Available at: https://www.rcaanc-cirnac.gc.ca/eng/1100100030580/1542728997938; For First Nations Woodland Licences, see British Columbia. 2022. First Nations Woodland Licence. Available at: https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures/timber-harvesting-rights/first-nations-woodland-licence; For Sustainable Forest Licences, see Ontario. 2022. Sustainable Forest Licences. Available at: https://www.ontario.ca/page/sustainable-forest-licences; For Ententes de délégation de gestion, see Québec. 2022. Droits forestiers sur des territoires forestiers du domaine de l’État hors unité d’aménagement (UA). Available at: https://mffp.gouv.qc.ca/les-forets/amenagement-durable-forests/les-droits-consents/entente-de-delegation-de-gestion-ed/.


164. Includes Modern Treaty Lands, Reserves, Lands in the Kanesatake Mohawk interim land base, and Tsilhqot’in Nation Declared Aboriginal Title Land. For Modern Treaties, the source of all data is the text of individual treaties. For more information on these treaties, see Government of Canada. 2022. Fact Sheet: Implementation of Final Agreements. Available at: https://www.rcaanc-cirnac.gc.ca/eng/1100100030580/1542728997938. Data on Reserves from Government of Canada. 2020. Indian Lands


Ibid.


175. Ibid.


179. Yemen does not have a statutory or regulatory framework that recognizes Indigenous Peoples’ or local communities’ management or ownership rights. Hursh, John. 2014. RRI Initial Findings: Yemen. Unpublished report.


183. Ibid.


189. Ibid.


194. Ibid.


199. Refers to Community Forest Association Participation in the Conservation and Management of Public Forests under Approved Forest Management Plans. According to the Kenyan Forests Act of 2005 (Articles 38 and 45), members of forest communities are allowed to register community forest associations and to enter into management agreements with local authorities. Notably, the Forest Act of 2005 has been interpreted by some to allow individuals to form Forest Management User Groups and enter into Forest Management Agreements, which may open the door for this tenure regime to be used for private concessions. Participatory Forest Management User Groups can only attain the legal right to co-manage forest after signing a Forest Management Agreement. As of 2013, only 21 Forest Management Agreements had been signed. Government of Kenya. 2005. The Forests Act. Available at: http://faolex.fao.org/docs/texts/ken64065.doc; Area data from: Kenya Forest Service. 2013. As cited in Abdi, Mwajuma. 2013. Personal communication, National Alliance of Community Forest Association (NACOFA). July 31, 2013.


204. Refers to Community Forests and Customary Lands. According to Articles 11(3) and 37 of the 2018 Land Rights Act, the ownership of Customary Land is valid and enforceable without registration and prior to completion of a Confirmatory Survey or issuance of a Statutory Deed. Based on interviews with and information received from the Forestry Development Authority, the Land Authority (including the National Documents and Records Agency (CNDRA)), and analysis of the Land Rights Law, the Community Rights Law and field experience, Ali Kaba estimates that 7 Mha are subject to Customary Land Rights. Nevertheless,


206. Ibid.


208. Ibid.


113. Senegal does not have a statutory or regulatory framework that provides management or ownership rights to Indigenous Peoples or local communities.


223. Ibid.

224. Refers to Customary Lands outside of Forest Reserves and Joint Forest Management. The area previously published by RRI with respect to Customary Lands was based on the Government of Zambia (2006) estimate that 94% of land is customarily held by communities under the Land Act of 1995, which does not require that communities register community lands in order for their rights to be recognized. However, once Customary Land is registered or leased, it is permanently converted to State Land, and the Government of Zambia has not updated its data since the 1970s to account for these conversions. Several researchers have sought to estimate the current extent of Customary Lands, with estimates ranging from 60 to 80 percent. Legislation consulted for Joint Forest Management from: Government of Zambia. 1973. Forest Act No. 39/1973; Government of Zambia. 1999. Forest Act of 1999; Government of Zambia. 2006. Statutory Instrument No. 47 of 2006: The Local Forests (Control and Management) Regulations of 2006. April 20, 2006. Area data from: Government of Zambia, Provincial Forestry Action Programme, as cited in Bwalya, Bridget. 2007. Katanino Joint Forest Management Area, Masaiti District. Zambia: Challenges and Opportunities. Norwegian University of Life Science. Department of International Environmental and Development Studies, 41. Accessed December 2, 2014. Available at: http://www.umb.no/statistik/noragr/c publications/master/2007_bwalya_bwalya.pdf. Area data for Non-Forest Lands in Customary Areas calculated as the total of Customarily held lands (69.87866 Mha), minus the total area of Forest Lands in Customary Areas (30.751 Mha) as found in Kalinda 2013. The area of customarily held lands was estimated by calculating 94% of Zambia’s land area according to the Food and Agriculture Organization of the United Nations. More recent estimates indicate that only 85 to 90% of the country remains under customary tenure with the remainder having been transferred to

225. Ibid.


228. Ibid.


230. Refers to “Indigenous Co-Managed” as defined by Australia’s SOFR (2013 and 2020) and “Indigenous Managed” as defined by Australia’s SOFR (2013 and 2020). Jacobsen, Rohan, Claire Howell, and Steve Read. 2020. Australia’s Indigenous land and forest estate: Separate reporting of Indigenous ownership, management, and other special rights. Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES), Canberra, December 13, 2020. Where land areas meet the criteria for more than one category, they are counted only under the category recognizing the strongest rights. The methodology employed by ABARES has changed between the 2020 and 2013 reports cited, so while data can be interpreted as approximately correct, “the trend over time cannot be asserted with certainty.” Read, Steve. 2022. Personal communication, Chief Coordinating Scientist and Principal Scientist, Forest and Land Sciences at the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) and Department of Agriculture, Fisheries and Forestry, August 19, 2022.


232. Refers to “indigenous owned and managed” as defined by Australia’s SOFR (2013) and “Indigenous Owned” as defined by Australia’s SOFR (2020). Where land areas meet the criteria for more than one category, they are counted only under the category recognizing the strongest rights. The methodology employed by ABARES has changed between the 2020 and 2013 reports cited, so while data can be interpreted as approximately correct, “the trend over time cannot be asserted with certainty.” Read, Steve. 2022. Personal communication, Chief Coordinating Scientist and Principal Scientist, Forest and Land Sciences at the Australian

234. Ibid.

235. “Legally recognized” refers to all areas classified as designated for or owned by Indigenous Peoples, Afro-descendant Peoples, and local communities under RRI's statutory typology, as presented in Table 1. See endnotes associated with data in Table 1 for more information on data sources.

236. Refers to the sum of areas yet to be recognized under Cambodia’s Community Forestry target and the area of Community Protected Areas without signed agreements. The Government of Cambodia’s National Forest Programme of 2010 stated that 2.00 Mha would be managed as Community Forests. Up to 2020, Community Forest Agreements have been signed covering 0.362209 Mha. Ministry of Forestry. 2010. National Forest Programme 2010-2029. Kingdom of Cambodia. Available at: https://faolex.fao.org/docs/pdf/cam143753.pdf. The area of Community Protected Areas with signed agreements was subtracted from the total area of Community Protected Area with and without signed agreements. Ministry of Environment. 2021. As cited by Diepart, Jean-Christophe. 2021. Personal communication, August 13, 2021.

237. The estimate of 3.68 Mha refers to two provinces (Sichuan and Yunnan) only and is based on survey questionnaires used in state forest areas in 2013 and 2015; survey notes taken by leaders of the survey team (2013); and an investigation report written by SFA Natural Forest Protection Program leader (2007), published on the SFA web site. SFA Natural Forest Protection Program. 2007. Forest Policy, Legal and Institutional Framework. Food and Agriculture Organization of the United Nations, Rome. Available at: http://www.fao.org/forestry/200220-03f59c1b0be26d3bd11a6a9a9c4079f5.pdf. Similar community claims are present in other provinces also for which data is not available. Therefore, this is likely to be an underestimate for the whole country. Hu Jintao, 2019. Personal communication.


239. Refers to the minimum estimated area of Indigenous territories. According to the Indicative Indigenous People Territory Map (Atlas Data Spasial Indikatif Wilayah Adat), there is a high probability that 42.049 Mha constitute Indigenous territory. There is a medium probability that an additional 70.412 Mha constitute Indigenous territory, and 29.005 Mha have a low probability of comprising Indigenous territory. Julianty, Cindy. 2023. Personal communication. BRWA, February 2023; Rights and Resources Initiative. 2020. Estimated area of land and territories of Indigenous Peoples, local communities, and Afro-descendants where their rights are not recognized. Rights and Resources Initiative, Washington, DC. doi: 10.53892/UZEZ6605.


241. Based on 2018 data from Myanmar's Department of Land Administration and Statistics, as interpreted by Paul De Wit. In Myanmar, common knowledge indicates that a significant area of Vacant, Fallow and Virgin (VFV) lands may be claimed; hence De Wit assumes that all VFV lands are claimed, which is likely an overestimation. On the other hand, communities may claim land that falls under the permanent forest estate, which could, as per De Wit, compensate for the overestimation on VFV land. Much of these lands are located in the ethnic upland states, including in Kachin, Shan, Kayah, Kayin, Chin, Mon, Rakhine, and Tanintharyi region. Paul De Wit. 2019. Personal communication.
242. About 22.6 percent (3,326 Mha) of land in Nepal is covered by Rangeland or Pasture Land. Rangeland/pasture land is utilized in a sustainable way by Indigenous Peoples and local communities since time immemorial for the grazing of domestic yak, sheep, goats, and cows; collection of non-timber forest products, herbs, and medicinal and aromatic plants; and as a source of fresh water. The rangelands/pasture land are used by Indigenous Peoples and local communities on a customary basis, but their claims have not been legally recognized by the government. The rangelands/pasturelands were nationalized in 1974 by the government through Rangelands/Pasture Land Nationalization Act 1974, but the Indigenous Peoples and local communities are not satisfied with that nationalization act and claiming their rights over the rangelands/pasture land for collective use. Khanal, Dil Raj. 2019. Personal communication, December 5, 2019.

243. Calculated as the total area of Certificates of Ancestral Domain Title (CADT) and Certificates of Ancestral Land Title (CALT) “on process” as of December 31, 2017, less the area of CADTs and CALTs (3,445,177.2067 ha and 1,227,396.5 ha, respectively) understood to have been approved during the 2018–2020 period. CADTs recognized between 2018–2020 calculated as the area recognized in 2019 (Maguigad 2021) minus the area recognized up to 2017 according to the Master List of Approved CADTs.


246. Refers to Holy Forests Traditionally Claimed by Communities. Both Nguyen Trung Thong and Nguyen The Dzung referred to a 2020 source by Nguyen Ba Ngai (in Viet Namese), who is the General Secretary of the Viet Nam Forest Owner Association. According to Nguyen Trung Thong, the “latest known data by 2009 of the holy forests traditionally claimed by communities was 247,000 ha which were not recognized or allocated by the government. These forests are small-scaled, scattered or fragmented in all other forestland categories, including those under temporary management of commune’s people committees, or those which were allocated to forest management boards or state owned forest companies.” Ba Ngai, Nguyen. 2020. Community forests in Viet Nam after 15 years (2004–2020): Issues and policy recommendations for next period (Report at Workshop of Future for Forest Communities in Viet Nam: Positioning and policy recommendations on January 09, 2020 in Ha Noi). (Viet Namese title: Rừng cộng ở Việt Nam: Định hình và kiến nghị chính sách ngày 09 tháng 1 năm 2020 tại Hà Nội). The estimate of unrecognized community lands in Argentina has been updated to reflect the government estimate that 15 Mha of land are occupied by Indigenous Communities, less the areas to which Indigenous Communities’ rights have been recognized. Included within this estimate is at least 4 Mha of land that has been surveyed by the National Institute of Indigenous Affairs (INAI) under Law No. 26.160 of 2006. Law No. 26.160 declares an emergency period during which time the execution of sentences, procedural or administrative acts, whose object is the eviction or vacancy of the lands, are suspended and calls for INAI

248. Refers to the sum of the areas of Agrupaciones Sociales del Lugar (ASLs) (Location-Based Social Associations), Territorio Indígena Originario Campesino (TIOCs) (Original Peasant Indigenous Territory), Propiedades Comunales (Communal Properties), and Títulos Comunales para Comunidades Agro-extractivas (Norte Amazónico) (Communal Titles for Agricultural-Extractivist Communities in the Northern Amazonian Region) that are claimed but not yet recognized. The area of unrecognized ASLs was calculated by subtracting the latest data on the area of recognized ASLs from 1.35 Mha of claims reported by Vargas and Osnaga. Vargas, Marí Teresa, and Edil Osnaga. n.d. En manos de quién están los bosques en Bolivia? Implicaciones de la tenencia en el manejo forestal y en los medios de vida rurales. Accessed July 20, 2021. Available at: https://studylib.es/doc/6149126/%C2%B7manos-de-qui%C3%A1n-est%C3%A1n-los-bosques-en-bolivia%3F-implicac... The area of unrecognized TIOCs was calculated by subtracting latest data on the area of recognized TIOCs from the claimed area of 36.55 Mha reported by Fundación Tierras. Fundación Tierras. 2011. Territorios Indígena Orinígena Campesinos en Bolivia Entre la Loma Santa y la Pachamama. Fundación Tierras, La Paz, 130. Available at: http://www.inra.gob.bo/InraPg/paginaController?cmd=contenido&id=6650. The area of pending Propiedades Comunales from: Instituto Nacional de Reforma Agraria (INRA). 2016. Plan Estratégico Institucional 2016–2020. INRA, La Paz, 36. Accessed December 20, 2022. Available at: https://www.inra.gob.bo/InraPg/upload/INRA%20PE%202016.pdf;jsessionid=DCAC06099F6412B720790FF1A28CE8479;jsessionid=DCAC06099F6412B720790FF1A28CE8479. The area of pending Títulos Comunales para Comunidades Agro-Extractivas (Norte Amazónico) from: Cronkleton, Peter, Pablo Pacheco, Roberto Ibargüen, and Marco Antonio Albornoz. 2009. Reformas en la tenencia forestal en Bolivia: La gestión comunal en las tierras baja. CIFOR-CEDLA, La Paz, 51.

249. Refers to the sum of unrecognized Terras Indígenas (Indigenous Lands) and estimates of unrecognized Quilombola territories. Area of unrecognized Terras Indígenas from: Fundação Nacional do Índio (FUNAI). 2019. Table obtained through an Access to Information request by Fernanda Almeida in July 2019. Area of unrecognized Quilombola territories is based on an extrapolation made by Isabelle Picelle (2019) based on 1,748 claims from Quilombola communities for land regularization at the federal level. This is likely to be an underestimate as it does not include Afro-descendant Peoples' requests for land regularization in states such as Maranhão, Pará, Piauí, and Bahia.


including 400,000 ha of lands that were recognized in 2022 (data captured by this analysis reflects a cutoff date of December 31, 2020). Duarte, Carlos. 2021. Personal communication, Professor, Instituto de Estudios Interculturales de la Universidad Javeriana de Cali, August 30, 2021.


256. Figure derived by comparing geospatial data from Prisma, Alianza Mesoamericana de Pueblos y Bosques (AMPB), and the International Union for Conservation of Nature (IUCN). Geospatial data from IUCN not overlapping with lands understood to be titled based on Prisma/AMPB data, are understood to reflect unrecognized lands. Provided as part of: Rights and Resources Initiative, Woodwell Climate Research Center, and Rainforest Foundation US. 2021. Significance of Community-Held Territories in 24 Countries to Global Climate. Rights and Resources Initiative, Washington, DC. doi: 10.53892/YBGF2711.

257. Refers to the sum of areas of ejidos and comunidades no ejecutadas. Registro Agrario Nacional (National Agrarian Register). 2020. Información Estadística de la Estructura de la Propiedad Social en México. Situación Agraria Nacional. Available at: http://www.ran.gob.mx/ran/index.php/sistemas-de-consulta/estadistica-agraria/informacion-de-interes-nacional. This is likely an underestimate, as Indigenous lands are known to overlap with private and national property; however, an estimate of these additional areas was not identified. Gomez, Claudia. 2021. Personal communication; Gaona, Gina. 2021. Personal communication.

258. Estimate is based on geospatial data provided by the International Union for the Conservation of Nature (IUCN) and Prisma in 2021 as part of: Rights and Resources Initiative, Woodwell Climate Research Center, and Rainforest Foundation US 2021. Each dataset contains undifferentiated data on both recognized and unrecognized Indigenous Lands. These data sets were combined, and then the overlapping area of titled Indigenous lands was subtracted in order to isolate areas understood to be untitled.


261. An estimated 10.5 Mha of Indigenous Peoples' and Maroon Peoples' lands have yet to be legally recognized. According to one estimate drawing on government reports and SSDI documents, approximately 6.5 Mha may be claimed by Indigenous Peoples and approximately 4 Mha may be claimed by Maroon Peoples. It is possible that up to 25 percent of the Maroon lands may overlap with Indigenous Lands (Parahoe 2019 and 2023). However, maps produced as part of the SSDI project were never
finalized or validated, and there were concerns with both the methodology employed and the feasibility of recognizing all the areas included. Alternatively, the proposed Trio and Wayana Protection Land and Nature in Southern Suriname project (TWTIS, formerly Southern Suriname Conservation Corridor), which would cover 5.2–7.2 Mha, could be considered as lands claimed by Indigenous Peoples, but this estimate does not consider claims in Northern regions of the country or the additional claims of Maroon Peoples. Nevertheless, by referring to both estimates generally, the figure of 10.5 Mha is presented as a reasonable estimate that will require further review and attention in consultation and collaboration with Indigenous and Maroon rightsholders as the legal framework is operationalized. Parahoe, Minu. 2019. Personal communication, Amazon Conservation Team-Suriname; Parahoe, Minu. 2023. Personal communication, Amazon Conservation Team-Suriname; van Kanten, Rudi. 2021. Personal communication, Tropenbos Suriname, August 1, 2023; Ooft, Max. 2021. Personal communication, August 1, 2021.


264. Refers to the estimated area of Community Lands (50.726873 Mha), calculated by subtracting protected areas, urban lands, rural titled land, and rural public service area. Alden Wily 2021.


266. Alden Wily 2021.


269. Official data from the Kenya Forest Service indicated that there was 0.83 Mha of forests to which Community Forest Associations had management plans that were in force as of 2019, but to which they did not yet have a signed Forest Management Agreement. Kenya Forest Service. 2016. Approved Management Plans and Signed FMA’s. Government of Kenya, Nairobi. Accessed August 16, 2019. Available at: http://www.kenyaforestservice.org/documents/pfm/APPROVED%20MANAGEMENT%20PLANS%20REGISTER%20with%20Agreements.pdf.

270. The ownership of Customary Land is legally recognized under the 2018 Land Rights Act without registration and prior to completion of a Confirmatory Survey or issuance of a Statutory Deed. However, communities may retain claims to an unknown area of Protected Areas or previously existing private lands.


272. Direito de uso e aproveitamento da terra (DUAT) (Rights of use and benefit of land) does not legally need to be formalized nor proven in order to be actionable under the law. Therefore, both Certified and Uncertified Community DUATs are considered legally recognized within this analysis. See endnotes associated with Table 1 for more information.


277. As discussed in endnotes associated with Table 1, it is estimated that 60–80 percent of land in Zambia remains legally recognized as Customary Land. While this figure historically stood at 94 percent, once Customary Land is registered or leased, it is permanently converted to State Land, and the Government of Zambia has not updated its data since the 1970s to account for these conversions. As a result, an unknown area of these converted lands may remain claimed by communities.

279. Terres Collectives (Collective Lands) are classified as “designated for” Indigenous Peoples and local communities in this analysis. See Alden Wily (2021) and endnotes associate with Table 1 of this report for more information.

280. Refers to Registered and Unregistered Native Claims. Data from: “Applications (Schedule).” Excel file. Accessed December 5, 2019. It is likely that these claims overlap with other existing Indigenous or non-Indigenous land management/ownership arrangements, but as such determinations have not been made, it is not possible to account for this overlap. Notably, the “registration of a claim gives claimants procedural rights in relation to the doing of certain ‘future acts’ in the claim area.” See: About the National Native Title Tribunal. 2014. National Native Title Tribunal’s registers. Commonwealth of Australia.

281. Canada: Refers to the area of Claims and Assertions, based on geospatial data from maps provided by the Department of Indigenous Relations and Northern Affairs, Government of Canada.

282. This estimate corresponds to the formally recognized cultural and linguistic heritage site of the Sámi (i.e., “homeland”), which does not concern control and ownership of resources. The homeland is recognized in both the Sámi Parliament Act 17.7.1995/974 (48) and the Finnish Constitution (175 and 1218). This is the area that the Sámi “claim” as part of the ratification process of the ILO Convention 169, which Finland has not completed. The ratification would hand the Indigenous community full land use rights within this territory, of which 91 percent is currently controlled by the government. Malkamäki, Arttu, and Jaana Korhonen. 2019. Personal communication.

283. No data is available for the area of Indigenous and community land that remains to be recognized in Norway. Previous estimates published by RRI (2020) referred to the Finnmark Estate, which is managed by the Finnmark Estate Board comprised of three appointed by the Finnmark county (fylke) and three appointed by the Sami Parliament and is classified as “owned by” Indigenous Peoples and local communities in this analysis. Government of Norway. 2005. The Finnmark Act (Lov 2005-06-17-85); NOU 2007:13. Available at: https://www.regjeringen.no/no/dokumenter/nou-2007-13/id491883; Marin, Andrei. 2015. Personal communication, Researcher, Norwegian University of Life Sciences, April 3, 2015.

284. No data is available for the area of Indigenous and community land that remains to be recognized in Sweden. Previous estimates published by RRI (2020) referred to the area subject to Sámi Reindeer Herding Rights, which are considered legally “designated for” communities under this analysis. See endnotes associated with Table 1 for more information.
ABOUT THE RIGHTS AND RESOURCES INITIATIVE

The Rights and Resources Initiative is a global Coalition of 21 Partners and more than 150 rightsholders organizations and their allies dedicated to advancing the forestland and resource rights of Indigenous Peoples, Afro-descendant Peoples, local communities, and the women within these communities. Members capitalize on each other’s strengths, expertise, and geographic reach to achieve solutions more effectively and efficiently. RRI leverages the power of its global Coalition to amplify the voices of local peoples and proactively engage governments, multilateral institutions, and private sector actors to adopt institutional and market reforms that support the realization of their rights and self-determined development. By advancing a strategic understanding of the global threats and opportunities resulting from insecure land and resource rights, RRI develops and promotes rights-based approaches to business and development and catalyzes effective solutions to scale rural tenure reform and enhance sustainable resource governance.

RRI is coordinated by the Rights and Resources Group, a non-profit organization based in Washington, DC. For more information, please visit www.rightsandresources.org.