

WHO OWNS THE WORLD'S LAND?

A global baseline of
formally recognized
indigenous and
community land rights

Rights and Resources Initiative
September 2015



THE RIGHTS AND RESOURCES INITIATIVE

RRI is a global coalition of 13 Partners and over 150 international, regional, and community organizations advancing forest tenure, policy, and market reforms. RRI leverages the strategic collaboration and investment of its Partners and Collaborators around the world by working together on research, advocacy, and convening strategic actors to catalyze change on the ground.

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Preface

In recent years, there has been growing attention and effort towards securing the formal, legal recognition of land rights for Indigenous Peoples and local communities. Communities and Indigenous Peoples are estimated to hold as much as 65 percent of the world's land area under customary systems, yet many governments formally recognize their rights to only a fraction of those lands. This gap—between what is held by communities and what is recognized by governments—is a major driver of conflict, disrupted investments, environmental degradation, climate change, and cultural extinction. While community land rights are garnering greater attention in national and international circles, the actual status and extent of legal recognition has not been well understood.

This report seeks to contribute to this field as the first analysis to quantify the amount of land formally recognized by national governments as owned or controlled by Indigenous Peoples and local communities around the world. The study includes data from 64 countries comprising 82 percent of global land area. It builds on the ongoing work of the Rights and Resources Initiative (RRI) to track ownership and control of the world's forests, and expands that research to identify lands that are owned and controlled by local communities across all terrestrial ecosystems in the countries studied, including such diverse lands as grasslands in China, taiga in northern Canada, and rainforests in Brazil.

The finding that only 18 percent of land area in the countries studied is formally recognized as owned or controlled by local communities and Indigenous Peoples reveals the level of challenge facing the world today. Moreover, the findings that much of this recognized area is in just a few countries, that less than 5 percent of land is recognized as community owned or controlled in more than half of the countries, and that weaknesses and restrictions often impede the realization of rights, all demonstrate the need for action. Fewer than half of the countries studied have the legal frameworks in place to recognize communities' and Indigenous Peoples' full ownership rights to their lands.

We hope that this report will be used by community and Indigenous Peoples' organizations, policy makers, advocates, investors, donors, and researchers to measure governments' progress in formally recognizing Indigenous Peoples and communities' rights to the lands that they have held in practice for generations. In addition, we hope that the findings will spur more action by all of these stakeholders to seize the many immediate opportunities for tenure reform as a way to close the gap between national laws, corporate practice, and communities' rights.

As this report is the first effort to compile a global estimate of the formal recognition of Indigenous Peoples' and communities' land rights, we welcome comments and suggestions on how the methodology and results can be refined and improved in the future. Comments such as these have strengthened RRI's forest tenure data and analysis for more than a decade. We look forward to your assistance as we refine our approach for future editions of the global baseline of indigenous and community land rights.

Andy White

Coordinator

Rights and Resources Initiative

Introduction

Ownership of the world's rural lands and natural resources is a major source of contestation around the globe, affecting prospects for rural economic development, human rights and dignity, cultural survival, environmental conservation, and efforts to combat climate change. Historically, most rural lands were owned and governed by local communities and Indigenous Peoples under customary tenure systems. Over time, however, large areas of these lands have also been claimed by states under statutory law. In much of the so called “developed world,” this assertion of state claims has led to the reallocation of community lands to households and corporations as private property, though public ownership has remained important in some countries. In developing countries, states have often continued to assert direct claims over community lands, resulting in a situation of overlapping claims to lands that extend across large areas of the world to this day.

Communities are estimated to hold as much as 65 percent of the world's land area through customary, community-based tenure systems.¹ However, national governments only recognize formal, legal rights of Indigenous Peoples and local communities to a fraction of these lands. Some countries are in the process of recognizing communities' rights, and estimates from those countries provide some indication of the size of these gaps in recognition. Recent work in India and Indonesia has identified approximately 40 million hectares (Mha) of customarily-held forest land in each country that has not yet secured formal, legal recognition.² In Peru, estimates indicate that an additional 20 Mha of land is still due for formal recognition, and in the Caribbean region of Colombia, only around 2 percent of land held under customary tenure by Afro-Descendant communities has been formally titled.³ Many other countries have not yet established the legal authority for the recognition of communities' land rights, and there is limited information on how much land is held by communities and still due recognition.

This report is designed to inform policy debates and action on community land rights by identifying how much land national governments have formally recognized as owned or controlled by Indigenous Peoples and local communities. It documents the land area under formally recognized community-based tenure regimes, where formal rights to own or manage land or terrestrial resources are held at the community level. The study compares data across 64 countries constituting 82 percent of global land area and aims to establish a global baseline of data on the legal recognition of local communities' and Indigenous Peoples' land rights. We hope that it can be used to promote and measure progress in recognizing and securing those rights over time.

When local communities and Indigenous Peoples lack formal, legal recognition of their land rights, they are vulnerable to dispossession and loss of their identities, livelihoods, and cultures. Pressures are increasing as governments issue concessions for forestry, industrial agriculture, large-scale mining, and oil and gas production on community lands. Disputes over land and natural resources are also a contributing cause of armed conflict.⁴

By contrast, countries whose governments formally recognize customary land rights are making progress towards realizing human rights imperatives established in international frameworks such as International Labor Organization Convention 169 (ILO 169), the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and

the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security (VGGT).⁵ Secure community tenure contributes to economic development and community livelihoods, conservation of ecosystems and biodiversity, and reductions in carbon emissions from deforestation.⁶ Lands governed under community-based tenure systems often have well-established local institutions and practices for the stewardship of land and resources. These institutions and practices have historically helped to sustain large, intact ecosystems such as tropical forests, rangelands, and large-scale rotational agricultural systems.⁷ These ecosystems, in turn, provide a vital foundation for the livelihoods and food security of the estimated 1.5 billion local communities and Indigenous Peoples around the world who govern their lands through community-based tenure.⁸

Formal, legal recognition of indigenous and community lands is necessary but not sufficient to guarantee tenure security, which also requires that states and other actors respect, support, and enforce such protections. Legal recognition does provide an essential foundation for securing community-based tenure rights. Community-based tenure can also be contrasted with the direct titling of individual lands, which has often resulted in negative impacts in areas with customary, community-based tenure systems. These impacts include the loss of land, particularly where titling establishes the rights of individuals to sell the land; increased conflict; disruption of ecosystems; and reduced access to vital common property resources by the politically and economically marginalized.⁹ Of course, within community-based tenure systems, Indigenous Peoples and local communities may adopt a range of approaches to land management, including managing lands as common resources, allocating areas to individuals or households to manage, or both.

These pressures, trends, opportunities, and challenges make the formal, statutory recognition of Indigenous Peoples and local communities' land rights critically important for communities as well as national and international stakeholders. Increasing communities' tenure security contributes to realizing national government goals to improve economic growth, as well as greater employment opportunities, political stability, and resilience. Where community land rights are respected and recognized in national law, communities can consider entering into partnerships with the private sector to establish responsible, secure, and sustainable investments. By promoting community land rights, bilateral and international development partners can establish enabling environments to reduce poverty, make progress toward the Sustainable Development Goals, combat climate change through mechanisms such as REDD+, and promote peacebuilding.

As demands for land tenure reform increase and national processes to recognize land rights advance, this report provides a baseline that documents the current status of formal, statutory recognition of community-based tenure. Section 2 of this report, on methodology, explains the scope of the study and how the data was collected and analyzed. Section 3 presents the results of the global baseline including breakdowns by country, income level, and region. Section 4 distills key findings from the analysis and discusses opportunities for reform, and Section 5 concludes by highlighting the importance of indigenous and community land rights for a wide range of actors and agendas at local, national, and international levels.

Methodology

The global baseline identifies the land area in 64 countries that is formally recognized—under national statutes—as owned or controlled by Indigenous Peoples and local communities.¹⁰ The analysis builds on previous work by RRI to track the ownership and control of forest land around the world,¹¹ but expands beyond forests to consider the recognition of Indigenous Peoples' and local communities' land rights in other ecosystems. Countries in this report were selected to include a broad range of terrestrial ecosystems and to cover a large percentage of the earth's land area.

Definitions and categories

This analysis uses “community-based tenure regimes” as its primary unit of analysis. “Community-based tenure” refers to situations in which the right to own or manage terrestrial natural resources is held at the community level. The term “regime” is used to indicate formal, legal recognition as expressed in a country's statutes. Thus, community-based tenure regimes are a category that includes all situations where rights to own or manage terrestrial natural resources are held at the community level under statutory law.

RRI uses community-based tenure regimes as its unit of analysis for tenure tracking because this allows for the inclusion of a wide range of communities from different jurisdictions, reflecting a variety of political, cultural, and historical contexts. Using this category has allowed the global baseline to include indigenous communities in Brazil, First Nations in Canada, farming communities in Uganda, and forestry collectives in China.¹² Community-based tenure regimes may be enacted explicitly to recognize the customary tenure rights of Indigenous Peoples and local communities, or they may seek to promote sustainable use of lands and natural resources or conservation objectives.¹³ As noted above, within community-based tenure regimes, rights-holders may adopt a range of approaches to land management, including common pool resource management and allocations to individual households.

Customary tenure has been recognized internationally as a basis for land rights regardless of the status of recognition under national law, but it is often not recognized by states.¹⁴ This study focuses on national level statutory recognition as a way to evaluate the state's track record of recognizing Indigenous Peoples' and local communities' rights. The focus on statutory tenure as the unit of analysis is not intended to imply that property rights emanate from the state or that the state has the authority to deny customary rights.

Community-based tenure regimes can be contrasted with regimes establishing private ownership by individuals and corporations and with regimes establishing ownership and direct control by states. The pie charts in this report identify how much land is owned or controlled by Indigenous Peoples and local communities. The remainder of each country's land is understood to be formally owned and controlled by (national or state) governments or by private firms and individuals.¹⁵ While most community-based tenure regimes are in rural areas, the analysis did not subtract urban areas from country area totals because these comprise only between 0.2 and 2.7 percent

of global land area, depending on the methodology used to make the estimate. Country specific estimates for urban area were not available.¹⁶

Community-based tenure regimes vary in the strength of the rights they allocate to Indigenous Peoples and local communities. Using the expanded bundle of rights elaborated in RRI's analysis *What Rights?*¹⁷—including rights of access, the right to withdraw natural resources, management rights, the right of exclusion, the right to due process and compensation in the event of government expropriation, and the right to hold tenure rights for an unlimited span of time—the global baseline divides community-based tenure regimes into two categories:¹⁸

- **Land that is owned by Indigenous Peoples and local communities:** Land is considered to be “owned” where states have formally recognized that communities have certain rights which strengthen the security of their claims to land. It is defined in this analysis as an area where community tenure is unlimited in duration; communities have the legal right to exclude outsiders from using their resources; and communities are entitled to due process and compensation in the face of potential extinguishment by the state of some or all of their rights. In this analysis, alienation rights are not considered to be essential for community ownership.
- **Land that is designated for Indigenous Peoples and local communities:** Land in this category is governed under tenure regimes that recognize some rights on a conditional basis for Indigenous Peoples and local communities. While rights-holders have some level of “control” exercised through use, management, and/or exclusion rights over land, they lack the full legal means to secure their claims to those lands (i.e., they do not have all rights required under the “ownership” designation: the right to exclude, to due process and compensation, and to retain rights for an unlimited duration).

These definitions are designed to enable global comparisons across countries and do not always conform to definitions and perceptions of ownership in specific countries. For example, under Brazilian law, Indigenous Lands are held by the state on behalf of Indigenous Peoples, but are included here as “owned” because the tenure regime for Indigenous Lands includes the full bundle of rights that comprise ownership within this analytical framework.¹⁹ In Guyana, conversely, Amerindian Village Lands are recognized as indigenous-owned in the national context, but are included here as “designated for” Indigenous Peoples because communities’ rights to exclude outsiders from their lands—a key criterion for “ownership” in this framework—are limited.²⁰

This study reports on the area of land recognized by governments under community-based tenure regimes. This area data is one key dimension of the implementation of community-based tenure regimes. Tenure regimes are considered in this report to be “unimplemented” when no land area has been formally recognized under them. Importantly, however, even the formal recognition of land area under community-based tenure regimes does not ensure that communities enjoy these rights in practice, as formally-recognized rights may continue to be infringed upon (e.g., by allocation of overlapping commercial concessions) or undermined by a lack of enforcement or support by governments and other actors.

Some further caveats and clarifications are important for the reader to keep in mind. One is that this global baseline considers only national-level legally binding documents and regulations. Statements of policy and regulatory instruments (decrees, executive orders, etc.) are only considered when they implement or clarify the conditions under which rights already guaranteed by a constitution or other legislation should be exercised. Standalone statements of policy or regulatory instruments are not considered when they do not serve to interpret an underlying statutory or constitutional guarantee of property rights. This is because the interpretation, implementation, and enforcement of such policies are usually at the discretion of the executive branch of the government. Subnational legislation is not included within the scope of this analysis. Additionally, subsoil tenure rights are not addressed, although governments frequently reserve the right to issue concessions for the extraction of subsoil resources on community lands.

Customary law is a vital part of how land is managed in many of the countries surveyed. However, the results of this analysis do not generally include estimates of un-delimited lands held under customary law because the data is not available for most countries. Estimates of un-delimited customary lands held by communities are only included in the data table below for a handful of countries where (1) national-level statutes recognize customary rights without requiring the delimitation of community-based lands, and (2) general estimates of the area of community lands are available. Those instances are identified in the endnotes.

Commercial concessions significantly affect Indigenous Peoples' and local communities' lands, frequently giving corporations permission to exploit natural resources for extended periods of time, such as up to 99 years. However, because concessions generally do not establish areas designated for use or ownership by communities, most are not included within the scope of this study. Where tenure regimes establish community concessions, usually as lands designated for communities, these are included.

For the purposes of this report, land that is described as "held" by communities is occupied and governed by communities in practice; however, the communities may or may not have formal, legal rights to those lands. Lands that are "claimed" by communities are lands for which communities have initiated the legal or administrative processes required to obtain formal recognition of their property rights.

Data collection and review

The data for this global baseline data was collected and peer reviewed in two phases. First, country-level data was collected through a combination of expert consultancies for 48 countries and in-house desk research on 23 countries. Data was collected on the community-based tenure regimes enacted in each of these countries and on the area formally recognized under these regimes.

During the peer review phase of the study, the preliminary country data was submitted to people with relevant expertise to verify that the data was as complete as possible and based on the most up-to-date laws and regulations. RRI solicited reviews of country data from more than 900 people globally and collected more than 160 reviews of RRI's results for individual countries. The global baseline contains data on the 64 countries for which sufficient, reliable data could be obtained.

This report is a first attempt to develop a global picture of community-based tenure rights in 64 countries. Every effort has been made to include only reliable and consistent information in the dataset; however, legal interpretations and data sources can vary. RRI welcomes comments and input that will enable improvements in the quality of the database and analysis.

Formal Recognition of Indigenous Peoples' and Local Communities' Tenure Rights

Global results

Table 1 summarizes the data collected on how much land is formally owned or controlled by Indigenous Peoples and local communities. The study includes 64 countries, whose total land area constitutes 82 percent of global land area.²¹ The term “global results” refers to the findings for the 64 countries included in the study.

The countries are listed by region and in alphabetical order within each region. Columns identify the total land area of each country, the area and percentage of land

Table 1 Global Results—List of National Results Identifying Land Designated for or Owned by Indigenous Peoples and Local Communities

Country	Total Country Area (Mha) ²⁴	Designated for Indigenous Peoples and Local Communities		Owned by Indigenous Peoples and Local Communities		Total Area Designated for or Owned by Indigenous Peoples and Local Communities		Income Level ²⁵	
		Area (Mha)	Percent of Country Area ²⁶	Area (Mha)	Percent of Country Area ²⁷	Total Area (Mha) ²⁸	Total Percent of Country Area ²⁹		
CORE REGIONS STUDIED									
Asia	Cambodia	17.65	0.58 ³⁰	3.30%	0.01 ³¹	0.04%	0.59	3.33%	L
	China	942.47	-----	0.00%	465.70 ³²	49.41%	465.70	49.41%	M
	India	297.32	----- ³³	0.00%	0.13 ³⁴	0.04%	0.13	0.04%	M
	Indonesia	181.16	0.35 ³⁵	0.19%	-----	0.00%	0.35	0.19%	M
	Kazakhstan	269.97	21.48 ³⁶	7.96%	-----	0.00%	21.48	7.96%	M
	Kyrgyzstan	19.18	7.69 ³⁷	40.07%	-----	0.00%	7.69	40.07%	M
	Lao PDR	23.08	0.02 ³⁸	0.10%	-----	0.00%	0.02	0.10%	M
	Myanmar	65.33	0.05 ³⁹	0.07%	-----	0.00%	0.05	0.07%	M
	Nepal	14.34	1.92 ⁴⁰	13.41%	-----	0.00%	1.92	13.41%	L
	Philippines	29.82	1.65 ⁴¹	5.55%	4.71 ⁴²	15.79%	6.36	21.34%	M
	Tajikistan	14.00	No data ⁴³	0.00%	-----	0.00%	0.00	0.00%	M
	Thailand	51.09	0.48 ⁴⁴	0.94%	-----	0.00%	0.48	0.94%	M
	Timor-Leste ⁴⁵	1.49	-----	0.00%	-----	0.00%	0.00	0.00%	M
	Turkmenistan	46.99	30.29 ⁴⁶	64.46%	-----	0.00%	30.29	64.46%	M
Uzbekistan ⁴⁷	42.54	-----	0.00%	-----	0.00%	0.00	0.00%	M	
Region Total	2016.41	64.52	3.20%	470.54	23.34%	535.06	26.54%		

Country	Total Country Area (Mha) ²⁴	Designated for Indigenous Peoples and Local Communities		Owned by Indigenous Peoples and Local Communities		Total Area Designated for or Owned by Indigenous Peoples and Local Communities		Income Level ²⁵	
		Area (Mha)	Percent of Country Area ²⁶	Area (Mha)	Percent of Country Area ²⁷	Total Area (Mha) ²⁸	Total Percent of Country Area ²⁹		
Latin America	Argentina	273.67	5.29 ⁴⁸	1.93%	2.74 ⁴⁹	1.00%	8.02	2.93%	H
	Bolivia	108.33	0.47 ⁵⁰	0.43%	38.92 ⁵¹	35.93%	39.39	36.36%	M
	Brazil	835.81	77.19 ⁵²	9.24%	114.63 ⁵³	13.72%	191.82	22.95%	M
	Chile	74.35	0.06 ⁵⁴	0.09%	2.25 ⁵⁵	3.03%	2.32	3.12%	H
	Colombia	110.95	-----	0.00%	37.58 ⁵⁶	33.87%	37.58	33.87%	M
	Costa Rica	5.11	-----	0.00%	0.33 ⁵⁷	6.44%	0.33	6.44%	M
	Guatemala	10.72	0.38 ⁵⁸	3.55%	1.40 ⁵⁹	13.04%	1.78	16.58%	M
	Guyana	19.69	3.80 ⁶⁰	19.32%	-----	0.00%	3.80	19.32%	M
	Honduras	11.19	0.50 ⁶¹	4.42%	1.07 ⁶²	9.55%	1.56	13.98%	M
	Mexico	194.40	-----	0.00%	101.13 ⁶³	52.02%	101.13	52.02%	M
	Peru	128.00	9.27 ⁶⁴	7.24%	35.29 ⁶⁵	27.57%	44.56	34.81%	M
	Suriname ⁶⁶	15.60	-----	0.00%	-----	0.00%	0.00	0.00%	M
	Venezuela	88.21	2.84 ⁶⁷	3.22%	-----	0.00%	2.84	3.22%	H
	Region Total	1876.01	99.80	5.32%	335.34	17.87%	435.13	23.19%	
Sub-Saharan Africa	Angola	124.67	-----	0.00%	0.01 ⁶⁸	0.00%	0.00	0.00%	M
	Botswana	56.67	30.29 ⁶⁹	53.44%	-----	0.00%	30.29	53.44%	M
	Cameroon	47.27	4.26 ⁷⁰	9.02%	-----	0.00%	4.26	9.02%	M
	Central African Republic	62.30	0.00 ⁷¹	0.00%	-----	0.00%	0.00	0.00%	L
	Chad	125.92	No data ⁷²	0.00%	-----	0.00%	0.00	0.00%	L
	Congo, Democratic Republic of the	226.71	0.00 ⁷³	0.00%	-----	0.00%	0.00	0.00%	L
	Congo, Republic of the	34.15	0.44 ⁷⁴	1.28%	-----	0.00%	0.44	1.28%	M
	Ethiopia	100.00	0.21 ⁷⁵	0.21%	-----	0.00%	0.21	0.21%	L
	Gabon	25.77	0.01 ⁷⁶	0.05%	-----	0.00%	0.01	0.05%	M
	Kenya	56.91	0.21 ⁷⁷	0.37%	3.30 ⁷⁸	5.80%	3.51	6.17%	M
	Liberia	9.63	No data ⁷⁹	0.00%	3.06 ⁸⁰	31.73%	3.06	31.73%	L
	Mozambique	78.64	0.99 ⁸¹	1.26%	19.10 ⁸²	24.29%	20.09	25.54%	L
	Namibia	82.33	33.40 ⁸³	40.57%	-----	0.00%	33.40	40.57%	M
	South Sudan	64.43	-----	0.00%	No data ⁸⁴	0.00%	0.00	0.00%	L
	Sudan	186.15	0.06 ⁸⁵	0.03%	-----	0.00%	0.06	0.03%	M
	Tanzania	88.58	64.14 ⁸⁶	72.41%	2.37 ⁸⁷	2.67%	66.51	75.08%	L
	Uganda	19.98	0.00 ⁸⁸	0.00%	13.45 ⁸⁹	67.30%	13.45	67.30%	L
Zambia	74.34	39.21 ⁹⁰	52.74%	-----	0.00%	39.21	52.74%	M	
Zimbabwe	38.69	16.40 ⁹¹	42.39%	-----	0.00%	16.40	42.39%	L	
Region Total	1503.13	189.62	12.62%	41.27	2.75%	230.89	15.36%		

Country	Total Country Area (Mha) ²⁴	Designated for Indigenous Peoples and Local Communities		Owned by Indigenous Peoples and Local Communities		Total Area Designated for or Owned by Indigenous Peoples and Local Communities		Income Level ²⁵	
		Area (Mha)	Percent of Country Area ²⁶	Area (Mha)	Percent of Country Area ²⁷	Total Area (Mha) ²⁸	Total Percent of Country Area ²⁹		
OTHER REGIONS STUDIED									
Europe	Finland	30.39	-----	0.00%	0.16 ⁹²	0.51%	0.16	0.51%	H
	Norway	36.53	-----	0.00%	5.18 ⁹³	14.19%	5.18	14.19%	H
	Russia	1637.69	72.15 ⁹⁴	4.41%	0.02 ⁹⁵	0.00%	72.17	4.41%	H
	Sweden	40.73	0.94 ⁹⁶	2.31%	-----	0.00%	0.94	2.31%	H
	Region Total	1745.34	73.09	4.19%	5.35	0.31%	78.44	4.49%	
Middle East/North Africa	Algeria	238.17	33.86 ⁹⁷	14.22%	-----	0.00%	33.86	14.22%	M
	Egypt ⁹⁸	99.55	-----	0.00%	-----	0.00%	0.00	0.00%	M
	Iraq	43.43	No data ⁹⁹	0.00%	-----	0.00%	0.00	0.00%	M
	Libya ¹⁰⁰	175.95	-----	0.00%	-----	0.00%	0.00	0.00%	M
	Morocco	44.63	12.00 ¹⁰¹	26.89%	-----	0.00%	12.00	26.89%	M
	Oman ¹⁰²	30.95	-----	0.00%	-----	0.00%	0.00	0.00%	H
	Saudi Arabia ¹⁰³	214.97	-----	0.00%	-----	0.00%	0.00	0.00%	H
	Tunisia	15.54	1.90 ¹⁰⁴	12.23%	-----	0.00%	1.90	12.23%	M
	Yemen ¹⁰⁵	31.01	-----	0.00%	-----	0.00%	0.00	0.00%	M
Region Total	894.20	47.76	5.34%	0.00	0.00%	47.76	5.34%		
North America	Canada	909.35	334.37 ¹⁰⁶	36.77%	64.45 ¹⁰⁷	7.09%	398.82	43.86%	H
	United States	914.74	-----	0.00%	17.81 ¹⁰⁸	1.95%	17.81	1.95%	H
	Region Total	1824.09	334.37	18.33%	82.25	4.51%	416.63	22.84%	
Oceania	Australia	768.23	45.74 ¹⁰⁹	5.95%	106.03 ¹¹⁰	13.80%	151.77	19.76%	H
	Papua New Guinea	45.29	-----	0.00%	43.93 ¹¹¹	97.00%	43.93	97.00%	M
	Region Total	813.52	45.74	5.62%	149.96	18.43%	195.70	24.06%	
All Region Total	10672.70 ¹¹²	854.90 ¹¹³	8.01% ¹¹⁴	1084.71 ¹¹⁵	10.16% ¹¹⁶	1939.62 ¹¹⁷	18.17% ¹¹⁸		

Region: ●Asia ●Latin America ●Sub-Saharan Africa ●Europe ●Middle East/North Africa ●North America ●Oceania

Income Levels: L = Low; M = Medium; H = High

designated for Indigenous Peoples and local communities, the area and percentage of land owned by Indigenous Peoples and local communities, the combined total, and whether the country is considered a low, middle, or high income country. When a tenure has been enacted but no land has been recognized as owned or controlled by communities—i.e., where it has not been implemented—the cell contains a “0”. Where the country has no legislation in place establishing a tenure regime, the cell is marked with a dash “—”.²²

In the table, both area estimates and percentages have been rounded to the nearest hundredth as a way to capture the results for countries where tenure regimes cover only a small area.²³ In the text of the report, percentages are rounded to the nearest whole number for clarity.

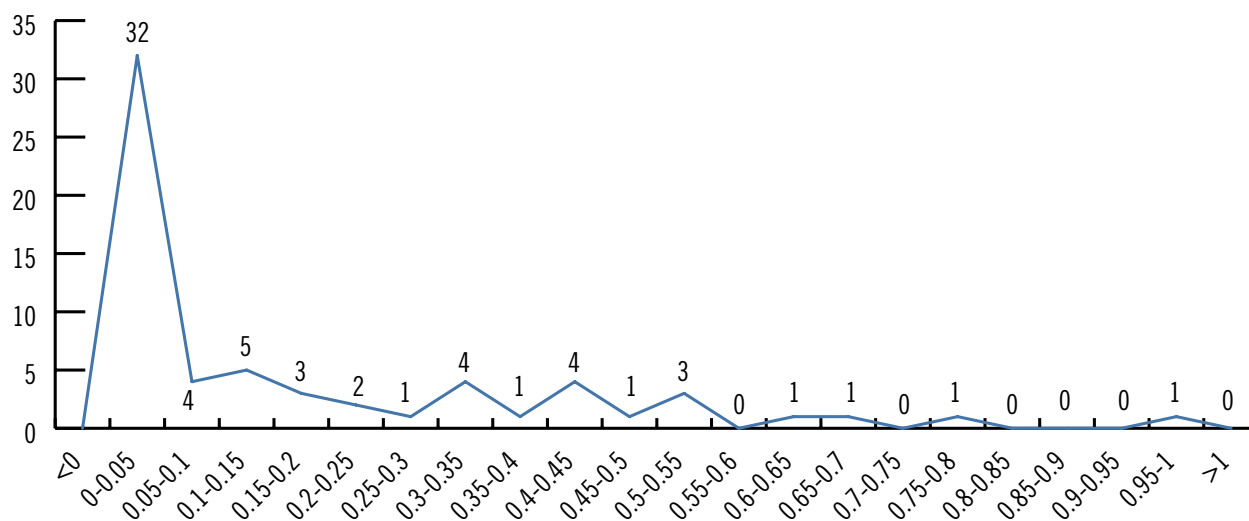
Globally, 18 percent of land is formally recognized as either owned by or designated for Indigenous Peoples and local communities. Within the 18 percent:

- 10 percent of land in the countries studied is owned by Indigenous Peoples and local communities, and
- 8 percent of land in the countries studied is designated for (or “controlled by”) Indigenous Peoples and local communities.

These global figures are an aggregate of results which vary immensely at the national level. In half of the countries studied (32 of 64 countries), less than 5 percent of the country’s land area is owned or controlled by Indigenous Peoples and local communities. This can be contrasted with four of the 64 countries where formal statutes recognize rights of Indigenous Peoples and local communities to own or control more than 60 percent of the land area, including Papua New Guinea (97 percent), Tanzania (75 percent), Uganda (67 percent), and Turkmenistan (64 percent). Figure 1 shows how many countries recognize community-based property rights over which percentage of their total land area in 5 percent increments.

Eighty-eight percent (56 of 64) of the countries surveyed have at least one tenure regime that recognizes rights of Indigenous Peoples or local communities to own or control land, although some of these tenure regimes have not been implemented. Eight of 64 countries do not have any community-based tenure regimes.¹¹⁹ Among the 56 countries with community-based tenure regimes, 11 countries only have tenure regimes recognizing

Figure 1 Frequency Distribution (Number of Countries at Each 5 Percent Interval)

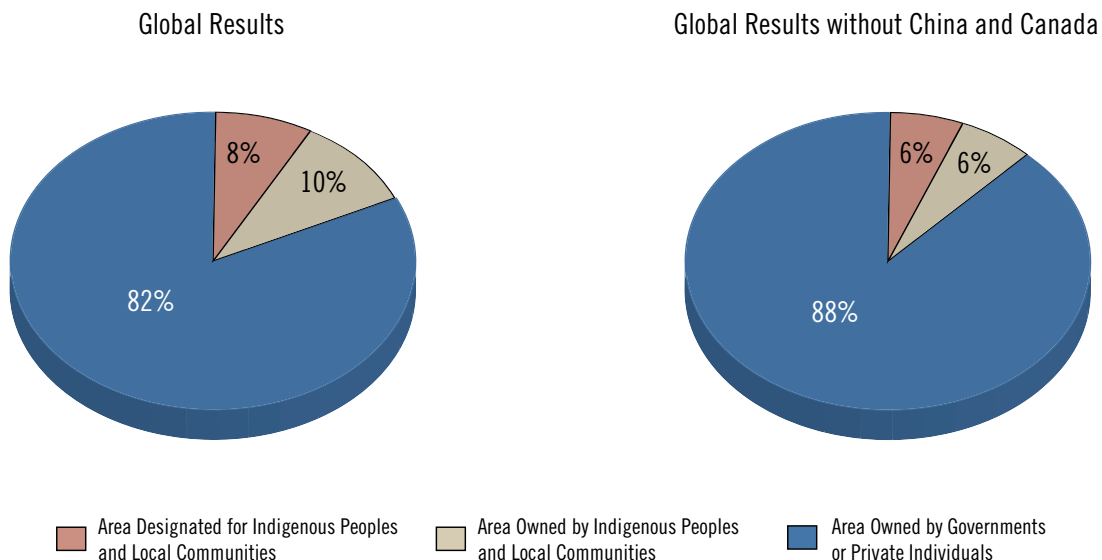


full ownership rights,¹²⁰ 28 countries only designate lands for Indigenous Peoples and local communities,¹²¹ and 17 countries have both types of tenure regimes.¹²²

The distinction between community-based tenure regimes that recognize full ownership and those that designate lands for Indigenous Peoples and local communities has practical implications.¹²³ On land that is designated for Indigenous Peoples and local communities, communities may not have core rights such as access to due process and compensation if the government expropriates their lands. Some communities who have control over their land but lack full ownership rights may only retain their property rights for a term of years. Similarly, in some lands that are designated for Indigenous Peoples and local communities, communities may lack the right to exclude outsiders from community lands, or they may not have the legally recognized right to manage their lands. Lack of ownership rights may undermine incentives to invest in long-term improvements such as reforestation and limit the ability of communities to establish and maintain natural resource-based enterprises.

Five countries dominate the global results: China, Canada, Brazil, Australia, and Mexico. Together, these five countries contain about 67 percent of the global land area formally owned or controlled by Indigenous Peoples and local communities. Therefore, one or two countries drive the results in some regions. Two countries, China and Canada, contribute almost 44 percent of the global land area owned by or designated for Indigenous Peoples and local communities. If China and Canada were not included in the results of the global baseline results, the total percent of land owned or controlled by communities would drop by a third, from approximately 18 percent to 12 percent of land area (see Figure 2). Box 1 discusses China and Canada in more detail.

Figure 2 Comparing Global Results



BOX 1: Countries Driving the Global Results – China and Canada

Community-based tenure regimes in China alone make up almost a quarter (24 percent) of the lands formally recognized as owned or controlled by communities globally. About 60 percent of community lands in China are grasslands, and 40 percent are forests.

Community-based tenure regimes in China were created by statute in the 1950s when all rural land was integrated into large collectives. This contrasts with the situation in many countries, where community-based tenure regimes have been enacted in response to “bottom up” pressure to formally recognize customary tenure and/or local management systems.

Starting in 1978, the Chinese government began to “decollectivize” rural lands, a process of breaking up the large collectives, which established varying degrees of property rights at the local community and household level in farmlands, grasslands, and forests.¹²⁴ As a result of this process, household rights to agricultural lands have become functionally almost equivalent to private ownership.¹²⁵ Thus, they have not been counted as communally-owned lands for the purposes of this global baseline.

In grasslands and forests, by contrast, local communities continue to hold rights at the community level, and governance of the land remains collective, although many decisions are also made at the household level. The recent forest tenure reforms clarified community authority to allocate lands to households and manage forests collectively. The management arrangements for community forests vary regionally, based on contracts at the collective level, and frequently include a mix of long-term private household use rights and community-based rights.¹²⁶ Grasslands are also held collectively. Summer pastures are used by administrative villages, and winter pastures are used by smaller “natural villages.”¹²⁷ Individual households obtain contracts for long-term use rights. These rights vary across China’s diverse regions.

Indigenous land ownership and control is also important in Canada. Community-based tenure regimes in Canada contribute 20 percent of the total land formally recognized as owned or controlled by local communities globally. Indigenous Peoples control vast areas of Canada; however, much of this land is located in the sparsely populated, far northern reaches of the country. Three quarters of the land that is owned or controlled by Indigenous Peoples is found in Canada’s Northern Territories, which include the Northwest Territories, Nunavut, and the Yukon, and is largely comprised of tundra and taiga. As of 2011, approximately 107,000 people—less than 0.1 percent of Canada’s population—lived in these territories.¹²⁸

Results disaggregated by region

There is significant variation across regions in the countries studied. The discussion below focuses primarily on Latin America, Sub-Saharan Africa, and Asia because these regions comprise a larger portion of global land area, they are largely made up of low and middle income countries, and the data was more readily available. Figure 3 shows the percentages of land owned or controlled by Indigenous Peoples and local communities in each region, while Figure 4 compares the types of tenure regimes enacted by countries in each region.

Among Asia, Latin America, and Sub-Saharan Africa, Asia has the largest total proportion of land formally owned or controlled by Indigenous Peoples and local communities (26 percent). However, China makes up the vast majority of the Asia results. Without China, the totals for the rest of Asia are less than 1 percent ownership and 6 percent control. In Latin America, the total area owned or controlled by Indigenous Peoples and communities is 23 percent, and this area is more evenly

Figure 3 Breakdown by Region

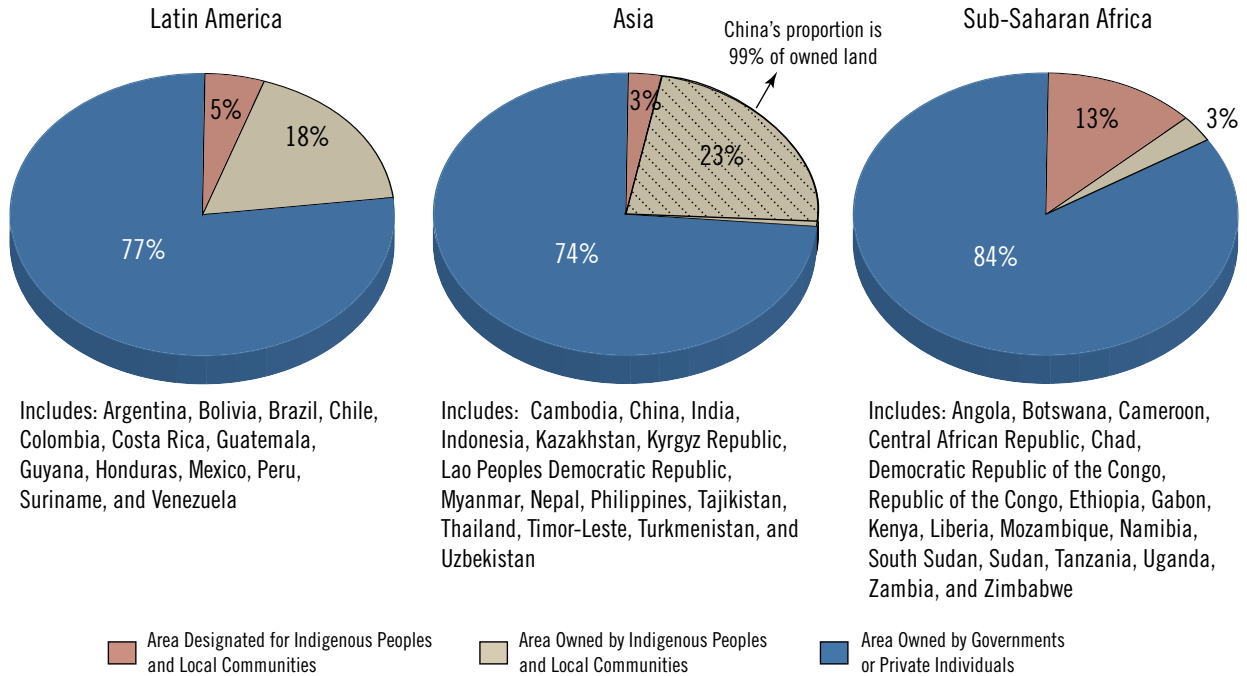
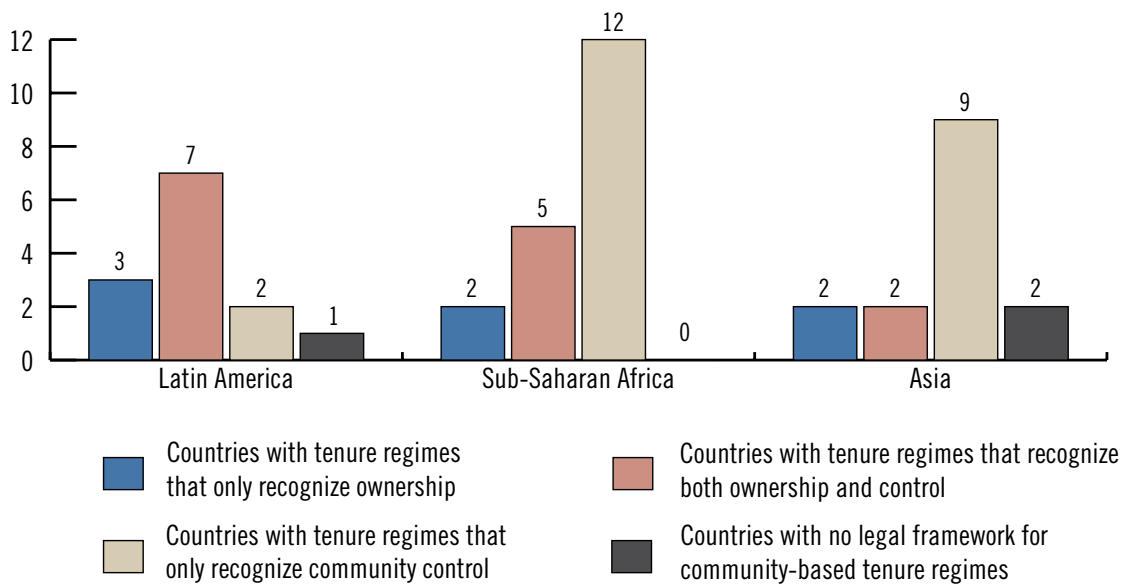


Figure 4 Regional Comparison of the Number of Countries Recognizing Community Ownership, Control, or Both



distributed across the countries studied, with eight out of 13 countries (62 percent) recognizing community-based rights to more than 10 percent of their land area. In Sub-Saharan Africa, the total area owned or controlled by Indigenous Peoples and communities is 15 percent, with eight out of 19 countries (42 percent) exceeding 10 percent. Weaker forms of community control predominate in Africa, whereas community ownership is more prevalent in Latin America.

Latin America

The global baseline includes 13 countries in Latin America.¹²⁹ Across these 13 countries, Indigenous Peoples and local communities own 18 percent of the land area, and an additional 5 percent of land is designated for community use.

Brazil and Mexico have the largest area of land owned or controlled by Indigenous Peoples and local communities in Latin America. They contribute 44 percent and 23 percent, respectively, of the total land owned or controlled by communities in the 13 Latin American countries. The countries where the highest percent of national land area is owned or controlled by Indigenous Peoples and local communities are Mexico (52 percent), Bolivia (36 percent), Peru (35 percent), and Colombia (34 percent).

Among the three focal regions, Latin America has the highest percentage of tenure regimes that recognize stronger forms of community ownership. Three of the 13 countries (Colombia, Costa Rica, and Mexico) only recognize community-based ownership and seven countries have both types of tenure regimes,¹³⁰ while two countries (Guyana and Venezuela) only designate lands for Indigenous Peoples and local communities. Only Suriname has no community-based tenure regimes that recognize a robust enough bundle of rights to constitute community ownership or control under RRI's methodology.

Asia¹³¹

The global baseline includes 15 countries in Asia.¹³² Across these countries, Indigenous Peoples and local communities own 23 percent of total land area and 3 percent is designated for community use.

China drives the results in the Asia region, due to its size as well as the large areas of land considered as owned by communities under statutory law. China makes up 44 percent of the land area of the Asian countries studied, and contributes 87 percent of the total area owned or controlled by communities in the region. By contrast, in eight of the 15 Asian countries studied, less than 1 percent of the countries' area is owned or controlled by Indigenous Peoples and local communities.¹³³ Other Asian countries with more than 10 percent of land area under community ownership or control are Kyrgyzstan, Nepal, the Philippines, and Turkmenistan.

Within the 15 Asian countries, China and India only have tenure regimes that recognize community-based ownership.¹³⁴ Cambodia and the Philippines have both types of tenure regimes—those that recognize ownership rights and those that designate lands for Indigenous Peoples and local communities. Nine countries only designate lands for Indigenous Peoples and local communities.¹³⁵ Timor-Leste¹³⁶ and Uzbekistan had no community-based tenure regimes.

Sub-Saharan Africa

Across the 19 countries studied in Sub-Saharan Africa, 13 percent of the area¹³⁷ is designated for Indigenous Peoples and local communities, and only 3 percent is legally recognized as owned by Indigenous Peoples and local communities under community-based tenure regimes.

The smaller percentage of land owned or controlled by communities in Sub-Saharan Africa, as compared with Asia or Latin America, is due to a large cluster of countries in

which Indigenous Peoples and local communities own or control very little land. In eight of the 19 African countries surveyed, communities have legally recognized rights to own or control less than 1 percent of the country's land area, including both agricultural and forested lands.¹³⁸

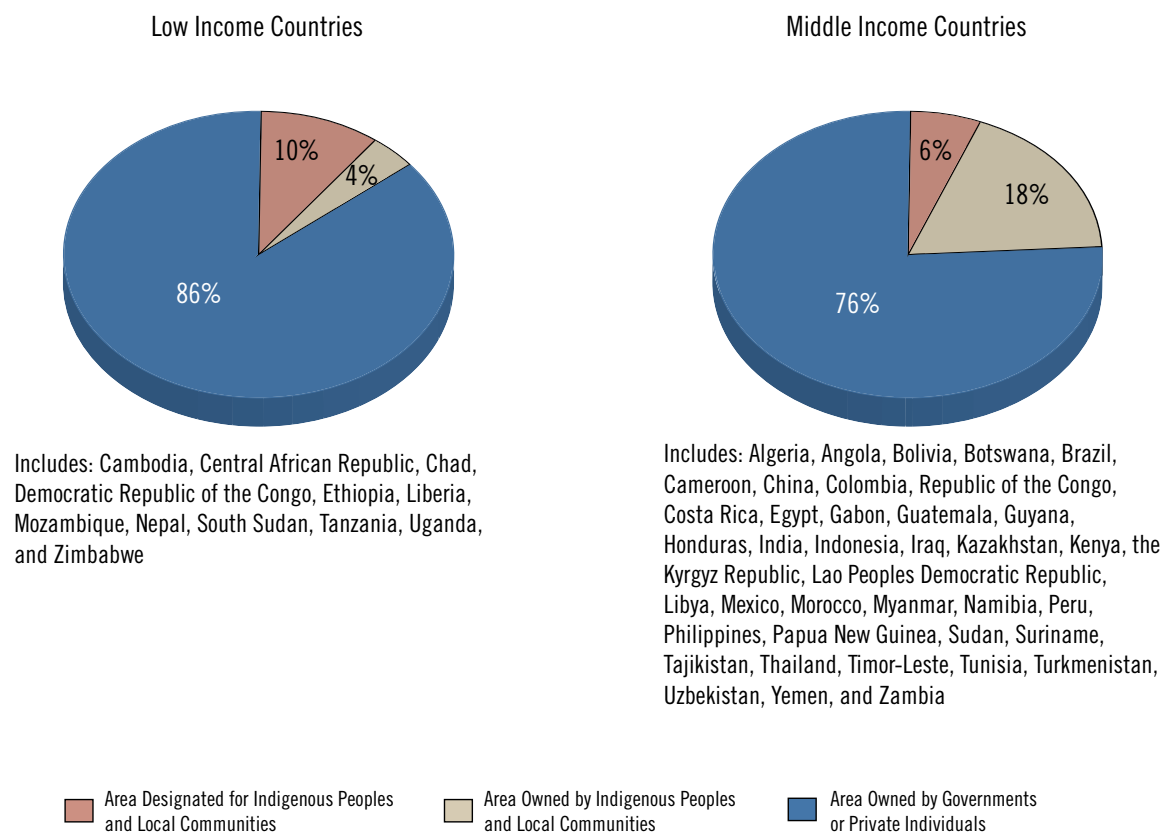
Africa also has the highest number of countries where national statutes recognize rights of communities to own or control more than half of the country's land area: Tanzania (75 percent), Uganda (67 percent), Zambia (53 percent), and Botswana (53 percent). In Tanzania, Uganda, and Zambia, these numbers reflect the fact that national laws automatically recognize all customary community lands without requiring communities to register their lands. This automatic recognition reduces procedural requirements for formal registration of land that can be burdensome and deter communities from formalizing their land rights.¹³⁹ However, where rights are not spatially delimited and registered, governments must take additional care to ensure that their actions respect customary ownership. For example, the Ugandan Constitution and Land Act of 1998 both recognize customary law. However, in practice, the government has issued concessions over customary lands without consultation and has not provided customary owners with the compensation or benefit sharing to which they are legally entitled because communities were unable to produce certificates of customary ownership.¹⁴⁰

All of the 19 African countries surveyed have enacted community-based tenure regimes, but with an overall orientation towards the weaker category of designation. Twelve countries only designate lands for Indigenous Peoples and local communities,¹⁴¹ five countries have both types of tenure regimes,¹⁴² and two countries—Angola and South Sudan—only have tenure regimes that recognize ownership rights for Indigenous Peoples and local communities. The Central African Republic and the Democratic Republic of the Congo have not implemented any of their community-based tenure regimes, and there is no data to establish the extent to which Chad and South Sudan have implemented their tenure regimes, if at all.

Other regions

Of the nine countries examined in the Middle East and North Africa,¹⁴³ only four have community-based tenure regimes, all of which designate land for Indigenous Peoples and local communities.¹⁴⁴ Only 5 percent of the total land area studied in the Middle East and North Africa is designated for Indigenous Peoples and local communities.

The global baseline study includes information for fewer countries in other regions: Australia and Papua New Guinea in Oceania; the U.S. and Canada in North America; and Norway, Sweden, Finland, and Russia in Europe. The countries examined in these regions are high income countries, with the exception of Papua New Guinea, which is a middle income country. Eighteen percent of the land area examined in Oceania is owned by Indigenous Peoples and local communities, and an additional 6 percent of land is designated for their use. In the two North American countries, Indigenous Peoples and local communities own 5 percent of the land area and control an additional 18 percent. In the four European countries studied, Indigenous Peoples and local communities own less than 1 percent and control just over 4 percent of total land area.

Figure 5 Results by Country Income Level

Results disaggregated by country income level

This section devotes particular attention to low and middle income countries because contestation over tenure tends to be most active in these countries (although some high income countries, such as Canada, are still resolving claims over disputed territories). Moreover, low and middle income countries are the focus of international development efforts, and can sometimes obtain Official Development Assistance when undertaking tenure reform.¹⁴⁵ There is, however, some discussion of high income countries because of their large size. The 12 high income countries included in this study comprise 39 percent the world's land area.

Here, the global baseline data is disaggregated by Gross National Income (GNI) per capita, using the World Bank Atlas Method Classifications.¹⁴⁶ Low income countries have a GNI per capita of US\$1,045 per year or less; middle income countries have a GNI per capita between US\$1,046 and US\$12,735; and high income countries have a GNI per capita of more than US\$12,736.¹⁴⁷

Figure 5 shows that within the countries studied, Indigenous Peoples and local communities own or control a larger total percentage of land area in middle income countries than in low income countries. Communities also own and control a smaller percentage of land in high income countries when compared with low and middle income countries.

Across the **12 low income countries studied**,¹⁴⁸ Indigenous Peoples and local communities own only 4 percent of the total land area, and control 10 percent. Tanzania, Zimbabwe, Mozambique, and Uganda are the countries in this set with the largest areas of community land; each contributes more than 10 percent of the total land owned or controlled by communities in low income countries. The two Asian low income countries included in the study (Cambodia and Nepal) have some land under community-based tenure regimes, but did not significantly influence the aggregate results. The fact that low income countries have made less progress in formally recognizing community-based lands is particularly problematic because the poor rely heavily on common lands for their livelihoods. A study from Zimbabwe estimated that the poorest 20 percent of people using communal areas relied on them for approximately 40 percent of their household income, including from many livelihood activities largely undertaken by women, such as the sale of wine, wild fruits and vegetables, and thatching grass.¹⁴⁹

Among the 12 low income countries, tenure regimes designating land for Indigenous Peoples and local communities are more common than those recognizing ownership. All of the low income countries studied had some type of community-based tenure regime; however, many were either totally unimplemented or had only been implemented on a very small scale. Eleven of the 12 countries have tenure regimes that designate land for Indigenous Peoples and local communities,¹⁵⁰ and four of those countries also have tenure regimes that recognize full ownership rights.¹⁵¹ South Sudan only recognizes ownership rights; however, there is no documentation available on the current state of implementation of the community-based tenure regime in South Sudan.

Forty middle income countries are included in the global baseline.¹⁵² In these countries, Indigenous Peoples and local communities have ownership rights to over 18 percent of the land area; they have more limited rights over 6 percent of the total land area. China dominates the results, contributing 40 percent of the land owned or controlled by communities in middle income countries (all in the form of ownership). Brazil and Mexico contribute 17 and 9 percent, respectively. No other country contributed more than 5 percent of the total results for middle income countries. Nineteen middle income countries recognize communities' rights to own or control more than 10 percent of their national land area.¹⁵³

More middle income countries have tenure regimes that designate land for community control than have tenure regimes recognizing community-based ownership. Twenty middle income countries designate lands for Indigenous Peoples and local communities;¹⁵⁴ seven countries have both types of tenure regimes (ownership and control);¹⁵⁵ seven only have tenure regimes that grant ownership rights;¹⁵⁶ and the remaining six have no community-based tenure regimes.¹⁵⁷

Among the **12 high income countries studied**,¹⁵⁸ more land area (9 percent) is designated for Indigenous Peoples and local communities than is owned under community-based tenure regimes (4 percent). A number of these countries' histories were characterized by colonization and violent conquests of local people, thus diminishing, if not eliminating, customary holdings and peoples. In European countries, the royalty used the medieval feudal system to claim land and limit commoners' property rights.¹⁵⁹ These processes often endangered and even destroyed cultures using approaches that violate human rights and are not acceptable in the modern world.

Canada and Australia contribute the most land area owned or controlled by communities among the high income countries. Eight of the 12 high income countries studied have tenure regimes that recognize community-based ownership by Indigenous Peoples or local communities.¹⁶⁰ Of these eight countries, five also have tenure regimes that designate lands for community control.¹⁶¹ Two countries—Sweden and Venezuela—only have community-based tenure regimes that designate lands for Indigenous Peoples and local communities. Saudi Arabia and Oman do not have any community-based tenure regimes.

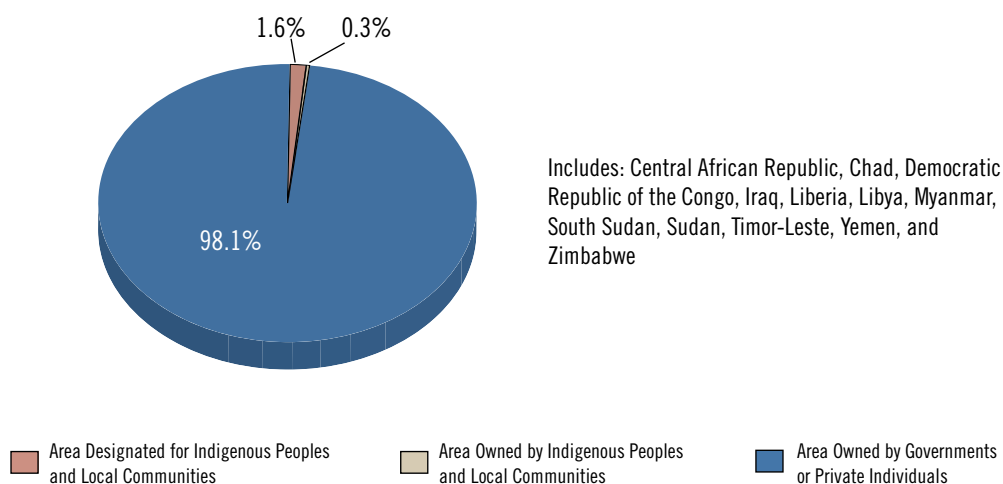
Community-based tenure recognition in fragile and conflict-affected states

Fragile states are important to consider in discussions of community-based tenure because of the linkages between fragility, conflict, and disputes over land and access to natural resources. Fragile states are frequently affected by conflict, and disputes over land and natural resources are often a contributing cause of armed conflict. According to one study, “the dubious legal position of customary land interests” played a role in all but three of the 30 plus armed conflicts that took place in Africa between 1990 and 2009.¹⁶²

Progress in recognizing community-based land rights is strikingly weak in the fragile states included in this global baseline study (see Figure 6). The study includes 12 fragile states based on the World Bank’s 2015 list,¹⁶³ six of which are low income countries and six are middle income countries.¹⁶⁴ In these fragile states, only 2 percent of the land area is controlled by Indigenous Peoples and local communities and only a fraction of 1 percent is owned by them.

Some fragile states have used the post-conflict peacebuilding period as an opportunity to pursue community tenure reform. For example, in Liberia, disputes over land and natural resources related to customary ownership, conflicts between communities, and poor government administration of land and natural resources were among the structural causes of conflict.¹⁶⁵ The government of Liberia and the international community recognized the

Figure 6 Results for Fragile States



importance of addressing land tenure as part of the foundation for a lasting peace, and have taken the opportunity to work towards land reform and the recognition of customary rights (See Box 2). Prospects for tenure reform in other post-conflict countries—including Timor-Leste, Myanmar, and Colombia—are discussed in the following section.

Key Findings and Opportunities for Reform

The findings of this analysis on the area of land owned and controlled by Indigenous Peoples and local communities reflect significant social and political progress. Many countries have established community-based tenure regimes as a result of stronger mobilization of indigenous and community movements on the ground, increased government recognition of the benefits of secure community tenure, and broader global recognition of the centrality of indigenous and community land rights for the realization of global development goals.

Key findings

At the same time, the findings reveal significant challenges to the realization of community tenure security. One key finding stems from the fact that *a large proportion of the lands formally recognized as owned or controlled by Indigenous Peoples and local communities is found in only a few countries*. As highlighted, five countries—China, Canada, Brazil, Australia, and Mexico—make up 67 percent of the total global land area

Box 2: Land Tenure Reform in Liberia

In 2008, Liberia established the National Land Commission and began the process of working toward land reform as part of its broader efforts to achieve lasting peace and stability, recognizing that “all the issues surrounding land in Liberia have to be resolved in order to maintain perpetual peace and stability; and to sustain the hard earned peace after so many years of Civil Conflict.”¹⁶⁶ Since then, Liberia has enacted a national Land Rights Policy in 2013, which recognized customary tenure.¹⁶⁷ Now, in 2015, the Liberian legislature is considering a draft Land Rights Act that would recognize customary tenure as a matter of law without requiring titling, an approach similar to the one used by Mozambique, Tanzania, Uganda, and Zambia.¹⁶⁸ This would be an important development because experts estimate that 71 percent of Liberia’s land area is held under customary tenure.¹⁶⁹ A significant concern, however, is the status of state-granted concessions. One provision in the draft Act states that concessions affecting customary land rights will be honored if they were issued prior to when the Act comes into effect; thus, communities will only be eligible to exercise their customary rights after the concession expires.¹⁷⁰ This is particularly problematic in light of estimates that commercial concessions have been issued over approximately 75 percent of Liberia’s land area.

Even to the extent that existing laws and the draft Land Rights Act protect customary tenure, they will not eliminate tenure insecurity without robust procedural requirements and administrative capacity. Government agencies must be willing and able to coordinate their actions in order to avoid infringing on customary tenure when issuing concessions, designating protected areas, and taking other actions that could adversely affect communities’ property rights. Communities inhabiting over 30 percent of Liberia’s land area have already obtained titles for their customary lands in the form of Public Land Sale Deeds and Aboriginal Land Grant Deeds.¹⁷¹ Nevertheless, a lack of technical capacity, interagency coordination, and due process has led to instances where titled community lands have been expropriated without compensation to make way for concessions or protected areas.¹⁷² These problems point to the need for Liberia to build its technical, institutional, and administrative capacity to ensure that government and private actions do not undermine tenure security.

owned or controlled by communities. Just two countries—China and Canada—make up 44 percent. China, in particular, dominates the results due to its size and the large proportion of grasslands and forest owned by communities. China also affects the global proportion of lands that are owned by communities versus those designated for communities.

The extent of formal recognition is also very limited in many countries. Half of the countries studied (32 of 64) recognize less than 5 percent of the country's land area as owned or controlled by Indigenous Peoples and local communities; 38 percent (24 of 64) recognize community ownership or control to less than 1 percent of the country's land area; and in 23 percent of the countries (15 of 64), no land is owned or controlled by communities.

Another significant finding is that *in more than half of the countries studied, Indigenous Peoples and local communities have no formal, legal avenue to obtain ownership of their lands*. This is due to the fact that 12 percent of countries (eight of 64) have yet to enact any community-based tenure regimes, and another 44 percent of countries (28 of 64) only designate lands for community control and have no tenure regimes recognizing community ownership.

Most importantly, *the area formally recognized under statutory law is much less than the area to which Indigenous Peoples and local communities hold customary rights*. While each country is different in the amount of land held under customary tenure, estimates of customary lands in particular countries provide some hints as to the gap between the amount of land that is customarily held by Indigenous Peoples and local communities, and the amount of land to which they have formally recognized rights.

In Latin America, despite significant progress to date on the recognition of indigenous and community land rights, estimates from Peru and Colombia demonstrate that large areas of land held by Indigenous Peoples and local communities still remain to be formally recognized. Peruvian Indigenous Peoples formally own or control more than one-third of the country's land area (44.55 Mha); however, Peru's national Indigenous Federation of the Peruvian Amazon (AIDSESP) estimates that an additional 20 Mha of land are eligible for formal recognition.¹⁷³ Colombia formally recognizes Indigenous Peoples and communities' rights to own or control about one-third of the country's land area. However, in the Caribbean region, experts estimate that up to 100,000 hectares of land are held by Afro-Descendant communities under customary tenure; only around 2 percent of these lands have been formally titled.¹⁷⁴ Afro-descendant communities have filed claims to obtain title to an additional 10,853 hectares; however, the process to obtain formal title is costly for communities and can take years.

In Asia, Indigenous Peoples and local communities also hold traditional ownership over far more land than is formally recognized. In Indonesia, less than one quarter of 1 percent (approximately 0.2 percent) of the country's lands is currently recognized as community owned or controlled. By contrast, an estimated 40 Mha are being proposed for recognition based on a 2013 ruling by the Indonesian Constitutional Court in favor of communities' customary forest tenure rights.¹⁷⁵ In India, it is estimated that only 1.2 percent of customarily held forest lands has been formally recorded and recognized.¹⁷⁶

In Sub-Saharan Africa, the large percentages of national territory estimated as customary lands in countries that automatically recognize customary tenure offer some indication of the scope of customary lands in the region. One expert estimates that up to 60 percent of Sub-Saharan Africa is subject to customary tenure.¹⁷⁷

Opportunities for reform

These examples demonstrate that in many jurisdictions, Indigenous Peoples and local communities hold far more land through customary tenure than is currently formally recognized—a situation that must be remedied in order to achieve tenure security. While these figures demonstrate the significant gaps that exist, there are also significant prospects for future reform as community-based tenure recognition gains traction at national levels and in international policy fora.

At the national level, countries in Africa, Asia, and Latin America are currently considering laws and policies that have the potential to improve formal tenure recognition for local communities and Indigenous Peoples.

- Several countries in West and Central Africa, for example, are considering new legislation and/or taking steps to implement recent advances in tenure reform. For example, the Liberian legislature is considering a draft Land Rights Act which would recognize communities' customary land rights and provide for a national confirmatory survey of customary lands (see Box 2).¹⁷⁸ In the Democratic Republic of the Congo, the government has issued implementing regulations for Local Community Forestry Concessions, is considering draft legislation on the rights of Indigenous Peoples, and has developed a draft decree for the implementation of customary rights.¹⁷⁹
- In Asia, recent years have yielded significant judicial and legislative victories for the rights of Indigenous Peoples and local communities in countries like India and Indonesia; simultaneously, the countries recovering from conflict such as Myanmar and Timor-Leste are determining how to improve tenure security.¹⁸⁰ In India, titles are being issued to communities based on their customary ownership as the country implements its 2006 Forest Rights Act; the area recognized for community tenure is anticipated to grow dramatically in coming years.¹⁸¹ Similarly, an Indonesian Constitutional Court decision in May 2013 invalidated Forestry Law 41 which claimed government ownership of customary forests.¹⁸² If fully implemented, the decision could increase the percentage of land owned or controlled by Indigenous Peoples and local communities from 0.25 percent to approximately 23 percent of Indonesia's total land area, and almost 40 percent of the country's forested lands.
- In Latin America, Indigenous Peoples and local communities have achieved significant progress towards obtaining formal recognition of their land rights. In recent years, however, these gains have been put at risk as governments take steps to roll back the recognition of rights and instead promote commercial investment. For example, the Peruvian Congress has passed a series of laws referred to as *Paquetazos* which weaken protections against the expropriation of land held by Indigenous Peoples and local communities in order to facilitate commercial concessions.¹⁸³ Approximately 48 Mha of oil and gas concessions have already been issued even though they overlap with four territorial reserves, five communal reserves, and at least 70 percent of native communities' land.¹⁸⁴ Indigenous Peoples and local communities are fighting to reverse and prevent similar legislation that has passed or is pending in Bolivia, Colombia, and

Brazil.¹⁸⁵ There are, however, some positive prospects for reform, including where communities have not yet obtained formal recognition of customary lands. For example, agrarian land reform is a significant issue in the ongoing peace negotiations between the Government of Colombia and the Revolutionary Armed Forces of Colombia.¹⁸⁶

There is growing recognition and action to address the roles international actors and policy processes can play in supporting or impeding national tenure reforms.

- The role of **private sector companies and investors** has been a focus of attention in light of the immense pressures that land-based concessions in the developing world place on community lands. A 2013 study of private sector concessions in 12 countries found that approximately 31 percent of the total hectares sampled had some overlap with lands held by Indigenous Peoples and local communities.¹⁸⁷ In addition to the risks these overlaps pose to communities, the resulting conflicts pose significant financial and reputational risks to companies, ranging from project delays and cost overruns to the abandonment of projects.¹⁸⁸ Private sector commitments through corporate land policies, certification schemes, and statements such as the New York Declaration on Forests indicate growing awareness by private sector actors of the need to respect and protect indigenous and community land rights. However, much remains to be done to mainstream such commitments and translate them into action.¹⁸⁹
- Fully realizing the **post-2015 Sustainable Development Goals** will also require the recognition of community based land rights. The outcome document *Transforming Our World: The 2030 Agenda for Sustainable Development*, prepared for adoption by the UN General Assembly in September 2015, includes ownership, control, and/or access to land among the targets to realize goals such as ending poverty and achieving global food security and gender equality goals.¹⁹⁰ Secure community-based tenure will be essential to meeting these targets, given that an estimated 1.5 billion Indigenous Peoples and local communities govern their lands through community-based tenure systems. Community-based tenure security is particularly important to poverty reduction because common pool resources make up a significant proportion of the livelihoods of the rural poor. For example, a 2001 study estimated that US\$5 billion (or 12 percent) of poor rural households' annual income in India was based on their use of common-property resources.¹⁹¹

As the system for monitoring progress toward achieving the Sustainable Development Goals is established, it will be essential to include indicators to track progress toward formal community-based tenure recognition. This report establishes a baseline against which to measure progress in the land area that is recognized for community control and ownership. Further research is needed to develop country and community-specific estimates of how much land Indigenous Peoples and local communities hold that has not yet been recognized. In addition, geographically referenced spatial data that maps land ownership—particularly community lands, but also public and individually-held lands and commercial concessions—would enable all stakeholders to identify where overlapping claims exist, work to resolve

associated conflicts, and avoid future infringements. In some cases, governments may need the assistance of development partners to build the technical and institutional capacity to create and keep this type of data current.

- The success of policies to **mitigate climate change and promote forest restoration** also hinge on secure community tenure. Comparative global research has found that legal forest rights for Indigenous Peoples and local communities and government protection of those rights tend to lower deforestation and carbon emissions, whereas deforestation rates tend to be higher where communities' land rights are not secure.¹⁹² The potential impacts are significant: legally recognized community forests contain approximately 37.7 billion tons of carbon, and much larger amounts are contained within forests held under customary rights without legal recognition.¹⁹³ Initiatives such as REDD+ and the Bonn Challenge can make significant progress towards reducing carbon emissions from forests by promoting the formal recognition of community-based forest rights.¹⁹⁴

As indicated in the discussion of national prospects for reform, *different types of reform are needed depending on the circumstances in each country*. In some countries, laws and policies still need to be put in place to recognize the lands Indigenous Peoples and local communities have managed for generations through customary tenure. In others, laws may recognize community control but need to be strengthened to also recognize more robust ownership rights. In many countries, the recognition of land area under community-based tenure regimes is limited, in part because procedural hurdles effectively prevent communities from establishing secure tenure rights. Community engagement and advocacy are still needed to address these challenges. Even where ownership is recognized, laws or regulations may limit certain uses of the land, particularly for commercial purposes.¹⁹⁵ Incompatible laws governing other sectors such as the extractive industry, agribusiness, and conservation can also adversely impact indigenous and community land rights.

This study focuses on formal, statutory recognition because it is a necessary first step that must be in place before Indigenous Peoples and local communities can achieve tenure security. However, some jurisdictions establish robust tenure rights in their statutes but fail to honor those commitments in practice. The area data presented in this report is one key indicator of implementation, but tenure security also depends upon the extent to which governments are respecting and enforcing communities' tenure rights on the ground.

Conclusion

Widespread, continued contestation over who owns the world's land is a major constraint to progress on a wide range of development goals espoused by local peoples, national governments, and the international community. While progress to date in the recognition of rights offers hope, future progress depends on the concerted action and support of a range of national and international constituencies.

This report identifies the current state of community-based tenure recognition and opportunities for improvement. Now it is up to national governments, communities, policy advocates, bilateral and multilateral development partners, international

organizations, private sector investors, and other stakeholders to leverage this data to advance community-based tenure. Measures that can achieve this advancement include lobbying, legislation, regulation, administrative and institutional capacity building, and on-the-ground implementation. The stakes are high, because ultimately, community-based tenure security will determine whether Indigenous Peoples and local communities have the legal right to manage their lands as they choose—a question that strikes at the heart of rural peoples’ daily lives and has major implications for controlling climate change, ensuring food security, reducing political conflict, and protecting the world’s remaining natural resources.

Endnotes

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- ⁴ See, generally, United Nations Interagency Framework Team for Preventive Action. 2012. Toolkit and Guidance for Preventing and Managing Land and Natural Resources Conflict: Land and Conflict. Geneva: United Nations Environment Programme. Available at: <http://www.un.org/en/land-natural-resources-conflict/land-conflict.shtml>.
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- ¹⁰ Indigenous Peoples are recognized to hold customary rights to lands, territories, and resources under ILO 169 and UNDRIP. Some local communities also hold lands under customary or statutory tenure but do not self-identify as indigenous.
- ¹¹ Rights and Resources Initiative. 2012. What Rights? A Comparative Analysis of Developing Countries' National Legislation on Community and Indigenous Peoples' Forest Tenure Rights. Washington, DC: RRI. Available at: http://www.rightsandresources.org/documents/files/doc_4924.pdf; Rights and Resources Initiative 2014.
- ¹² Property rights that are shared by communities are often referred to as "collective rights." However, this report uses "community-based" as a more inclusive term, as "collective rights" are sometimes associated with socialist land policy.

- ¹³ Almeida, Fernanda. 2015. Legal Options to Secure Community-Based Property Rights. Paper prepared for presentation at the 2015 World Bank Conference on Land and Poverty. March 23-27, 2015. Washington, DC: The World Bank. Available at: http://www.iccaconsortium.org/wp-content/uploads/FAIAlmeida-Legal-Options_WBconferencefinal.pdf.
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- ¹⁷ Rights and Resources Initiative 2012.
- ¹⁸ These categories are based on those presented in Rights and Resources Initiative 2014.
- ¹⁹ Griffiths, Thomas. 2004. Indigenous peoples, land tenure and land policy in Latin America. *Land Reform: Land Settlement and Cooperatives*. 2004 (1): 46-64. Rome: Food and Agriculture Organization of the United Nations. Available at: <http://www.fao.org/docrep/007/y5407t/y5407t0a.htm>. For information on the tenure regimes in Brazil please see endnotes 52 and 53.
- ²⁰ For information on the tenure regimes in Guyana please see endnote 60. The limitation on Amerindian Villages' rights to exclude outsiders relates to the government's ability to grant permission to third parties to enter Amerindian lands. Government of Guyana. 2006. Amerindian Act 2006. Act No. 6 of 2006, Art. 8. Georgetown, Guyana: Government of Guyana. Available at: <http://www.amerindian.gov.gy/wp-content/uploads/2015/02/AMERINDIAN-ACT-2006.pdf>.
- ²¹ Another 131 U.N. member and observer states are not included within the scope of the study. While many are relatively small in area, several large countries in Asia (e.g., Afghanistan, Iran, Mongolia, Pakistan), Europe (e.g., Ukraine), Africa (e.g., Mali, Mauritania, Niger) were not included due to challenges in collecting or verifying data.
- ²² To identify unimplemented tenure regimes for countries where there are also implemented tenure regimes in the same category of ownership or designation, please see the endnotes for that country.
- ²³ Regional and global totals are based on the unrounded figures.
- ²⁴ Total country area is drawn from the UN Food and Agriculture Organization's figures. Food and Agriculture Organization of the United Nations. 2015. FAOSTAT: Compare Data. Rome: Food and Agriculture Organization of the United Nations. Available at: <http://faostat3.fao.org/browse/R/RL/E>.
- ²⁵ Income level designations reflect World Bank data for the 2016 fiscal year. For this analysis, Lower-Middle-Income and Upper-Middle-Income countries have been categorized together as Middle Income Countries. In this column, "L" denotes Low Income Countries, "M" denotes Middle Income Countries, and "H" denotes High Income Countries; World Bank. 2015. Data: Country and Lending Groups. Washington, DC: World Bank. Accessed August 20, 2015. Available at: <http://data.worldbank.org/about/country-and-lending-groups>.
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- ²⁷ For each country, this percentage is calculated as the area in the "Owned by Indigenous Peoples and Local Communities, Area (Mha)" column divided by the area in the "Total Country Area (Mha)" column.
- ²⁸ For each country, this is calculated as the sum of the corresponding country entries in the "Designated for Indigenous Peoples and Local Communities, Area (Mha)" column and the "Owned by Indigenous Peoples and Local Communities, Area (Mha)" column.
- ²⁹ For each country, this is calculated as the area entry in the "Total Area Designated for or Owned by Indigenous Peoples and Local Communities, Total Area (Mha)" column divided by the area in the "Total Country Area (Mha)" column.

- ³⁰ Refers to Community Forests with Signed Community Forestry Agreements and Community Protected Areas; Legislation consulted for Community Forests includes: Government of Cambodia. 2002. Law on Forestry of 2002, Chapter 9. August 15. Available at: http://www.forestry.gov.kh/Documents/Forestry%20Law_Eng.pdf; Government of Cambodia. 2003. Sub-Decree on Community Forestry Management of 2003. Available at: <http://www.forestry.gov.kh/Documents/CF-Sub%20Decree-Eng.pdf>; Spatial data for Community Forests with Signed Community Forestry Agreements from: Cambodia Forestry Administration. 2013. Community Forestry Statistic in Cambodia 2013. Department of Forest and Community Forestry, Phnom Penh, 2. Unpublished Report. As cited in Ironside, Jeremy. 2015. Personal communication, Program Consultant, McKnight Foundation, April 6; Legislation consulted for Community Protected Areas includes: Government of Cambodia. 2008. Protected Area Law of 2008, Chapter 6. February 15. Available at: faolex.fao.org/docs/texts/cam81966.doc; Spatial data for Community Protected Areas from: Ministry of Environment. 2015. Report of Department of Community Protected Areas, Research and Development. Phnom Penh. Unpublished report. Provided by Ironside 2015.
- ³¹ Refers to Indigenous Communities' Lands. The spatial area of Indigenous Communities' Lands includes titles given to eight Indigenous communities as of 2013. As of April 2015, 18 titles had been given to Indigenous communities, but the spatial area of these additional communities was unknown at the time of publication; Ironside 2015; Brown, Graeme. 2015. Personal communication, Coordinator, Southeast Asia Development Program, March 19; Legislation consulted for Indigenous Communities' Lands includes: Government of Cambodia. 2001. Land Law of 2001, Chapter 3, Part 2. August 13. Available at: <http://faolex.fao.org/docs/texts/cam27478.doc>; Government of Cambodia. 2009. Sub Decree on Procedures of Registration of Land of Indigenous Communities of 2009. June 9. Available at: http://theredddesk.org/sites/default/files/sub-decree_on_procedures_of_registration_of_land_of_indigenous_communities.pdf.
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- ³³ This figure is smaller than the figure reported in Rights and Resources Initiative 2014 because it does not include lands under Joint Forest Management since this study is limited to tenure regimes established through national level legislation.
- ³⁴ Refers to Community Reserves and Scheduled Tribes and Other Traditional Forest Dwellers Land (collective rights only); Spatial data for Community Reserves from: ENVIS Centre on Wildlife & Protected Areas, Hosted by Wildlife Institute of India, Dehradun and Sponsored by Ministry of Environment, Forests & Climate Change, Govt. of India. 2012. Accessed August 19, 2015. Available at: http://www.wienvic.nic.in/Database/Community%20Reserves_8228.aspx; Spatial data for Scheduled Tribes and Other Traditional Forest Dwellers Land (collective rights only) is calculated as the sum of the area of collective rights where disaggregated data was available, including the states of Chhattisgarh, Maharashtra, Orissa, Rajasthan, West Bengal, Gujarat, Karnataka, and Tripura; Government of India, Ministry of Tribal Affairs. February 28, 2015. Monthly update on status of implementation of the Scheduled Tribes and Other Traditional Forest Dweller (Recognition of Forest Rights) Act, 2006 for the month of February, 2015. Available at: <http://tribal.nic.in/WriteReadData/CMS/Documents/201504100257142394311MPRfortheMonthofFebruary,2015.pdf>; This figure is smaller than the figure reported in Rights and Resources Initiative 2014 because this study only includes data where community and individual land ownership figures are disaggregated.
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- ⁴³ Refers to lands allocated to local governments and available for lease by Pasture User Unions; Legislation consulted includes Government of Tajikistan. 2013. Law on Pastures; 177 Pasture User Unions have been registered under the 2013 Pasture Law, but no data is available for the area these registered PUUs cover; Policy Note. 2015. Provided by Haller, Claudia. 2015. Personal communication, Regional Programme for Sustainable Use of Natural Resources Advisor, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, July 16; Vahobov, Umed. 2015. Personal communication, ERCA National Coordinator, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, July 20; Personal communication between Zvi Lerman and Sarah Robinson, citing the Tajikistan Committee for Land Management. 2012.
- ⁴⁴ Refers to Community Land Title Deeds and Allocated Community Forests; Legislation consulted for Community Land Title Deeds includes: Government of Thailand. 2010. Regulation of the Prime Minister's Office on the Issuance of Community Land Title Deeds; Spatial data for Community Land Title Deeds includes Klong Yong community (288 hectares) in Nakhon Pathom Province and Mae Awe community (53.92 hectares) in Lamphun Province; Prasertpholkkrang, Jeerapong. 2011. Villagers Get Communal Land Title Deeds. The Nation. Accessed August 19, 2015. Available at: <http://www.nationmultimedia.com/2011/02/13/national/Villagers-get-communal-land-title-deeds-30148576.html>; Office of the Permanent Secretary of the Prime Minister. 2015. As cited in Onprom, Surin. 2015. Personal Communication, Lecturer, Forest Management Department, Faculty of Forestry, Kasetsart University. July 1; Spatial data for Allocated Community Forests from: Royal Forestry Department. 2015. As cited in Rattanakrajangsri, Kittisak. 2015. Personal Communication, Indigenous Peoples Foundation for Education and Environment (IPF). February 28.
- ⁴⁵ Due to the complex and overlapping nature of the Timorese statutory framework, it is not possible to determine the extent to which communities hold formally recognized, statutory rights to land and natural resources at this time. The Constitution of Timor-Leste recognizes customary law to the extent that it does not conflict with the Constitution, and it recognizes individual private property rights. However, it does not specifically recognize communities' customary land or natural resources. Law 10/2011 defines communal property as land customarily shared by the community. Law 1/2003, however, allocates all lands formerly held by the Portuguese government to the government of Timor-Leste; Legislation consulted includes: Government of Timor-Leste. 2002. Constitution of the Democratic Republic of Timor-Leste. May 22. Available at: http://www.wipo.int/wipolex/en/text.jsp?file_id=196269; Government of Timor-Leste. 2003. Law 1/2003: The Juridical Regime of Real Estate, Part 1: Ownership over Real Estate. December 24. Available at: http://timor-leste.gov.tl/wp-content/uploads/2010/03/Law_2003_1_juridical_regime_real_estate_part_1_.pdf; Government of Timor-Leste. 2004. Decree Law 19/2004; Government of Timor-Leste. 2011. Law 10/2011: Approves the Civil Code. September 14. Available at: <http://www.jornal.gov.tl/lawsTL/RDTL-Law/RDTL-Laws/Law%2010-2011.pdf>; Government of Timor-Leste. 2011. Law 27/2011 of 6 July: Regime to Regulate Ownership of Real Estate in Undisputed Cases. July 6. Available at: <http://www.jornal.gov.tl/lawsTL/RDTL-Law/RDTL-Decree-Laws/Decree%20Law%2027-2011.pdf>; Government of Indonesia. 1991. Indonesian Regulation 18 of 1991. March 13.
- ⁴⁶ Refers to Pasture used by Members and Residents of Peasants Associations; Behnke, R., A. Jabbar, A. Budanov, and G. Davidson. 2005. The administration and practice of leasehold pastoralism in Turkmenistan. *Nomadic Peoples*, 9, 147-169; State Committee of Statistics of Turkmenistan. 2013. Statistical Yearbook of Turkmenistan. Government of Turkmenistan. Ashgabat. As cited in Lerman, Zvi. Personal communication, Sir Henry d'Avigdor Goldsmid Professor Emeritus of Agricultural Economics, The Hebrew University, April 4; Government of Turkmenistan. 2004. Land Code.
- ⁴⁷ Uzbekistan does not have a statutory or regulatory framework that provides management or ownership rights to Indigenous Peoples or local communities.
- ⁴⁸ Refers to lands reserved by the government for Indigenous Peoples and local communities under the process of titling and ownership, and lands traditionally occupied by Indigenous Peoples in public and private lands. No data was available for the area of land reserved by the government for Indigenous Peoples and local communities. Some lands were reserved by the Province of Chaco by Executive Order, but this area has not been delineated; Legislation consulted

includes: Government of Argentina. 1994. Argentinian Constitution of 1994, Article 75, Section 17. Available at: http://www.wipo.int/wipolex/en/text.jsp?file_id=282508; Government of Argentina. 1985. Law No. 23.302 of indigenous policy and support to aboriginal communities. September 30. Available at: <http://faolex.fao.org/docs/texts/arg42781.doc>; Government of Argentina. 1992. Law No. 24 071 ratifying convention 169 of the ILO; Government of Argentina. 2006. Law No. 26.160 declaring emergency in terms of tenure and ownership of land. November 23, 2006. Available at: <http://faolex.fao.org/docs/texts/arg67767.doc>; Spatial Data for lands traditionally occupied by Indigenous Peoples in public and private lands from: INAI. 2012. Informe de Auditoria, Instituto Nacional de Asuntos Indígenas: Programa 16 — Atencion y Desarrollo de Poblaciones Indígenas. 8. Buenos Aires: National Institute for Indigenous Affairs, Government of Argentina. Available at: http://agn.gov.ar/files/infomes/2012_083info.pdf.

⁴⁹ Refers to lands managed and owned by Indigenous Peoples and Local Communities. An additional 0.53 million hectares was added to the area of this tenure regime from Tucuman Province; vom Hau, Matthias and Guillermo Wilde. We Have Always Lived Here: Indigenous Movements, Citizenship, and Poverty in Argentina. BWPI Working Paper 99. Manchester, UK: The University of Manchester, Brooks World Poverty Institute. Available at: http://www.bwpi.manchester.ac.uk/medialibrary/publications/working_papers/bwpi-wp-9909.pdf Legislation consulted includes: Government of Argentina 1994; Government of Argentina 1985; Government of Argentina 1992; Government of Argentina 2006.

⁵⁰ Refers to Agrupaciones Sociales del Lugar (ASL) (Location-Based Social Associations) (signed); Plurinational State of Bolivia. 1996a. Forestry Law No. 1700 of 1996. June 12. As cited in Proyecto de Manejo Forestal Sostenible (BOLFOR). 1997. Los textos de la Ley Forestal, el Reglamento de la Ley Forestal y la Ley I.N.R.A correspondiente exactamente a sus ediciones oficiales. Santa Cruz, Bolivia. Available at: [http://www2.congreso.gob.pe/sicr/cendocbib/con4_uibd.nsf/29C02ACDA16F561A05257DCB00544B53/\\$FILE/Ley_Forestal_varios_bolivia.pdf](http://www2.congreso.gob.pe/sicr/cendocbib/con4_uibd.nsf/29C02ACDA16F561A05257DCB00544B53/$FILE/Ley_Forestal_varios_bolivia.pdf); Plurinational State of Bolivia. 1996b. Supreme Decree No. 24453/1996. December 21. As cited in BOLFOR. 1997.

⁵¹ Refers to Propiedades Comunitarias (Communal Property) (signed), Títulos Comunales para Comunidades Agro-Extractivistas (Norte Amazónico) (Communal Titles for Agricultural-Extractivist Communities in the Northern Amazonian Region), and Territorio Indígena Originario Campesino (Original Peasant Indigenous Territory) (claimed). Legislation consulted for these tenure regimes includes: Plurinational State of Bolivia. 2009. Bolivian Constitution of 2009. February 7. Available at: <http://www.wipo.int/edocs/lexdocs/laws/es/bo/bo024es.pdf>; Plurinational State of Bolivia. 1996c. National Service of Agrarian Reform Law No. 1715/1996. October 18. As cited in BOLFOR 1997; Plurinational State of Bolivia. 2006. Law No. 3545/2006. November 28. Available at: <http://www.ine.gob.bo/indicadoresdhh/archivos/viole/nal/Ley%20N%203545.pdf>; Plurinational State of Bolivia. 1996a. As cited in BOLFOR 1997; Plurinational State of Bolivia. 2007. Supreme Decree No. 29.215/2007; Plurinational State of Bolivia. 2004. Supreme Decree No. 27572/2004; Spatial data for Propiedades Comunitarias (signed) from: Fundacion Tierra. 2011. Territorios Indígena Originario Campesinos en Bolivia Entre la Loma Santa y la Pachamama. Fundacion Tierra, La Paz, 130. Available at: <http://ftierra.org/index.php/publicacion/libro/2-informe-2010-territorios-indigena-originario-campesinos>; Spatial data for Títulos Comunales para Comunidades Agro-extractivistas (Norte Amazónico) from: National Institute for Agrarian Reform (INRA). 2007. Unpublished data. As cited in: Pacheco, Pablo, Deborah Barry, Peter Cronkleton and Anne M. Larson. 2009. El papel de las instituciones informales en el uso de los recursos forestales en América Latina. Bogor, Indonesia: Center for International Forestry Research (CIFOR), 38. Available at: http://www.cifor.org/publications/pdf_files/Books/BPacheco0902.pdf; Spatial data for Territorio Indígena Originario Campesino (demandados) from: Fundacion Tierra 2011. This data includes claimed lands in the process of being recognized and those lands that are fully recognized.

⁵² Refers to Reserva Extrativista (RESEX) (Extractive Reserve), Reserva de Desenvolvimento Sustentável (Sustainable Development Reserves), and Projetos de Assentamentos (Agro-Extrativista, Florestal, Desenvolvimento Sustentável) (Settlement Projects); Legislation consulted for Reserva Extrativista includes: Government of Brazil. 2000. National Conservation Units (SNUC) Law No. 9.985/2000, Art. 18. July 18. Available at: <http://faolex.fao.org/docs/html/bra24591.htm>; Government of Brazil. 2002. Decree No. 4.340/2002 implementing Act No. 9.985 regulating the National System for Protected Areas. August 22. Available at: <http://faolex.fao.org/docs/texts/bra48600.doc>; Government of Brazil. 2007. ICMBio Normative Instruction No. 3/2007; Government of Brazil. 2011. ICMBio Normative Instructive No. 16/2011; Legislation consulted for Reserva de Desenvolvimento Sustentável includes: Government of Brazil 2000; Government of Brazil 2002; Government of Brazil 2007; Government of Brazil 2011; Government of Brazil. 2012. Law No. 12.651/2012 on the protection of Native Forests. May 25. Available at: <http://faolex.fao.org/docs/pdf/bra113357.pdf>; Spatial data for Reserva Extrativista and Reserva de Desenvolvimento Sustentável from: CNUC/MMA. 2014. Tabela Consolidada das Unidades de Conservação. Atualizada em: 27/10/2014; Legislation consulted for Projetos de Assentamentos includes: Government of Brazil. 1988. Constituição da República Federativa do Brasil, Article 189. October 5. Available at: <http://faolex.fao.org/docs/pdf/bra116951.pdf>; Government of Brazil. 1964. Act No. 4.504/1964 regulating rights and obligations regarding rural real estates in order to implement the Agricultural Reform and to promote the Agricultural Policy. November 30. Available at: <http://faolex.fao.org/docs/texts/bra10487.doc>; Government of Brazil. 1993. Act No. 8.629/1993 regulating rural land property in compliance with the Agrarian Reform. February 25. Available at: <http://faolex.fao.org/docs/texts/bra14660.doc>; Government of Brazil. 1966. Decree-Law No. 59.428/1966. October 27. Available at: <http://linker.lexml.gov.br/linker/processa?urn=urn:lex:br:federal:decreto:1966-10-27;59428&url=http%3A%2F%2Fwww2.camara.gov.br%2Flegin%2Ffed%2Fdecret%2F1960-1969%2Fdecreto-59428-27-outubro-1966-400122-publicacaooriginal-1-pe.html&exec>; Government of Brazil. 2003. INCRA Ordinance No. 1.141/2003; Government of Brazil. 2004. INCRA Normative Instruction No. 15/2004; Government of Brazil. 2010. INCRA Normative Instruction No. 65

/2010; The spatial area included under Projetos de Assentamentos has increased significantly over previous RRI reports on forest tenure, but not because of a major increase in tenure recognition. The increase in area reflects the availability of new data, which includes state and local settlements that are recognized by national authorities in addition to the national settlements that were included in previous datasets; Ane Alencar, Isabel Castro Silva, Cassio Pereira, Renata Novaes, Jarlene Gomes, Andrea Azevedo, Alcilene Cardoso, Rosana Costa; 2015. Desmatamento nos Assentamentos da Amazônia: Histórico, Tendências e Oportunidades. IPAM, Brasília, DF.

- ⁵³ Refers to Territórios Quilombolas (Quilombola Communities) and Terras Indígenas (Indigenous Lands); Legislation consulted for Territórios Quilombolas includes: Government of Brazil. 1988. Transitory Provisions of the Brazilian Constitution of 1988, Article 68; Government of Brazil. 2003. Decree No. 4.887/2003; Government of Brazil. 2009. INCRA Normative Instruction No. 56/2009; Spatial data for Territórios Quilombolas from: Government of Brazil. 12/2013. Títulos Expedidos às Comunidades Quilombolas. Instituto Nacional de Colonização e Reforma Agrária (INCRA); Legislation consulted for Terras Indígenas includes: Government of Brazil 1988; Government of Brazil. 1973. Act No. 6.001/1973 Establishing the Native Peoples Statute. December 19. Available at: <http://faolex.fao.org/docs/texts/bra14188.doc>; Government of Brazil. 1996. Decree No. 1.775 of 8 January 1996 ruling on the administrative procedures for zoning native people's land. January 8. Available at: <http://faolex.fao.org/docs/texts/bra48786.doc>; Spatial data for Terras Indígenas from: Povos Indígenas no Brasil, 2015. Situación Jurídica de las TIs en Brasil en la actualidad, August 11. Instituto Socio Ambiental. Available at: <http://pib.socioambiental.org.br/es/c/0/1/2/situacao-juridica-das-tis- hoje>; Similar to figure cited by Ministério do Meio Ambiente, Serviço Florestal Brasileiro. 2013. Florestas do Brasil em resumo, 2013: dados de 2007-2012. Serviço Florestal Brasileiro, Government of Brazil. 71. Available at: http://www.florestal.gov.br/index.php?option=com_k2&view=item&task=download&id=170.
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- ⁵⁵ Refers to Títulos de Merced Antiguos Indivisos, pueblo Mapuche (Antique Indivisible Gifted Titles, Mapuche Communities), Subsidios Comunitarios (Community Subsidies), Compras de Tierras Comunitario (Community Land Purchases), Transferencias Fiscales (Fiscal Transfers), Regularización propiedad comunitaria (Regularized Community Property), Comunidad Agrícola Diaguita Huasco Alto (Diaguita Agricultural Community of Huasco Alto), and Comunidades Agrícolas Región de Coquimbo (Agricultural Communities in the Coquimbo Region); Legislation consulted includes: Government of Chile. 1993. Ley Indígena No. 19.253 Artículo 20-A,B. October 5. Available at: <http://www.conadi.gob.cl/documentos/LeyIndigena2010t.pdf>; Government of Chile. 1977. Decreto Ley No. 1.939, Normas Sobre Adquisición, Administración y Disposición de Bienes Del Estado. October 5. Available at: <http://www.leychile.cl/Navegar?idNorma=6778>; Government of Chile. 1979. Decreto Ley No. 2.695, Fija Normas para Regularizar la posesión de la pequeña propiedad Raíz y para la Constitución del Dominio Sobre Ella. May 30. Available at: <http://www.leychile.cl/Navegar?idNorma=6982>; Government of Chile. 1993. Ley 19.233, Modifica Decreto con Fuerza de Ley No. 5, de 1968, del Ministerio de Agricultura, que contiene la normativa legal sobre las Comunidades Agrícolas. August 5. Available at: <http://chile.justia.com/nacionales/leyes/ley-n-19-233/gdoc>; Spatial Data from: Palma, Nivia. 2014. Personal communication, Jefa, División Jurídica, Ministerio de Bienes Nacionales, October; Personal communication, Corporación Nacional de Desarrollo Indígena (CONADI), Ministerio de Desarrollo Social, October 2014; Molina, Raul. 2013. Diaguitas: Emergencia étnica y dialéctica de las relaciones interculturales en el Huasco Alto. In Pueblos Originarios y sociedad nacional en Chile: La interculturalidad en las prácticas sociales, edited by J. Durston, 115-127. Santiago, Chile: Programa de las Naciones Unidas para el Desarrollo (PNUD). Available at: http://www.academia.edu/5121934/Diaguitas_Emergencia_%C3%A9tnica_y_dial%C3%A9ctica_de_las_relaciones_y_conflictos_interculturales_en_el_Huasco_Alto.
- ⁵⁶ Refers to Tierras de las Comunidades Negras (Afro-Colombian Community Lands) and Resguardos Indígenas (Indigenous Reserves); Figures may be subject to change as the State reconciles newly titled lands under the Saneamiento process; Legislation consulted for Tierras de las Comunidades Negras includes: Government of Colombia. 1991a. Colombian Constitution of 1991. Available at: <http://faolex.fao.org/docs/pdf/col127440.pdf>; Government of Colombia. 1991b. Ley No. 21 - Aprueba el Convenio 69 de la OIT sobre pueblos indígenas y tribales en países independientes. March 4. Available at: <http://faolex.fao.org/docs/pdf/col137355.pdf>; Government of Colombia. 1993a. Ley No. 99: Crea el Ministerio del Medio ambiente y los recursos naturales renovables y se organiza el Sistema Nacional Ambiental (SINA). December 22. Available at: <http://faolex.fao.org/docs/texts/col3962.doc>; Government of Colombia. 1994. Ley No. 160: Crea el Sistema Nacional de Reforma Agraria y Desarrollo Rural Campesino, establece un subsidio y reforma el Instituto Colombiano de la Reforma Agraria, Chapter XIV. August 3. Available at: <http://faolex.fao.org/docs/texts/col19045.doc>; Government of Colombia. 1995a. Decreto No. 2.164: Reglamenta la Ley No. 160 de 1994, en lo relacionado con la dotación y titulación de tierras a las comunidades indígenas. December 7. Available at: <http://faolex.fao.org/docs/texts/col19704.doc>; Government of Colombia. 1996. Decreto No. 1.791: Régimen de aprovechamiento forestal. October 4. Available at <http://faolex.fao.org/docs/texts/col19645.doc>; Legislation consulted for Resguardos Indígenas includes: Government of Colombia 1991a; Government of Colombia. 1993b. Ley No. 70: Derecho de propiedad colectiva de tierras baldías en zonas rurales ribereñas a los ríos de la cuenca del Pacífico. August 27. Available at: <http://faolex.fao.org/docs/texts/col24289.doc>; Government of Colombia. 1995b. Decreto No. 1.745: Reglamenta el capítulo III de la Ley No. 70 de 1993, adoptando el procedimiento para el reconocimiento del derecho a la propiedad colectiva de las tierras de las comunidades negras. October 12. Available at: <http://faolex.fao.org/docs/texts/col25000>.

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⁵⁷ Refers to Territorio Indígena (Indigenous Territory); Berger, G., M. Vargas, y J. Carlos. 2000. Perfil de los Pueblos Indígenas De Costa Rica. San José, Costa Rica. As cited in MacKay, Fergus y Alancay Morales Garro. Violaciones de los Derechos Territoriales de los Pueblos Indígenas. 2014. 14. Moreton-in-Marsh, UK: Forest Peoples Programme. Available at: <http://www.forestpeoples.org/sites/fpp/files/publication/2014/02/violationsterritorialrightscostaricaspanishfeb2014.pdf>; Edouard, Fabrice. 2010. Gobernanza en la tenencia de la tierra y recursos naturales en América Central. Documento de trabajo sobre la tenencia de la tierra 18. Organización de las Naciones Unidas para la Agricultura y la Alimentación (FAO). Available at: <http://www.fao.org/3/a-al934s.pdf>.

⁵⁸ Refers to Concesiones Comunitarias (Community Concessions); Legislation consulted includes: Government of Guatemala. 1996. Decreto No. 101/96: Ley Forestal. December 2. Available at: <http://faolex.fao.org/docs/texts/gua10056.doc>; Government of Guatemala. 2005. National Forest Registry Regulations, Resolution No. 1/43/2005; Government of Guatemala. 1997. Regulation of the Forest Law, Resolution No. 4/23/1997; Government of Guatemala. 1989. Decreto No. 4/89: Ley de áreas protegidas. February 7. Available at: <http://faolex.fao.org/docs/texts/gua60538.doc>; Spatial data from: Alianza Mesoamericana de Pueblos y Bosques (Mesoamerican Alliance of People and Forests) and Programa Salvadoreño de Investigación sobre Desarrollo y Medio Ambiente (PRISMA). 2013. Mesoamérica a la delantera en derechos forestales comunitarios: Lecciones para hacer que REDD+ funcione. 4. Available at: http://alianzamesoamericana.org/wp-content/uploads/2014/03/mesoamerica_a_la_delantera_en_derechos_forestales_comunitarios.pdf.

⁵⁹ Refers to Tierras Comunes (Communal Lands); Legislation consulted includes: Government of Guatemala 1996; Government of Guatemala 1997; Government of Guatemala 2005; Government of Guatemala. 1979. Law of Supplementary Titling, Decree No. 49/1979; Government of Guatemala. 2009. Specific Rules for the Recognition and Declaration of Communal Land, Resolution No. 123-001/2009; Spatial area calculated as the sum of 1.577 Mha (CONAP 2008) and 0.2 Mha (PERT-FAUSAC 2015), less the area of Concesiones Comunitarias (0.38 Mha); CONAP. 2008. Diagnóstico de la conservación y manejo de recursos naturales en tierras comunales. Grupo Promotor de Tierras Comunes. Guatemala, 30. Available at: http://www.tierrascomunales.org/wp-content/uploads/2014/12/Diagnostico_de_la_conservacion_y_manejo_de_recursos_naturales_en_tierras_comunales.pdf; PERT-FAUSAC. 2015. Actualización del Diagnóstico de Tierras Comunes de Guatemala. Informe preliminar. Programa de Estudios Rurales y Territoriales, Facultad de Agronomía, Universidad de San Carlos de Guatemala. Unpublished report.

⁶⁰ Refers to Titled Amerindian Village Land, Community Forest Management Agreements, and Amerindian Protected Areas; Legislation consulted for these tenure regimes includes: Government of Guyana. 2006. Amerindian Act of 2006. Available at: <http://www.amerindian.gov.gy/wp-content/uploads/2015/02/AMERINDIAN-ACT-2006.pdf>; Government of Guyana. 1997. State Land Act of 1910 (1997); Government of Guyana. 1980. Guyanese Constitution of 1980 (2001). Available at: <http://parliament.gov.gy/constitution.pdf>; Government of Guyana. 2009. Forests Act, Act No. 6 of 2009. October 12, 2010. Available at: http://www.forestry.gov.gy/Downloads/Guyana_Forestry_Act_2009.pdf; Spatial area for Titled Amerindian Village Land from: Guyana Forestry Commission and INDUFOR. 2014. Guyana REDD+ Monitoring Reporting and Verifications System Year 4 Interim Measures Report. Version 1, INDUFOR and Guyana Forestry Commission, Georgetown and Auckland, 7; Spatial data for Community Forest Management from: Guyana Forestry Commission. 2014. Forest Sector Information Report, Half Year Report January-June 2014. Guyana Forestry Commission; No area has been designated as Amerindian Protected Areas, but the statutory and regulatory basis for the tenure recognition is in place. Notably, Amerindian Lands are considered to be “owned” by Indigenous Peoples in the national context; however, villages recognized under this tenure regime do not have the “right to exclude” outsiders from their lands, as required by RRI’s analytical framework. Specifically, the government retains the ability to grant permission to third parties to enter Amerindian lands. Government of Guyana 2006, Art. 8.

⁶¹ Refers to Sistema de Silvicultural Social - Contratos de manejo, 40 años (Social Forestry System – 40 Year Management Contracts) and Microcuencas (Microwatersheds). Legislation consulted includes: Government of Honduras. 2009. Decreto No. 181-2009, Ley General de Aguas, Article 19. September 30. Available at: <http://faolex.fao.org/docs/texts/hon92441.doc>; Government of Honduras. 2007. Decree No. 98-2007, Ley Forestal, Áreas Protegidas y Vida Silvestre. December 28. Available at: http://agendaforestal.org/MARCO%20JURIDICO/ley_forestal_honduras.doc; Spatial Data for Social Forestry System from: Instituto Nacional de Conservación y Desarrollo Forestal, Áreas Protegidas y Vida Silvestre. 2013. As cited in Del Gatto, Filippo. 2013. Community Forestry in Honduras: A Path towards Better Governance. Forest Trends Information Brief #8. 7. Washington, DC: Forest Trends. Available at: http://www.forest-trends.org/documents/files/doc_4081.pdf.

⁶² Refers to Privado Tribal (Private Tribal Land) and Miskito Coastal Communities. Legislation consulted includes: Government of Honduras. 2004. Decree No. 82-2004, Ley de Propiedad. June 29. Available at: <http://faolex.fao.org/docs/pdf/hon54934.pdf>; Government of Honduras 2007; Spatial data for Privado Tribal from: FAO. 2012. La tenencia de los territorios indígenas y REDD+ como un incentivo de manejo forestal: el caso de los países mesoamericanos. 13. Rome:

Food and Agriculture Organization of the United Nations. Available at: http://www.fao.org/fileadmin/user_upload/AGRO_Noticias/docs/territorios_indigenas-web.pdf.

- ⁶³ Refers to Ejidos and Comunidades; Legislation consulted for Ejidos and Comunidades includes: Government of Mexico. 2010. Mexican Constitution of 1917 (as amended in 2010), Article 27, Section VII. Available at: <http://faolex.fao.org/docs/pdf/mex126640.pdf>; Government of Mexico. 2012. Decreto por el que se reforma el párrafo tercero del artículo 131 de la Ley General de Desarrollo Forestal Sustentable. March 8. Available at: <http://faolex.fao.org/docs/texts/mex111891.doc>; Government of Mexico. 2008. Agrarian Law of 2008; Spatial data from: Government of Mexico. SEDATU. Registro Agrario Nacional. 2012. Estructura Agraria de Ejidos y Comunidades. December 31. Available at: <http://www.ran.gob.mx/ran/index.php/informacion-estadistica/avances-de-certificacion-historicca>.
- ⁶⁴ Refers to Reservas Comunes (Communal Reserves) and Reservas Indígenas (Indigenous Reserves). Notably, Indigenous Reserves have been reclassified from previous RRI publications. Previously, Indigenous Reserves were considered lands “owned by” Indigenous Peoples, and in this publication they have been reclassified as lands “designated for” Indigenous Peoples. Compare with Rights and Resources Initiative 2014, 2012. Indigenous Reserves were reclassified based on consultations with local experts who identified that the creation of Indigenous Reserves was an effort to establish new conditions that allow the Peruvian government to render Indigenous Peoples’ land rights temporary and contingent upon certain prerequisites, such as the maintenance of isolation. Indigenous Reserves were created in response to the limitations on resource extraction established by the older tenure regime of Territorial Reserves which recognized a less robust bundle of rights for Indigenous Peoples but secured that smaller bundle of rights in perpetuity. See generally: Barclay, Frederica and Pedro García Hierro. 2014. *La Batalla por Los Nanti: Intereses y Discursos Superpuestos a Favor de la Extinción de la Reserva Territorial Kugapakori Nahua Nanti y Otros*. Lima, Peru: Centro de Políticas Públicas y Derechos Humanos Peru Equidad. Available at: http://www.iwgia.org/publications/search-pubs?publication_id=685; Legislation consulted for Reservas Comunes includes: Government of Peru. 1997a. Ley No. 26.834: Ley de Áreas Naturales Protegidas. June 30. Available at: <http://faolex.fao.org/docs/html/per9258.htm>; Government of Peru. 2001a. Decreto Supremo No. 038/01/AG - Reglamento de la Ley de Áreas Naturales Protegidas. June 22. Available at: <http://faolex.fao.org/docs/texts/per31350.doc>; Resolution No. 019/2005 from INRENA-IANP; Government of Peru. 2000. Ley No. 27.308: Ley Forestal y de Fauna Silvestre. July 15. Available at: <http://faolex.fao.org/docs/texts/per21013.doc>; Spatial data for Reservas Comunes from: Ministerio del Ambiente, Servicio Nacional de áreas Naturales Protegidas por el estado (SERNANP). 2014. Sistema Nacional de Areas Naturales Protegidas por el Estado - SINANPE. SERNANP and INEI. Available at: http://www.sernanp.gob.pe/sernanp/archivos/biblioteca/mapas/ListaAnps_12112014.pdf; Legislation consulted for Reservas Indígenas includes: Government of Peru. 2006. Ley No. 28.736: Ley para la protección de pueblos indígenas u originarios en situación de aislamiento y en situación de contacto inicial. May 16. Available at: <http://faolex.fao.org/docs/pdf/per64175.pdf>; Government of Peru. 2007. Decreto Supremo No. 008/07/MIMDES - Reglamento de la Ley No. 28.736, Ley para la protección de pueblos indígenas u originarios en situación de aislamiento y en situación de contacto inicial. October 4. Available at: <http://faolex.fao.org/docs/pdf/per74870.pdf>; Government of Peru 1997a; Government of Peru 2000; Spatial data for Reservas Indígenas from: Asociación Interétnica de Desarrollo de Selva Peruana AIDESP. 2015. Incidencia para mejorar el marco legal de protección de los pueblos indígenas en situación de aislamiento voluntario y contacto inicial y sus territorios en la Amazonia Peruana. Powerpoint Presentation; Dorado, Juan Americo Baca Dorado. Protección de reservas territoriales: Pueblos en Aislamiento y contacto inicial - PIACI. Instituto Nacional de Desarrollo de Pueblos Andinos, Amazónicos y Afroperuano (INDEPA), Ministerio de Cultura. Available at: [http://www.minem.gob.pe/minem/archivos/Presntaci%C3%83%C2%B3n%20INDEPA%20\(1\).pdf](http://www.minem.gob.pe/minem/archivos/Presntaci%C3%83%C2%B3n%20INDEPA%20(1).pdf); For information about overlap of this area and PA Zona Reservada Sierra de Divisor, see: Sociedad Peruana de Derecho Ambiental (SPDA), Ministerio del Ambiente (MNAM). 2015. La reserva isconahua y la zona reservada sierra de divisor. Manual de Legislación Ambiental. Accessed August 19. Available at: http://www.legislacionambientalspda.org/per/index.php?option=com_content&view=article&id=331:la-reserva-isconahua-y-la-zona-reservada-sierra-de-divisor-&catid=30:cap2&Itemid=3451.
- ⁶⁵ Refers to Tierras de Comunidades Nativas (Native Community Land) and Tierras de Comunidades Campesinas (Peasant Community Land); Notably, despite the fact that Comunidades Nativas meet this study’s definition of ownership by Indigenous Peoples, the government still exercises significant control over forested areas within Comunidades Nativas. The government claims that forested areas are part of the national patrimony and requires Comunidades Nativas to obtain government approval of management plans if they wish to commercially or industrially exploit forested areas for either timber or non-timber forest products and sets forth criteria allowing the government to extinguish communities’ rights (Law N° 27308/2000, Arts. 12, 18). Indigenous Peoples’ groups are currently advocating for more robust rights and greater autonomy in the management of their own lands; Legislation consulted for Tierras de Comunidades Nativas includes: Government of Peru. 1993. Peruvian Constitution of 1993. December 29. Available at: <http://faolex.fao.org/docs/pdf/per127779.pdf>; Government of Peru 2000; Government of Peru. 2001b. Supreme Decree No. 14/2001; Government of Peru. 1997b. Ley No. 26.821: Ley Orgánica para el aprovechamiento sostenible de los recursos naturales. Available at: <http://faolex.fao.org/docs/html/per9287.htm>; Government of Peru. 1978. Decreto Ley No. 22.175 - Ley de Comunidades Nativas y de Desarrollo Agrario de la Selva y Ceja de Selva. May 9. Available at: <http://faolex.fao.org/docs/texts/per124297.doc>; Government of Peru. 2003. Law No. 27867/2003; Spatial area for Tierras de Comunidades Nativas from: Instituto del Bien Común. 2014. SICNA: Proyección en base a 2006 Comunidades Nativas encuestadas y georreferenciadas por el IBC y otros. As cited in Territorios Seguros para las Comunidades del Peru and Instituto del Bien Común. La Seguridad Territorial en el Limbo: El estado de las comunidades indígenas en el Perú. 36. Available at: http://americalatina.landcoalition.org/sites/default/files/Informe_SEGURIDAD_TERRITORIAL_2014.pdf; Legislation consulted for Tierras de Comunidades Campesinas includes: Government of Peru 1993; Government of Peru 2000; Government of Peru 2001b; Government of Peru 1997b; Government of Peru. 1995. Ley No. 26.505 - Ley de la inversión privada en el

desarrollo de las actividades económicas en las tierras del territorio nacional y de las comunidades campesinas y nativas, Art. 11. July 17. Available at: <http://faolex.fao.org/docs/html/per4901.htm>; Government of Peru. 2002. Ley No. 27.867: Ley Orgánica de Gobiernos Regionales. November 16. Available at: <http://faolex.fao.org/docs/pdf/per128977.pdf>; Spatial data for Tierras de Comunidades Campesinas from: COFOPRI. Directorio de Comunidades Campesinas. 2010. As cited in Grupo Allpa. 2011-2012. Políticas Públicas para Comunidades Campesinas, 2011-2012. 11. Available at: <http://americalatina.landcoalition.org/sites/default/files/POLITICAS%20PUBLICAS%20PARA%20COMUNIDADES%20CAMPESINAS%202011-2012.pdf>.

- ⁶⁶ Suriname does not have a statutory or regulatory framework that recognizes Indigenous Peoples' or local communities' rights to own or control land. Inter-American Court of Human Rights. 2007. Case of Saramaka People v. Suriname. Judgment of November 28. http://www.corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf.
- ⁶⁷ Refers to Titled Community Lands. 2.841518 Mha have been demarcated over the period of 2005-2014. This figure includes and is not disaggregated for Indigenous Lands in Areas Under a Special Administrative Regime (ABRAE), established within protected areas; República Bolivariana de Venezuela. 2005. Ley Orgánica de Pueblos y Comunidades Indígenas. December 8; Revista SIC. 2014. Comunicado de la COIAM sobre el proceso nacional de demarcación de hábitat y tierras indígenas a los 15 años de aprobación de la Constitución Nacional. Centro Gumilla: Sic Semanal. December 9. Available at: <https://sicsemanal.wordpress.com/2014/12/09/comunicado-de-la-coiam-sobre-el-proceso-nacional-de-demarcacion-de-habitat-y-tierras-indigenas-a-los-15-anos-de-aprobacion-de-la-constitucion-nacional>.
- ⁶⁸ Refers to Rural Community Land. The area for Rural Community Land has been artificially rounded up to 0.01 million hectares from 602 hectares; Spatial data from: FAO. 2013. Delimited Rural Communities, Huambo Province, Angola. GIS Shapefile. Rome: Food and Agricultural Organization of the United Nations. As cited in Francisco Carranza, FAO. July 2013. Legislation consulted includes: Republica de Angola. 2004. Lei No. 9/04 de 9 de Novembro, Lei de Terras. 9 novembro 2004. Available (in Portuguese) at: http://www.ieham.org/html/docs/LEI_TERRAS_ANGOLA.pdf; Available (in English) at: http://www.sarpn.org/documents/d0002878/Property_rights_Angola_May2007.pdf.
- ⁶⁹ Refers to Wildlife Management Areas and Communal Lands. Communal Lands also include some Remote Area Dweller Settlements/Communities which were created in rural areas to provide access to social and physical infrastructure; Government of Botswana. 1998. National Settlement Policy of 1998; Government of Botswana. 2009. Revised Remote Area Development Policy of 2009; Government of Botswana. 2011. Botswana Land Policy of 2011; Sapignoli, Maria, 2015. Personal communication, researcher, Max Planck Center for Social Anthropology, June 12; Hitchcock, Robert. 2015. Personal communication, Professor, University of New Mexico, June 12; Magole, Lapologang. 2015. Personal communication, Senior Research Scholar, University of Botswana, June 22; Legislation consulted for these tenure regimes includes: Republic of Botswana. 1968. The Tribal Land Act; Republic of Botswana. 1985. The Tribal Land (Amendment) Act. 1985. Botswana Statute Law, Vol. 69, Printed by the Government Printer, Gaborone, Government of Botswana; Republic of Botswana. 1993. The Tribal Land (Amendment) Act. 1993. Botswana Statute Law, Vol. 77, Printed by the Government Printer, Gaborone, Government of Botswana; Republic of Botswana. 1986. Wildlife Management Policy; Republic of Botswana. 2000. Community Based Natural Resource Management Policy; Spatial data from: Ministry of Local Government and the Ministry of Lands and Housing, Government of Botswana. As cited in: Sapignoli, Maria, and Robert Hitchcock. 2013. Development and Dispossession: Impacts of Land Reform in Botswana. In *Africa for Sale? Positioning the State, Land and Society in Foreign Large-Scale Land Acquisitions in Africa*, edited by Sandra J.T.M. Evers, Caroline Seagle, and Froukje Krijtenburg. 131-157. Leiden, Boston, and Tokyo: Brill Academic Publishers.
- ⁷⁰ Refers to Community Forests (Forêts Communautaires) and Community Managed Hunting Zones (Zones d'Intérêt Cynégétique à Gestion Communautaire); Legislation consulted for Community Forests includes: Government of Cameroon. 1994. Law No. 01/1994; Government of Cameroon. 1995a. Decree No. 531/1995; Government of Cameroon. 1995b. Decree No. 466/1995. July 20. Available at: http://laga-enforcement.org/Portals/0/Documents/Legal%20documents/Cameroon/Legal_Cameroon_Decree_Eng_Decree%20NO.%2095-466-PM%20of%2020%20July%201995.pdf; Government of Cameroon. 2013. Arrêté conjoint No. 076/MINFI/MINATD/MINFOF fixant les modalités de planification, d'emploi et de suivi de la gestion de revenus provenant de la exploitation des ressources forestières et fauniques, destinés aux communes et aux communautés riveraines; Spatial data for Community Forests from: Nguiffo, Samuel. 2013. Personal Communication. Center for Environment and Development (CED); Legislation consulted for Community Managed Hunting Zones includes: Government of Cameroon 1994; Government of Cameroon 1995b; Spatial data for Community Managed Hunting Zones from: World Resources Institute. 2012. Interactive Forest Atlas of Cameroon. Version 3.0. Overview Report. 16. Washington, DC: World Resources Institute. Accessed August 19, 2015. Available at: <http://www.wri.org/publication/interactive-forest-atlas-cameroon-version-30>.
- ⁷¹ Refers to Forêts de Collectivités (Collective Forests) and Forêts Communautaires (Community Forests). Our research indicates that no implementing regulations were ever adopted for either of these tenure regimes, and no collective or community forests have been designated in practice; FAO. 2010. Global Forest Resources Assessment 2010, Country Report Central African Republic. Country Report 042. 13. Rome: Food and Agriculture Organization of the United Nations. Available at: <http://www.fao.org/docrep/013/al475f/al475f.pdf>; République Centrafricaine. 2008. Loi No.08.022 Portant

Code Forestier de la République Centrafricaine, Arts. 125-130. October 17. Available at: <http://faolex.fao.org/docs/pdf/caf107432.pdf>.

⁷² Refers to Droits Collectifs dans le Domaine Privé (Collective Rights in the Private Domain) and Forêts Communautaires et Sacrées (Community and Sacred Forests); Legislation consulted for Collective Rights in the Private Domain include: Republic of Chad. 1967. Loi No.24 du 22 juillet 1967 sur le régime de la Propriété foncière et des droits coutumiers 22 juillet. Available at: <http://www.droit-afrique.com/images/textes/Tchad/Tchad%20-%20Propriete%20fonciere.pdf>; Loi No.24 du 22 juillet 1967 requires the registration of lands in the private domain. Communities with customary rights can register their lands in the name of the collective (Art. 20); however, these rights are limited in duration (Art. 16); No spatial data was available for the area of collective rights in the private domain. However, this area is likely to be relatively small. As of 2013, only 4,092 private land titles of any type had been registered with the Chadian government. Xinhua. 2013. Le Tchad poursuit sa réforme foncière. Afriqueinfos. 24 juin. Accessed August 19, 2015. Available at: <http://www.afriqueinfos.com/articles/2013/6/24/tchad-poursuit-reforme-fonciere-224486.asp>; Legislation consulted for Community and Sacred Forests includes: Republic of Chad. 2008. Loi No. 08/PR/14 portant régime des forêts, de la faune et des ressources halieutiques. Juin 2. Available at: <http://faolex.fao.org/docs/html/cha117920.htm>; Community Forests are forests assigned to a community to sustainably manage natural resources based on a simple management plan (Arts. 26-28). Sacred Forests are established by the State and allocated to a community for the preservation of their sacred values; they are managed by communities (Arts. 31-32); No spatial data was available for Community or Sacred Forests; FAO. 2010. Valuation des Ressources Forestières Mondiales 2010: Rapport National Tchad. Rome, Italy: FAO. Available at: <http://www.fao.org/docrep/013/al476f/al476f.pdf>; Notably, this is a departure from previously cited RRI figures (Rights and Resources Initiative and ITTO 2011) and has been updated based on feedback from peer reviewers; Rights and Resources Initiative and ITTO. 2011. Tropical Forest Tenure Assessment: Trends, Challenges and Opportunities. Washington, DC: RRI. Citing Ourde, Ousmane. 2007. République du Tchad. Rapport: Collecte des Données sur l'Accès aux Forêts pour les Communautés, les Réformes Institutionnelles et les Superficies Forestières. Octobre. Available at: http://www.itto.int/technical_report/?pageID=2.

⁷³ Refers to Local Community Forest Concessions (LCFC) (Concessions Forestières Communautaires). No area has been designated as a Local Community Forest Concession; however, the statutory and regulatory basis for tenure recognition is in place; Legislation consulted includes: République Démocratique du Congo. 2002. Loi No. 011/2002 du 29 août 2002 portant Code Forestier, Art. 22. 29 août. Available at: <http://www.droit-afrique.com/images/textes/RDC/RDC%20-%20Code%20forestier.pdf>; République Démocratique du Congo. 2014. Décret No. 14/018 du 02 août 2014 fixant les modalités d'attribution des concessions forestières aux communautés locales. 2 août. Available at: <http://leganet.cd/Legislation/Droit%20economique/Code%20Forestier/D.14.018.02.08.2014.htm>.

⁷⁴ Refers to Des forêts des communes et autres collectivités locales (Forests of Communities and Other Local Collectives), Terres des peuples autochtones (Indigenous Land), and La Réserve Communautaire du Lac Télé/Likouala-aux-Herbes (Lac Télé/ Likouala-aux-Herbes Community Reserve). Notably, spatial data was only available for La Réserve Communautaire du Lac Télé/Likouala-aux-Herbes. While the statutory basis is in place for des forêts des communes et autres collectivités locales and Terres des peuples autochtones, no area has been designated under these tenure regimes; Handja, Georges Thierry. 2013. Personal Communication. London: Rainforest Foundation UK. June 6; Conseil National de Transition, République du Congo. 2000. Loi No. 16-2000 Portant code forestier. 20 novembre. Available at: http://www.lexadin.nl/wlg/legis/nofr/oeur/arch/con/Codeforest_congo.pdf; Spatial data for La Réserve Communautaire du Lac Télé/Likouala-aux-Herbes from: Ministre de l'Économie Forestière et du Développement Durable de la République du Congo (MEFDD). As cited in WRI. 2012. Atlas Forestier Interactif du Congo - Version 3.0. 14. Washington DC: World Resources Institute. Available at: http://www.wri.org/sites/default/files/pdf/congo_forest_atlas_v3.pdf.

⁷⁵ Refers to Participatory Forest Management User Groups and Communal Land Holdings. No data was available for the area of Communal Land Holdings established by Federal Democratic Republic of Ethiopia (FDRE). 2005. Rural Land Proclamation No. 456. July 15. Available at: <http://faolex.fao.org/docs/pdf/eth95459.pdf>; Spatial data for Participatory Forest Management User Groups is based on a partial sample of the country by Ellen Weinberg; Weinberg, Ellen. 2011. Participatory Forest Management in Ethiopia, Practices and Experiences. 11. Rome: Food and Agriculture Organization of the United Nations. Available at: <http://www.fao.org/forestry/24514-043adbe564e803444b40d3e18987b434d.pdf>; FAO. 2010. Global Forest Resources Assessment: Ethiopia. 11. Rome: Food and Agriculture Organization of the United Nations. Available at: <http://www.fao.org/docrep/013/al501E/al501e.pdf>.

⁷⁶ Refers to Forêts Communautaires (Community Forests); Legislation consulted includes: Government of Gabon. 2001. Loi No. 016-01 portant code forestier en République Gabonaise, Articles 156-162. Available at: <http://faolex.fao.org/docs/texts/gab29255.doc>; Government of Gabon. 2004. Décret No. 1028/PR/MEFEPEPN du 1er décembre 2004 fixant les conditions de création des forêts communautaires. Available at: <http://faolex.fao.org/docs/pdf/gab143377.pdf>; Government of Gabon. 2008. Ordonnance No.11/2008 du 25 juillet 2008 modifiant et complétant certaines dispositions de la loi No. 16/2001 du 31 décembre 2001. July 25. Available at: <http://faolex.fao.org/docs/pdf/gab144592.pdf>; Government of Gabon. 2013. Arrêté No. 018 MEF/SG/DGF/DFC Establishing the Procedures to Implement Community Forest Management; Spatial data includes the areas of three approved community forests (Ebyeng-Edzuameniène, Nkang, and La Boka 1 and 2); Sartoretto, Eugenio and Henriot, Clotilde. 2015. Personal communication, Law and Policy Advisors, Climate and Forests, ClientEarth. March. Citing WWF. 2014. Etat des lieux des forêts communautaires au Gabon: December 2014.

- ⁷⁷ Refers to Participatory Forest Management User Groups with signed Forest Management Agreements. According to the Kenyan Forests Act of 2005 (Articles 38, 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>; Spatial data from: Kenya Forest Service. 2013. As cited in Abdi, Mwajuma. 2013. Personal Communication. National Alliance of Community Forest Association (NACOFA). July 31.
- ⁷⁸ Refers to Community Land and Group Ranches. According to the legal analysis, Community Land is provided for conceptually under Article 63 of the Kenyan Constitution of 2010. However, lacking necessary implementing regulations, the legal mechanism by which communities would gain Community Land title remains undefined. Furthermore, Group Ranches will be reclassified as Community Land with the anticipated passage of the Community Land Bill in 2015; Legislation consulted includes: Government of Kenya. 2010. The Constitution of Kenya. 2010. August 27. Available at: <http://faolex.fao.org/docs/pdf/ken127322.pdf>; Government of Kenya. 1968. Land (Group Representatives) Act (Cap. 287). June 28. Available at: <http://faolex.fao.org/docs/pdf/ken62430.pdf>; Spatial data from: Kenya Forest Service. 2013. As cited in Mwajuma Abdi. 2013; Mbuve, M.T.E. 2014. Personal communication, Principle Research Scientist, Kenya Forest Research Institute, September 10; Aggarwal, Safia and Chris Thouless. 2009. Land Tenure and Property Rights Assessment: The Northern Rangeland And Coastal Conservation Programs of USAID/Kenya. Washington, DC: USAID. Available at: http://www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Kenya/files/HLP%20AoR/Land_Tenure_Property_Rights_2009_EN.pdf.
- ⁷⁹ Refers to Communal Forests. No data was available for the spatial area of Communal Forests. Legislation consulted for Communal Forests includes: Government of Liberia. 2006. National Forestry Reform (NFR) Law of 2006, Art. 1.3. Monrovia, Liberia: Government of Liberia. Available at: <http://www.fao.org/forestry/16151-05fd47b845599b5d3a594a9b0240dacff.pdf>.
- ⁸⁰ Refers to Public Land Sale Deeds, Aboriginal Land Grant Deeds, and Community Forests; Spatial data for Public Land Sale Deeds and Aboriginal Land Grant Deeds from: Liberian Forest Development Authority. As cited in De Wit, Paul, and Caleb Stevens. 2014. 100 Years of Community Land Rights in Liberia: Lessons Learned for the Future. Washington, DC: World Bank. Available at: https://www.conftool.com/landandpoverty2014/index.php/De_Wit-227_paper.pdf?page=downloadPaper&filename=De_Wit-227_paper.pdf&form_id=227&form_version=final; Legislation consulted for Community Forests includes: Government of Liberia. 2009. Community Rights Law, Arts. 1(3), 2(3). October 16. Monrovia, Liberia: Government of Liberia. Available at: <http://faolex.fao.org/docs/pdf/lbr143892.pdf>; Spatial area of Community Forests recognized by the Forestry Development Authority includes Community Forests in Zor, Gba, Numopoh, and Nitrian communities. Some additional areas may have been added to Community Forests since the source of this data was published in 2011; Russell, Diane, Andrew Tobiasson, Kenneth Hasson, David M. Miller, and Paul De Wit. 2011. The Final Evaluation of the USAID Land Rights and Community Forestry Program, Liberia. Washington, DC: USAID. Available at: <http://rportal.net/library/content/liberias-land-rights-and-community-forestry-program/final-evaluation-of-the-land-rights-and-community-forestry-program-lrcfp>.
- ⁸¹ Refers to Zones with Historical Culture Use and Value, and Forest Concessions to Communities; Legislation consulted for these tenure regimes includes: Government of Mozambique. 1999. Law No. 10/99 on Forest and Wildlife Act, Articles 13 and 16. July 7. Available at: <http://faolex.fao.org/docs/pdf/moz20106.pdf>; Government of Mozambique. 2002. Decree No. 12/2002 approving the Regulation on Forestry and Wildlife, Articles 7 and 25.2. June 6. Available at: <http://faolex.fao.org/docs/pdf/moz61589.pdf>; No areas have been designated as Zones with Historical Culture Use; however, the statutory and regulatory basis for tenure recognition is in place; Spatial data for Forest Concessions to Communities calculated as the sum of three community forest concessions existing in Mozambique as of 2013 with respective areas of 33,000 hectares, 20,000 hectares, and 40,000 hectares, totaling 99,000 hectares (0.099 Mha). While it is possible that some legal registration issues may still be outstanding, it is assumed that any such challenges have been resolved; Nelson, I. 2013. O Lado Social do Corte de Madeira nos Bosques de Miombo, na Zambézia, Moçambique Criando Parcerias com Pessoas e Florestas na Zambézia, Moçambique. Maputo, Mozambique: Justiça Ambiental. <https://ingridnelson.files.wordpress.com/2013/11/ingrid-portuguc3aas-color.pdf>.
- ⁸² Refers to Uncertified Community DUATs and Certified Community DUATs; Legislation consulted for these tenure regimes includes: Government of Mozambique. 2007. Law No. 19/2007 on Land Use Management, Articles 12-13. July 18. Available at: <http://faolex.fao.org/docs/texts/moz111493.doc>; The area of Uncertified Community DUATs is unknown; however, the statutory and regulatory basis for tenure recognition is in place; Spatial estimate for Certified Community DUATs from: De Wit, Paul. 2015. Personal communication, Independent Consultant and Fellow, Rights and Resources Initiative. April. Citing data through 2011 from Carrilho, J. and S. Norfolk. 2013. Beyond Building the Cadastre: Next Steps for Mozambique in Participatory Land Governance and Decentralized Land Rights Administration. Washington, DC: World Bank. Available at: http://issuu.com/joaocarrilho/docs/carrilho_280; Data for 2012 from: National Directorate of Land and Forests. 2012. DNTF Annual Report. Government of Mozambique; Data for 2013 from: Ghebru, H. and R. Pitoro.

2015. Is group land right protection a cost-effective and inclusive alternative – the case community land delimitation initiative in Mozambique? Washington, DC: World Bank. Available at: https://www.conftool.com/landandpoverty2015/index.php?page=browseSessions&form_session=199&metadata=show&presentations=show; Data for 2014 from: National Directorate of Land and Forests. 2014. DNTF Annual Report. Government of Mozambique.

- ⁸³ Refers to Communal Land; Legislation consulted includes: Republic of Namibia. 2002. Communal Land Reform Act No. 5; Republic of Namibia. 1991. National Conference on Land Reform and the Land Question. Conference Brief, Office of the Prime Minister, Windhoek. As cited in Republic of Namibia. 2005. Background Research and Findings of the Permanent Technical Team on Land Reform Studies. Ministry of Lands and Resettlement, Windhoek; Republic of Namibia. 1995. Wildlife Management, Utilization and Tourism in Communal Areas Policy Document, Circular No. 19 of 1995. June 1; Republic of Namibia. 1996. Promulgation of Nature Conservation Amendment Act, Act No. 5 of 1996. June 17. Available at: <http://faolex.fao.org/docs/pdf/nam18004.pdf>; Republic of Namibia. 2001. Forest Act No. 12 of 2001. December 6. Available at: <http://faolex.fao.org/docs/pdf/nam46518.pdf>; The spatial area of Communal Lands includes 16.19 million hectares of registered Community Based Natural Resource Management Areas as of October 2014, as well as Community Forest Areas that sometimes overlap with CBNRM areas. Only 0.3116 million hectares of the total 3.0837 Mha of Community Forests do not overlap with CBNRM areas; Namibia Association of CBNRM Support Organizations (NASCO). Available at: http://www.nasco.org.na/SOC_profiles/conservancysummary.php; Odendaal, Willem. 2015. Personal communication, April 8; Nott, Karen. 2015. Personal communication, April 1.
- ⁸⁴ Refers to Community Lands. No spatial data was available for the area of Community Land; Legislation consulted includes: Republic of South Sudan. 2009. The Land Act. Available at: http://www.globalprotectioncluster.org/_assets/files/field_protection_clusters/South_Sudan/files/HLP%20AoR/South_Sudan_Land_Act_2009_EN.pdf; Republic of South Sudan. 2011. The Transitional Constitution of the Republic of South Sudan. July 9, 2011. Available at: <http://faolex.fao.org/docs/pdf/ssd127441.pdf>.
- ⁸⁵ Refers to Community Forest Lands. The area of registered Community Lands is estimated for Butana and North Kordofan only; Kerkhof, Paul. 2015. Personal communication, Natural Resource Management Consultant, United Nations Environment Programme (UNEP). June; Mohamed, El Amin Sanjak, Saswan Khair Elseid Abdel Rahim, and Abuelgasim A. Adam et al. 2015. Community Natural Resource Management and Farm Forestry: Twenty-Five Years of Experience in Kordofan and Darfur. Forest National Corporation, SOS Sahel, and the United Nations Environment Programme (UNEP). Unpublished report; Legislation consulted includes: Government of Sudan. 1989. The Forests Act No. 14 of 1989. May 10. Available at: <http://faolex.fao.org/docs/pdf/sud10077.pdf>.
- ⁸⁶ Refers to Wildlife Management Areas, Joint Forest Management, and Village Lands; Spatial data for Wildlife Management Areas from: WWF. 2014. Tanzania's Wildlife Management Areas: A 2012 Status Report. WWF, Dar es Salaam. Available at: http://www.twma.co.tz/uploads/WMA_Status_Report_2012_Final.pdf; Spatial data for Joint Forest Management from: Ministry of Natural Resources and Tourism. 2012. Participatory Forest Management in Tanzania: Facts and Figures December 2012. Available at: http://www.tfs.go.tz/uploads/Facts_and_Figures.pdf; Interview Notes with (Haki Ardhi, Ministry of Lands, MNRT) and Blomley & Said Iddi. 2009. As cited in J. Caldecott, B. Killian, P. Tommila, P. Rinne, M. Halonen and L. Oja. 2013. Scoping Mission for a Possible Renewable Natural Resource Economic Governance Programme in Tanzania. Gaia Consulting Oy, Helsinki, Finland; Spatial data for Village Lands calculated as 69 percent of Tanzania's land area, minus the area of Village Forest Land Reserves and Wildlife Management Areas; F. Capprano. 2010. Strengthening Women's Access to Land: The Tanzanian experience of the Sustainable Rangeland Management Project. Rome: International Fund for Agricultural Development (IFAD). Available at: http://www.ifad.org/english/land/women_land/WomenAndLand_Tanzania_Report_Eng.pdf.
- ⁸⁷ Refers to Village Land Forest Reserves (VLFs); Spatial data from: Ministry of Natural Resources and Tourism 2012; F. Capprano. 2010. Strengthening Women's Access to Land: The Tanzanian experience of the Sustainable Rangeland Management Project. Rome: International Fund for Agricultural Development (IFAD). Available at: http://www.ifad.org/english/land/women_land/WomenAndLand_Tanzania_Report_Eng.pdf. The spatial estimate of Village Lands is based on an estimate of land held by communities under the Village Land Act of 1999, which does not require communities to register community lands in order for their rights to be recognized. Government of Tanzania. 1999. Village Land Act, Chapter 114 (Art. 7). Available at: https://s3.amazonaws.com/landesa_production/resource/389/Tanzania_Village-Land-Act_1999.pdf?AWSAccessKeyId=AKIAICR3ICC22CMP7DPA&Expires=1440795129&Signature=ETXG8GYqqY5R21%2FVjoVvyWRbZ4%3D.
- ⁸⁸ Refers to Community Forests. Community Forests are provided for by the Forestry and Tree Planting Act of 2003, but this law has yet to be implemented; Government of Uganda. 2003. Forestry and Tree Planting Act of 2003 (No. 8 of 2003). June 17. Available at: <http://faolex.fao.org/docs/pdf/uga87770.pdf>; Obaikol, Esther. 2015. Personal communication, Executive Director, Uganda Land Alliance, April 30.
- ⁸⁹ Refers to an estimate of land held by communities as Customary Lands under the Ugandan Constitution and Land Act which do not require communities to register community lands in order for their rights to be recognized; Government of Uganda. 1995. Constitution of the Republic of Uganda 1995, Art. 237(3)(a). Available at: http://www.politicsresources.net/docs/uganda_const_1995.pdf. Government of Uganda. 1998. Chapter 227: The Land Act 1998, Art. 2, 3(1). Available at: <http://www.ulii.org/ug/legislation/consolidated-act/227>; Alden Wily 2015.

⁹⁰ Refers to Joint Forest Management and Non-Forest Lands in Customary Areas; Legislation consulted for Joint Forest Management includes: Government of Zambia. 1973. Forest Act No. 39/1973. September 11. Available at: <http://faolex.fao.org/docs/pdf/zam3914.pdf>; Government of Zambia. 1999. Forest Act of 1999 (Act No. 7 of 1999). October 4. Available at: <http://faolex.fao.org/docs/texts/zam21483.doc>; Government of Zambia. 2006. Statutory Instrument No. 47 of 2006: The Local Forests (Control and Management) Regulations of 2006. April 20. Available at: <http://faolex.fao.org/docs/pdf/zam67223.pdf>; Previously, RRI has not reported an area for Joint Forest Management (see Rights and Resources Initiative 2014). However, based on feedback from peer reviewers, data on the area of JFM is now included as land designated for local communities. Spatial data for Joint Forest Management includes eight Joint Forest Management Pilot Areas, and may not be inclusive of all JFM areas in Zambia; 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. Available at: http://www.umb.no/statisk/noragric/publications/master/2007_bridget_bwalya.pdf; Spatial data for Non-Forest Lands in Customary Areas calculated as the total area 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 percent of Zambia's land area according to the FAO. The Government of Zambia (2006) estimates that 94 percent of land is customarily held by communities under the Land Act of 1995, which does not require communities to register community lands in order for their rights to be recognized. However, it should be noted that this estimate has not been updated by the Government of Zambia since the 1970s, and more recent estimates indicate that only 85 to 90 percent of the country remains under customary tenure with the remainder having been transferred to leasehold tenure (Brown 2005, USAID 2010). Once Customary land is registered or leased it is permanently converted to State Land under the Land Act of 1995. Furthermore, Non-Forest Lands in Customary Areas include an unknown area of Game Management Areas (GMAs), as established through the Wildlife Act of 1998. A total of 36 GMAs comprise approximately 22 percent of Zambia's land area (GOZ 2006). While intended to buffer national parks, there are no restrictions on settlement within GMAs, leading to increasing populations and widespread land conversion for agricultural use (Lindsey et al.). Almost 40 percent of the total area of GMAs are comprised of human-modified environments and would therefore be considered as falling on Non-Forest Lands in Customary Areas (Lindsey, P. et al. 2014); Government of Zambia, Ministry of Lands. 2006. Draft Land Administration and management policy. 2. Available at: http://fsg.afre.msu.edu/zambia/resources/draft%20land%20policy_june%202007.pdf; USAID. 2010. Zambia: Land Tenure and Property Rights Profile. United States Agency for International Development. Available at: http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Zambia_Profile.pdf; Brown, Taylor. 2005. Contestation, Confusion, and Corruption: Market-Based Land Reform in Zambia. In *Competing Jurisdictions: Settling Land Claims in Africa*, edited by S. Evers, M. Spierenbug and H. Wels, 79–108. Boston: Brill. Available at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.184.397&rep=rep1&type=pdf>; Lindsey, P., V. Nyirenda, et al. *Zambian Game Management Areas: The reasons why they are not functioning as ecologically or economically productive buffer zones and what needs to change for them to fulfil that role*. Zambia: Wildlife Producers Association of Zambia. Available at: <http://www.wpazambia.com/Articles/Lindsey%20et%20al%20GMA%20REPORT.pdf>; Lindsey, Peter A., Nyirenda, Vincent R., et al. 2014. Underperformance of African Protected Area Networks and the Case for New Conservation Models: Insights from Zambia. *PLoS ONE* 9(5): e94109. Available at: <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0094109#pone.0094109-Watson1>.

⁹¹ Refers to Communal Lands; Southern African Research and Documentation Centre (SARDC). 2000. Redressing past injustices: which way for Zimbabwe's resettlement programme. *Environmental Policy Brief* No. 9. Moyo, S. 2011. Three decades of agrarian reform in Zimbabwe. *The Journal of Peasant Studies* 38 (3): 493-531; O'Flaherty, M. 1998. Communal tenure in Zimbabwe: divergent models of collective land holding in the communal areas. *Africa* 68 (4): 537-577; Frost, P. and Bond, I. 2008. The CAMPFIRE programme in Zimbabwe: payments for wildlife services. *Ecological Economics* 65: 776-787; Taylor, R. 2009. Community based natural resource management in Zimbabwe: the experience of CAMPFIRE. *Biodiversity Conservation* 18: 2563-2583; Legislation consulted includes: Government of Zimbabwe. 1982 (1983). Communal Land Act of 1982 [Chapter 20:04]. February 1. Available at: <http://faolex.fao.org/docs/pdf/zim8836.pdf>; Government of Zimbabwe. 1999. Traditional Leaders Act of 1999 [Chapter 29:17]. Available at: <http://faolex.fao.org/docs/pdf/zim83838.pdf>; Government of Zimbabwe. 1975a. Parks and Wildlife Act of 1975 [Chapter 20:14]. November 1. Available at: <http://faolex.fao.org/docs/pdf/zim8942.pdf>; Government of Zimbabwe. 1975b. Communal Land Forest Produce Act of 1975 [Chapter 19:04] and all subsequent amendments. Available at: <http://faolex.fao.org/docs/pdf/zim8819.pdf>; Spatial data from: Ministry of Lands and Agriculture. 1998. National Land Policy Framework. Government of Zimbabwe, 14.

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⁹³ Refers to Indigenous/Local ownership (Svartskogsaken), Indigenous/Local ownership of the Finnmark Estate, and the Bygd Commons (Bygdeallmenning); Supreme Court of Norway. 2001. Norwegian Supreme Court Ruling Rt. 2001 s.1229; 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; Government of Norway. 1992. Act relating to Bygd Commons. June 19. Translated by Julie Wille in *Legislation on Commons (Statsallmenning/Bygdeallmenning) in Norway*: Center for Land Studies Report, edited by Berge, Erling, Gaku Mitsumata, and Daisaku Shimada. 2011. Norwegian University of Life Sciences (UMB). Available at: http://www.umb.no/statisk/clts/reports/CLTS_Report_1_2011.pdf.

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- ⁹⁵ Refers to Cossack Associations in Shared Ownership; Spatial data from: Rosreestr. 2013. As cited in Robinson 2014; Robinson 2014. Citing the following legislation: Russian Federation 1990a; Russian Federation 1990b; Russian Federation 1991; Russian Federation 1993; Russian Federation 1995; Russian Federation 2001a; Russian Federation 2001b; Russian Federation 2006; Wegren 2009.
- ⁹⁶ Refers to Indigenous Co-Management of Laponia Tjuottjudus (Laponia World Heritage Site); Government of Sweden. 2011. The Laponia Ordinance (Svensk författningssamling 2011:840); Management plan for Laponia Tjuottjudus. As cited in Lof, Annette. 2015. Amended Report.
- ⁹⁷ Refers to Cooperatives, Grasslands and Pastureland, and Collectivized Agricultural Enterprises (EACs); Legislation consulted for Cooperatives includes: Government of Algeria. 1996. Décret exécutif No. 96-459 du 7 Chaâbane 1417 correspondant au 18 décembre 1996 fixant les règles applicables aux coopératives agricoles. December 18, 1996. Available at: <http://www.filaha.net/textes/decrets/Binder1.pdf>; Spatial data from: FAO. 2005. Utilisation des engrais par culture en Algérie: Service de la gestion des terres et de la nutrition des plantes Division de la mise en valeur des terres et des eaux. Food and Agriculture Organization of the United Nations. Rome, Italy, 11. Available at: <ftp://ftp.fao.org/docrep/fao/008/y5953f/y5953f00.pdf>; Legislation for Grasslands and Pastureland includes: Government of Algeria. 1990. Loi No. 90-25 du 18 novembre 1990 portant orientation foncière. Arts. 11-12. Algiers, Algeria. Available at: <http://www.interieur.gov.dz/dynamics/frमितem.aspx?html=312&s=1>; Government of Algeria. 1975. L'ordonnance No. 75-43 du 17 juin 1975 portant code pastoral. 17 juin. As cited in Nedjraoui, Dalila. 2006. Country Pasture/Forage Resource Profiles: Algeria. Rome: Food and Agriculture Organization of the United Nations. Available at: <http://www.fao.org/ag/agp/AGPC/doc/Counprof/PDF%20files/Algeria.pdf>; Spatial data for Grassland and Pasturelands from: Nedjraoui 2006; Legislation consulted for EACs from: Government of Algeria. 2010. Loi No. 10-03 du 5 Ramadhan 1431 correspondant au 15 août 2010 fixant les conditions et les modalités d'exploitation des terres agricoles du domaine privé de l'Etat. August 15. Algiers, Algeria. Available at: <http://faolex.fao.org/docs/pdf/alg106115.pdf>; Government of Algeria. 1987. Loi No. 87-19 du 8 Décembre 1987 déterminant le mode d'exploitation des terres agricoles du domaine national et fixant les droits et obligations des producteurs, Titre 2. 8 Décembre. Available at: <http://faolex.fao.org/docs/pdf/alg3603.pdf>; Spatial data from: FAO. n.d. Gender and Land Rights Database: Algeria Country Profile. Food and Agriculture Organization of the United Nations, Rome, Italy. Accessed August 19. Available at: <http://www.fao.org/gender-landrights-database/country-profiles/countries-list/land-tenure-and-related-institutions/en/>.
- ⁹⁸ Hursh, John. 2014. RRI Initial Findings for Egypt. Unpublished report citing the following legislation: Arab Republic of Egypt. 1958. Desert Law No. 124 of 1958; Arab Republic of Egypt. 1988. Law No. 55 of 1988; Arab Republic of Egypt. 1991. Law No. 205; Arab Republic of Egypt. 1995. Law No. 96; Arab Republic of Egypt. 1996. Law No. 100; Arab Republic of Egypt. 1981. Law Number 143; Arab Republic of Egypt. 1992. Law Number 96; Arab Republic of Egypt. 2014. Constitution of the Arab Republic of Egypt, Article 236. January 18. Available at: <http://faolex.fao.org/docs/pdf/egy127542e.pdf>; Arab Republic of Egypt. 2014. Presidential Decree No. 444 of 2014. The findings also note that some areas are still governed by Indigenous Peoples and local communities in practice.
- ⁹⁹ Refers to Collective Farms; Legislation consulted includes: Government of Iraq. 1970. Agrarian Reform Law No. 117 of 1970. Available at: <http://faolex.fao.org/docs/pdf/irq38269.pdf>.
- ¹⁰⁰ Although tribal and customary law may be recognized at the local level in Libya, they are not statutorily recognized at the national level. Law No. 142 of 1970 declared unregistered and unused lands to be state property, effectively removing most land from customary ownership, and Law No. 7 of 1986 abolished all remaining private land ownership throughout the country. Furthermore, many types of private property rights are currently being contested in Libya due to the complex legacy of Law No. 4 (Government of Libya 1978), which allowed Libyans who did not own land to confiscate properties from individuals who owned multiple properties; Hursh, John. 2014. RRI Initial Findings: Libya. Unpublished report; Legislation consulted includes: Government of Libya. 1970. Law No. 142; Government of Libya. 1986. Law No. 7; Government of Libya. 1978. Law No. 4.

¹⁰¹ Refers to Terres Collectives (Collective Lands). Spatial data from: World Bank. 2007. Etude Marches fonciers pour la Croissance Economique au Maroc: Volume 1-Heritage est Structures Fonciers au Maroc. Les contraintes structurelles et institutionnelles à l'émergence d'un marché efficient du foncier au Maroc. 69518 v1. World Bank. Available at: http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/07/06/000020953_20120706100526/Rendered/PDF/695180v10FRENC0er0du0Maroc00ct02007.pdf; Legislation consulted includes: Royaume du Maroc. 1919. Dahir du 26 Rejeb 1337 (27 Avril 1919) organisant la tutelle administrative des collectives indigènes et réglementant la gestion et l'aliénation des biens collectifs. 27 Avril. In Royaume du Maroc. n.d. Guide sur les Terres Collectives. 11-18; Royaume du Maroc.1924. Dahir de 18 Février (12 Jomada II 1342) portant règlement spécial pour la délimitation des terres collectives. 18 Février. In Royaume du Maroc n.d. 19-24; Royaume du Maroc. 1959. Dahir No. 1.59.172 du 1er Kaâda 1378 (9 Mai 1959) relatif à la résiliation des concessions de droits de jouissance perpétuelle et à la révision des contrats de location à long terme consentis sur les terres collectives. 9 Mai. In Royaume du Maroc n.d. 29-31; Royaume du Maroc. 1963. Circulaire No. 809 en date du 13 Avril 1963 Note au sujet du Dahir No. 1-62-197 du 12 Ramadan 1382 (6 Février 1919) organisant la Tutelle administrative des collectivités et réglementant la gestion et l'aliénation des biens collectifs. 13 Avril. In Royaume du Maroc n.d. 121-123; Royaume du Maroc. 1994. Dahir No. 1-95-10 du 22 ramadan 1415 (12 Février 1995) portant promulgation de la loi No. 33-34 relative aux périmètres de mise en valeur en bour. 22 Février. Available at: <http://faolex.fao.org/docs/pdf/mor16644.pdf>.

¹⁰² No statutory tenure regimes in Oman establish mechanisms for the communal ownership or management of land by Indigenous Peoples or local communities. Royal Decree 5-80 (Land Laws of 1980) recognized state ownership of all land that was not privately owned or Waqf land. Royal Decree 5-80 and subsequent laws do not recognize tribal land, although customary law is still used in practice in some rural areas; Chatty, Dawn. 2002. Adapting to Multinational Oil Exploration. The Mobile Pastoralists of Oman. In Leder, Stefan and Bernhard Streck (Hg.). *Akkulturation und Selbstbehauptung. Beiträge des Kolloquiums am 14.12.2001. Halle 2002. Orientwissenschaftliche Hefte 4; Mitteilungen des SFB Differenz und Integration 2*, 1–19. Available at: <http://www.nomadsed.de/publikationen/lesecke/text/adapting-to-multinational-oil-exploration>; Government of Oman. 1980. Royal Decree 5-80 Promulgating the Land Laws of 1980.

¹⁰³ Hursh, John. 2015. Saudi Arabia Research Notes and Initial Findings for Saudi Arabia. Unpublished report; Rae, John. 2002. An Overview of Land Tenure in The Near East Region: Part I and II. Rome: Food and Agriculture Organization of the United Nations. Available at: <http://www.fao.org/wairdocs/aq202e/aq202e.pdf>.

¹⁰⁴ Refers to Terres Collectives (Collective Lands) and Terres Collectives sous Regime Forestiere (Collective Forests). Legislation consulted for Terres Collectives includes: Government of Tunisia. 1964. Loi No. 64-28 du 4 juin 1964 (24 moharrem 1384), fixant le régime des terres collectives. June 4. Available at: <http://faolex.fao.org/docs/pdf/tun23987.pdf>; Spatial data for Terres Collectives from: Nasr, N. and T. Bouhaouach. 1997. Dynamiques juridique, technique et institutionnelle du partage des terres collectives en Tunisie. In *Pastoralisme et foncier: Impact du régime foncier sur la gestion de l'espace pastoral et la conduite des troupeaux en régions arides et semi-arides*, edited by Bourbouze, A., B. Msika, N. Nasr, and M. Sghaier Zaafour. 151-157. Montpellier, France : CIHEAM (Options Méditerranéennes : Série A. Séminaires Méditerranéens; n. 32). Available at: <http://ressources.ciheam.org/om/pdf/a32/C1971105.pdf>; Nasr, Noureddine, Ali Abaab, and Noureddine Lachiheb. 2000. Partage des terres collectives et transformation des sociétés et des modes d'occupation et de gestion des espaces: Les steppes du Sud-est Tunisien. *Medit No. 3/2000*. Available at: http://www.iamb.it/share/img_new_medit_articoli/636_02nasr.pdf; Legislation consulted for Terres Collectives sous Regime Forestiere includes: République du Tunisie. 1988. Loi No. 20 portant Code Forestier, Article 4(3) April 13. In *Republique du Tunisie. Journal Officiel de la République Tunisienne No. 30 du 3 mai 1988*. 679-693. Available at: <http://faolex.fao.org/docs/pdf/tun2805.pdf>; République du Tunisie. Décret No. 96-2373 du 9 décembre 1996, relatif au mode de constitution, d'organisation et de fonctionnement des associations forestières d'intérêt collectif et réglementant les modalités d'exécution des travaux par ces associations. In *Republique du Tunisie. 2010. Code forestier et ses textes d'application*. Tunis, Tunisia: L'Imprimerie Officielle de la République Tunisienne. Available at: <http://www.droit-afrique.com/images/textes/Tunisie/Tunisie%20-%20Code%20forestier%202010.pdf>; Spatial data for Terres Collectives sous Regime Forestiere from: Nasr and Bouhaouach 1997.

¹⁰⁵ Yemen does not have a statutory or regulatory framework that provides management or ownership rights to Indigenous Peoples or local communities. Hursh, John. 2014. RRI Initial Findings: Yemen. Unpublished report.

¹⁰⁶ Refers to Category 2 lands within Modern Treaties (Comprehensive Claims) Settlement Areas; Anderson, Robert. 2015. Tracking the Statutory Tenure Rights of Indigenous Peoples and Local Communities in Canada. Unpublished report.

¹⁰⁷ Refers to Category 3 lands within Modern Treaties (Comprehensive Claims) Settlement Areas and Historic Treaties and Additions (Specific Claims); Anderson 2015.

¹⁰⁸ Refers to Indian Reservations (Trust); Government of the United States of America. 2011. Title 25, U.S. Code (Sections 81 and 3501). Accessed August 21, 2015. Available at: <http://www.gpo.gov/fdsys/granule/USCODE-2011-title25/USCODE-2011-title25-chap15-subchapl-sec1301/content-detail.html>; Spatial data from: US Department of Interior (US DOI). 2014. Office of the Special Trustee for American Indians: Fiscal Year 2013 Annual Report to Congress. Washington,

DC: US Department of Interior. Accessed August 19, 2015. Available at: http://www.doi.gov/ost/about_us/statistics-and-facts.cfm.

- ¹⁰⁹ Refers to Indigenous Co-Managed and Indigenous Managed lands; Montreal Process Implementation Group for Australia and National Forest Inventory Steering Committee. 2013. Australia's State of the Forests Report 2013. 304. Cranberra: Australia Bureau of Agricultural and Resource Economics and Sciences. Available at: <http://www.agriculture.gov.au/abares/forestsaustralia/Documents/sofr2013-web2.pdf>.
- ¹¹⁰ Refers to Indigenous Owned and Managed land; Montreal Process Implementation Group for Australia and National Forest Inventory Steering Committee 2013.
- ¹¹¹ Refers to Tribal Land and State Agricultural and Business Lease Lands (SABLs). The spatial area of SABLs was calculated as the sum of the areas of the 77 SABLs included in the 2013 Commission of Inquiry; Numapo, John. 2013. Commission of Inquiry into the Special Agriculture and Business Lease (SABL), Final Report. Available at: <http://www.coi.gov.pg/sabl.html>; Legislation consulted for Tribal Land includes: Government of Papua New Guinea. 1975. National Constitution of Papua New Guinea, Articles 5 and 53. September 15. Available at: <http://faolex.fao.org/docs/pdf/png132625.pdf>; Government of Papua New Guinea. 1996. Land Act, Sections 2 and 133-135. August 1. Available at: <http://faolex.fao.org/docs/pdf/png20843.pdf>; Government of Papua New Guinea. 1991 (1993). Forestry Act. Available at: <http://faolex.fao.org/docs/texts/png22285.doc>; The spatial area of Tribal Land was calculated as 97 percent of total land area (excluding inland waters) as reported in FAO 2010, minus the area of SABLs; National Forest Service, as cited in FAO. 2010. Global Forest Resources Assessment 2010, Country Report Papua New Guinea. Country Report 161. 11-14. Rome: Food and Agriculture Organization of the United Nations. Available at: <http://www.fao.org/docrep/013/a1596E/a1596e.pdf>. This analysis sets forth a commonly cited estimate of land area held by Indigenous Peoples and local communities; however, the laws of Papua New Guinea do not specifically require the registration or delimitation of community lands in order to establish ownership.
- ¹¹² This figure is a sum of the entries in this column, constituting the total land area of the countries included in this study.
- ¹¹³ This figure is a sum of the entries in this column, constituting the total land area designated for Indigenous Peoples and local communities within the countries included in this study.
- ¹¹⁴ This figure represents the percent of the total land area of the 64 countries studied that is designated for Indigenous Peoples and local communities. It is calculated by dividing the grand total of the "Designated for Indigenous Peoples and Local Communities, Area (Mha)" column by the grand total of the "Total Country Area (Mha)" column.
- ¹¹⁵ This figure is a sum of the entries in this column, constituting the total land area owned by Indigenous Peoples and local communities within the countries included in this study.
- ¹¹⁶ This figure represents the percent of the total land area of the 64 countries studied that is owned by Indigenous Peoples and local communities. It is calculated by dividing the grand total of the "Owned by Indigenous Peoples and Local Communities, Area (Mha)" column by the grand total of the "Total Country Area (Mha)" column.
- ¹¹⁷ This figure is a sum of the entries in this column, constituting the total area designated for or owned by Indigenous Peoples and local communities within the countries included in this study.
- ¹¹⁸ This figure represents the percent of the total land area of the 64 countries studied that is owned or controlled by Indigenous Peoples and local communities. It is calculated by dividing the grand total of the "Designated for or Owned by Indigenous Peoples and Local Communities, Area (Mha)" column by the grand total of the "Total Country Area (Mha)" column.
- ¹¹⁹ Egypt, Libya, Oman, Saudi Arabia, Suriname, Timor-Leste, Uzbekistan, Yemen. Based on our consultations with experts, the current state of Timor-Leste's law is in flux, and there are multiple conflicting tenure regimes that do not leave a clear precedent for community-based ownership. See endnote 45 for additional information regarding Timor-Leste.
- ¹²⁰ Angola, China, Colombia, Costa Rica, Finland, India, Mexico, Norway, Papua New Guinea, South Sudan, and the United States.
- ¹²¹ Algeria, Botswana, Cameroon, Central African Republic, Chad, Democratic Republic of the Congo, Republic of the Congo, Ethiopia, Gabon, Guyana, Indonesia, Iraq, Kazakhstan, Kyrgyz Republic, Lao Peoples Democratic Republic, Morocco, Myanmar, Namibia, Nepal, Sudan, Sweden, Tajikistan, Thailand, Tunisia, Turkmenistan, Venezuela, Zambia, Zimbabwe.
- ¹²² Argentina, Australia, Bolivia, Brazil, Cambodia, Canada, Chile, Guatemala, Honduras, Kenya, Liberia, Mozambique, Peru, Philippines, Russia, Tanzania and Uganda.

- ¹²³ Rights and Resources Initiative 2012. As cited in Note 11.
- ¹²⁴ Kram, M., C. Bedford, M. Durnin, Y. Luo, K. Rokpelnis, B. Roth, N. Smith, Y. Wang, G. Yu, Q. Yu, and X. Zhao. 2012. *Protecting China's Biodiversity: A Guide to Land Use, Land Tenure, and Land Protection Tools*, edited by N. Smith. Beijing: The Nature Conservancy. Available at: <http://www.nature.org/media/china/chinabook-wholebook-lowres.pdf>.
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- ¹²⁶ Kram et al. 2012; Xu, Jintao, Andy White, and Uma Lele. 2010. *China's forest tenure reforms: Impacts and implications for choice, conservation, and climate change*. Washington, DC: Rights and Resources Initiative. Available at: http://www.rightsandresources.org/documents/files/doc_1403.pdf.
- ¹²⁷ Banks et al. 2003.
- ¹²⁸ Statistics Canada. 2011. *Population, urban and rural, by province and territory (Canada)*. Government of Canada, Ottawa, Canada. Accessed June 22, 2015. Available at: <http://www.statcan.gc.ca/tables-tableaux/sum-som/101/cst01/demo62l-eng.htm>.
- ¹²⁹ Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Guatemala, Guyana, Honduras, Mexico, Peru, Suriname, and Venezuela.
- ¹³⁰ Argentina, Bolivia, Brazil, Chile, Guatemala, Honduras, and Peru recognize both types of tenure regimes.
- ¹³¹ For the purposes of this study, Middle Eastern countries are not included in the data for Asian countries. They are discussed as a separate region under "Other regions" on page 14.
- ¹³² Cambodia, China, India, Indonesia, Kazakhstan, Kyrgyz Republic, Lao Peoples Democratic Republic, Myanmar, Nepal, Philippines, Tajikistan, Thailand, Timor-Leste, Turkmenistan, and Uzbekistan.
- ¹³³ India, Indonesia, the Lao Peoples Democratic Republic, Myanmar, Tajikistan, Thailand, Timor-Leste, and Uzbekistan.
- ¹³⁴ There are also several tenure regimes in India that provide communities with such limited rights that they do not meet the RRI definition of lands controlled by Indigenous Peoples and local communities. India also has several sub-national tenure regimes at the state level which do not fall within the scope of this study.
- ¹³⁵ Indonesia, Kazakhstan, Kyrgyz Republic, Lao Peoples Democratic Republic, Myanmar, Nepal, Tajikistan, Thailand, and Turkmenistan.
- ¹³⁶ Based on our consultations with experts, the current state of Timor-Leste's law is in flux, and there are multiple conflicting tenure regimes that do not leave a clear precedent for community-based ownership. See endnote 45 for additional information.
- ¹³⁷ Angola, Botswana, Cameroon, Central African Republic, Chad, Democratic Republic of the Congo, Republic of the Congo, Ethiopia, Gabon, Kenya, Liberia, Mozambique, Namibia, South Sudan, Sudan, Tanzania, Uganda, Zambia, and Zimbabwe.
- ¹³⁸ Angola, Central African Republic, Chad, Democratic Republic of the Congo, Ethiopia, Gabon, South Sudan, and Sudan.
- ¹³⁹ Mozambique also automatically recognizes customary land rights. The 26 percent figure for Mozambique likely underestimates the national area under statutorily recognized community-based tenure regimes, because RRI could not find an estimate for the area held in unregistered community-based tenure regimes.
- ¹⁴⁰ *Compare* Government of Uganda 1995; Government of Uganda 1998; Land in Equity Movement. 2013. *Policy Discussion Paper 4: Does Customary Tenure have a Role in Modern Economic Development?* Kampala, Uganda: Land in Equity Movement. Available at: <http://land-in-uganda.org/lemu/wp-content/uploads/2013/11/Land-and-Equity-Movement-in-Uganda-Policy-Doc-4-Does-customary-tenure-have-a-role.pdf>; *with* Rugardya, Margaret, Herbert Kamusiime, and Eddie Nsamba-Gayiyi. 2010. *Tenure in Mystery: Status of Land under Wildlife, Forestry and Mining Concessions in Karamoja Region, Uganda*. Available at: <http://www.celep.info/wp-content/uploads/downloads/2011/03/Final-Report-Status-of-Karamoja-Land.pdf>.

- ¹⁴¹ Botswana, Cameroon, Central African Republic, Chad, Democratic Republic of the Congo, Republic of the Congo, Ethiopia, Gabon, Namibia, Sudan, Zambia, and Zimbabwe.
- ¹⁴² Kenya, Liberia, Mozambique, Tanzania, and Uganda.
- ¹⁴³ Algeria, Egypt, Iraq, Libya, Morocco, Oman, Saudi Arabia, Tunisia, and Yemen.
- ¹⁴⁴ Only Algeria, Iraq, Morocco, and Tunisia recognize community-based tenure systems, and they only designate lands for community control.
- ¹⁴⁵ Organisation for Economic Co-operation and Development (OECD). 2012. The DAC List of ODA Recipients: Factsheet — January 2012. Paris: OECD. Available at: <http://www.oecd.org/dac/stats/49483614.pdf>.
- ¹⁴⁶ World Bank. 2015. Country and Lending Groups. Washington, DC: World Bank. Available at: <http://data.worldbank.org/about/country-and-lending-groups>.
- ¹⁴⁷ This study combines lower-middle income countries and upper-middle income countries together into a single category of middle income countries. World Bank. 2015. Country and Lending Groups. Washington, DC: World Bank. Available at: <http://data.worldbank.org/about/country-and-lending-groups>.
- ¹⁴⁸ Cambodia, Central African Republic, Chad, Democratic Republic of the Congo, Ethiopia, Liberia, Mozambique, Nepal, South Sudan, Tanzania, Uganda, and Zimbabwe.
- ¹⁴⁹ Cavendish, William. 2000. Empirical Regularities in the Poverty-Environment Relationship of Rural Households: Evidence from Zimbabwe. *World Development*. 28:11 (1979-2003). Available at: <http://cmhc.ucsd.edu/content/1/docs/cavendish.pdf>.
- ¹⁵⁰ The Central African Republic, Chad, Democratic Republic of the Congo, Ethiopia, Nepal, Uganda and Zimbabwe. The tenure regimes for the Central African Republic, Chad, and Democratic Republic of the Congo are unimplemented.
- ¹⁵¹ Cambodia, Liberia, Mozambique, Tanzania, and Uganda.
- ¹⁵² Algeria, Angola, Bolivia, Botswana, Brazil, Cameroon, China, Colombia, Republic of the Congo, Costa Rica, Egypt, Gabon, Guatemala, Guyana, Honduras, India, Indonesia, Iraq, Kazakhstan, Kenya, the Kyrgyz Republic, Lao Peoples Democratic Republic, Libya, Mexico, Morocco, Myanmar, Namibia, Peru, Philippines, Papua New Guinea, Sudan, Suriname, Tajikistan, Thailand, Timor-Leste, Tunisia, Turkmenistan, Uzbekistan, Venezuela, Yemen, and Zambia.
- ¹⁵³ Algeria, Bolivia, Botswana, Brazil, China, Colombia, Guatemala, Guyana, Honduras, Kyrgyzstan, Mexico, Morocco, Namibia, Peru, Philippines, Papua New Guinea, Tunisia, Turkmenistan, and Zambia.
- ¹⁵⁴ Algeria, Cameroon, Republic of the Congo, Gabon, Guyana, Indonesia, Iraq, Kazakhstan, Kyrgyz Republic, Lao Peoples Democratic Republic, Morocco, Myanmar, Namibia, Peru, Sudan, Tajikistan, Thailand, Tunisia, Turkmenistan, and Zambia.
- ¹⁵⁵ Bolivia, Brazil, Guatemala, Honduras, Kenya, Peru, and the Philippines.
- ¹⁵⁶ Angola, China, Colombia, Costa Rica, India, Mexico, and Papua New Guinea. There are also several tenure regimes in India that provide communities with such limited rights that they do not meet the RRI definition of lands controlled by Indigenous Peoples and local communities.
- ¹⁵⁷ Egypt, Libya, Suriname, Timor-Leste, Uzbekistan, and Yemen. Based on our consultations with experts, the current state of Timor-Leste's law is in flux, and there are multiple conflicting tenure regimes that do not leave a clear precedent for community-based ownership. See endnote 45 for additional information regarding Timor-Leste.
- ¹⁵⁸ Argentina, Australia, Canada, Chile, Finland, Norway, Oman, Russia, Saudi Arabia, Sweden, the United States, and Venezuela.
- ¹⁵⁹ White, Andy and Alejandra Martin. 2002. Who Owns the World's Forests? Forest Tenure and Public Forests in Transition. Washington, DC: Forest Trends and the Center for International Environmental Law. www.forest-trends.org/documents/files/doc_159.pdf.
- ¹⁶⁰ Argentina, Australia, Canada, Chile, Finland, Norway, Russia, and the United States.

- ¹⁶¹ Argentina, Australia, Canada, Chile, and Russia.
- ¹⁶² Alden Wily, Liz. 2009. Tackling Land Tenure in the Emergency to Development Transition in Post-Conflict States: From Restitution to Reform, in *Uncharted Territory: Land, Conflict and Humanitarian Action*, edited by Pantuliano, S. 29. Rugby, UK: Practical Action Publishing. Available at: <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/5560.pdf>.
- ¹⁶³ The World Bank's fragile states index classifies certain countries as fragile based on how their economies are managed, structural policies, policies for social inclusion and equity, and public sector management and institutions; countries hosting an international peacekeeping body are also included on the list of fragile states. World Bank. n.d. Information Note: The World Bank's Harmonized List of Fragile Situations. Washington, DC: World Bank. Available at: http://www.worldbank.org/content/dam/Worldbank/document/Fragilityandconflict/FragileSituations_Information%20Note.pdf; World Bank. 2014. Country Policy and Institutional Assessment. Washington, DC: World Bank. Available at: <http://data.worldbank.org/data-catalog/CPIA>; World Bank 2014. Harmonized List of Fragile Situations FY15. Washington, DC: World Bank. Available at: <http://www.worldbank.org/content/dam/Worldbank/document/FY15%20Fragile%20states%20list.pdf>.
- ¹⁶⁴ This study included 12 countries that were designated as fragile states in FY 2015. The Central African Republic, Chad, Democratic Republic of the Congo, Liberia, South Sudan, and Zimbabwe are low-income fragile states. Iraq, Libya, Myanmar, Sudan, Timor-Leste, and Yemen are middle-income fragile states.
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- ¹⁶⁷ Government of Liberia. 2013. Land Rights Policy. Government of Liberia, Monrovia, Liberia. Available at: [http://www.landlib.org/doc_download/Land%20Rights%20Policy%20Final%20Final%20Final%20\(2\).pdf?a4705305cd27e04fb1f66830e7e0ef9d=0Dc%3D](http://www.landlib.org/doc_download/Land%20Rights%20Policy%20Final%20Final%20Final%20(2).pdf?a4705305cd27e04fb1f66830e7e0ef9d=0Dc%3D).
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- ¹⁶⁹ Alden Wily, Liz. 2015. Personal communication, April 29.
- ¹⁷⁰ Government of Liberia 2014, Art. 13.
- ¹⁷¹ De Wit, Paul and Caleb Stevens. 2014. 100 years of community land rights in Liberia: Lessons learned for the future. Paper prepared for presentation at the "2014 World Bank Conference on Land and Poverty." The World Bank - Washington, DC, March 24-27, 2014. Washington, DC: World Bank.
- ¹⁷² De Wit and Stevens 2014.
- ¹⁷³ Espinoza Llanos and Feather 2011. As cited in endnote 3.
- ¹⁷⁴ Personal Correspondence between Dr. Omaira Bolaños and Dr. Pablo Andres Ramos, dated July 9, 2015.
- ¹⁷⁵ Rights and Resources Initiative 2014. As cited in endnote 2.
- ¹⁷⁶ Rights and Resources Initiative, Vasundhara, and Natural Resources Management Consultants 2015. As cited in endnote 2.
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- ¹⁸² Rights and Resources Initiative 2014. As cited in endnote 2.
- ¹⁸³ Office of Congresswoman Veronika Mendoza, Unity Pact, and AIDSESP. 2015. Cuarto paquetazo contra pueblos indígenas es aprobado en Congreso y pone en alerta a organizaciones indígenas. In Noticias. 8 April. Available at: <http://derechoshumanos.pe/2015/04/cuarto-paquetazo-contr-pueblos-indigenas-es-aprobado-en-congreso-y-pone-en-alerta-a-organizaciones-indigenas/>.
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- ¹⁹⁵ For example, in Peru, the government claims that forested areas are part of the national patrimony and requires Comunidades Nativas to obtain government approval of management plans if they wish to commercially or industrially exploit forested areas for timber or non-timber forest products; it also sets forth criteria allowing the government to extinguish communities' rights. Law No. 27308/2000 (Arts. 12, 18). Indigenous Peoples' groups are currently advocating for more robust rights and greater autonomy in the management of their own lands.



1238 Wisconsin Avenue NW
Suite 300
Washington, DC 20007
www.rightsandresources.org