WHAT FUTURE FOR REFORM?

Progress and slowdown in forest tenure reform since 2002

Rights and Resources Initiative
March 2014

RIGHTS + RESOURCES

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Preface

Few things are as political as rights to land. And when issues of identity, human rights, and exclusion are intertwined with land rights, the political complexity gets all the more challenging. Add to this the growing value of forests and the scarcity of arable land and fresh water, and it's obvious why the politics of land are becoming so contentious, volatile, and sometimes violent.

We know that many of the world's recent development "success stories" (including South Korea, Taiwan, and China) began with land reforms. And in terms of forest conservation, we know that community ownership is a key reason for the increasingly successful protection of forests in many developing countries. Brazil, Mexico, and Nepal provide compelling examples.

The key finding of this report—that there has been a slowdown in the trend toward recognition of Indigenous Peoples' and local communities' land rights across the developing world's forested countries since 2008—is therefore particularly disheartening. It is even worse to learn is that the amount of forest land shifted to community ownership since 2008 is merely 20 percent of what it was in the previous six years, and that fewer pro-community reforms have been enacted, and those that have been enacted are far weaker than those established in the preceding period (2002-2008).

Since 2008, no new legislation in the 75 percent of developing countries' forest land we examined has provided Indigenous Peoples and local communities real ownership over their land and resources.

As the lead authors of the first two reports in this series, we're confident that RRI's data, definitions, and analyses are even more robust than they were before. So, what do these findings mean? Has forest tenure reform reached an apex? Has forest land just become too valuable for reform to advance further? Are governments so resistant to the idea of relinquishing control over forest resources that they cannot respect the rights of their citizens, nor include those citizens in their visions for development? Are the democratic reforms that ushered in respect for indigenous rights in Latin America simply not culturally appropriate for Africa or Asia—United Nations Declaration on the Rights of Indigenous Peoples in 2007 notwithstanding?

We don't think so.

Our bet is that the current "slowdown" is just a pause. What RRI's data do not reveal are the dreams and aspirations of the hundreds of millions of people who are the customary owners of their land and resources. We do not expect these people—these ever more powerful people—will be stopped or silenced. And we think that increased awareness of this global crisis and a better understanding of the benefits community rights to land can unlock will convince all actors—governments, the private sector, international conservation and development organizations, and others—to join the fight for secure land rights, shift from "business as usual," and become champions of tenure reform.

It is our hope that this paper—and the data and analyses behind it—will make a small contribution to that change.

Andy White
Coordinator
Rights and Resources Initiative

William Sunderlin
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Center for International Forestry Research

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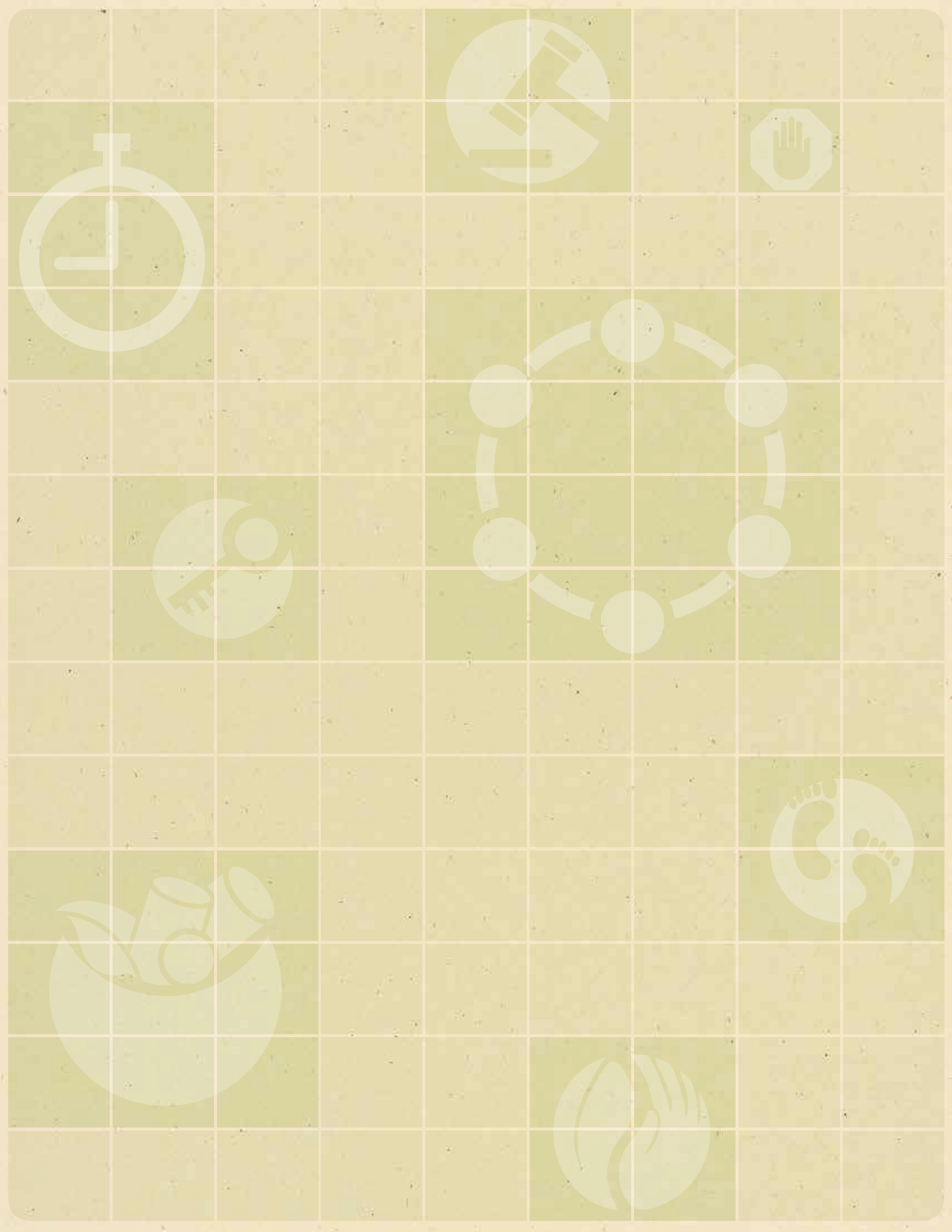
Abbreviations and Acronyms

AIDESEP	Asociación Interétnica de Desarrollo de la Selva Peruana (Peru)
AMAN	Indigenous Peoples' Alliance of the Archipelagos (Indonesia)
DRC	Democratic Republic of the Congo
FLEGT	European Union's Forest Law Enforcement, Governance and Trade
ha	hectare(s)
ILC	International Land Coalition
IPs	Indigenous Peoples
JFM	joint forest management
JPKK	Participatory Mapping Network (Indonesia)
Lao PDR	Lao People's Democratic Republic
LMIC	low and middle income countries
Mha	millions of hectares
NTFP	non-timber forest product
PNG	Papua New Guinea
REDD+	the international program that aims to reduce emissions from deforestation and forest degradation as well as promote the conservation and sustainable management of forests
RRI	Rights and Resources Initiative



1 INTRODUCTION

Who owns the world's forests, and who decides on their governance? The answers to these questions are still deeply contested. To many Indigenous Peoples and local communities who have lived in and around forests for generations, the forests belong to them, under locally defined systems of customary tenure. In most countries, however, governments have claimed ownership of much of the forest estate through historical processes of expropriation, and those claims have been formalized in statutory laws. While governments are increasingly recognizing local ownership and control of forests, forest tenure arrangements remain in dispute or unclear in many places, including low, middle, and high income countries.

This pervasive and continued contest over ownership of forest land is a major constraint to progress on a wide range of development goals held by local people, national governments, and the international community. The hundreds of millions of Indigenous Peoples and local communities who call forests home aspire to survive as cultures and societies, maintain dignity, be treated justly, and develop both socially and economically. National governments and international organizations are concerned with economic development, food and political security, and environmental goals, including biodiversity protection and climate change mitigation. Private companies and investors too are attracted to the productive land, carbon storage, water, minerals, oil, and gas found in forest areas. To all of these different groups, forest land represents an important asset, and each has different interests and plans for these contested lands.

Over time, tenure insecurity and conflicts among these groups have infringed on customary rights, impeded local social and economic development, hindered sustainable forest management, and created a poor climate for positive investment. Despite these problems, large areas of the global forest estate have continued to be managed under customary community-based land tenure systems, which have played a key role in ensuring protection of the earth's remaining stock of natural forests. Indigenous Peoples and local communities in these areas have also increasingly mobilized new institutions, tools, and networks to assert their rights and secure statutory recognition.

This local mobilization—combined with growing awareness of the many contributions that secure community land and resource tenure can make to national and global goals—has contributed to an ongoing transition in statutory forest tenure. Governments have gradually moved toward decentralized control over forests. This shift is based on the recognition of land ownership as a fundamental human right, the importance of tenure security in reducing rural conflict and generating sustainable local

livelihoods, and the growing evidence of the relative efficacy of Indigenous Peoples and local communities in managing and conserving forests.[1] Increasingly, tenure reform is being adopted as part of the agenda of international institutions and initiatives, such as through the adoption of the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security in 2012; commitments made by the Group of Eight and the World Bank; and the attention given to land rights in REDD+ strategies, the European Union's Forest Law Enforcement, Governance and Trade (FLEGT) regulations, and the post-2015 global development agenda.

This report is part of a series of analyses that have tracked the transition in statutory forest tenure since 2002. The 2002 report by Forest Trends, *Who Owns the World's Forests?*, presented a typology of four categories of statutory forest tenure rights and established a baseline for assessing changes in the extent of forest area in each of these categories over time. The report concluded, based on best available data at the time, that while major shifts had been taking place since the 1980s, governments continued to directly administer 77 percent of the global forest area, and individuals and firms owned an additional 12 percent. Indigenous Peoples and communities owned only seven percent, and another four percent of the global forest estate was designated officially for their use.

RRI updated the analysis in 2008 and presented data from a larger number of countries. This report, entitled *From Exclusion to Ownership?*, found a continued transition from state ownership to forest ownership or control by Indigenous Peoples and local communities, although there was some evidence to suggest that the global forest tenure transition was slowing.

Increasingly, tenure reform is being adopted as part of the agenda of international institutions and initiatives, such as through the adoption of the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security in 2012.

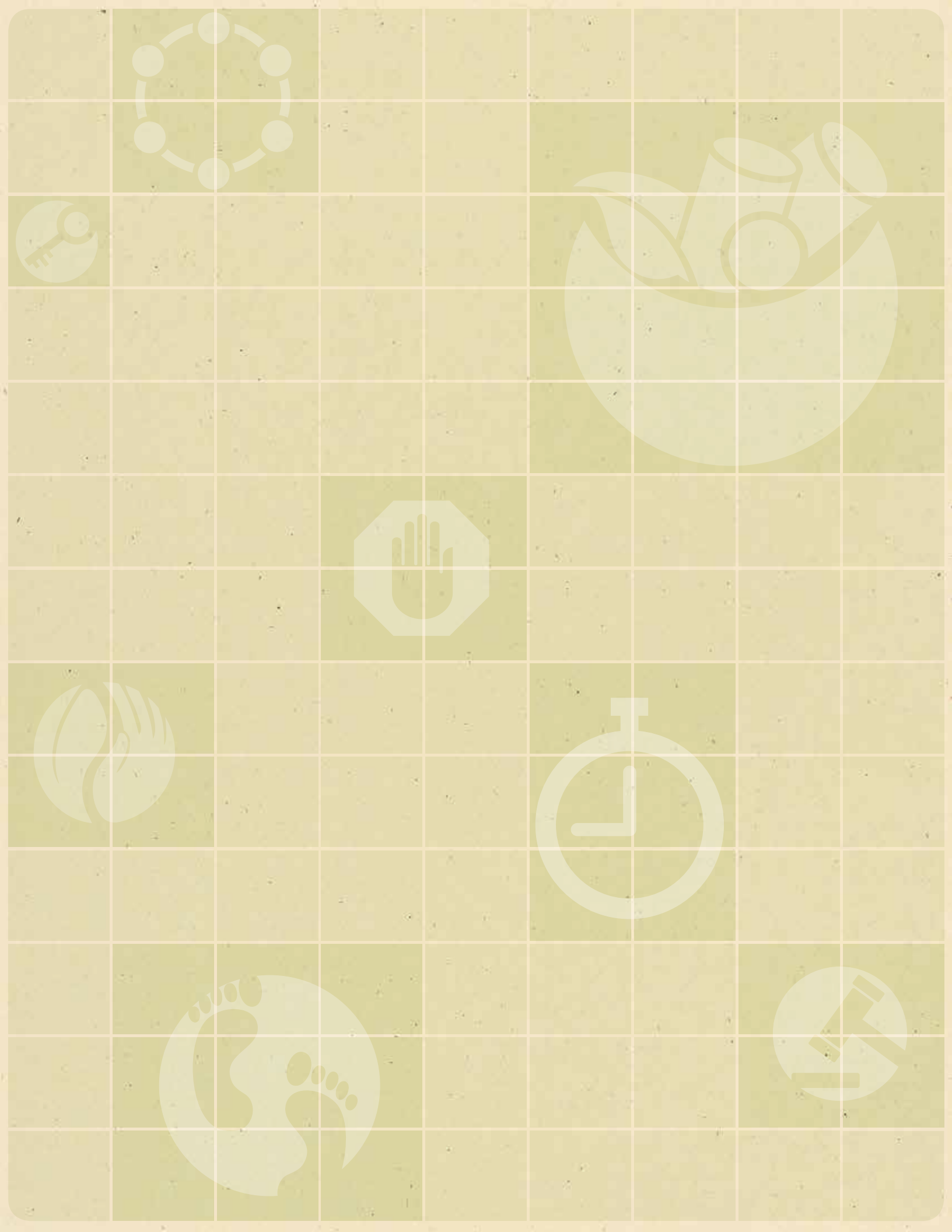
RRI's 2012 analysis, *What Rights? A Comparative Analysis of Developing Countries' National Legislation on Community and Indigenous Peoples' Forest Tenure Rights*, unpacked the specific bundle of rights recognized by the community forest tenure legislation of 27 countries to assess the degree to which these legal frameworks provided Indigenous Peoples and local communities with tenure security and the ability to exercise control over and benefit from their resources.

This new report documents the status of global forest tenure as of 2013, assesses trends since 2002, and recommends actions to continue progress on forest tenure reform. Significant tenure-related developments have taken place since the publication of the 2008 tenure-tracking report, including the spread of large-scale land acquisitions for agriculture, biofuels, mining, and other activities, as well as renewed support for tenure reform through initiatives such as REDD+ and FLEGT.

In this context, this report seeks to address the following questions: Where do we stand, globally and regionally, on the extent and depth of recognition of the rights of Indigenous Peoples and local communities to forest land and resources? How does this progress relate to the rights claimed by communities on the basis of their customary tenure? How are pressures from commercial land acquisition, or new initiatives such as REDD+, affecting prospects for tenure reform? And, finally, what do all of these changes and challenges portend for the future of forest tenure reform?

The report addresses these questions as follows:

- **Chapter 2 presents data from 52 countries on the area of forest land in the four main statutory tenure categories identified and tracked by RRI and its Partners since 2002.** It disaggregates results to highlight important trends in low and middle income countries (LMICs) and regional differences among those countries in Africa, Asia, and Latin America. It also compares changes in the area of forest recognized in LMICs between the periods 2002-2008 and 2008-2013, and finds a slowdown in the implementation of tenure reforms.
- **Chapter 3 examines the statutory legal basis for community forest tenure in a subset of 27 countries.** It updates the findings from 2012's *What Rights?* and assesses changes in community forest tenure frameworks from 2002 to 2013, and the extent to which they include rights identified as essential to tenure security and the ability of communities to control, use, and trade the resources on their lands. It further assesses the amount of legislation and the depth of rights recognized in the two periods analyzed (2002-2007 and 2008-2013), and finds that there has also been a slowdown in the enactment of reforms.
- **Chapter 4 highlights the issue of ongoing contestation over forest tenure**, especially the contestation between the customary rights of Indigenous Peoples and local communities and statutory rights created by states. It introduces a typology of contestation, calls attention to growing pressures on forest land from industrial concessions, and describes how contestation is playing out in specific countries.
- **Chapter 5 brings the report's findings together to assess progress and the slowdown in the global forest tenure transition**, and identifies key challenges that impede progress in statutory forest tenure reform.
- **Chapter 6 looks to the future and identifies the major opportunities to ensure that the global tenure transition is both strengthened and accelerated.** It also recommends actions that can be taken by rights-holders and stakeholders, including forest communities, governments, multilateral and donor organizations, responsible industry, and non-governmental organizations.



2 CHANGING PATTERNS OF GLOBAL FOREST TENURE, 2002-2013

This chapter presents data on changes in the area of forest land under four statutory tenure categories from 2002 to 2013 in 52 countries, representing nearly 90 percent of the global forest area. It updates the findings on statutory tenure presented in two preceding analyses, *Who Owns the World's Forests?* in 2002, and *From Exclusion to Ownership* in 2008.

2.1 Methods

According to the typology first developed in *Who Owns the World's Forests?* (and adapted over time; see Annex 1), forests are categorized based on the four following tenure categories:

- **Category 1: Forest land administered by governments:** This category includes all forest land that is legally claimed as exclusively belonging to the state. It includes areas where community rights are limited to basic access or withdrawal rights that can be extinguished legally with relative ease by the state. It also includes most state-owned and managed protected areas and some forest land awarded under concessions, which do not transfer underlying ownership rights.
- **Category 2: Forest land designated by governments for Indigenous Peoples and local communities:** Ownership of forest land under this category remains claimed by the state but some rights have been recognized by governments on a conditional basis for Indigenous Peoples and local communities. While rights-holders have some level of "control" exercised through management and/or exclusion rights over forests, they lack the full legal means to ensure the security of their claims to forests (i.e. having all three rights to exclude, to due process and compensation, and to retain rights for an unlimited duration).
- **Category 3: Forest land owned by Indigenous Peoples and local communities:** Forests are considered to be "owned" where communities have full legal rights to secure their claims to forests, defined in this analysis as areas where community tenure is unlimited in duration, they have the legal right to exclude outsiders from using their resources,[2] and they 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.
- **Category 4: Forest land owned by individuals and firms:** In these areas, individuals and firms have full legal rights of ownership of forest land. Concessionaires are not included in this category.

Definitions for these categories have drawn on the expanded "bundle of rights" presented in RRI's 2012 publication, *What Rights?* and are summarized in Box 1.

Data were available for 2002 and 2013 in all the tenure categories for 40 of the 52 countries presented in Table 1. These 40 countries are referred to as "complete cases." Data from 2008 were also collected for 33 low and middle income countries (LMICs), and aggregate figures are presented in the LMIC section below. Annex 1 provides additional information on the tenure typology, the challenges in identifying available and reliable forest tenure data, and considerations that were taken into account in creating a framework for the comparison of data between time periods.

BOX 1

Definitions for the bundle of rights used in this study [a]

The **access right** is the right to enter or pass through a particular space.

The **withdrawal right** is the right to benefit from the resources on the land. Legal instruments frequently differentiate between the ability to withdraw resources for subsistence and for commercial purposes. In forest areas, the withdrawal right may be differentiated further according to the type of forest product, namely timber versus non-timber forest products.

The **management right** is the right to regulate and make decisions about the forest resources and territories for which the actor(s) have recognized access and withdrawal rights. An important distinction is whether communities may have rights to manage through their own institutions alone or jointly with a government entity.

The **right of exclusion** is the right to refuse another individual, group, or entity access to and the use of a particular resource.

The **right to due process and compensation** ("extinguishability") is the right to judicially challenge a government's efforts to extinguish, alienate, or revoke one, several, or all of the rights held by an actor. If such a challenge to the government's extinguishment fails, rights-holders are entitled to compensation for the lost resources.

Duration concerns the length of time in which the abovementioned rights may apply; they may be time-bound (as leases), or they may be granted in perpetuity. While many time-bound tenure regimes have distinct provisions for periodic renewal, failure to renew would, in many contexts, extinguish the rights held under a particular regime and revert the tenure back to legal state administration.

The **alienation right** is the right to transfer one's rights to another entity—whether through sale, lease, the use of the resource as collateral, or inheritance. Inheritance rights are often inapplicable to communities since the rights are held collectively, and there is no single rights-holder whose exclusive rights can be inherited by another.

[a] Adapted from Schlager, Edella and Elinor Ostrom. 1992. Property-rights regimes and natural resources: A conceptual analysis. Land Economics 68 (3): 249–262; and Larson, Anne M., Deborah Barry, Ganga Ram Dahal, and Carol J. Pierce Colfer (eds.). 2010. Forests for People: Community Rights and Forest Tenure Reform. London, UK: Earthscan.

2.2 Findings

Global Trends

Table 1 shows a summary of the data collected under the four statutory tenure categories in 52 countries. The countries are listed in descending order of forest area.[3] The first 30 countries are the most forested countries in the world,[4] while the remaining countries in the sample were selected based on the availability of data verifiable by experts.

TABLE 1 Statutory forest tenure in 52 countries, 2002-2013

Country	Government administered		Designated for IPs and local communities		Owned by IPs and local communities		Owned by individuals and firms	
	2002	2013	2002	2013	2002	2013	2002	2013
Russian Federation[5]	808.27	809.09	0	0	0	0	0	0
Brazil	294.49[6]	150.13[7]	11.68[8]	35.61[9]	75.27[10]	110.81[11]	94.30[12]	99.89[13]
Canada[14]	374.15[16]	356.85[16]	0	0.03[17]	1.46[18]	5.36[19]	26.48[20]	27.27[21]
United States	129.10[22]	132.74[23]	0	0	7.33[24]	7.52[25]	167.00[27]	163.66[27]
China	76.06[28]	77.00[29]	0	0	103.06[30]	119.52[31]	0	0
Democratic Republic of the Congo[32]	157.25	154.14	0	0	0	0	0	0
Australia	123.75[33]	109.30[34]	0	0	20.86[35]	20.86[36]	18.07[37]	17.24[38]
Indonesia	97.70[39]	91.70[40]	0.22[41]	1.00[42]	0	0	1.49[43]	2.73[44]
Sudan[45]	40.60	n.d	0.80	n.d	0	n.d	0	n.d
South Sudan[46]	-	n.d	-	n.d	-	n.d	-	n.d
India	44.31[47]	33.01[48]	14.10[49]	24.60[50]	0	1.90[51]	9.37[52]	9.70[53]
Peru	57.12[54]	52.14[55]	1.57[56]	3.52[57]	10.52[58]	15.60[59]	5.29[60]	1.95[61]
Mexico	2.75[62]	2.88[63]	0	0	44.00[64]	45.69[65]	8.30[66]	16.92[67]
Colombia	36.46[68]	30.63[69]	0	0	24.50[70]	29.87[71]	0	0
Angola	59.73[72]	58.48[73]	0	0.001[74]	0	0	0	0
Bolivia	40.88[75]	30.58[76]	1.58[77]	0.47[78]	16.61[79]	24.71[80]	0.48[81]	1.44[82]
Zambia	51.13[83]	49.47[84]	0[85]	0	0	0	0	0
Venezuela	49.51[86]	n.d	0	n.d[87]	0	n.d	0	n.d.
Mozambique	n.d	n.d	n.d	n.d	n.d	n.d[88]	0.04[89]	0.02[90]
Tanzania	20.43[91]	10.20[92]	16.67[93]	21.00[94]	0	0[95]	0.12[96]	0.15[97]
Myanmar	34.84[98]	31.73[99]	0.03[100]	0.04[101]	0	0	0	0
Argentina[102]	5.70	n.d	0	n.d	0	n.d	22.20	n.d
Papua New Guinea[103]	0.90	0.86	0	0	29.20	27.87	0	0
Sweden	2.26[104]	4.18[105]	n.d[106]	n.d	0.53[107]	0	19.80[108]	17.68[109]
Japan	10.40[110]	11.04[111]	0	0	0	0[112]	14.44[113]	13.39[114]
Central African Republic[115]	22.90	22.61	0	0	0	0	0	0
Republic of the Congo	22.10[116]	20.84[117]	0.46[118]	0.44[119]	0	0	0	0
Finland	10.20[120]	10.48[121]	0	0	0	0	16.20[122]	15.72[123]
Gabon	22.00[124]	22.51[125]	0	0.004[126]	0	0	0	0
Malaysia	n.d	n.d	n.d	n.d	n.d	n.d	n.d	n.d
Cameroon	22.12[127]	18.74[128]	0	1.18[129]	0	0	0	0
Thailand	17.01[130]	15.87[131]	0	0.51[132]	0	0	0[133]	0
Lao People's Democratic Republic	16.53[134]	15.73[135]	0	0.02[136]	0	0	0	0
Guyana	15.21[137]	12.66[138]	0	2.55[139]	0	0	0	0
Philippines[140]	12.77[141]	9.12[142]	1.97[143]	1.65[144]	0.02[145]	4.28[146]	0	0
Suriname	14.35[147]	14.21[148]	0.43[149]	0.55[150]	0	0	0	0

Region: Africa Asia Latin America High Income *(All figures expressed in Mha. Numbers have been rounded.)*

Country	Government administered		Designated for IPs and local communities		Owned by IPs and local communities		Owned by individuals and firms	
	2002	2013	2002	2013	2002	2013	2002	2013
Vietnam	11.78[151]	13.21[152]	0	0.30[153]	0	0	0	0
Ethiopia	13.70[154]	12.09[155]	0.01[156]	0.21[157]	0	0	0	0
Cambodia	11.55[158]	9.88[159]	0	0.21[160]	0	0	0	0
Nigeria	12.97[161]	n.d	0.16[162]	n.d	0	n.d.	0	n.d.
Honduras	4.07[163]	2.70[164]	0	0.50[165]	0	0.91[166]	1.36[167]	2.49[168]
Republic of Korea	1.93[169]	2.03[170]	0	0	0	0	4.50[171]	4.34[172]
Liberia	n.d	n.d	n.d	n.d	n.d	n.d	n.d	n.d
Guatemala	1.77[174]	n.d	0.53[175]	0.38[176]	0.29[177]	n.d	1.53[178]	n.d
Nepal	4.52[179]	3.76[180]	1.02[181]	1.77[182]	0	0	0.002[183]	0.002[184]
Kenya[185]	2.80[186]	2.57[187]	0	0	0	0	0.78[188]	0.90[189]
Bhutan[190]	3.14[191]	3.07[192]	0.002[193]	0.04[194]	0	0	0	0
Costa Rica	1.11[195]	1.10[196]	0	0	0.34[197]	0.28[198]	1.32[199]	1.34[200]
Timor-Leste	n.d	n.d	n.d	n.d	n.d	n.d	n.d	n.d
Belize	n.d	n.d	n.d	n.d	n.d	n.d	n.d	n.d
Gambia	0.44[201]	0.37[202]	0.02[203]	0.05[204]	0[205]	0	0.0002[206]	0.0002[207]
Togo[208]	0.13	0.11	0	0	0	0	0.35	0.28
40 Complete cases	2,650.08	2,405.61	49.76	96.26	333.17	415.18	369.86	379.41
Total (all 52) cases	**2,762.89**	**2,409.79**	**51.25**	**96.64**	**333.99**	**416.00**	**413.43**	**397.11**

Region: Africa Asia Latin America High Income

Table 1 and the corresponding Figure 1 show that there was a change in the distribution of forest tenure rights between 2002 and 2013. Key points are:

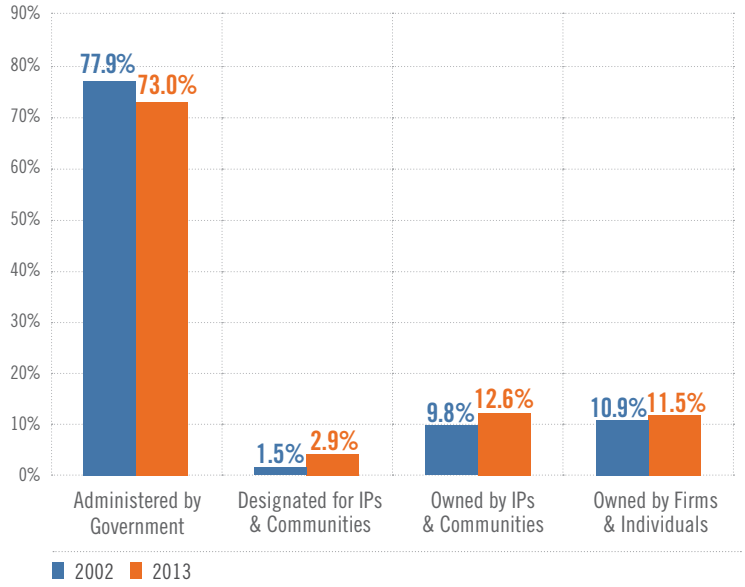
- Forest land administered by governments (Category 1) declined by 244 Mha (nine percent decline) in the period 2002-2013, from 2,650 Mha to 2,406 Mha. The area under this category now comprises **73.0 percent of global forest area**.
- Forest land designated for (or "controlled" by) Indigenous Peoples and local communities (Category 2) increased 46 Mha (92 percent increase) in the period from 2002-2013, from 50 Mha to 96 Mha. The area under this category now comprises **2.9 percent of the global forest area**.
- Forest land owned by Indigenous Peoples and local communities (Category 3) increased 82 Mha (nearly 25 percent increase), from 333 Mha to 415 Mha. The area under this category now comprises **12.6 percent of the global forest area**.
- Forest land owned by individuals and firms (Category 4) increased approximately nine Mha (over two percent increase), from 370 Mha to 379 Mha. The area under this category now comprises **11.5 percent of the global forest area**.

Among the 40 complete country cases, 27 countries saw an increase in the forest area under legal community ownership or control, while 10 countries saw an increase in the forest area under ownership by individuals and firms and 31 countries saw a decrease in the forest area administered by governments. While some of the decrease in government-managed area may result from declines in forest area (through deforestation), the bulk of the change can be attributed to increased recognition of the rights of communities, individuals, and firms.

At the global scale, it is apparent that governments still overwhelmingly claim control over forest land. Nevertheless, the total forest area under the legal ownership or control of Indigenous Peoples and local communities (i.e. Categories 2 and 3) increased from 383 Mha (just over 11 percent of global forest area) in 2002 to over 511 Mha (15.5 percent) in 2013. Over the same period, the proportion of the forests owned by individuals and firms increased from 10.9 percent to 11.5 percent of the global total.

In four of the eight most-forested countries (by area), governments retain legal administrative control and ownership over at least 90 percent of their respective forest estates. The Russian Federation alone encompasses nearly 20 percent of the global forest estate and, by law, all of its forests remain "administered by government." The Democratic Republic of the Congo also has 100 percent of its forests under government administration. Indonesia and Canada retain 96 percent and nearly 92 percent of their respective forests under government control. Together, these four countries contain over a third of the world's forests and nearly 57 percent of the area under government administration. This means that the absence of significant tenure reforms in these countries presents major impediments to global progress in the recognition of local rights to forest land.

FIGURE 1 Global change in statutory forest land tenure, 2002-2013, by percent[209]

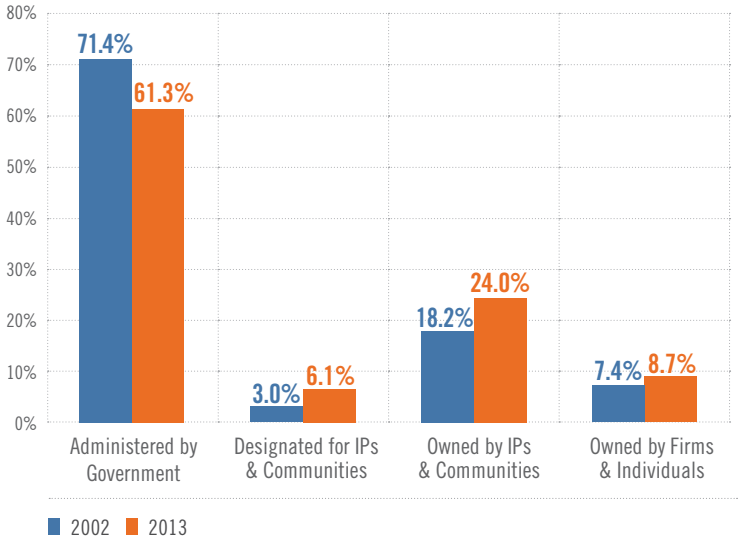


Trends in low and middle income countries[210]

Figure 2 shows that the global forest tenure transition towards legal community control and ownership is most pronounced in low and middle income countries (LMICs).[211]

These 33 countries with complete data represent 85 percent of forests in LMICs. In this set of countries, the total forest area under legal community ownership or control rose from just over 353 Mha (just over 21 percent of forest area) in 2002 to nearly 478 Mha (just over 30 percent) in 2013. This equates to an increase of at least 125 Mha of forests in which communities' rights have been recognized, more than 62 percent of which is in the form of lands owned by communities (i.e. Category 3). Globally, almost all (97 percent) of the change in the recognition of community rights over the 2002-2013 period took place in LMICs, with the bulk of it taking place in Latin America.

FIGURE 2 Change in statutory forest land tenure in LMICs, 2002-2013, by percent[212]



At the same time, however, a comparison of changes between 2002-2008 and 2008-2013 shows that progress in recognizing community forest rights is slowing. As indicated in Table 2, the area of land owned or designated for use by Indigenous Peoples and local communities in LMICs increased by a much larger amount from 2002 to 2008 than from 2008 to 2013. In particular, the amount of forest land secured for

community ownership since 2008 is less than 20 percent of the area secured in the previous six years.

Results were also compared across countries that are implementing REDD+ initiatives and those that are not (see Table 2). The slowdown in recognition of rights occurred despite implementation of REDD+ initiatives—which often talk of tenure security as a key requirement for success—in 28 of the 33 countries.

TABLE 2 Change in area of statutory community tenure in LMIC, REDD+, and non-REDD+ countries, in millions of hectares

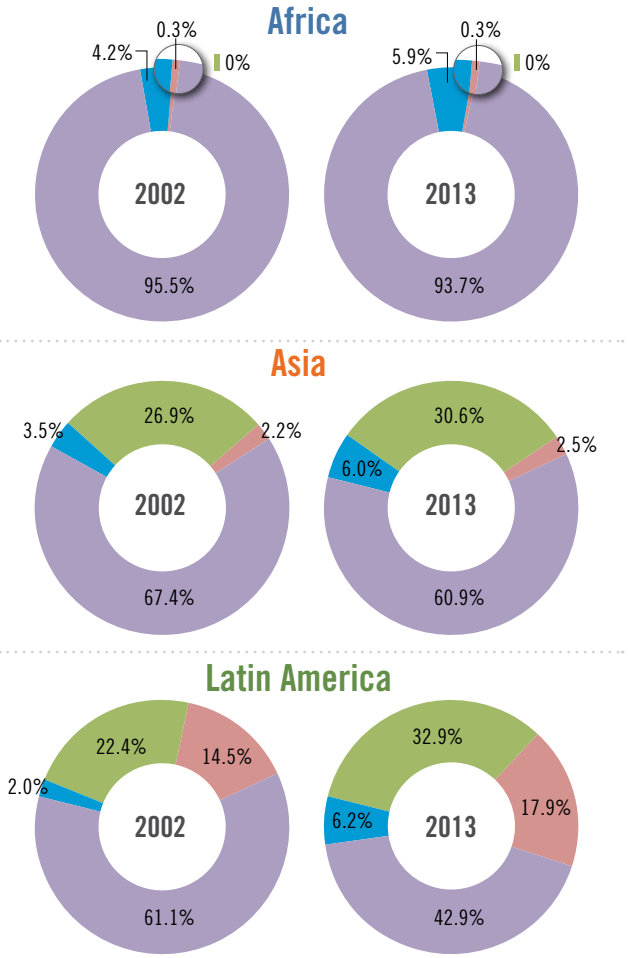
	Designated for Indigenous Peoples and local communities		Owned by Indigenous Peoples and local communities	
	2002-2008	2008-2013	2002-2008	2008-2013
LMICs	**+26.8**	**+19.7**	**+66.8**	**+11.2**
of which				
REDD+ Countries	**+19.3**	**+16.7**	**+50.3**	**+9.3**
Non-REDD+ Countries	**+7.5**	**+3.0**	**+16.5**	**+1.9**

See endnote 211 for details on REDD+ versus non-REDD+ countries

Furthermore, the relatively limited share of forests owned by individuals and firms reflected in Figure 2 masks a major ongoing change in individual and corporate access to forest land and resources. The 21st century wave of large-scale land acquisitions by investors in LMICs has primarily taken the form of concessionary and long-term leasing arrangements between the state and private investors, which do not transfer ownership. While several estimates have been made,[213] the true extent of these leases is not yet fully understood on a global scale.

LMIC trends disaggregated by region

FIGURE 3 Statutory recognition of forest tenure, by region



Within the sample of LMICs, it is possible to disaggregate forest tenure data by region. Regional distributions across the four statutory tenure categories are presented in Figure 3.

As a complement to the regional aggregates in Figure 3, Tables 3-5 in the following regional sub-sections list countries (complete cases only) in descending order based on the proportion of their forest land under community ownership and community control. Since countries within a region differ significantly in size, this information allows changes taking place in smaller countries to be highlighted and, conversely, ensures that changes in one or a few large countries do not obscure a lack of change in other, smaller countries.

Africa

As Figure 3 demonstrates, there was only limited change in forest tenure in the 12 countries with complete data in Africa in the

- Government administered
- Designated for Indigenous Peoples and local communities
- Owned by Indigenous Peoples and local communities
- Owned by individuals and firms

TABLE 3 Statutory forest tenure in 12 sub-Saharan African countries, 2002-2013

Country	Government administered		Designated for IPs and local communities		Owned by IPs and local communities		Owned by individuals and firms	
	2002	2013	2002	2013	2002	2013	2002	2013
Tanzania	54.9%	32.5%	44.8%	67.0%	0%	0%	0.3%	0.5%
Gambia	95.6%	88.1%	4.3%	11.9%	0%	0%	0.04%	0.05%
Cameroon	100%	94.1%	0%	5.9%	0%	0%	0%	0%
Republic of the Congo	98.0%	97.9%	2.0%	2.1%	0%	0%	0%	0%
Ethiopia	99.9%	98.3%	0.07%	1.7%	0%	0%	0%	0%
Gabon	100%	99.98%	0%	0.02%	0%	0%	0%	0%
Angola	100%	99.99%	0%	0.002%	0%	0%	0%	0%
Togo	27.1%	28.2%	0%	0%	0%	0%	72.9%	71.8%
Kenya	78.2%	74.1%	0%	0%	0%	0%	21.8%	25.9%
Central African Republic	100%	100%	0%	0%	0%	0%	0%	0%
Democratic Republic of the Congo	100%	100%	0%	0%	0%	0%	0%	0%
Zambia	100%	100%	0%	0%	0%	0%	0%	0%

period 2002-2013. Six countries recorded increases in the recognition of community rights in the period 2002-2013. As detailed in Table 3, tenure reforms have affected less than six percent of the country's forest area in five of the seven countries where communities' rights are recognized. Only Tanzania and the Gambia exceeded this proportion. Togo and Kenya appear to be regional outliers in their respective proportions of forests owned by individuals and firms.

Overall, as of 2013, less than six percent of forests within the sample for sub-Saharan Africa are "designated for Indigenous Peoples and local communities." The implementation of Tanzania's Village Land Act (1999) and Forest Act (2002) account for over 89 percent of this area.

Furthermore, there is no recorded area under community "ownership" in Africa. This partly reflects a lack of data for the two countries—Mozambique and Liberia—that have enacted statutory frameworks recognizing community ownership of forest land.[214] The forest area owned by communities in these countries may be substantial because these laws recognize the rights of communities regardless of whether or not formal titles exist; however, the extent of this area is not yet known.

Nevertheless, even if the entire forest estate of these two countries is recognized under community ownership, there would still be very limited recognition of community rights in the region, due to limited implementation of legal reforms in the Congo Basin region,[215] where states retain legal administrative control over 99 percent of the region's forest estate. Nearly 68 percent of the forests in sub-Saharan Africa are in the Congo Basin.

Asia[216]

Of the 12 countries with complete data in the Asia region, three countries recorded increases in the area owned by communities while nine recorded increases in the area recognized as designated for communities between 2002 and 2013. During this period, two countries also recorded increases in the forest land owned by individuals and firms. By 2013, all 12 countries had implemented some form of community tenure regime; however, as Table 4 shows, this implementation has affected less than four percent of the country's forests in seven of these countries.[217]

TABLE 4 Statutory forest tenure in 12 Asian countries, 2002-2013

Country	Government administered		Designated for IPs and local communities		Owned by IPs and local communities		Owned by individuals and firms	
	2002	2013	2002	2013	2002	2013	2002	2013
Papua New Guinea	3.0%	3.0%	0%	0%	97.0%	97.0%	0%	0%
China	42.5%	39.2%	0%	0%	57.5%	60.8%	0%	0%
Philippines	86.5%	60.6%	13.3%	11.0%	0.1%	28.4%	0%	0%
India	65.4%	47.7%	20.8%	35.5%	0%	2.7%	13.8%	14.0%
Nepal	81.6%	68.0%	18.4%	32.0%	0%	0%	0%	0%
Thailand	100%	96.9%	0%	3.1%	0%	0%	0%	0%
Vietnam	100%	97.8%	0%	2.2%	0%	0%	0%	0%
Cambodia	100%	97.9%	0%	2.1%	0%	0%	0%	0%
Bhutan	99.9%	98.7%	0.1%	1.3%	0%	0%	0%	0%
Indonesia	98.3%	96.1%	0.2%	1.0%	0%	0%	1.5%	2.9%
Lao PDR	100%	99.9%	0%	0.13%	0%	0%	0%	0%
Myanmar	99.9%	99.9%	0.08%	0.13%	0%	0%	0%	0%

As of 2013, nearly 31 percent of the forests in Asia are under the ownership of Indigenous Peoples and local communities, and six percent are under community control. However, 78 percent of the forests owned by Indigenous Peoples and local communities in Asia are found in China.[218] If China is excluded from the sample, only 10 percent of the region's forest land is under community ownership. Similarly, India represents nearly 82 percent of the regional share of forest land "designated for Indigenous Peoples and local communities." At the same time, the size of China and India should not overshadow the extent of recognition in smaller countries such as Nepal, the Philippines, and Papua New Guinea, which have implemented recognized community rights to 32 percent, 39 percent, and 97 percent of their respective forest areas.

Only a third of the countries sampled in Asia have implemented tenure reforms recognizing community ownership of forest land while over 83 percent have implemented tenure regimes recognizing more limited degrees of community control.

Significant forest tenure reforms in peninsular Southeast Asia[219] (where states retain legal control over 99 percent of forest land) and archipelagic Southeast Asia[220] (where states retain legal control over at least 73 percent of forest land) would be needed to shift the balance of government and community forest rights in Asia.

Latin America

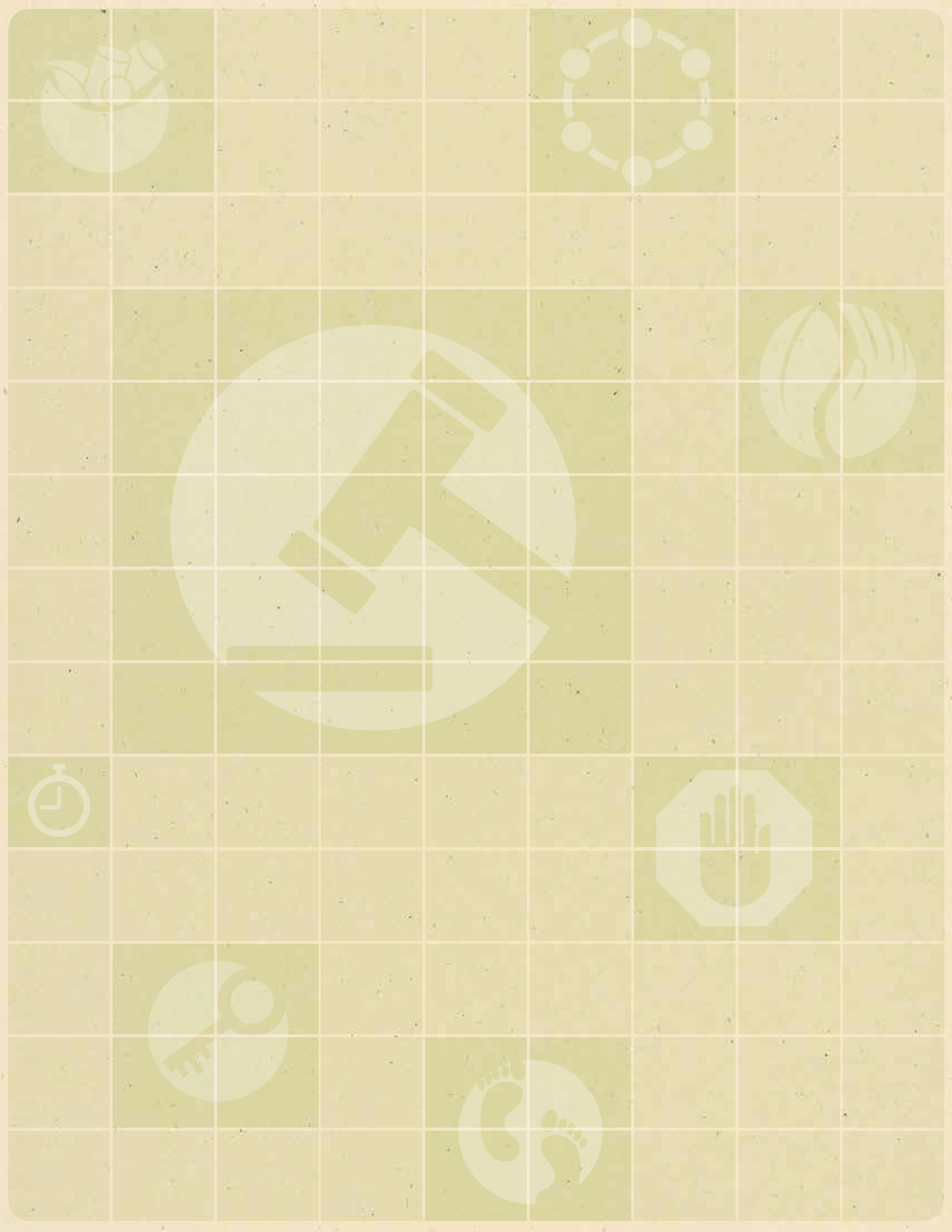
Many Latin American countries have implemented significant forest tenure reforms recognizing the rights of Indigenous Peoples and local communities, and tenure reforms have been more widely distributed across countries than in other regions. In the period 2002-2013, eight of the nine sampled country cases recorded increases in the area recognized under community rights, accounting for an 85 Mha total increase in the area under statutory community control or ownership. This represents nearly 66 percent of the global increase in area under community ownership or control in the 2002-2013 period.

TABLE 5 Statutory forest tenure in 9 Latin American countries, 2002-2013

Country	Government administered		Designated for IPs and local communities		Owned by IPs and local communities		Owned by individuals and firms	
	2002	2013	2002	2013	2002	2013	2002	2013
Mexico	5.0%	4.4%	0%	0%	79.9%	69.8%	15.1%	25.8%
Colombia	59.8%	50.6%	0%	0%	40.2%	49.4%	0%	0%
Brazil	61.9%	37.9%	2.5%	9.0%	15.8%	28.0%	19.8%	25.2%
Bolivia	68.7%	53.5%	2.7%	0.8%	27.9%	43.2%	0.8%	2.5%
Peru	76.7%	71.2%	2.1%	4.8%	14.1%	21.3%	7.1%	2.7%
Honduras	75.0%	40.9%	0%	7.6%	0%	13.8%	25.1%	37.7%
Costa Rica	40.1%	40.4%	0%	0%	12.3%	10.3%	47.7%	49.3%
Guyana	100%	83.2%	0%	16.8%	0%	0%	0%	0%
Suriname	97.1%	96.3%	2.9%	3.7%	0%	0%	0%	0%

In Latin America, communities now own nearly 33 percent of forests and legally control more than six percent of all forests. In the seven countries that recognize community ownership, community-owned forests range from just over 10 percent to nearly 70 percent of their countries' respective forest areas. Of the two countries in the sample that only recognize community control, Guyana's reforms recognize community control of nearly 17 percent of forests, while Suriname's reforms cover less than four percent.

Six Latin American countries with complete data in the region recognized ownership of forests by individuals and firms. Five of these countries recorded increases in the area under this type of tenure over the past decade.[221] In four countries, forests owned by individuals and firms cover over 25 percent of those countries' respective forests.



3 LEGAL RECOGNITION OF INDIGENOUS PEOPLES' AND LOCAL COMMUNITIES' FOREST TENURE RIGHTS, 2002–2013

This chapter analyzes national laws and legally-binding regulations for community forest tenure in 27 countries from 2002 to 2013. These 27 countries, all LMICs, are a subset of the 52 countries surveyed in Chapter 2.

3.1 Methods

The 27 countries were chosen because they represent a variety of legal traditions and frameworks and have significant forest areas. They represent about 75 percent of the forests in LMICs and 41 percent of the global forest area. The countries are:

- **Africa**: Cameroon, Republic of the Congo, Democratic Republic of the Congo (DRC), Gabon, Kenya, Liberia, Mozambique, Nigeria, Tanzania, and Zambia;
- **Asia**: Cambodia, China, India, Indonesia, Malaysia, Nepal, Papua New Guinea (PNG), Thailand, and Vietnam; and
- **Latin America**: Bolivia, Brazil, Colombia, Guatemala, Guyana, Mexico, Peru, and Venezuela.

In total, 61 legal frameworks (or tenure "regimes") for community forest tenure were identified in the 27 surveyed countries in 2013. In terms of the typology of tenure categories presented in Chapter 2, these legal frameworks include those in which community rights are so limited that the areas are still considered to be "administered by government" (Category 1), those which are "designated for communities" (Category 2) and those that recognize "ownership" (Category 3). The data collection process and methodology for this part of the analysis is presented in Annex 1. The list of legislation consulted is presented in Annex 2, and a complete list of tenure regimes identifying tenure categories is provided in Annex 3. Annex 3 also identifies the specific bundle of rights the regimes contain, in relation to the set of seven rights presented in Box 1 of Chapter 2.

3.2 Findings

New tenure regimes

There has been an increase in the number of legal frameworks that recognize the rights of Indigenous Peoples and local communities. In 2002, nine of the 27 countries analyzed did not recognize the rights of Indigenous Peoples and local communities to forest land and resources in their

national laws;[222] in 2013, all those countries had enacted at least one community forest tenure regime in either national or subnational legislation.

A total of 24 new legal frameworks recognizing some form of community forest tenure were established in 16 of the 27 countries sampled between 2002 and 2013. This growth occurred mainly in Asia and Africa, as the majority of tenure reforms in Latin America had been enacted prior to 2002. Since 2002, eight of the new community forest tenure frameworks were created in Asia, 11 in sub-Saharan Africa, and five in Latin America (Table 6).

TABLE 6 New community tenure regimes, 2002-2013

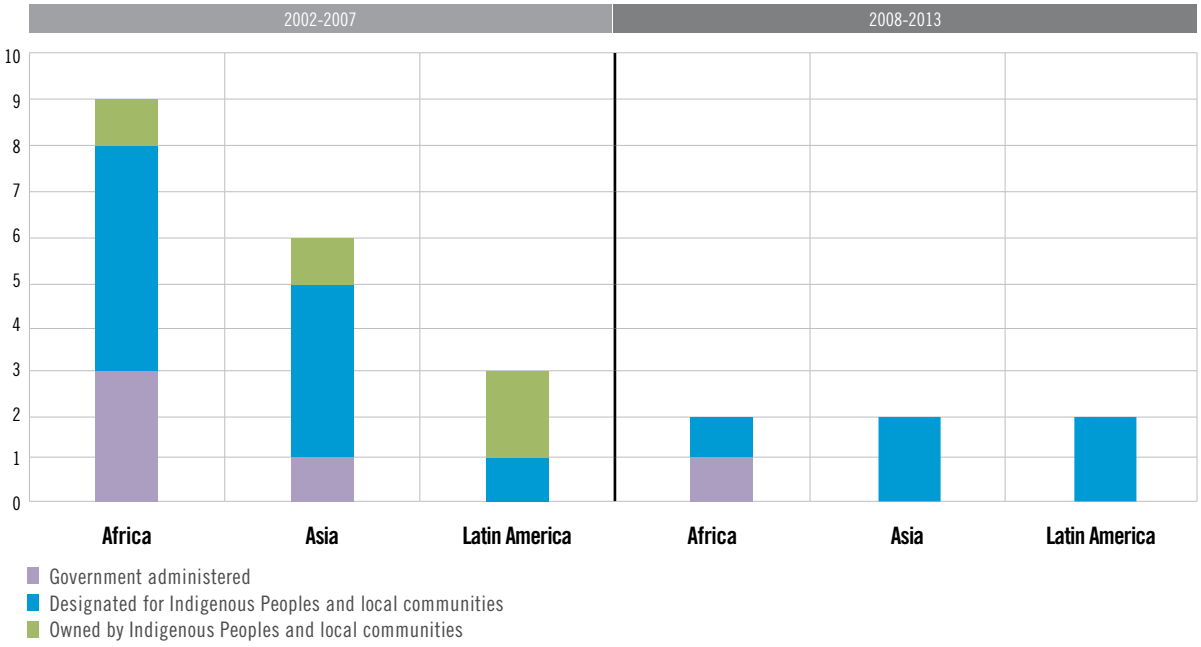
Country	Regime	Year	Tenure Category
Democratic Republic of the Congo	Local Community Forest Concessions	2002	2
Gabon	*Contrat de gestion de terroir aux parcs nationaux*	2007	1
Kenya	Community lands	2010	1
	Community permission to participate in the conservation and management of a state forest or local authority forest	2007	1
Liberia	Community Forests	2006	3
	Communal Forests	2006	2
Republic of the Congo	Indigenous Populations' Land	2011	2
Tanzania	Joint Forest Management (JFM)	2002	2
	Community Forest Reserves	2002	2
	Village Land Forest Reserve (VLFR)	2002	2
Zambia	Joint Forest Management	2006	1
Cambodia	Community Protected Areas	2008	2
	Community Forests	2002	2
India	The scheduled tribes and other traditional forest dwellers' land Act	2007	3
Indonesia	Hutan tanaman rakyat	2007	2
	Kemitraan (partnership)	2007	1
Thailand	Constitutional community rights	2007	2
	Community Land Use permits	2010	1
Vietnam	Forest Land Allocated to Communities	2004	2
Bolivia	*Títulos comunales para comunidades agro-extractivitas*	2004	3
Brazil	*Projetos de assentamento florestal*	2003	2
Guyana	Titled Amerindian village land	2010	2
	Community Forest Management agreement	2010	1
Peru	*Reservas Indigenas*	2006	3

Region: Africa Asia Latin America

Eighteen of these 24 regimes were created in the six-year period from 2002 to 2007, and six were created in the six-year period from 2008 to 2013. Among the 18 new legal instruments created from 2002 to 2007, four recognize community ownership rights, 10 designate forest land for community control, and four provide for such a weak set of rights that the lands are still considered to be in the category of "administered by government." Of the six new legal instruments created in the period 2008-2013, five designate forest land for communities, one falls under the category of administered by government—and ***none were strong enough to recognize ownership rights***.

Several land and forest reform processes are underway, particularly in Africa. Reform of land law is currently being discussed in Cameroon, Democratic Republic of the Congo, Kenya, and Liberia, while forest law reform processes are underway in Cameroon, the Republic of the Congo, Kenya, Zambia, and

FIGURE 4 Tenure regimes created since 2002, by region and category



Nigeria, as well as in Malaysia and Peru. The results of these processes are likely to have a significant effect on the extent and quality of recognition of Indigenous Peoples and community rights to forest resources and land in the near future.

Assessing the bundle of rights

Although governments have increasingly recognized the rights of Indigenous Peoples and local communities in their national laws, this legislation varies significantly, both across regions and in the strength of the bundle of rights recognized. Only 31 percent of regimes (19 of 61), the bulk of them in Latin America, include sufficient rights to be regarded as recognizing "ownership" of forest land by Indigenous Peoples and local communities.[223] Fifty-seven percent of the regimes (34 of 61) "designate" forests for communities, distributed fairly evenly among the three regions, and the remaining 12 percent (8 of 61), predominantly in Africa, remain "government administered" due to the weakness of the rights recognized. Overall, Latin America has the highest percentage of forests under community forest tenure regimes, and those regimes tend to provide Indigenous Peoples and local communities with the highest degree of security of their rights.

Looking more closely at the bundle of rights introduced in Chapter 2,[224] all regimes in the "owned by Indigenous Peoples and local communities" category recognize the rights of unlimited duration, exclusion, and due process and fair compensation by definition. All of the regimes with these three criteria also had access rights, as well as some level of withdrawal and management rights. ***This pattern suggests that regimes that provide sufficient legal security for rights also recognize communities' rights to control and benefit from their resources.*** Only three of these 19 regimes placed any restrictions on the commercial withdrawal of non-timber forest products (NTFPs) and/or timber, and only one regime compels communities to jointly manage their resources with an external body. By region, 13 of the regimes under the ownership tenure category are found in Latin America, four are in Asia, and two are in Africa.

Compared to the "ownership" regimes, the regimes that fall under the category "designated for Indigenous Peoples and local communities" are far more heterogeneous in terms of the bundle of rights. By definition, all 34 of the regimes within this category incorporate some level of management and/or exclusion rights, but lack the full combined bundle of exclusion, extinguishability, and unlimited duration rights that are essential for long-term tenure security. Twenty-six percent of the regimes within this category placed specific restrictions on communities' management of forests, requiring communities to jointly manage their resources with a government-created body.[225] Fifty-six percent of the regimes do not recognize communities' right to exclude outsiders. Similarly, 38 percent of regimes do not recognize communities' right to due process and compensation. In addition, 56 percent of regimes under the "designated" category place limits on the duration of rights, undermining their security. In terms of communities' ability to use their resources, 26 percent of regimes limited communities' withdrawal rights to some extent. By region, 13 of the regimes under the "designated" category are found in Asia, 11 of the regimes are in Latin America, and 10 are in Africa.

Among regimes categorized as "government administered" only one does not recognize access rights.[226] Two regimes recognize withdrawal rights for commercial purposes. Of the eight tenure regimes under this category,[227] six are in Africa, one is in Asia, and one is in Latin America.

Across all three tenure categories, the right to withdraw forest resources for commercial purposes is fundamental to improving the livelihoods of Indigenous Peoples and local communities. Seventy-two percent of the regimes in this study recognize communities' rights to commercially withdraw both NTFPs and timber, though realizing these rights often requires communities to overcome time-consuming and costly bureaucratic hurdles.

The study also found that once rights are legally recognized, the composition of rights within the expanded bundle is unlikely to change. Of the 42 regimes already in force in 2002, the bundle of rights had been modified in only three by 2013.[228] This shows the necessity of ensuring that Indigenous Peoples and local communities have sufficient opportunity and capacity to participate actively in the drafting of legal instruments affecting their rights from the outset.

With regard to the protection of Indigenous Peoples' rights, only 12 of the 27 analyzed countries explicitly recognize, in their national laws, the rights of Indigenous Peoples to forest land. Among these, only five are outside Latin America—four in Asia and one in Africa.

Implementation of community tenure regimes

Information on the area of forest under each of the 61 regimes (see Annex 3) was used to assess the extent of its implementation. This analysis shows that many legislative reforms remain unimplemented, especially in Africa.

In some countries, a lack of enabling legal instruments for implementation inhibits communities from realizing, in practice, the rights accorded to them by statutory laws. In sub-Saharan Africa, only seven of 17 forest tenure regimes that recognize the rights of Indigenous Peoples and local communities have been implemented on the ground, primarily due to a lack of implementing laws, regulations, and procedures. This explains, for example, why no area is allocated as local community forest concessions in the DRC, even though the legal basis for such concessions has been established for more than 10 years. The implementation of this regime requires a supplemental decree that has not yet been approved. In sub-Saharan Africa, not only is less area allocated to community forest regimes than in the other two regions, but regimes that have been implemented on the ground also tend to recognize a more

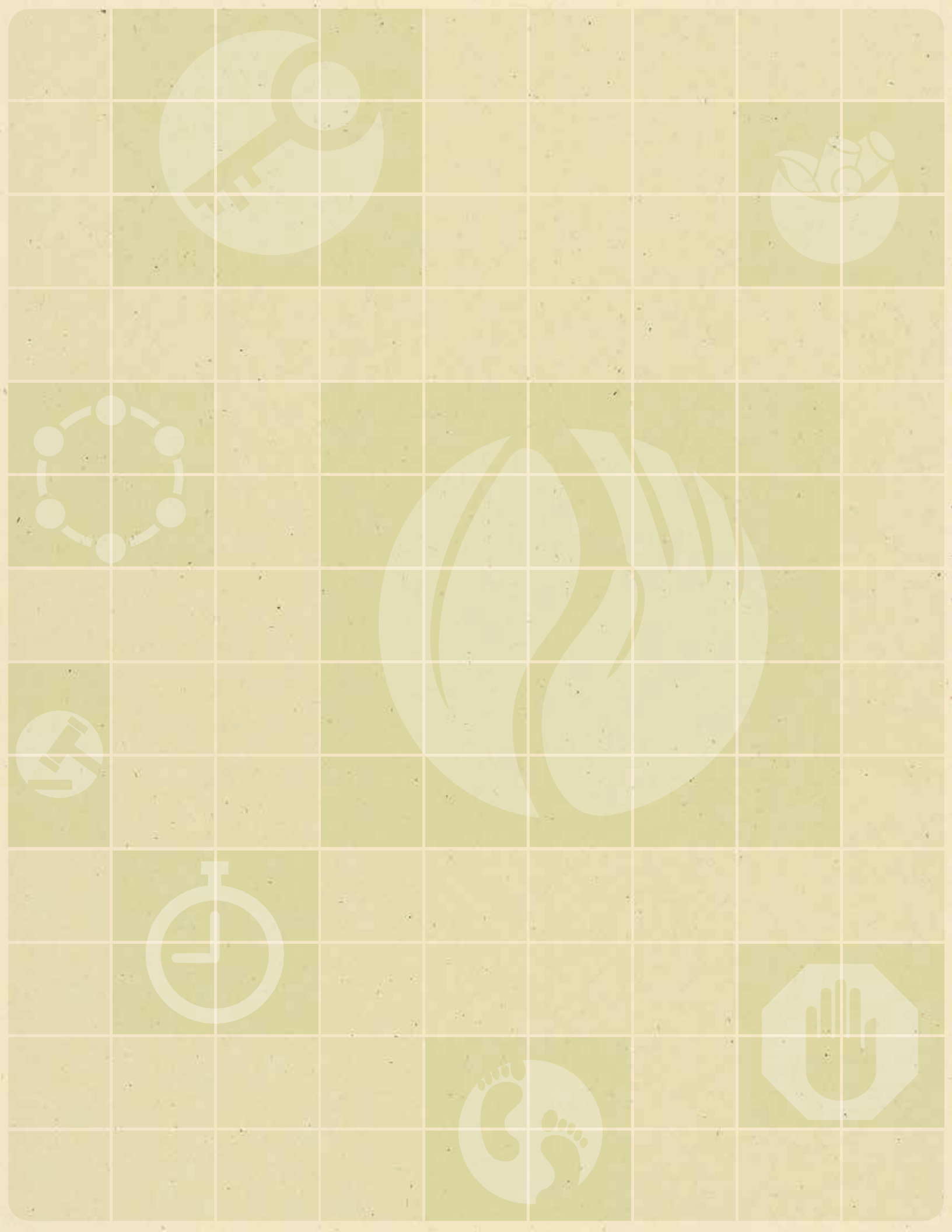
limited bundle of rights. For example, under Gabon's customary use rights regime, the most widely implemented in Gabon, communities only have rights to access and use forest resources for subsistence, but no rights to exercise meaningful legal control over the areas. This regime is therefore classified as "government administered."

In all countries surveyed for this report, the implementation of community forest tenure regimes is frequently contingent on strict compliance with management plans and licenses, which is often onerous for communities. Even in Latin America, where relatively larger areas have been designated for the control or ownership of Indigenous Peoples and local communities, cumbersome bureaucratic procedures have hindered the realization of rights on the ground. In Brazil, for example, the procedures of formal recognition of *Quilombola* community tenure are so cumbersome that registration can take more than 15 years.[229] As a consequence, even when rights to a forest area are recognized under a particular regime, Indigenous Peoples and local communities may not be able to fully exercise these rights until management plans are approved.

Even in Latin America, where relatively larger areas have been designated for the control or ownership of Indigenous Peoples and local communities, cumbersome bureaucratic procedures have hindered the realization of rights on the ground.

The regulations that dictate how legal rights might be acquired and secured by communities tend to change more frequently than the laws themselves and are often more exposed to political pressures. This can promote or hamper the implementation of community forest tenure regimes. In Cambodia, for example, rights to forest resources in indigenous community lands recognized in the 2001 Land Law and the 2002 Law on Forestry were virtually nullified by a 2009 implementing regulation[230] that made almost all forest areas ineligible for formal designation as indigenous community lands.

National court decisions can also be used to further secure or undermine the rights to the forest land and resources of Indigenous Peoples and local communities. Petitioning national courts to clarify or affirm the recognition of rights guaranteed by law can be an effective strategy. For example, forest-dependent communities in India and Indonesia have been successful in reversing official legal interpretations of the laws in favor of recognition of their rights.[231,232] However, courts do not always rule on the side of communities. In Guyana, a series of cases was presented to the High Court dealing with disputes between Amerindian villages and mining companies,[233] but the interim decisions were not, by and large, in favor of Amerindian claims.



4 CUSTOMARY RIGHTS AND CONTESTED LANDSCAPES

4.1 Customary and contested lands

The forest ownership data presented in previous chapters pertain to the area of forest land formally recognized by governments under statutory law. However, as highlighted in Chapter 1, Indigenous Peoples and local communities maintain community-based property rights and governance systems over extensive areas of forest land based on their customary ownership, occupancy, and/or use. These customary rights, in effect, establish a parallel legal framework to the framework of statutory rights established by states. While not the only basis for the recognition of rights over forest land and resources to communities, customary rights have often intersected with other related concerns—such as improved forest management, governance, and rural development outcomes—to provide powerful impetus for forest tenure reform.

Customary land rights, particularly those of Indigenous Peoples, are recognized in international laws and norms. The International Labour Organization's Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries calls on states to recognize the ownership rights of indigenous and tribal peoples to lands they have traditionally occupied, as well as their use rights to lands they have traditionally accessed for subsistence and traditional activities.[234] The United Nations Declaration on the Rights of Indigenous Peoples, adopted by the United Nations General Assembly in 2007, further recognizes the right of Indigenous Peoples to the lands, territories, and resources they have traditionally owned, occupied, or otherwise used or acquired.[235] The Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, which were developed through a process of intergovernmental negotiation led by the Food and Agriculture Organization of the United Nations (FAO) and adopted in May 2012, further call on states and non-state actors to respect all legitimate tenure-holders and their rights, including Indigenous Peoples and other local communities with customary tenure systems.[236]

However, as the data presented in previous chapters have shown, such customary rights are very unevenly recognized in national systems of statutory law. While no global database of customary rights currently exists, both global estimates and increasingly widespread local mapping activities indicate that the extent of customary claims is large, especially when compared with the area that is recognized under statutory law. For example, using a methodology based on collectively managed ecosystems, Liz Alden Wily[237] has estimated that, globally, customary tenure extends over at least 8.54 billion ha (65 percent of the global land area)[238] and that 1.5 billion people regulate their land relations through customary tenure systems. Alden Wily has further estimated that sub-Saharan Africa contains

approximately 1.4 billion ha under customary land tenure, involving almost half a billion people.[239] This area estimate was arrived at by excluding, from the total land area of sub-Saharan Africa, those areas formally titled under statutory law.

Thus, while some governments are advancing recognition of the rights of Indigenous Peoples and local communities to lands and resources, the extent—and depth—of this recognition often continues to be contested. The term "contested" is used here primarily to describe differences between customary and statutorily-recognized rights to land and other resources (though lands may also be contested on the basis of other claims, such as claims to recognition under specific statutory tenure frameworks). Contestation occurs in relation to each of the four categories used in Chapter 2 to track statutory forest tenure (see Box 2).

BOX 2

A typology of contestation

As described in Chapter 2, RRI uses a typology of four categories to track statutory forest tenure. Contestation occurs in relation to each, especially (although not exclusively) on the basis of customary rights.

Category 1: Forest land administered by governments. In relation to this category, contested lands include lands claimed by Indigenous Peoples and local communities that have not been formally recognized by governments. They may include areas that cannot be recognized formally under existing laws, as well as areas that could be recognized under existing laws, but where those laws have not yet been implemented or where the bundle of rights is so weak that communities have almost no legal basis to exert control over their territory and resources. This category is likely to constitute the largest category of contested land globally, in light of historical patterns of expropriation of customary land rights and the resulting current extent of forest land claimed by governments.

Category 2: Forest land designated by governments for Indigenous Peoples and local communities. In relation to this category, contested lands are areas in which certain rights are recognized by the state, but where there are significant limitations in the depth of rights as compared with those claimed by Indigenous Peoples and local communities.

Category 3: Forest land owned by Indigenous Peoples and local communities. In relation to this category, contested lands are areas where Indigenous Peoples and local communities have recognized ownership rights but where other types of land allocation (e.g. industrial concessions or conservation areas) overlap these rights without community consultation or consent. Such overlaps may come about because certain rights—such as subsurface rights—are retained by states and allocated to others, or they may come about due to illegal expropriation of community lands. Overlapping rights may also reflect historical processes in which land uses, such as protected areas, were established prior to the formal recognition of community tenure.

Category 4: Forest land owned by individuals and firms. In relation to this category, contested lands are areas claimed by Indigenous Peoples and local communities but formally under the ownership of individuals or firms. This type of contestation is most common in Latin America, North America and Australia, where individuals and firms own relatively large areas of forest land and where agribusiness interests are often in conflict with customary land claims.

4.2 Growth of industrial concessions

Statutory recognition of forest ownership, as examined in Chapters 2 and 3, significantly determines the extent to which the right of Indigenous Peoples and local communities to own, control, and benefit from their lands and resources can be realized.[240] A lack of statutory recognition of underlying customary rights leaves communities vulnerable to further infringements arising from governmental allocations of their land to other uses.

One significant impact on community lands in the time period from 2002 to 2013 stems from the expansion of industrial concessions in forest areas in developing countries. This increased demand for forest land and resources has been driven by expectations of future growth in the global population,[241] and medium term commodity price volatility,[242] among other factors. Governments have attempted to capitalize on this demand by ceding the right to develop domestic natural resources to third parties in exchange for a stream of payments or other benefits. They have seen these concessions as a means to decrease dependence on aid, generate formal employment, and increase national incomes.[243] The expansion of concessions in rural landscapes, however, has resulted in conflicts with customary owners and users of forest land. As customary owners and more powerful entities contest land use, customary owners are becoming increasingly vulnerable to dispossession throughout the forested tropics.[244]

A lack of statutory recognition of underlying customary rights leaves communities vulnerable to further infringements arising from governmental allocations of their land to other uses.

Studies indicate that the area covered by concessions over the past decade alone is sizeable. The International Land Coalition (ILC) identified over 203 Mha in land acquisitions between 2000 and 2011,[245] while Deininger et al. identified 71 Mha allocated globally for large scale land acquisitions in less than a year between October 1, 2008 and August 31, 2009.[246] The ILC report also found that the rate of acquisition dramatically increased between 2005 and 2009, before slowing in 2010. This peak in acquisitions and the following slowdown roughly correspond to changes in global food prices, as well as reflecting government actions in a number of forested countries to curtail the award of concessions.[247]

For example, Papua New Guinea stopped issuing Special Agriculture and Business Licenses (SABLs) in 2012 following environmental and social abuse of the contracts by concessionaires.[248] The rights to over 5.1 Mha of forestland had already been allocated under SABLs between 2003 and 2011. Similarly, the Liberian government enacted a moratorium in 2012 on all logging taking place under Private Use Permits (PUPs) in response to large scale fraud and illegal activity on the part of concessionaires and public officials alike.[249,250] In 2011, Indonesia imposed Presidential Instruction No. 10/2011, which postponed any new licenses for conversion of primary natural forests and peatland for two years,[251] and was renewed for another two years in May of 2013.[252] In each case, moratoriums were driven in part by the negative impacts that the award of concessions had upon the rights of customary owners of forest land, and are indicative of the larger reality faced by forested countries in the developing world—that these forest lands are already occupied, and any agreements or frameworks negotiated between governments and concessionaires to develop resources must include the customary owners of the land.[253]

The potential for conflict between concessions and communities is extensive. One study to assess the overlap between existing industrial concessions and customarily claimed lands gathered geo-spatial data on lands claimed by Indigenous Peoples and local communities and forest, mineral, and agricultural

concessions in 12 countries in South America, sub-Saharan Africa and Southeast Asia.[254] Of the 153.5 Mha of concessions examined, 31 percent overlapped with community-held lands in some way. Given the difficulties in accessing reliable data (on both concessions and community-claimed land), this figure clearly underestimates the true extent of the overlap.

Another study reviewed the activities of the energy and mining companies listed in the Russell 1000 Index and found that over 30 percent of current oil and gas production is sourced on or near Indigenous Peoples' lands, which also account for nearly 50 percent of known oil and gas reserves.[255] The study found that over 40 percent of current mineral production is sourced on or near indigenous lands, as will be nearly 80 percent of known future projects. As Indigenous Peoples and local communities obtain greater legal protection for their land rights and mobilize in new and innovative ways against investments that exclude their views and negatively impact them, oil, gas and mineral resources will become increasingly difficult to access without community consent and cooperation.

While a number of countries have suspended the issuance of concessions to develop natural resources, and the rate of issuance of contracts appears to have slowed since 2010, the global factors driving land acquisitions are long term. Moreover, the forested countries of sub-Saharan Africa, South and Southeast Asia, and Latin America contain the majority of the world's remaining forests[256] and farmland not under intensive production,[257] and are viewed as a "final frontier" for mineral exploration.[258] Pressures on the world's forests and forest-dependent people are unlikely to diminish in the future, which means that it is all the more important to accelerate legal recognition of customary lands.

4.3 Case studies of contestation

Contestation over forest and other lands, due to a lack of recognition of customary rights, concession expansion and other pressures, is widespread, particularly in developing countries. Three examples below illustrate how this contestation is playing out in diverse contexts, and how indigenous and community organizations are working to document and seek recognition of land claims.

Peruvian Amazon

While the Peruvian government has made advances in recognizing the rights of Indigenous Peoples to lands and territories, major areas of contestation remain. By 2013, indigenous communities owned or controlled a total of 16.6 Mha,[259] or almost 23 percent of Peru's forest land. This includes:

- **Native community lands suitable for forestry**[260] (12.04 Mha): the law provides native communities with title with unrestricted use of and benefits from the forested area.
- **Indigenous reserves**[261] (2.8 Mha): this category establishes territories that allow isolated and uncontacted indigenous groups to enjoy freedom from unwanted contact and guarantees unlimited subsistence use of their resources.
- **Communal reserves on forest land**[262] (1.75 Mha): The forest remains the property of the state, but communities have use rights and access according to a management plan implemented by the state and community representatives.

One source of contestation is the gap between these titled or designated areas, and areas claimed by Indigenous Peoples on the basis of customary rights. AIDESEP, Peru's national Indigenous Federation

of the Peruvian Amazon, estimates that an additional 20 Mha of land[263] are eligible for indigenous ownership and administrative rights but have not yet been titled. This area consists of:[264]

- Approximately 805 native title communities that are recognized but which require titling, have titles but require extensions, or are unrecognized;
- 4.2 Mha in five pending territorial reserves (detailed technical proposals have been submitted and await decisions by relevant authorities);
- 4.1 Mha in eight pending communal reserves (detailed technical proposals have been submitted and await decisions by relevant authorities); and
- at least six initiatives (in northern Peru) to secure the recognition of collective territories as Indigenous Peoples, with an area of more than five Mha.

Even within areas formally titled to indigenous communities, there is often contestation with other land uses such as protected areas and oil and gas concessions (the latter based on the state's retention of subsurface rights). Approximately 48 Mha of oil and gas concessions have been granted, covering 61.2 percent of the Peruvian Amazon; these concessions overlap with four territorial reserves, five communal reserves, and at least 70 percent of native communities.[265] The *Instituto del Bien Comun* documented 581 concessions (as of August 2009) overlapping with 47 titled or recognized native community areas and with three Indigenous Peoples' territorial reserves.[266] Oil exploration activities in these areas of overlap have provoked violent confrontations[267] and led to negotiations over redress where exploration activities have generated negative environmental and human health impacts.[268] Thus, large areas of the Peruvian Amazon remain contested, even where indigenous communities legally own or control forest land.

Indonesia

In Indonesia, while customary *(Adat)* rights are broadly recognized in the Indonesian Constitution,[269] these rights have not been carried through to other national legislation. Until recently, for example, under Forestry Law 41 (1999), all forest land has been considered to be the property of the state. Of the million hectares formally recognized to be under community control in Indonesia (see Chapter 2, Table 1), most are "designated for communities" in the form of "village plantations." In contrast to this official figure, the Indigenous Peoples' Alliance of the Archipelagos (AMAN) estimates that, nationally, there are approximately 40 Mha of customary land in *Adat* villages with contiguous (forest and non-forest) natural resource areas. Since 2010, AMAN has been working to map *Adat* lands and has established the Ancestral Domain Registration Agency to register maps, which are validated and agreed by communities before being registered. As of September 2013, approximately 6.7 Mha had been mapped, and AMAN is aiming to map the full area of customary land in *Adat* villages by 2020.[270]

These efforts received significant impetus from a May 2013 decision of the Indonesian Constitutional Court. In 2012, AMAN and representatives of two indigenous communities applied for a judicial review of Forestry Law 41. In its decision, the Court agreed that the word "state" should be deleted from the sentence in the Forestry Law which says that "Customary forests are *state* forests located in Indigenous Peoples' territories" (emphasis added). According to this decision, the provision in the Forestry Law declaring that customary forests are part of the domain of the state is unconstitutional.[271]

Any changes in the tenure status of Indonesia's forests will have implications for concession agreements. Under the assumption that the forests were state owned, the government has allocated large areas to companies for oil palm and pulp and paper plantations and other industrial activities. The

BOX 3

Squeezed between conservation and commercial rights: The Bagyeli community of Nyamabande, Cameroon

The forest block formed by the Campo-Ma'an National Park and neighboring areas in southern Cameroon illustrates how powerful economic development and conservation interests can intersect with a lack of recognition of land rights to result in the marginalization and dispossession of Indigenous Peoples and local communities. The area in question comprises the 264,064 ha Campo-Ma'an National Park,[a] seven exploratory mining permits, and the HEVECAM rubber plantation.[b] Bantu communities and indigenous communities (also referred to as Pygmies) live in the area and depend on the forest for food, fuel, medicines, and religious purposes, among other essential uses.

The lack of legally recognized community land rights and an absence of collaboration between government agencies has resulted in an overlap between mining permits (at least 33 mining permits overlap with 16 existing or proposed protected areas in the country)[c] and the Campo-Ma'an National Park (three of these permits cover more than half the park), as well as a conflict between exploitation and conservation activities and the rights of communities. The people most affected by this overlap are the Bagyeli-Nyamabande community, an indigenous hunter-gatherer group of about 100 people, whose customary use and associated rights extend over a large portion of the disputed land. However, because the hunter-gatherer lifestyle does not "put the land into use" or "add value" to the forest in ways that are recognized by the state (e.g. permanent agriculture or timber extraction), the Bagyeli-Nyamabande community is ineligible to claim legal ownership over their lands or to apply for a land title.

In the 1970s, the northern part of the forest traditionally used by the Bagyeli-Nyamabande people was allocated to the HEVECAM rubber plantation. In 2000, the government established Campo Ma'an National Park as an exclusive protected area in the southern part of the forest traditionally used by this community, trapping them in a sliver of land barely three ha in size between the Park and the plantation. It is estimated that to sustain their semi-nomadic hunter-gatherer lifestyle, the community needs at least 7,000 ha. Due to their displacement from their traditional sources of food and livelihoods, the Bagyeli-Nyamabande people are now experiencing a dire problem of food insecurity, and the culture and the village are under threat of disappearing entirely.

The Campo Ma'an National Park is also facing threats of encroachment by mining. While the government has actively enforced the exclusion of the Bagyeli-Nyambande community from the park, more powerful forces within the government are working to revoke the park's status to make way for the mining concessions. Thus, while the government seems reluctant to accept communities' land uses (which are sustainable) and has failed to recognize their rights, it has shown a willingness to be flexible in its conservation objectives in the face of encroachment by commercial interests that have no track record of bringing economic benefits to local communities. Because the Bagyeli-Nyamabande community maintains a livelihood system that does not fit within the government's notions of "modern" economic development and its practices are seen by those adhering to classic conservation models to be destructive to the forest, it has been marginalized by forest and land management priorities. Not only has the community lost its land, livelihoods, and resources—significantly damaging its cultural heritage—it has also been unable to benefit from the revenue generated by the rubber plantation or the National Park.

[a] Created in 2000 as one of the environmental offsets to the Chad–Cameroon pipeline project, the Campo-Ma'an National Park and its buffer zone cover an area of approximately 700,000 ha. http://wwf.panda.org/what_we_do/where_we_work/project/projects_in_depth/campomaan/area/.

[b] Rubber plantation estate. www.worldbank.org/projects/P000361/hevecam-project-03?lang=en&tab=overview.

[c] Schwartz, Brendan, David Hoyle and Samuel Nguiffo. 2012. Emerging Trends in Land-use Conflicts in Cameroon. WWF Working Report. Available at: www.relufa.org/documents/Forumminieranglais-6.pdf.

Participatory Mapping Network (JPKK), an organization that supports the mapping of indigenous lands in Indonesia, estimates that 70 percent of forest areas with indigenous land claims are subject to overlapping permits.[272]

Cameroon

Under statutory law, almost all land in Cameroon is owned by the state, though customary tenure systems are widespread outside of urban areas. Indigenous hunter-gatherers have traditionally moved across forest areas and interacted socially and economically with agricultural communities, often in very asymmetrical relationships. This social dynamic complicates the tenure picture in Cameroon, because overlaps and contestation occur not only between communities and the state, but also between agricultural and forest peoples.

Increasing pressures on land—such as from industrial concessions and conservation—have made it increasingly important for Indigenous Peoples and local communities to document their rights and traditional resource use activities, so they can assert their rights in the face of competing land uses. However, the lower "visibility" of the land use activities of indigenous forest peoples, and their marginalized sociopolitical status, have often meant that their customary resource use activities—and associated rights—have been poorly documented and taken into account in land-use decisions (see Box 3).

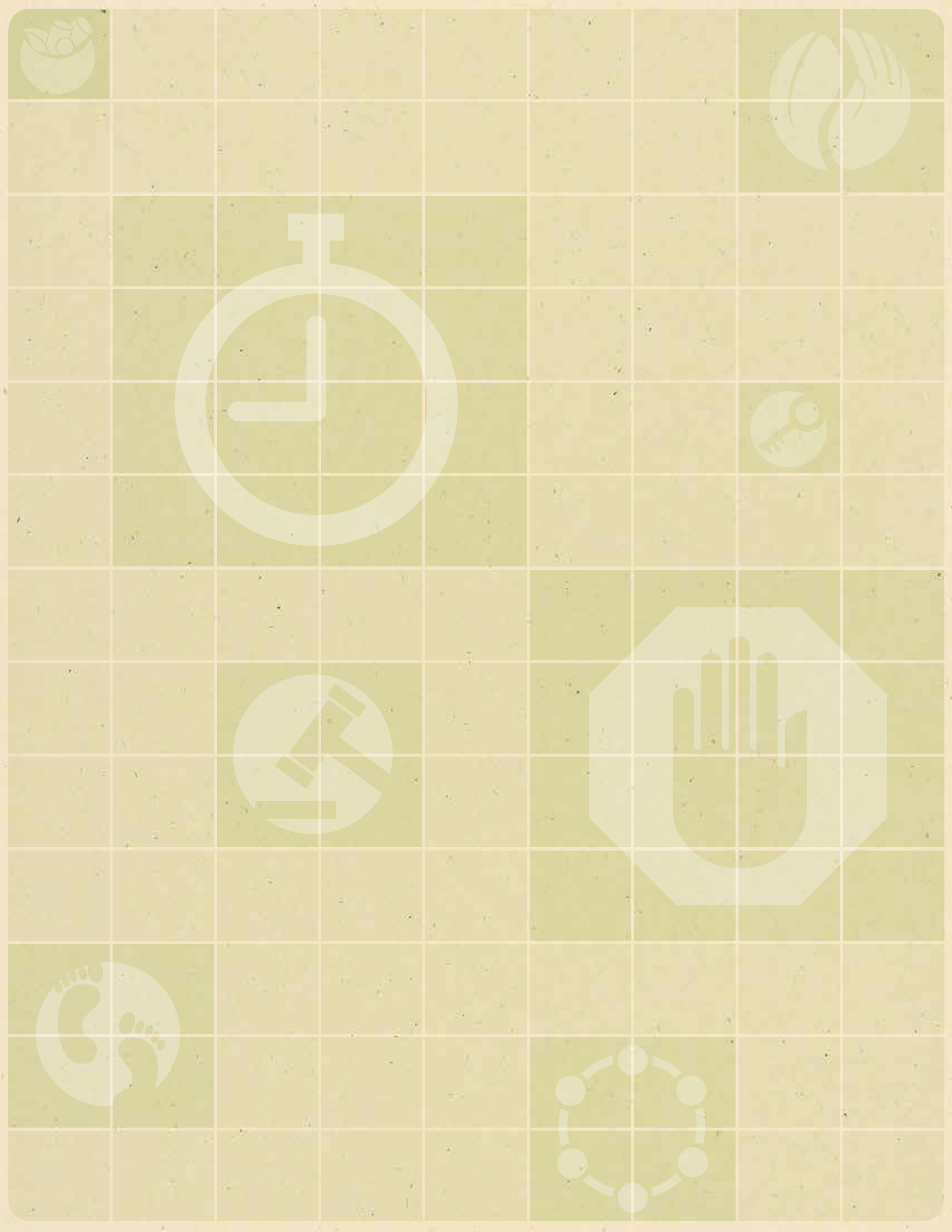
Nevertheless, available documentation indicates that customary indigenous forest use is extensive. For example, community mapping supported by the World Wide Fund for Nature[273] showed that Baka communities in southeastern Cameroon undertake livelihood and cultural activities (such as hunting, fishing, and the gathering of non-timber forest products, including for seasonal use) relatively intensively in an area of approximately 3,420 km^2 and less intensively in an additional 2,770 km^2 area. These activities span about 78 percent of the area within the Boumba Bek National Park in southeast Cameroon.

Contestation also occurs in relation to administrative measures for community forestry that formally recognize a set of rights that is more limited than the rights afforded to communities under customary tenure. In community forests in Cameroon, for example, the size of areas is very limited under the law, tenure terms are for only five years, and renewal depends on the government's evaluation of community compliance with often onerous management prescriptions.[274]

4.4 Conclusion

While some governments are making progress in recognizing forest land rights of Indigenous Peoples and local communities, contestation over rights to forests and other lands remain widespread. Contestation occurs in relation to each of the four categories that RRI uses to track statutory forest tenure, as communities contest government claims to customary lands, recognition of only limited or partial rights, overlaps between community-owned land and other land uses, and private ownership of areas claimed by communities. Meanwhile, expansion of large-scale land acquisitions and other pressures threaten to narrow the political space for recognition of local land rights.

Although no global database of indigenous and community land claims currently exists, efforts are advancing around the world to document customary rights, such as through participatory mapping. Technological advances and the mobilization of global alliances offer potential to accelerate this work. As comparable methodologies and shared systems are developed, it will be increasingly possible to build national, regional, and global databases on the extent of customary claims to forests and other lands.



5 PROGRESS AND CHALLENGES

5.1 Transitions in forest tenure, 2002–2013

There has been continued progress in securing rights of Indigenous Peoples and local communities to own and control forests; however, the majority of forest land is still legally claimed by governments.

From 2002 to 2013, the number of tenure regimes recognizing the rights of Indigenous Peoples and local communities to forest ownership or control has increased. As of 2013, at least 513 million hectares of the world's forests are held by Indigenous Peoples and local communities under some form of statutory community ownership or control.

Globally, governments legally claim 73 percent of total forest area, down from almost 78 percent in 2002, while the forest area under legal community ownership or control has risen from approximately 11 percent in 2002 to 15.5 percent in 2013. In low and middle income countries, governments claim 61.3 percent of total forest area, down from 71.4 percent in 2002, while the forest area under legal community ownership or control has risen from over 21 percent in 2002 to over 30 percent in 2013. This change in just over 10 years represents great social and political progress for the world, and merits celebration. The proportion of the forests owned by individuals and firms in LMICs has increased only 1.3 percent during this time; however, this change does not capture allocations of land for industrial concessions, as these often take the form of long-term leases rather than ownership transfers.

These findings demonstrate that the status of Indigenous Peoples and local communities as rights-holders to forest land is formally recognized across substantial areas of the world's forests, particularly in low and middle income countries. As holders of customary and, increasingly, statutory rights, forest peoples are key actors in global forest management, conservation, and climate mitigation efforts. This substantial progress also increases the chances for cultural survival and locally-determined development, as well as the sustainable use and conservation of forests.

However, it is also apparent that governments still overwhelmingly claim ownership over forest land and that contestation over the nature and extent of statutory recognition of community land rights remains widespread. This contestation spans the diversity of national contexts and tenure types. Conflicts in the examples reviewed in this report stem from overlapping customary and state claims to forest land, from overlaps between customary lands—whether formally recognized or unrecognized—and other land uses such as concessions and protected areas, and from only weak or partial recognition of community rights.

Progress in recognizing rights has slowed since 2008.

As noted in Chapter 2, the area of land owned or designated for use by Indigenous Peoples and local communities in LMICs increased by a much larger amount from 2002 to 2008 than from 2008 to 2013. In particular, the amount of forest land secured for community ownership since 2008 is less than 20 percent of the area secured in the previous six years. The impact of decisions by countries to implement REDD+ initiatives—which often talk of tenure security as a key requirement for success—is not yet evident.

The analysis of legal frameworks in Chapter 3 produced similar findings. In the years 2002–2013, a total of 24 legal frameworks recognizing some form of community forest tenure were adopted in a sample of 27 countries (representing approximately 75 percent of the forest area in developing countries). Eighteen of these 24 legal instruments were created from 2002–2007 and only six were created from 2008–2013.

The security of the new rights recognized since 2008 is also weaker. Among the 18 new legal instruments created from 2002 to 2007, four recognize community ownership rights, 10 designate forest land for community control, and four provide for such a weak set of rights that the lands are still considered to be administered by government. Of the six new legal instruments created in the period 2008-2013, five designate forest land for communities, one falls under the category of administered by government—and none were strong enough to recognize ownership rights.

Relatively few countries account for most of the area owned or controlled by Indigenous Peoples and local communities, and there are significant regional differences in the recognition of rights.

Of the total forest area legally owned by Indigenous Peoples and local communities in 2013, 80 percent is found in only five countries. China and Brazil account for 55 percent of the global area, while Colombia, Mexico, and Papua New Guinea account for another 25 percent. Five countries—Bolivia, Brazil, China, Colombia, and Peru—account for the majority of the increase in forest area under community ownership recorded between 2002 and 2013.

Of the forests designated for use by Indigenous Peoples and other communities, 84 percent are found in Brazil, India, and Tanzania, with the bulk of the increase in this tenure category in the period 2002–2013 taking place in Brazil and India. While not highly visible in global aggregates, some smaller countries, such as Guyana, Nepal, and the Gambia, have also significantly increased the proportion of their forest land designated for Indigenous Peoples and local communities since 2002.

There is considerable regional variation in statutory recognition of forest land rights. In Latin America, communities now own or control more than 39 percent of forests, and tenure reforms have been widely distributed across countries. This contrasts strongly with the case in sub-Saharan Africa, where less than six percent of forests are recognized as under community control and none are recorded as under community ownership despite strong customary rights.[275] In the heavily forested Congo Basin countries, governments control more than 99 percent of forests. In Asia, nearly 31 percent of the forests are legally recognized as community owned and six percent recognized as under the control of Indigenous Peoples and local communities. However, if China is excluded from the sample, only 10 percent of forests are legally recognized as owned by communities. Similarly, India represents nearly 82 percent of Asia's regional share of forest land under community control.

The depth and implementation of laws remain limited.

Although governments have increasingly recognized the rights of Indigenous Peoples and local communities in their national laws, many of these laws confer only weak rights. For example, only 32 percent of legal instruments to secure community rights worldwide—the bulk of them in Latin America—include a strong enough bundle of rights to be regarded as recognizing ownership by Indigenous Peoples and local communities. Many administrative measures for community forestry or other use rights are too restrictive or recognize insufficient rights for communities to realize benefits from their forests. In the case of Community Forests in Cameroon, the size of areas is very limited under the law, terms are only for five years, and renewal depends on the government's evaluation of community compliance with often-onerous management prescriptions.[276] In Honduras and Nicaragua, a study found that excessive barriers imposed on local producers for legal compliance of their extractive livelihoods drove them into the illegal realm, which reduced the resilience of local livelihoods and forests over the long term.[277]

Furthermore, many legislative reforms remain unimplemented, or have not been implemented at scale, especially in sub-Saharan Africa. For example, after 15 years the Mozambican government has succeeded in registering only an estimated 10 percent of community lands, and the government has yet to approve a single community forest concession, despite two applications awaiting approval since 2008.[278] In some cases, the legal instruments that have been implemented on the ground are those that, comparatively, recognize a more limited set of rights. For example, despite the enactment of India's landmark Forest Rights Act in 2006, which devolves a greater bundle of rights to communities and individuals, forestlands designated for community use under Joint Forest Management (24.6 Mha) far exceed those recognized as belonging to tribal peoples under the Forest Rights Act (1.9 Mha).[279] As noted in Chapter 3, Gabon's customary use rights regime is the most widely implemented community tenure regime in Gabon, but only recognizes community rights to access and use forest resources for subsistence.

5.2 Progress in relation to RRI's tenure targets

RRI's targets for the global community are to double the amount of forest area under community ownership or control, with secure rights to use and trade forest products and services, by 2015 (compared with 2002). The data presented in this report provide the following insights into progress towards these targets.

1. **RRI's global area target.** In 2002, the forest area under the control or ownership of Indigenous Peoples and local communities (i.e. Categories 2 and 3) was approximately 11 percent of the global forest estate; the target, therefore, is 22 percent. The best available data indicate that the global proportion of lands in Categories 2 and 3 had increased to approximately 15.5 percent of the global forest area by 2013. While this 34 percent increase shows significant progress, it still falls well short of the targeted 100 percent increase.

   RRI's low and middle income country (LMIC) area target. In 2002, the area in LMICs under community ownership or control was approximately 21 percent; therefore, a doubling would be 42 percent. By 2013, the best available data demonstrate that, in LMICs, just over 30 percent of forests are under community ownership or control. This 43 percent increase reflects important global progress, but falls well short of the targeted 100 percent increase.

2. **RRI's target on the right to use and trade forest products and services.** Of the 61 community tenure regimes analyzed in 2013, 71 percent recognize communities' rights to commercially exploit both NTPFs and timber on their lands. Assuming that the rights contained in those regimes have been fully realized, communities have rights to use and trade forest resources in an area of 435 Mha in 2013, as compared with 336 Mha in 2002. This represents an increase of 29.5 percent, which also falls well short of the targeted 100 percent increase.

5.3 Challenges

Further progress will depend on enactment and implementation of community tenure reforms in regions where tenure reform is more politically challenging.

A prominent feature of global forest tenure, as evident in the data presented in this report, is the marked variation among regions in the recognition of community forest rights.

Much of the global progress to date in recognizing indigenous and community ownership and control of forest land has come from Latin American countries. Many tenure reforms in Latin America were enacted prior to 2002, and have already been extensively implemented, including in countries with large forest areas such as Brazil, Mexico, Colombia, and Bolivia. While not all countries have enacted reforms, and significant customary claims remain to be resolved, the large-scale implementation to date means that Latin American countries will become less of a driver of the global tenure transition in future years.

Indeed, gains in Latin America have reached a precarious balance point where rights could fall back in the future, or be consolidated. In many Latin America countries, significant bureaucratic barriers to processing formal title registration and permits to use forests that are under indigenous ownership remain. Consolidating gains in Latin America could provide strategic momentum for the recalcitrant governments in Asia and Africa.

In peninsular and archipelagic Southeast Asia and the Congo Basin, states retain legal administrative control over 98, 75, and 99 percent of the forests, respectively. Together, these three sub-regions account for over 13 percent of the world's forests and 25 percent of the world's remaining tropical forests.

Looking ahead, tenure reforms in certain countries and regions will be particularly important for the rights of Indigenous Peoples and local communities, and consequently for the forests themselves, due to the size of their forest estates and the proportion of forest land remaining under government control. In peninsular and archipelagic Southeast Asia and the Congo Basin, states retain legal administrative control over 98, 75, and 99 percent of the forests, respectively. Together, these three sub-regions account for over 13 percent of the world's forests and 25 percent of the world's remaining tropical forests. In the Russian Federation, which contains 20 percent of the world's forests, governments retain legal control over all forests, and in Canada nearly 92 percent of forests are government administered.

The social and political mobilization of Latin American Indigenous Peoples, the forging of effective political alliances between indigenous movements and other civil-society interests, and the incorporation of indigenous interests in constitutional and other democratic reforms in the 1980s and 1990s have been key factors in the region's progress in recognizing customary tenure.[280] By contrast, while Africa has also

experienced considerable political change, progress in constitutional reform and the institutionalization of political pluralism has been far more limited, especially in the Congo Basin.[281] The definition of who is "indigenous" is socially and historically complex and often deeply contested in Africa. Ultimately in Africa today, there is less democratic space for institutional reforms that devolve rights over forests and other resources to local communities.[282]

In Asia, the largest area of forest owned by rural communities is in China, where tenure reform mainly reflects that country's own distinctive social and political path. Indigenous Peoples are a significant social and ethnic presence in Asia and the Pacific, and have secured territorial rights in several countries, such as the Philippines. In many countries in the region, however, legal recognition is more limited or is just emerging, such as in Indonesia.

These dynamics point to the need to build and support political will in countries and regions that, historically, have not prioritized community tenure reforms. Political will is needed not only for legal reforms themselves, but also for the regulatory frameworks, and the financial and technical support that enables communities to benefit from the implementation of reforms.

Industry demands are increasing pressure on forest land, and dominant business models do not respect or promote local rights.

The pace of concession allocation and the spatial extent of industrial concessions have increased dramatically in the past two decades. Factors driving the large-scale allocation of land to public and private entities—such as population and economic growth, food security concerns and consumption changes—are long-term in nature and unlikely to abate. While environmentally and socially responsible investments in land and natural resources can contribute to poverty reduction and economic growth, in most developing countries increased investment is colliding with long-standing conflicts between rural people and their governments over ownership of land and natural resources.[283]

Many governments are now pursuing economic development by allocating land and resources to national and international investors through long term concession agreements, often without much consultation with local people or regard to their legal rights. In Lao PDR, for example, at least 10 percent of land is already leased to foreign companies[284] and in the case of Liberia, over 50 percent.[285]

Industrial concessions are often imposed on rural lands on which customary users rely for their livelihoods and to which they have ownership claims. Recent work by RRI and The Munden Project analyzed over 150 Mha of industrial concessions in 12 developing countries, and found that at least 31 percent of this total concession area was overlapped by local community property.[286] As noted in Chapter 4, a 2013 review of energy and mining companies listed on the Russell 1000 Index found that over 30 percent of the global production of oil and gas firms was sourced either on or near Indigenous Peoples' lands, accounting for around 40 percent of the current production of mining companies. In the future, Indigenous Peoples' lands are expected to account for 50 percent of oil and gas production and almost 80 percent of mining.[287]

While environmentally and socially responsible investments in land and natural resources can contribute to poverty reduction and economic growth, in most developing countries increased investment is colliding with long-standing conflicts between rural people and their governments over ownership of land and natural resources.

Stakeholders are becoming more aware of the financial, reputational, and humanitarian impacts of inappropriate land acquisition. However, few investment due diligence processes, production models, and supply chains address land tenure issues, despite increasing evidence that models that respect local rights and promote smallholder production are potentially just as efficient and provide greater development and environmental benefits.

As documented in recent cases from Liberia, Cambodia, and a number of other tropical countries,[288] local people who lack rights to the land upon which they rely are prone to dispossession. Inadequate transparency and insufficient tracking of land deals made by foreign and domestic investors contributes to a playing field favoring exploitative resource use and land grabbing. In some cases, the potential for national economic gains has clearly slowed down the process of recognizing local land rights. For instance, while Mozambique passed progressive land legislation on community land and forest rights some 15 years ago, the influx of private investment for biofuels production has discouraged the government from demarcating community lands in order to lease out land to companies.[289]

Stakeholders are becoming more aware of the financial, reputational, and humanitarian impacts of inappropriate land acquisition. However, few investment due diligence processes, production models, and supply chains address land tenure issues, despite increasing evidence that models that respect local rights and promote smallholder production are potentially just as efficient and provide greater development and environmental benefits.[290] Given that demand for natural resources will continue to rise, the challenge is to respect and protect the rights of Indigenous Peoples and local communities, and adapt production models accordingly.

REDD+ has opened doors, but has not yet resulted in significant changes on the ground.

The advent of REDD+ in 2008 offered the possibility to stimulate a new era of tenure reforms, and to incentivize governments to recognize the rights of Indigenous Peoples and local communities. Tenure issues have received significant attention in REDD+ strategy development as of 2012. Of the 35 national REDD+ programs, 27 include reference to the problem of insecure tenure rights as a driver of deforestation, and 31 include specific programmatic interventions to address tenure insecurity.[291]

However, as discussed in Chapter 2, changes in the area under community ownership and control from 2002 to 2008 were compared with changes in area from 2008 to 2013 in the 28 LMIC countries implementing REDD+ initiatives in order to assess the extent to which REDD+ has provided an effective stimulus for tenure reforms. These findings show that the recognition of land owned by or designated for Indigenous Peoples and local communities has slowed since 2008 in all categories, including in countries implementing REDD+ initiatives. But it may be too early to assess, as most countries are still in the early phases of REDD readiness preparation.

Certainly, tenure reforms take time to enact and implement. This is one possible reason that the attention to tenure in the context of REDD+ is not yet translating into real changes on the ground. But a closer look at the REDD+ plans reveals that they call for additional studies, not for projects to implement tenure reforms. These findings point to the need for more concerted efforts to ensure that REDD+ strategies actually call for major investments in the implementation of projects to secure community land rights. In addition, they point to the need to guard against the risk, prominently raised in global debates on REDD+, that global carbon markets will create incentives for central governments

to reassert their control over forests in order to capture financial flows from REDD+.[292] Positive contributions will also depend on resolution of the risk, sparked in 2013 by new World Bank Carbon Fund provisions, that carbon property rights could be transferred—or sold even—in violation of customary land and resource rights.[293]

Existing technical and financial support for tenure reforms remains insufficient.

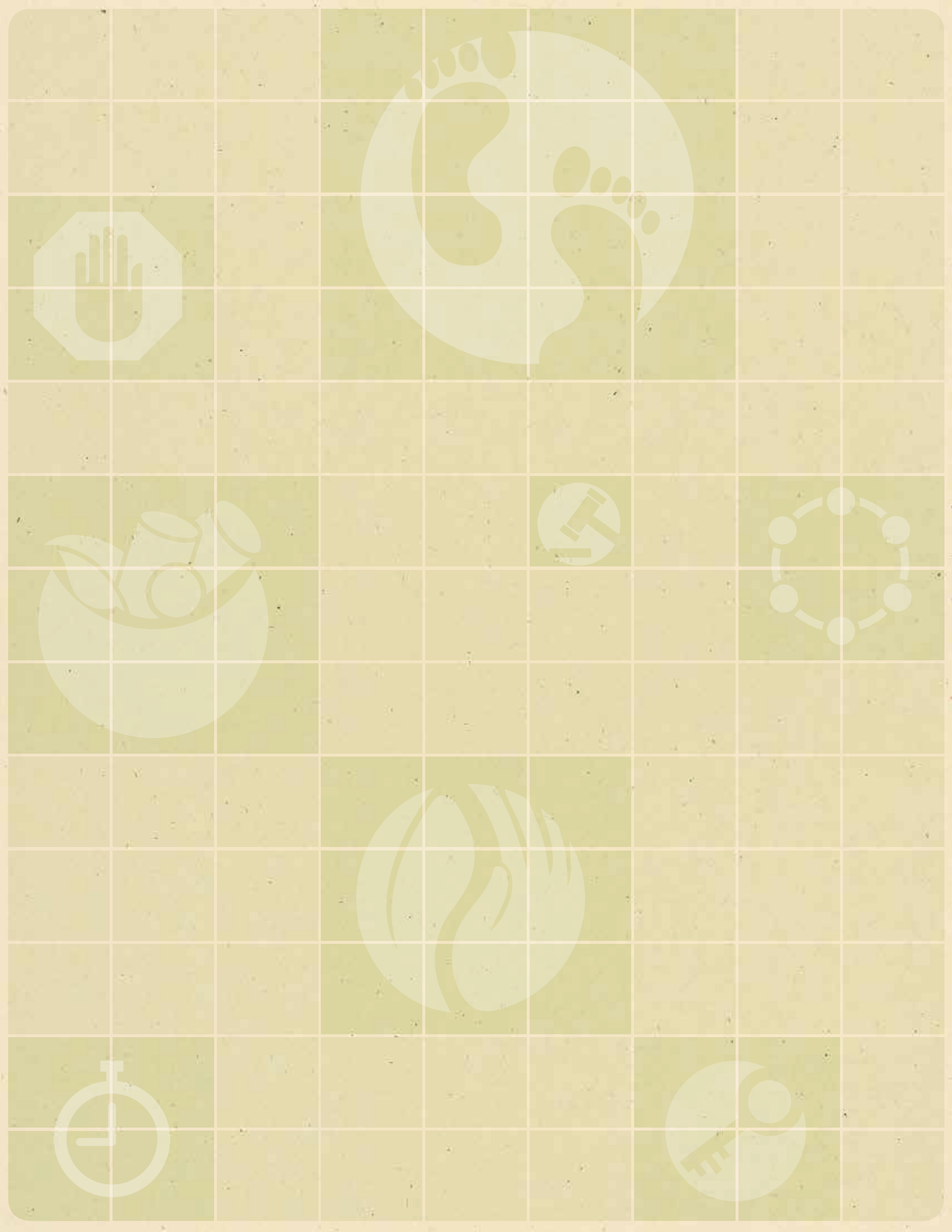
In most countries there is little clear and accessible information on who claims and controls land and resources. In particular, the preponderance of state ownership claims and a lack of information on community claims mask the true extent of community lands, a situation which is often abused by more powerful local and international actors alike.[294] While these gaps highlight the need for consolidated national and global databases on customary and community lands, efforts have been hampered to date by technical and financial constraints to community mapping, the small scale of many participatory mapping processes, and difficulties in ensuring data comparability across the diversity of local and customary tenure systems. However, as technologies and efforts to document customary land claims advance around the world, there are increasing opportunities to build more consolidated databases and platforms on customary and contested lands.

Countries such as Brazil and China that have implemented reforms have also demonstrated that there are cost-effective methods for better securing local tenure rights that combine formal survey, titling and registration activities, adjudication, strengthening of customary resource governance, and recognition of collective boundaries. However, in other countries now planning or engaged in land reforms, these methods and best practices are often not known or put into practice.

International funding allocated to tenure reforms in forest areas to address the needs of local people is currently insufficient. For example, the World Bank has invested US$1 billion in land projects between 1995 and 2010 and currently has US$900 million in loans approved or under implementation; however, the vast majority of the funds have focused on urban tenure and agriculture, and only six percent has been allocated to securing community forest land.[295] While one can argue that overall funding for improving land tenure needs to be increased, this applies even more to the disproportionately vulnerable Indigenous Peoples and local communities in rural and forest areas of the developing world.

5.4 Conclusion

In sum, new evidence indicates that the rate of progress in recognition of rights has slowed and there are many challenges to preventing a further slowdown. At the same time, the substantial amount of land held and controlled by Indigenous Peoples and local communities reflects significant social and political progress, and reinforces the position of these peoples and communities as key actors in local, national, and global forest management, conservation, and climate mitigation efforts. This makes the need to address the identified slowdown particularly critical. The following chapter turns attention to how that can be achieved.



6 WHAT FUTURE FOR FOREST TENURE REFORM?

Evidence of a slowing pace of community tenure recognition and the increased commercial pressures on forest land and resources raise questions about the future of forest tenure reform. Will the slowdown continue? Alternatively, what are the opportunities to drive progress forward and scale up recognition of Indigenous Peoples' and local communities' forest rights?

Several recent developments offer hope and highlight opportunities for future progress in community tenure reforms. These include stronger mobilization of indigenous and community movements on the ground, resulting in significant reforms in law and in national court decisions. Two examples are the Indonesian Constitutional Court's May 2013 decision annulling government claims to ownership of customary forests and the Indian Supreme Court's April 2013 ruling in favor of the Dongria Kondh community's action against a large bauxite mine on their land. The land crisis has also gained prominence in national politics, influencing election agendas like never before. Globally, governments and international institutions have made unprecedented commitments to support tenure reform, such as the endorsement of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the recent G8 Communiqué supporting greater transparency in land transactions, and the formation of the Global Donor Working Group on Land. Large agribusiness companies and investors have also become increasingly aware of the risks posed by insecure tenure and some have initiated moves to improve their safeguard standards and adjust their supply chains.[296]

To seize these opportunities to accelerate and scale up tenure reforms, the following actions will be needed:

1. Increase financial and political commitment to tenure reform as a central strategy to achieve poverty, climate, and food security development goals

Land and forest law reform processes are underway in at least 10 countries, particularly in Africa. Financial and technical support for tenure reform processes will greatly affect the potential for state recognition of the rights of Indigenous Peoples and local communities to forest resources and land in the near future. The global development community can bolster local tenure reform advocates by providing direct support to indigenous and community organizations, as ultimately it is local people who will move governments to effectively secure rights. Raising the profile of tenure reform as a central element of global development goals, and providing clear incentives and support for land reform implementation can also encourage governments to make positive changes.

Substantial inclusion of land rights in the post-2015 United Nations development agenda will be critical to raising the global profile of tenure security as integral to global development goals.

Substantial inclusion of land rights in the post-2015 United Nations development agenda will be critical to raising the global profile of tenure security as integral to global development goals. Momentum for inclusion of land rights in the post-2015 agenda is building, with proposals from the UN High-Level Panel report and emphasis on the need to address land in the UN Secretary General's report. However, maintaining that momentum will require commitments and follow through from supportive governments.

A specific target for land rights has not yet been set, but organizers of a September 2013 conference—including Oxfam, the International Land Coalition, RRI, IUCN, and HELVETAS Swiss Intercooperation—called for a doubling of the amount of land recognized as owned or managed by Indigenous Peoples and local communities by 2018.

2. Secure real support from REDD+ and FLEGT

Tenure reform movements worldwide are using the international REDD+ safeguards and national processes for REDD+ strategy development, required by UNFCCC, as political openings to achieve reforms in forest tenure. They are also using the political space provided by FLEGT dialogues to push tenure reform agendas. Looking ahead, development and operationalization of the REDD+ safeguards information system provides another opportunity for tenure reform activists. REDD+ and FLEGT should also invest specifically in projects to recognize rights. The Forest Investment Program (FIP) investment in the titling of indigenous lands in Peru opens this possibility in other FIP countries. Where REDD+ strategies prioritize support for community-based forest management, and communities are able to benefit from secure rights to carbon and other ecosystem services, communities stand to benefit from REDD+.

3. Build synergies between tenure reform movements and conservation reform movements

Biodiversity conservation is increasingly challenged by indigenous and peasant movements to recognize human rights, resolve ongoing conflicts, and support restitution of customary land rights in protected areas and forest reserves. Exclusive conservation policies and protected areas that have displaced local people created a history of antagonism between Indigenous Peoples and the conservation movement. Since the 1980s, conservation models have evolved to emphasize greater collaboration with Indigenous Peoples and local communities, while Indigenous Peoples, in particular, have also engaged with conservation interests to create space for the recognition of their rights and the protection of their forests. At the same time, significant challenges and inconsistencies remain. Conservation agencies and organizations continue to promote exclusionary approaches in some areas, particularly where legal recognition of underlying tenure rights is weak. Collaborative models are stronger in Latin America, where communities have greater legal protection and therefore a stronger basis for asserting their rights.

Strong shared interests provide a foundation for increasing synergies between community land rights and conservation agendas. However, realizing these synergies will depend on reforms in the conservation agencies and organizations to take on a full human rights-based approach, including support for the implementation of the 2004 World Parks Congress' restitution of Indigenous Peoples' traditional lands, and consideration of the Truth and Reconciliation Process.[297] Such an approach will also require

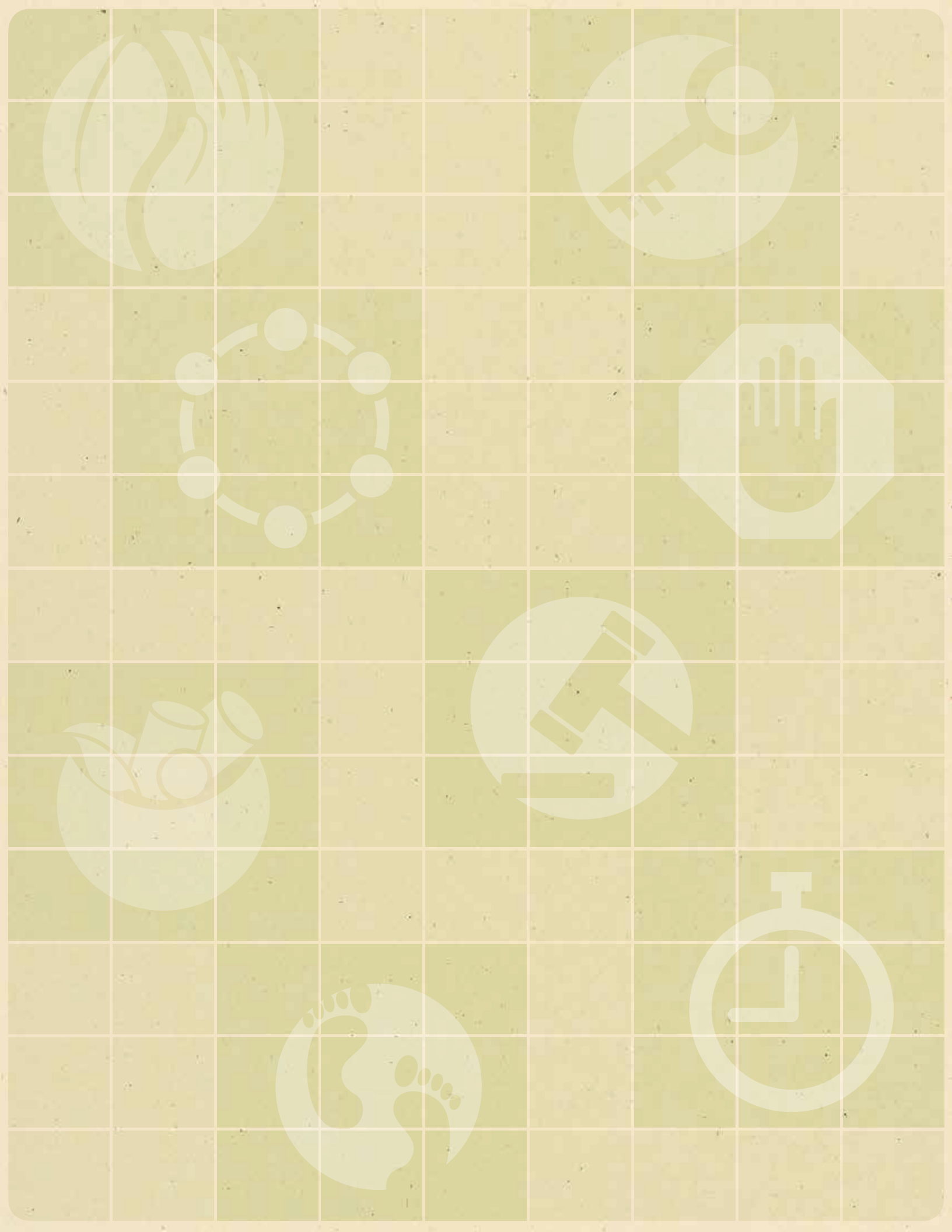
establishing and implementing more robust and consistent respect for tenure rights in program operations, going beyond safeguards and free, prior and informed consent. It will also mean devoting greater attention and resources to encouraging the tenure and governance transition in regions where rights are not yet recognized, as well as continuing and going beyond current efforts to support indigenous and community land and resource management where tenure reforms are already established.

4. Fully engage private sector corporations and investors

Through their global reach and economic importance, private sector companies and investors can substantially affect the course of forest tenure reforms. Much of the news in recent years has focused on problems of "land grabbing" associated with private sector investment in rural and forest areas of the developing world. However, in 2013, some of the world's largest purchasers of natural resources and farmers' products—such as Coca-Cola, Asia Pulp and Paper, and Wilmar International—made important new safeguard commitments concerning land rights' impact of their operations, often responding to NGO campaigns and concerns regarding reputational risks.[298] New opportunities to shift corporate and investor approaches are also being opened by increased recognition of "tenure risk;" that is, the risk companies create when they pay insufficient attention to the rights of customary landowners. Tenure risk poses significant operational and, ultimately, financial consequences for private sector actors, which may be reflected in higher project costs, restricted access to capital, and negative public perception and reputation.[299] Some companies and institutional investors are beginning to better understand these risks and are considering the adoption of more rigorous screens to reduce them.

Concerns about tenure risk often lead conservative and/or responsible private sector actors to avoid investments in the rural areas of developing countries, and there are also examples of investors using their own funds to recognize local land rights within the direct footprint of their operations. However, it is arguably in the long-term interest of responsible companies and investors to use their political and economic influence to contribute to the clarification of land rights beyond their immediate operational space. Security of land tenure is widely recognized as a prerequisite for long-term protection and investment in land by all actors. It creates a more level playing field for responsible investors and is necessary to ensure the sustainable supply of raw materials. Ultimately, companies and investors need to go beyond "doing no harm" and provide political and financial support for tenure reforms, as well as adopt production and business models that fully respect the land rights of local peoples.

Ultimately, companies and investors need to go beyond "doing no harm" and provide political and financial support for tenure reforms, as well as adopt production and business models that fully respect the land rights of local peoples.



Data on area under statutory forest tenure categories

Changes to the statutory forest tenure typology

To be useful, an analytical framework must be capable of adjustment to reflect improvements in the quality and availability of data and the critiques of those who have used and reviewed the information in the past. For this reason, the typology for statutory forest tenure has undergone subtle but important changes since it was originally developed in *Who Owns the World's Forests?* (White and Martin 2002), and later updated in *From Exclusion to Ownership* (Sunderlin et al. 2008). The following changes have been made to create a dataset and a narrative report that better reflect local understandings of tenure.

Category 1: The definition has remained unchanged.

Category 2: In the 2002 and 2008 studies, this category was called "reserved for Indigenous Peoples and communities" and was defined as "governments retain ownership and the entitlement to unilaterally extinguish local groups' rights over entire areas." Instead of basing the definition on rights that communities do not have, this report defines this category as areas in which communities have some degree of control over their lands – through management rights and/or exclusion rights.

Category 3: This report updates the definition of "ownership" used in the 2002 and 2008 studies, in which community ownership was defined only by the criterion that communities needed to hold rights to due process and compensation. This report expands that definition to also require the unlimited duration of those rights and the right to exclude outsiders[a] from exploiting their resources. The reason for this clarification is that any limitation on the duration of the regime undermines the integrity of the community's rights from a generational perspective. There is no guarantee that the government will be either capable of issuing a renewal of the rights or inclined to do so. Also, regimes that cannot be unilaterally extinguished but do not allow rights-holders to legally exclude outsiders from encroaching on their resources do not provide sufficient legal protection of rights. Alienation rights are not considered as essential for inclusion into this category.

Category 4: The definition of this category has been refined to include, as criteria, unlimited duration and the right of exclusion. Alienation rights are also considered to be essential for inclusion in this category.

Previous publications designated Categories 1 and 2 as "public" lands and Categories 3 and 4 as "private" lands. This dichotomy—which is firmly entrenched among policymakers—has proved problematic. For example, some of the lands that RRI categorizes as "owned" by communities are legally classified as "public" lands in those countries. For example, the Brazilian government considers indigenous lands to be on "public lands;" however, RRI classifies them as owned by Indigenous Peoples because they have robust legal protection against arbitrary extinguishment by the state, these rights are unlimited in duration, and Indigenous Peoples the legal right to exclude outsiders.

The challenge and risk of compiling world statutory forest data

Compiling reliable and up-to-date data on world forest tenure is a time-consuming and complicated challenge. Despite the obvious importance of forest tenure and tenure dynamics, no intergovernmental institution has taken responsibility for compiling global data on them. Moreover, most governments do not collect tenure information systematically, or they do not make it available to the public. Fortunately,

FAO's Global Forest Resources Assessment 2010 incorporated a broader range of potential rights-holders in its framework to allow governments to disaggregate between state (public), individual, corporate, collective indigenous/tribal, and collective non-indigenous ownership and management, and subsequent assessments are likely to add to the weight of data available on forest tenure.

In many countries, the institutions responsible for forest tenure data collection and classification change over time, as do their methods. This complicates the task of assuring that changes in tenure reflect real changes rather than changes in metrics.

Governments collect data according to national tenure classifications that are not standardized between countries, yet any global compilation requires sorting national data into standard categories. This requires a thorough understanding of national legal frameworks, contexts, and geographies. It also requires verification by forest and land tenure specialists familiar with the tenure situation in a given country.

Although we made every effort to include in our dataset only information that achieves minimum standards of reliability and consistency across periods and countries, we may have made errors. We welcome feedback that would help improve our approach, data sources, and data. This is important not only for retrospective corrections (Table 1 is available online and corrections will be made as necessary) but also for improving our monitoring and analysis in the future.

Technical guidelines for compiling data on statutory forest tenure change

Table 1 in Chapter 2 presents the most reliable and up-to-date government data on statutory forest tenure available for 2002–2013. Since definitions of tenure categories vary among countries, and because governments often do not collect forest tenure data in a systematic way, the following guidelines were developed to ensure that the most accurate data possible was used in compiling Table 1.

1. Priority for selecting data sources will be as follows: (1) government information sources; (2) government figures cited by other organizations (e.g. FAO); and (3) trusted independent sources.
2. Only absolute numbers will be presented. Averages based on different sources will not be included.
3. In cases where it is impossible to find accurate absolute numbers, percentages from reliable sources may be applied to the total forest area presented in the same source or to the area of the legal forest estate.
4. The most current and reliable data will be presented. Data points in original sources must refer to years spanning 2003–2013 if they are to be included in the 2013 column. If no data are available for years after 2002, the existing estimate for 2002 may be repeated if in-country sources confirm their current validity.
5. At least one of the three following conditions must be met in order to make retrospective changes to the data presented in Sunderlin et al. (2008) for the 2002 dataset: (1) 2002 data become available that were not previously available; (2) miscalculations were made in the 2002 data; and (3) changes made in the definition of "forest area" require adaptation of the previous data to maintain time-series consistency.
6. In cases where the 2002 tenure data included "other wooded lands" (lands with 5–10 percent canopy cover, as defined in FAO 2006a), the 2013 tenure data also include other wooded lands.
7. The unit of analysis to identify "regimes" is the community for Categories 2 and 3, and therefore only collective property rights are considered. Municipally held rights are often be mistaken as "community" tenure regimes, therefore, where possible, the area under distinct tenure regimes

found within countries are presented, rather than aggregates of "community owned or controlled lands" classified by another source.

8. Where possible, data points will be verified by in-country forest tenure specialists.

Main considerations used to compare 2002 and 2013 data in Table 1

There were four main considerations used in creating the framework for the 2002–2013 time series comparison in Table 1:

- Retrospective assessment of the tenure classifications based on updated definitions and new information about the tenure regimes represented in the data. For example, some of the data on forests lands "designated for Indigenous Peoples and local communities" presented in 2008 for Bolivia was found to overlap with forest land owned by Indigenous Peoples and local communities. Further review of the regime revealed that all the rights under "Territorio Indígena Originario Campesino" fell under the "owned" category.
- Retrospective discovery of improved 2002 data. In some cases, we discovered more accurate data for the 2002 table. For example, from Exclusion to Ownership presented data for 2002 for Canada that dated to 1994 and data from the United States that dated to 1992. Data from 2001 and 2002 were found for these respective countries.
- Changing definition of forest. For example, the forest area reported in the Russian Federation in *From Exclusion to Ownership* included other wooded lands. The 2013 data provided a current and past disaggregation of these categories and therefore reduced the national forest area from 886 Mha to 808 Mha for the 2002 data point.
- Exclusion of country cases where complete and reliable data were unavailable for both years (i.e. 2002 and 2013). For example, Venezuela has reportedly begun to implement a community tenure regime, but it has not been possible yet to disaggregate between forest and non-forest areas. Therefore the data point for 2013 remains unknown.

Legal Analysis of Community Tenure Regimes

Only national-level legally binding documents and regulations are considered in the legal analysis. It does not include subnational legislation or tenure regimes established by the government under non-legally binding policy instruments such as executive decrees. The analysis does, however, consider non-legally binding documents (decrees, executive orders, etc.) when they further implement or clarify the conditions under which rights, guaranteed by a constitution or other legislation, should be exercised. In such cases, the tenure regime in question is based on a legally binding document and these policy instruments provide details on how the regime should be implemented. Supporting literature and expert opinions have helped us to interpret and clarify the provisions of legally binding documents.

In reviewing national laws we do not endorse the argument that all rights emanate from the state. Rights held by Indigenous Peoples in particular must be upheld, despite the limits of statutory law, and states that have ratified UNDRIP and other human rights conventions and instruments have an obligation to do so.

The unit of analysis to measure the distribution of the "bundle of rights" is the community.[b] Only statutorily-recognized community-based property rights are considered in the legal analysis. Forest tenure rights held by states (including subnational and municipal governments), corporations or individuals within or outside communities are not considered in this study. The main reason not to include

individual rights is methodological. In many of the identified regimes, particularly where the state recognizes pre-existing customary rights (e.g. indigenous territories in Latin America, native titles in Australia, and lands under the Recognition of Forest Rights Act in India), the allocation of individual rights to forest resources is done according to traditional rights and customs. As a consequence, the accordance of rights to individuals varies greatly from community to community, making it virtually impossible to measure them systematically across countries.

Evaluation of the bundle of rights

This study does not endorse the notion that recognizing the entire bundle of rights is always the optimal outcome for all community tenure regimes, especially in the case of the right to alienate, the restriction on alienation can serve to protect the interests of Indigenous Peoples and local communities. The alienation of customary lands has often led to harmful consequences for the communities whose identity, culture, and livelihoods are deeply connected to it. Rather, the parameters of a particular tenure framework must be based on the more fundamental political human and civil rights of citizens and negotiated contextually.[c]

Data collection

The data were collected in two phases. The first phase was a desk study, during which we reviewed the academic literature and relevant legislation in each country to identify community tenure regimes and the rights held by communities to forest resources within these regimes.[d]

In the second phase, preliminary data for each country were submitted for review by at least two relevant experts, who verified the accuracy of the data, provided feedback, and suggested further information where it was needed.[e]

This verification guaranteed that the data were as complete as possible and that they were based on the most up-to-date laws and regulations. The feedback and comments of local experts also helped us to better understand the historical context and current debates around each of the identified tenure regimes.

Data comparison

Data were compared at the tenure regime level and not at the country level. The reason for this is that in most of the countries considered in this study, two or more tenure regimes were identified, many of which recognize different rights and often do so for different groups or populations. For example, a total of eight distinct tenure regimes were identified in Brazil. As demonstrated in Chapter 3, these regimes vary greatly in their scope, the rights recognized, and the demographics included.

[a] In terms of exclusion, this study maintains that exclusion should be an essential part of a statutory bundle of rights, for it allows communities to legally prevent encroachment on their lands and abuse of their resources by outsiders who would otherwise not consult them. The extent to which that right is observed should be determined by the rights-holders themselves. Many customary tenure systems have explicit norms that their societies must remain open to the immigration of outside individuals and households – so long as those immigrants acknowledge local authorities and comply with local rules. Many northern European statutory tenure systems have "open access" laws, allowing individuals to pass through privately-owned territories, but those laws tend to specifically restrict the extent to which those outside individuals can use the resources on that privately-owned land and forests before having so enter into an agreement with the owner(s).

[b] Barry, Deborah and Ruth Meinzen-Dick, 2008. Invisible Map: Community tenure rights. Food Policy. 1-27.

[c] In some contexts, the rigidity of community and social boundaries determined by exclusion rights and the fluidity of land enshrined in alienation rights can, in practice, increase the vulnerability of rural livelihoods and community rights.

[d] During this phase of the study we analyzed over 80 legal instruments.

[e] More than 90 reviewers assisted us with this phase of the study.

ANNEX 2 List of legislation consulted

Country	Legal Instruments	Year Enacted (Revised/Amended)
Bolivia	Constitución Política del Estado de Bolivia de 2009	2009
	Ley Forestal No. 1700 – Ley de 12 de julio de 1996	1996
	Ley No. 1.715 del Servicio Nacional de Reforma Agraria de 1996	1997
	Ley No. 3545 – Ley de 28 de noviembre de 2006 – Modificación de la Ley No. 1715 Reconducción de la Reforma Agraria	2006
	Ley No. 031 – Ley Marco de Autonomías y Decentralización 'Andrés Ibáñez'	2010
	Ley No. 71 – Ley de derechos de la madre tierra	2010
	Ley No. 144 – Ley de la revolución productiva comunitaria agropecuaria	2011
	Ley No. 300 – Ley de la madre tierra y desarrollo integral para vivir bien	2012
	Ley No. 337 – Ley de apoyo a la producción de alimentos y restitución de bosques	2013
	Decreto Supremo No. 29.215 de 2 de agosto de 2007 – Reglamento de la Ley No. 1.715 del Servicio Nacional de Reforma Agraria	2007
	Decreto Superior No. 24453 de 1996 – Reglamento de la Ley Forestal No. 1700	1996
	Decreto Supremo No. 27.572 de 17 de junio de 2004	2004
	Decreto Supremo No. 0727 de 2010	2010
Brazil	Constituição da República Federativa do Brasil de 1988	1988
	Lei No. 4.504 de 30 de novembro de 1964	1964
	Lei No. 6.001 de 19 de dezembro de 1973 – Estatuto do Índio	1973
	Lei No. 8629 de 25 de fevereiro de 1993	1993
	Lei No. 9.985 de 18 de julho de 2000	2000
	Lei No. 11284 de 2 de março de 2006	2006
	Lei No. 12.512 de 14 de outubro de 2011	2011
	Lei No. 12.651 de 25 de maio de 2012 – Novo Código Forestal	2012
	Decreto No. 1.775 de 8 de janeiro de 1996	1996
	Decreto Lei No. 59.428 de 27 de outubro de 1966	1966
	Decreto Lei No. 271 de 28 de fevereiro de 1967	1967
	Decreto No. 4340 de 22 de agosto de 2002	2002
	Decreto No. 4.887 de 20 de novembro de 2003	2003
	Decreto No. 6063 de 20 de março de 2007	2007
	Decreto No. 7.747 de 5 de junho de 2012	2012
	Instrução Normativa INCRA No. 15 de 30 de março de 2004	2004
	Instrução Normativa ICMbio No. 3 de 2 de setembro de 2009	2009
	Instrução Normativa INCRA No. 56 de 7 de outubro de 2009	2009
	Instrução Normativa INCRA No. 65 de 27 de dezembro de 2010	2010
	Instrução Normativa ICMBio No. 16 de 4 de agosto de 2011	2011
	Portaria INCRA No. 268 de 23 de outubro de 1996	1996
	Portaria INCRA No. 269 de 23 de outubro de 1996	1996
	Portaria INCRA No. 477 de 4 de novembro de 1999	1999
	Portaria INCRA No. 1.141 de 19 de dezembro de 2003	2003

Region: Africa Asia Latin America

Country	Legal Instruments	Year Enacted (Revised/Amended)
Cambodia	Law on Forestry of 2002 (NS/RKM/0802/016)	2002
	Land Law of 2001 (NS/RKM/0801/14)	2001
	Protected Area Law of 2007 (No. NS/RKM/0208/007)	2008
	Sub-Decree on Community Forestry Management of 2003	2003
	Sub-Decree on Procedures of Registration of Land of Indigenous Communities of 2009 (No. 83 ANK)	2009
Cameroon	Law No. 94/01 of 20 January 1994 on Forestry, Wildlife and Fisheries (1994 Forestry Law)	1994
	Decree No. 95/531/PM of 23 August 1995	1995
	Decree No. 95/466/PM of 20 July 1995	1995
	Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)	2011
	Arrêté conjoint No. 076/MINFI/MINATD/MINFOF fixant les modalités de planification, d'emploi et de suivi de la gestion des revenus provenant de l'exploitation des ressources forestières et fauniques, destinés aux communes et aux communautés riveraines	2012
China	The People's Republic of China Constitution	1982 (2004)
	Land Reform Law of the People's Republic of China	1950
	The Forest Law of the People's Republic of China	1984 (1998)
	Law of the People's Republic of China on Land Contract in Rural Areas	2002
	Land Management Law of the People's Republic of China	2002
	Property Law of the People's Republic of China	2007
	Guaranty Law of the People's Republic of China	1995
Colombia	Constitución Política de la República de Colombia de 1991	1991 (2005)
	Ley 21 de 1991	1991
	Ley 70 de 1993	1993
	Ley 99 de 1993	1993
	Ley 160 de 1994	1994
	Ley 1448 de 2011 – Ley de Víctimas y Restitución de Tierras	2011
	Decreto 2164 – Reglamento de Tierras para Indígenas	1995
	Decreto 1745 de 1995 – Propiedad Colectiva de las Tierras de las Comunidades Negras	1995
	Decreto 1791 de 1996 – Régimen de aprovechamiento forestal	1996
	Decreto Ley No. 4633 de 2011	2011
	Decreto Ley No. 4635 de 2011	2011
Congo, Republic of the	Loi No. 5-2011 portant la promotion et protection des droits des populations autochtones	2011
	Loi No. 16-2000 du 20 novembre 2000 – Code forestier	2000
	Décret No. 2002-437 du 31 décembre 2002	2002
	Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)	2013
Democratic Republic of the Congo	Loi No. 73-021 du juillet 1973 portant Régime général des biens, Régime foncier et immobilier et Régime des sûretés telle que modifiée et complétée par la Loi No. 80–008 du 18 juillet 1980	1973 (1980)
	Loi No. 011/2002 du 29 août 2002 portant code forestier en République Démocratique du Congo	2002
	Arrêté 28/08	2008
	Arrêté 24/08 fixant la procédure d'attribution des concessions forestières	2008
	Arrêté 13/2010 fixant le modèle d'accord constituant la clause sociale du cahier des charges du contrat de concession forestière	2010

Region: Africa Asia Latin America

Country	Legal Instruments	Year Enacted (Revised/Amended)
Gabon	Loi No. 16/01 du 31 décembre 2001 portant le code forestier de la République Gabonaise	2001
	Loi No. 003/2007 du 27 août 2007 relative aux parcs nationaux	2007
	Décret No. 001028/PR/MEFEPEPN du 1 décembre 2004 fixant les conditions de création des forêts communautaires	2004
	Décret No. 000692/PR/MEFPEPN du 2004 fixant les conditions d'exercice des droits d'usage coutumiers en matière de forêt, de faune, de chasse et de pêche	2004
	Ordonnance No. 011/PR/2008 modifiant et complétant certaines dispositions de la loi 16/01 du 31 décembre 2001 portant code forestier en République Gabonaise	2008
	Arrêté No. 018 MEF/SG/DGF/DFC fixant les procédures d'attribution et de gestion des forêts communautaires	2013
Guatemala	Constitución Política de Guatemala de 1985	1985
	Ley de Titulación Supletoria, Decreto 49-79	1979 (2005)
	Ley de Áreas Protegidas, Decreto 4-89	1989
	Ley Forestal de 1996	1996
	Ley del Chicle, Decreto 99-96	1996
	Ley de Registro Catastral de 2005	2005
	Reglamento de la Ley Forestal, Resolución 4/23/97	1997
	Reglamento del Registro Nacional Forestal, Resolución 1/43/05	2005
	Reglamento Específico Para Reconocimiento Y Declaración De Tierras Comunales, Resolución No. 123-001-2009	2009
Guyana	Amerindian Lands Commision Act (Chapter 59:03)	1969
	Amerindian Act (Chapter 29:01)	1976
	Constitution of the Co-operative Republic of Guyana, Act 1980	1980 (1996)
	Environmental Protection Act (Chapter 20:05)	1996
	State Lands Act, 1910	1910 (1997)
	Forest Act (Chapter 67:01)	1953 (1996)
	Forest Regulations (Chapter 67:01)	1953 (1972)
	Mining Act (Chapter 65:01)	1989
	Forests Act, 2009	2010
	Amerindian Act, 2006	2010
	Protected Area Bill, 2011	2011
India	The Indian Forest Act, 1927	1927
	The Forest (Conservation) Act, 1980	1980
	National Forest Policy, 1988	1988
	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006	2007
	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules	2008 (2012)
	Ministry of Environment and Forests, The Circular Concerning Joint Forest Management, No. 6-21/89-P.P	1990
	Ministry of Environment and Forests, Circular, F. No. 11-9/1998-FC (pt)	2009
	Ministry of Tribal Affairs, Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	2012

Region: Africa Asia Latin America

Country	Legal Instruments	Year Enacted (Revised/Amended)
Indonesia	Constitution of Indonesia	1945 (2002)
	Basic Forestry Law No. 41, 1999	1999
	Government Regulation No. 6, 2007	2007
	Government Regulation No. 3, 2008 – The amendment to government regulations No. 6, 2007	2008
	The Ministry of Forestry Regulation No. 23, 2007	2007
	Constitutional Court, PUTUSAN – Nomor 35/PUU-X/2012	2013
Kenya	The Constitution of Kenya, 2010	2010
	The Forests Act, 2005	2007
Liberia	The National Forestry Reform Law of 2006	2006
	The Community Rights Law of 2009 with Respect to Forest Lands	2009
	Regulations to the Community Rights Law of 2009 with Respect to Forest Lands	2011
Malaysia	Malaysian Federal Constitution of 1957	1957
	Aboriginal Peoples Act, 1954 (Act No. 134)	1954 (1974)
	National Forestry Act, 1984 (Act No. 313)	1984 (1993)
	Sabah's Land Ordinance (Cap. 68)	1975 (1997)
	Forest Enactment, 1968 (Sabah No. 2 of 1968)	1968 (1997)
	Forests Ordinance [Cap. 126 (1958 Ed.)]	1958 (2003)
	Sarawak Land Code	1958 (2000)
	National Forestry Act, 1984 (Act No. 313)	1984 (1993)
	Koperasi Kijang Mas v. Kerajaan Negeri Perak (1991) 1 CLJ	1991
	Adong Kuwau & Ors v. Kerajaan Negeri Johor & Anor, 1 MLJ 418 (1997)	1997
	Kerajaan Negeri Johor v. Adong bin Kuwau (1998) 2 MLJ 158	1998
	Sagong bin Tasi v. Kerajaan Negeri Selangor (2002) 2 MLJ 591	2002
	Kerajaan Negeri Selangor v. Sagong bin Tasi (2005) 6 MLJ 289	2005
Mexico	Constitución Política de los Estados Unidos Mexicanos del 1917	1917 (2010)
	Ley General de Cambio Climático	2012
	Ley de Desarrollo Forestal Sustentable	2003 (2012)
	Ley Agraria	1992 (2008)
Mozambique	Forestry and Wildlife Act	1999
	Land Law of 1997	1997
	Forestry Act Regulations	2002
	Decreto No. 11 de 2005 Regulamento da Lei dos Órgãos Locais do Estado	2005
	Decreto No. 43 de 2010 introduz alteração no Regulamento da Lei de Terras (No. 2 do artigo 27)	2010
	Diploma Ministerial No. 158 de 2011 que fixa os procedimentos a serem seguidos para a realização da consulta comunitária	2011
Nepal	Forest Act 2049, 1993	1995 (1999)
	National Parks and Wildlife Conservation Act, 1973	1973 (1993)
	Forest Regulation 2051, 1995	1995
	Buffer Zone Management Regulation 2052, 1996	1996
	Buffer Zone Management Guideline (2056-5-3)	1999

Region: Africa Asia Latin America

Country	Legal Instruments	Year Enacted (Revised/Amended)
Nigeria	Land Use Act, 1978	1978 (1990)
	National Forest Policy, 2006	2006
	Decree No. 46 – National Park Service Decree, 1999	1999
	Cross River State Forest Commission Bill, 2010	2010
Papua New Guinea	Constitution of the Independent State of Papua New Guinea (1975)	1975 (1991)
	Forestry Act, 1991	1992 (2005)
	Land Act, 1996	1996
	The 1996 Forestry Regulations	1996
	Incorporated Land Group (Amendment) Act (2009)	2012
	Voluntary Customary Land Registration (Amendment) Act (2009)	2012
	Environment Act, 2000	2012
Peru	Constitución Política del Perú, 1993	1993
	Decreto Ley No. 22175, 1978 – Ley de Comunidades Nativas y de Desarrollo Agrario de la Selva y de Ceja de Selva	1978
	Ley No. 24656, 1987 – Ley General de Comunidades Campesinas	1987
	Ley No. 26505, 1995 – 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	1995
	Ley No. 26821, 1997 – Ley Orgánica para el Aprovechamiento de los Recusos Naturales	1997
	Ley No. 26834, 1997 – Ley de Áreas Naturales Protegidas	1997
	Ley No. 27308, 2000 – Ley Forestal y de Fauna Silvestre	2000
	Ley No 27867, 2002 – Ley Orgánica de Gobiernos Regionales	2002 (2003)
	Ley No. 28736, 2006 – Ley para la protección de pueblos indígenas u originarios en situación de aislamiento y en situación de contacto inicial	2006
	Ley No. 29763/2011, Ley del derecho a la consulta previa a los pueblos indígenas reconocido en el Convenio 169 de la OIT	2011
	Ley No. 29763, Ley Forestal y de Fauna Silvestre	2011 (not in force)
	Decreto Supremo AG No. 014/2001 – Reglamento de la Ley Forestal y de Fauna Silvestre	2001
	Decreto Supremo AG No. 038/2001 – Reglamento de la Ley de Áreas Naturales Protegidas	2001
	Decreto Supremo MIMDES No. 008/2007	2007
	Decreto Supremo No. 001-2012-MC, Reglamento de la ley del derecho a la consulta previa a los pueblos indígenas reconocido en el Convenio 169 de la OIT	2012
	Resolución de Intendencia IRENA-IANP No. 019/2005 – Régimen Especial de administración de Reservas Comunales	2005
Tanzania	The Forest Act, 2002	2004
	The Land Act, 1999	2001
	The Village Land Act, 1999	2001
	Local Government District Authorities Act No. 7 of 1982 (as amended in 2000)	1982 (2000)
	The Wildlife Conservation (Wildlife Management Areas) Regulations	2012
Thailand	Arts 66-67, Constitution of The Kingdom of Thailand	2007
	Forest Act (1941)	1942
	National Park Act, B.E. 2504 (1961)	1961
	National Reserved Forest Act, B.E. 2507 (1964)	1964
	Wildlife Preservation and Protection Act, B.E. 2535 (1992)	1992
	Commerical Forest Plantation Act, B.E. 2535 (1992)	1992
	Regulation of the Prime Minister's Office on the Issuance of Community Land Title Deeds	2010

Region: Africa Asia Latin America

Country	Legal Instruments	Year Enacted (Revised/Amended)
Venezuela	Constitución de la República Bolivariana de Venezuela de 1999, Art. 119	1999
	Ley de Demarcación y Garantía del Habitat y Tierras de los Pueblos Indígenas	2001
	Ley Orgánica de Pueblos y Comunidades Indigenas	2002
	Ley de Bosques y Gestión Forestal (Decreto No. 6.070)	2008
	Ley de Bosque	2013
Vietnam	Law on Land of 2003	2003 (2004)
	Law on Forest Protection and Development of 2004	2005
	Decree No. 181-2004-ND-CP providing for implementation of Law on Land	2004
	Decree No. 23/2006 on the Implementation of the Law on Forest Protection and Development	2006
Zambia	Forest Act No. 39, 1973	1973
	The Lands Act, 1995	1995
	Zambia Wildlife Act No. 12	1998
	Local Forest (Control and Management) Regulations, Statutory Instrument No. 47, 2006	2006

Region: Africa Asia Latin America

ANNEX 3 Full table of regimes analyzed

Country	Tenure Regime	Year of Regime's Creation	Legislation confers rights to
Bolivia	Territorio Indígena Originario Campesino (Original Peasant Indigenous Territory)	1996 (2009)	Indigenous communities and villages or original inhabitants with legal recognition or who are in the process of acquiring legal recognition
	Propiedades Comunitarias (Communal Property)	1996 (2009)	Peasant communities, settlers, indigenous communities and villages and original dwellers
	Títulos Comunales para Comunidades Agro-extractivitas (Norte Amazónico) (Communal Titles for Agricultural-Extractivist Communities in the Northern Amazonian Region)	2004	Individual persons or collectivities who entered peacefully into an area and carried out activities to benefit from natural non-timber forests resources for at least 5 years before the enactment of the Forestry Law
	Agrupaciones Sociales del Lugar (ASL) (Location-Based Social Associations)	1996	Location-based communities organized by any of the legal recognition clauses described in the Law No. 1551 (April 20, 1994)
Brazil	Reserva Extrativista (RESEX)(Extractive Reserve)	2000	Traditional populations represented by a legal association registered with ICMBio
	Reservas de Desenvolvimento Sustentável (Sustainable Development Reserves)	2000	Traditional populations represented by a legal association registered with ICMBio
	Projeto de Assentamento Agro-Extrativista (PAE) (Agro-Extractivist Settlement Project	1996	Community of traditional population families that occupy the forestry area; in common property regime represented by an association, condominium or cooperative
	Projetos de Assentamento Florestal (Forest Settlement Projects (Unique to the nothern region)	2003	Communities engaged in sustainable family forestry with a common property regime represented by an association, condominium or cooperative
	Projeto de Desenvolvimento Sustentável (Sustainable Development Projects)	1999	Populations subsisting on extractive activities, family farming and other low-impact environmental activities in a common property regime represented by an association, condominium or cooperative
	Florestas Nacionais (FLONA)(National Forests)	2000	Traditional populations living in a FLONA at the time of its creation
	Territórios Quilombolas (Quilombola Communities)	1988	Quilombo communities represented by associations constituted legally
	Terras Indígenas (Indigenous Lands)	1988	Indigenous or aborigines people, represented by their own forms
Cambodia	Community Forests	2002	Communities living within or near the forest area of a Permanent Forest Reserve
	Community Protected Areas	2008	Communities residing within or adjacent to a Protected Area
	Indigenous Communities Land	2001	Indigenous Communities established as a legal entity
Cameroon	Community Forests (Forêts Communautaires)	1994	A community established in a legal form and represented by a management officer
China	Collective Ownership with Individual Property Rights to Forestland	1982	All members of the community in which the collective is formed
Colombia	Resguardos Indígenas (Indigenous Reserves)	1991	Indigenous communities represented by a legal authority
	Tierras de las Comunidades Negras (Afro-Colombian Community Lands)	1991	Afro-Colombian Communities constituted as a Community Council
Congo, Democratic Republic of the	Local Community Forest Concessions (LCFC) (Concessions Forestières Communautaires)	2002	Local Communities
Congo, Republic of the	Indigenous Populations' Land	2011	Indigenous Populations
Gabon	Forêts Communautaires (Community Forests)	2001	Local or rural village communities who are part of a recognized association
	Des Droits d'Usages Coutumiers (Customary Use Rights)	2001	Rural village communities living accoding to their ancestral traditions
	Contrat de Gestion de Terroir aux Parcs Nationaux (Management Contract with Local National Parks Administration)	2007	To be determined

Region: Africa Asia Latin America

For most data points:
✔ the law guarantees the right
✖ the law does not guarantee the right

Tenure Category	Tenure Area 2002	Tenure Area 2013	Duration	Access	Withdrawal (NTFP)	Withdrawal (Timber)	Management	Exclusion	Due Process and Compensation	Alienation (Lease)	Alienation (Collateral)	Alienation (Sale)
3	16.60	22.34	Unlimited	✓	✓	✓	✓	✓	✓	✗	✗	✗
3	0.01	0.56	Unlimited	✓	✓	✓	✓	✓	✓	✗	✗	✗
3	Not applicable	1.81	Unlimited	✓	✓	✗	✓	✓	✓	✗	✗	✗
2	1.58	0.47	40 years (extendable)	✓	✓	✓	✓	✓	✓	✓	Not available	✓
2	11.86	14.31	Limited	✓	✓	✓	–	✗	✓	✗	✗	✗
2		10.98	Limited	✓	✓	✓	–	✗	✓	✗	✗	✗
2		7.43	Limited	✓	✓	✓	✓	✓	✓	✗	✗	✗
2		0.23	Limited	✓	✓	✓	✓	✓	✓	✗	✗	✗
2		2.66	Limited	✓	✓	Not available	✓	✓	✓	✗	✗	✗
1	No data	No data	Limited	✓	✓	✓	✗	✗	✓	✗	✗	✗
3	0.77	1.00	Unlimited	✓	✓	✓	✓	✓	✓	✗	✗	✗
3	74.50	109.81	Unlimited	✓	✓	✓	✓	✓	✓	✗	✗	✗
2	0.00	0.21	15 years (renewable)	✓	✓	✓	✓	✓	✓	✗	✗	✗
2	Not applicable	No data	15 years	✓	✓	–	✓	✗	✗	✗	✗	✗
3	0.00	0.00	Unlimited	✓	–	–	✓	✓	✓	✗	✗	✗
2	0.00	1.18	Renewable every five years as long as the community continues to comply with the prescriptions of the Community Forest Management Agreement	✓	✓	✓	✓	✓	✓	✓	✗	✗
3	103.62	119.52	Unlimited	✓	✓	✓	✓	✓	✓	✓	✗	✗
3	24.50	26.49	Unlimited	✓	✓	✓	✓	✓	✓	✗	✗	✗
3		3.38	Unlimited	✓	✓	✓	✓	✓	✓	✗	✗	✗
2	Not applicable	0.00	25 years (renewable)	✓	✓	✓	✓	To be determined	✗	✓	✗	✗
2	Not applicable	0.00	Unlimited	✓	✓	✓	✓	✗	✓	✗	✗	✗
2	0.00	0.0039	Unlimited	✓	✓	✓	✓	✗	✗	✗	✗	✗
1	0.00	8.30	Unlimited	✓	–	–	✗	✗	✓	✗	✗	✗
1	Not applicable	0.00	To be determined	To be determined	To be determined	To be determined	To be determined	To be determined	To be determined	To be determined	To be determined	To be determined

For data on withdrawal rights:
- ✓ the law guarantees a commercial withdrawal right that is subject to the terms and limits of management plans and/or licenses and environmental and other legislation
- – the law only guarantees a subsistence withdrawal right
- ✗ the law does not guarantee the right

For data on management rights:
- ✓ the law guarantees the right to manage within the limits of management plans and environmental and other legislation
- – the law guarantees a community the right to participate on a management board
- ✗ the law does not guarantee the right

Country	Tenure Regime	Year of Regime's Creation	Legislation confers rights to
Guatemala	Concesiones Comunitarias (Community Concessions)	1996	Organized communities with legal status
	Tierras Comunales (Communal Lands)	1985	Indigenous or peasant communities as collective entities, with or without legal personality
Guyana	Community Forest Management Agreement (CFMA)	2010	Community groups
	Titled Amerindian Village Land	2010	Amerindian communities in existence for more than 25 years and comprised of at least 150 persons
India	Scheduled Tribes and Other Traditional Forest Dwellers Land	2007	Forest-dwelling Scheduled Tribes or other traditional forest dwellers on all forest lands, who occupied forest land before 13 December 2005
Indonesia	Adat Forest (Customary Law Forest)	1999 (2000)	Customary Communities with recognized existence
	Hutan Kemasyarakatan (Rural or Community Forest)	1995 (2007)	Rural institutions that can form a cooperative
	Kemitraan (Partnership)	2007	Local communities
	Hutan Tanaman Rakyat (People Plantation or People Plant Forest)	2007	Individuals, Households, or Village Cooperatives
Kenya	Community Lands	2010	Communities identified on the basis of ethnicity, culture or similar community of interest
	Community Permission to Participate in the Conservation and Management of a State Forest or Local Authority Forest	2007	Community Forest Associations registered under the Societies Act
Liberia	Communal Forests	2006	Local Communities or Tribes
	Community Forests	2006	Communities
Malaysia	None		
Mexico	Ejidos Localizados en Tierras Forestales (Ejidos Located on Forestlands)	1917	Ejidatarios (Typically, heads of ejido community households)
	Comunidades (Communities)	1917	Ejidatarios (Typically, heads of Ejido community households)
Mozambique	Zones of Historical and Cultural Use and Value	1999	Local communities
	Community DUATs Within Multiple Use Areas	1997	Local communities according to their customary practices
	Forest Concessions to Communities	1999	Local communities
Nepal	Community Forest	1993	Communities
	Community Leasehold Forest Granted to Communities	1993	Communities
	Religious Forests Transferred to a Community	1993	Communities registered pursuant to prevailing laws
	Buffer Zone Community Forest	1993	Registered User Committee
	Buffer Zone Religious Forest Transferred to a Community	1993	Communities
Nigeria	None		
Papua New Guinea	Common Customary Land	1975 (1991)	Customary Land Owners

Region: Africa Asia Latin America

For most data points:
✔ the law guarantees the right
✖ the law does not guarantee the right

Tenure Category	Tenure Area 2002	Tenure Area 2013	Duration	Access	Withdrawal (NTFP)	Withdrawal (Timber)	Management	Exclusion	Due Process and Compensation	Alienation (Lease)	Alienation (Collateral)	Alienation (Sale)
2	0.53	0.38	Up to 50 years (renewable)	✓	✓	✓	✓	✓	✓	✗	✗	✗
3	0.29	No data	Unlimited	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	Not applicable	0.00	Limited	✓	Case by case	Case by case	✓	Case by case	✓	Case by case	Case by case	Case by case
2	Not applicable	2.55	Unlimited	✓	✓	✓	✓	✗	✓	✓	✗	✗
3	Not applicable	1.90	Unlimited	✓	✓	✓	✓	✓	✓	✗	✗	✗
2	No data	No data	Unlimited	✓	✓	✓	✓	✗	✓	✗	✗	✗
2	0.22	0.06	Limited - 35 years (renewable)	✓	✓	✓	–	✓	✗	✗	✗	✗
1	Not applicable	No data	Limited	Case by case	Case by case	Case by case	Case by case	✗	✗	Not available	Not available	Not available
2	Not applicable	0.94	Up to 60 years	✓	✓	✓	✗	✓	✓	✗	✗	✗
1	Not applicable	0.00	To be determined	To be determined	To be determined	To be determined	To be determined	To be determined	To be determined	To be determined	To be determined	To be determined
1	Not applicable	0.21	Limited	✓	✓	✓	✗	✗	✗	✗	✗	✗
2	Not applicable	No data	Unlimited	✓	–	–	✓	✗	✗	✓	✗	✗
3	Not applicable	No data	Unlimited	✓	✓	✓	✓	✓	✓	✓	✗	✗
3	44.00	45.69	Unlimited	✓	✓	✓	✓	✓	✓	✓	✓	✓
3			Unlimited	✓	✓	✓	✓	✓	✓	✓	✓	✗
2	No data	No data	Unlimited	✓	–	–	✓	✗	✗	✗	✗	✗
3	No data	No data	Unlimited	✓	✓	✓	–	✓	✓	✗	✗	✗
2	No data	No data	Up to 50 years (Renewable for another 50)	✓	✓	✓	✓	✓	✓	✓	Not available	✓
2	0.99	1.65	Unlimited	✓	✓	✓	✓	✓	✗	✗	✓	✗
2	0.01	0.04	40 years (renewable)	✓	✓	✓	✓	✓	✗	✓	✗	✓
2	n.d	0.00027	Unlimited	✓	✓	–	✓	✗	✗	✗	✗	✗
2	0.02	0.08	Unlimited	✓	–	–	✓	✓	✗	✗	✗	✗
2	0.00	0.000004	Unlimited	✓	✗	–	✓	✗	✗	✗	✗	✗
3	29.19	27.87	Unlimited	✓	✓	✓	✓	✓	✓	✓	✓	✓

For data on withdrawal rights:

✓ the law guarantees a commercial withdrawal right that is subject to the terms and limits of management plans and/or licenses and environmental and other legislation

– the law only guarantees a subsistence withdrawal right

✗ the law does not guarantee the right

For data on management rights:

✓ the law guarantees the right to manage within the limits of management plans and environmental and other legislation

– the law guarantees a community the right to participate on a management board

✗ the law does not guarantee the right

Country	Tenure Regime	Year of Regime's Creation	Legislation confers rights to
Peru	Tierras de Comunidades Nativas con Aptitud Forestal (Native Community Forest Lands Suitable for Forestry)	1993	Legally recognized native Communities
	Reservas Comunales en suelo forestal (Communal reserves in Forest Land)	1997	Peasant or native communities belonging to indigenous or local populations which are organized and meet the criteria of neighborliness, traditional use of natural resources and conservation practices concerning biodiversity
	Tierras de Comunidades Campesinas con Aptitud Forestal (Peasant Community Forestlands Suitable for Forestry)	1993	Legally recognized peasant communities
	Reservas Indígenas (Indigenous Reserves)	2006	An Indigenous People in a situation of isolation or initial contact
Tanzania	(Non-reserved) Forests on Village Lands	1999	Village Assembly
	Village Land Forest Reserve (VLFR)	2002	Village Assembly
	Community Forest Reserves	2002	A Community Forest Management Group (CFMG)
	Joint Forest Management (JFM)	2002	Community Groups
Thailand	Constitutional Community Rights	2007	Community, a local community or a traditional community
	Community Land Use Permit	2010	Communities
Venezuela	Tierras Indígenas en Áreas Bajo Régimen de Administración Especial (ABRAE) (Indigenous in Special Administration Regime	1999	Indigenous people and communities
Vietnam	Forestland Allocated to Communities	2004	Village population communities
Zambia	Joint Forest Management Area (JFMA)	2006	Forest Committee

Region: Africa Asia Latin America

* Village Land Forest Reserves are lands formerly in the non-reserved category, hence the decline in the area between 2002-2013.

For most data points:
✔ the law guarantees the right
✖ the law does not guarantee the right

Tenure Category	Tenure Area 2002	Tenure Area 2013	Duration	Access	Withdrawal (NTFP)	Withdrawal (Timber)	Management	Exclusion	Due Process and Compensation	Alienation (Lease)	Alienation (Collateral)	Alienation (Sale)
3	10.52	12.04	Unlimited	✓	✓	✓	✓	✓	✓	✗	✗	✗
2	No data	1.75	Unlimited	✓	✓	✓	✓	✗	✓	✗	✗	✗
3	No data	0.75	Unlimited	✓	✓	✓	✓	✓	✓	✓	✓	✗
3	Not applicable	2.81	Unlimited	✓	–	–	✓	✓	✓	✗	✗	✗
2	16.60	14.25*	Unlimited	✓	✓	✓	–	✗	✓	✗	✗	✗
2	Not applicable	2.35	Unlimited	✓	✓	✓	–	✗	✗	✗	✗	✗
2	No data	No data	Unlimited	✓	✓	✓	–	✗	✗	✗	✗	✗
2	0.07	4.40	Limited	✓	✓	✓	–	✗	✓	Not available	Not available	Not available
2	Not applicable	0.51	Not applicable	✓	–	✗	–	✗	✓	✗	✗	✗
2	Not applicable	No data	Limited	✓	✓	✓	✗	✓	✗	✗	✗	✗
2	No data	No data	Unlimited	✓	✓	✓	✓	✗	✓	✗	✗	✗
2	Not applicable	0.30	50 years (renewable)	✓	✓	✓	✓	✓	✓	✗	✗	✗
1	Not applicable	0.00	Limited	✗	Case by case	Case by case	–	✗	✗	✗	✗	✗

For data on withdrawal rights:

✓ the law guarantees a commercial withdrawal right that is subject to the terms and limits of management plans and/or licenses and environmental and other legislation

– the law only guarantees a subsistence withdrawal right

✗ the law does not guarantee the right

For data on management rights:

✓ the law guarantees the right to manage within the limits of management plans and environmental and other legislation

– the law guarantees a community the right to participate on a management board

✗ the law does not guarantee the right

ENDNOTES

[1] Chhatre, Ashwini and Arun Agrawal. 2009. Trade-offs and synergies between carbon storage and livelihood benefits from Forest Commons. PNAS 106 (42): 17667–17670; Porter-Bolland, Luciana, Edward A. Ellis, Manuel R. Guariguata, Isabel Ruiz-Mallén Simoneta, Negrete-Yankelevich and Victoria Reyes-García. 2012. Community-managed protected areas: An assessment of their conservation effectiveness across the tropics. Forest Ecology and Management. 268, p. 6-17; Nelson, Andrew and Kenneth Chomitz. 2011. Effectiveness of strict vs. multiple-use areas in reducing tropical forest fires. PLoS One 6 (8): e22722; Nolte, Christoph, Arun Agrawal, Kirsten M. Silvius and Britaldo S. Soares-Filho. 2013. Governance regime and location influence avoided deforestation success of protected areas in the Brazilian Amazon. PNAS 110 (13): 4956–4961.

[2] Given that in most countries, governments retain the right to exploit subsoil resources on both private and common land, the exclusion right in this analysis does not include the right to exclude others from exploring subsoil resources.

[3] The order of countries is based on the *FAO Global Forest Resources Assessment 2010* as the source of forest area data. Since RRI data is compiled and verified by multiple sources the area reported may not exactly correspond with FAO data.

[4] Sudan and South Sudan's forest area combined represents the 10th largest in the world; however these areas have not yet been dis-aggregated, and are therefore ranked as Sudan would have been pre-partition.

[5] All forests in the Russian Federation legally remain under Government Administration. Data from: Forest Resources of Russia as cited in FAO. 2010a. Global Forest Resources Assessment, Country Report Russia. Country Report 173. FAO. Rome, 15.

[6] Government Administered areas calculated as follows: Areas Protegidas and Terras Devolutas, minus the area Designated for and Owned by Indigenous Peoples and other communities. Data for Areas Protegidas and Terras Devolutas from: Lentin, Marco, Adalberto Verissimo, Leonardo Sobral. 2003. Fatos Florestais da Amazonia 2003. IMAZON, Belém, 21. (as cited in Sunderlin et al. 2008.)

[7] Government Administered areas calculated as follows: Total public forest area (Destinado and Nao Destinado) minus the area Designated for and Owned by IPs and local communities. Data from: SFB. 2013. Plano Anual de Outorga Florestal 2013. Ministério do Meio Ambiente, Serviço Florestal Brasileiro, Brasília (SFB), 36.

[8] Calculated based on a sum of the forest area under the following tenure regimes and refers to the legal amazon only. In Federal forests: Reserva de Desenvolvimento Sustentável, and Reserva Extrativista; In State forests: Floresta Extrativista, Floresta de Rendimento Sustentado, Reserva de Desenvolvimento Sustentável, Reserva Extrativista, and Projeto de Desenvolvimento Sustentável. ISA. 2007. "Amazônia Brasileira 2007." Instituto Socioambiental (ISA), São Paulo. (as cited in Sunderlin et al. 2008.)

[9] Calculated based on a sum of the forest area under following tenure regimes and refers to the legal amazon only. Reservas de Desenvolvimento Sustentável, Reservas Extrativista,Projeto de Assentamento Agro-Extrativista, Projetos de Assentamento Florestal, and Projeto de Desenvolvimento Sustentavel. Data for Reservas Extravistas and Reservas de Desenvolvimento: SFB. 2013. Florestas do Brasil em resumo - 2013: dados de 2007-2012. Ministério do Meio Ambiente, Serviço Florestal Brasileiro (SFB), Brasília, 66-67. Data for Projeto de Assentamento Agro-Extrativista, Projetos de Assentamento Florestal, and Projeto de Desenvolvimento Sustentavel: CNFP/Servico Florestal Brasileiro (SFB). 2010. As cited in: Government of Brazil. 2010. Plano Anual de Manejo Florestal Comunitário e Familiar 2011. Servico Florestal Brasileiro, Brasília, 28.

[10] Refers to Territórios Quilombolas and Terras Indígenas. Territórios Quilombolas titles include forest and non-forestlands, data does not disaggregate by land type, however there is a significant overlap between Territórios Quilombolas and forest lands. Data Includes titles established prior to December 2002 from: Government of Brazil. 2013. Títulos Expedidos às Comunidades Quilombolas. Instituto Nacional de Colonização e Reforma Agrária (INCRA). Accessed July 8, 2013. http://www.incra.gov.br/index.php/estrutura-fundiaria/quilombolas/file/108-titulos-expedidos-as-comunidades-quilombolas. Data for Terras Indígenas from: Tresierra, Julio. 1999. Rights of Indigenous Peoples over Tropical Forest Resources. Inter-American Development Bank, Washington DC. (as cited in White and Martin 2002).

[11] Refers to Territórios Quilombolas (see note above) and Terras Indígenas. Data for Territórios Quilombolas from: Government of Brazil 2013. Data for Terras Indígenas from: SFB 2013: 66-67.

[12] Refers to area of woods and forests in agriculture and livestock establishments in Brazil, from the 1995 Agriculture and Livestock Census. Data from: IBGE. 1995. as cited in FAO. 2010b. Global Forest Resources Assessment, Brazil Country Report, July 2009. Food and Agriculture Organization of the United Nations, Rome, 23.

[13] Refers to area of woods and forests in agriculture and livestock establishments in Brazil, from the 2006 Agriculture and Livestock Census. Data from: IBGE 2006. as cited in FAO 2010b: 23.

[14] Other Wooded Lands (OWL) are included in total forest area. Non-disaggregated findings for tenure categories were unavailable.

[15] Calculated as the total public forest area minus federal crown native lands. Data from: Canada's Forest Inventory 2001. As cited in FAO. 2005a. Global Forest Resources Assessment 2005, Country Report Canada. Country Report 067, Food and Agriculture Organization of the United Nations. Rome, 11.

[16] Calculated as the total forest area in 2012 minus area "designated for and owned by Indigenous Peoples and other communities" and "owned by individuals and firms." Data from: Canada's National Forestry Inventory (NFI). 2012. "National Forestry Inventory". National Forestry Database. Accessed October 24, 2013. http://nfdp.ccfm.org./inventory/background_e.php.

[17] Refers to area under Forest Nation Woodland Licenses. Data from: BC First Nations Forestry Council. 2012. Recent Policy Changes in BC and Implications to First Nations. First Nations Forestry Council. Accessed October 16, 2013. http://www.fnforestrycouncil.ca/downloads/recent-policy-changes-march-2012.pdf.

[18] Refers to forests on Federal Crown Native Lands. Data from: Canada's Forest Inventory 2001. As cited in FAO 2005a: 11.

[19] Calculated as the forests on Federal Crown Native Lands in 2001, plus forested area under Tlicho Agreement and Tsawwassen First Nation Treaty. Federal Crown Native lands data from: Canada's Forest Inventory 2001. As cited in FAO. 2005a: 11. Tlicho Agreement data from: Van der Wielen, Sjored. 2013. Personal Communication. GIS Technician, Tlicho Government, October 2013. Tsawwassen Treaty data from: Tsawwassen First Nation. 2009. "Tsawassen First Nation Land Use Plan". AECOM Technology Corporation.

[20] Canada's Forest Inventory 2001. As cited in FAO 2005a:11.

[21] Calculated based on information on the total forest area and tenure distribution found in: Natural Resources Canada. 2012. State of Canada's Forests: Annual Report. Natural Resources Canada, Ottawa, 19.

[22] Smith, Brad, Patrick D. Miles, John S. Vissage, and Scott A. Pugh. 2004. Forest Resources of the United States 2002. US Department of Agriculture, Forest Service, North Central Research Station, St. Paul, 32.

[23] Smith, Brad, Patrick D. Miles, Charles H. Perry, and Scott A. Pugh. 2009. Forest Resources of the United States, 2007. WO-78. US Department of Agriculture, Forest Service, Washington Office, Washington DC, 156.

[24] Refers to forests on trust and non-trust lands. Data from: United States Bureau of Indian Affairs (BIA). 2002. 2002 Catalog of Forest Acres. United States Department of Interior, Washington DC.

[25] Refers to forests on trust and non-trust lands. Data from: United States Bureau of Indian Affairs (BIA). 2013. 2013 Catalog of Forest Acres. United States Department of Interior, Washington DC.

[26] Calculated as the total private forest area minus area "owned by Indigenous Peoples and other communities." Data from: Smith et al. 2004: 32.

[27] Calculated as the total private forest area minus area "owned by Indigenous Peoples and other communities." Data from: Smith et al. 2009: 156.

[28] Refers to state-owned forests. Data from: Sixth National Forest Inventory of China. 2001. As cited in FAO. 2010c. "Global Forest Resources Assessment 2010, Country Report China." Country Report 042. FAO. Rome, 19.

[29] Refers to state-owned forests. Data from: Seventh National Forest Inventory of China. 2006. As cited in FAO 2010c: 19.

[30] Refers to area under Collective Ownership and includes forests managed by households. Legal analysis deemed that rural land remains the property of the collective, even when management and use rights are devolved to village households, corporations, or other individual owners. Data from: Sixth National Forest Inventory of China 2001. As cited in FAO 2010c: 19.

[31] Refers to area under Collective Ownership tenure regime, includes forests managed by households. (See note above). Seventh National Forest Inventory of China. 2006. As cited FAO 2010c: 19.

[32] All forests remain under government administration. Data from: FAO. 2010d. Global Forest Resources Assessment 2010, Country Report Democratic Republic of the Congo. Country Report 054. FAO. Rome, 13.

[33] Calculated as the sum of forest area under the following categories: leasehold forest, multiple-use public forest, nature conservation reserves, other crown land, and unresolved tenure. Data from: National Forest Inventory. 2003. as cited in DAFF. 2003. State of Forests Report 2003. Department of Agriculture, Fisheries, and Forestry, Bureau of Rural Sciences, Canberra, 38.

[34] Calculated as the sum of forest area under the following categories: leasehold forest, multiple-use public forest, nature conservation reserves, other crown land, and unresolved tenure. Data from: DAFF. 2008. Australia's State of the Forests Report 2008. Department of Agriculture, Fisheries, and Forestry, Bureau of Rural Sciences, Canberra, 10.

[35] Refers to forest area under Aboriginal ownership. Data from: Indigenous Land Corporation (ILC). Indigenous Land Corporation Corporate Plan 2003–06", as cited in DAFF. 2008

[36] Data from ILC as cited in DAFF 2008.

[37] Calculated as the total private forest area, minus area "owned by Indigenous Peoples and local communities." Data from: National Forest Inventory 2003, as cited in DAFF 2003: 38.

[38] Calculated as the total private forest area, minus area "owned by Indigenous Peoples and local communities." Data from: DAFF 2008: 10.

[39] Calculated as the total forest area in 2000 minus area "designated for and owned by Indigenous Peoples and local communities" and area "owned by individuals and firms." Data from: as cited in FAO. 2010e. Global Forest Resources Assessment 2010, Country Report Indonesia. Country Report 095. FAO. Rome. 10.

[40] Calculated as the total forest area in 2010, minus area "designated for and owned by Indigenous Peoples and local communities" and area "owned by individuals and firms." Data from: Ministry of Forests, Land Cover Recalculation as cited in FAO. 2010e: 10.

[41] Refers to area under Hutan Kemasyarakatan tenure regime located in "production and protection forests." Data from: FAO. 2006a. Land Tenure Matrix: Indonesia, Forest Tenure Assessment and MOF. 2008. Statistik Kehutanan 2007 (as cited in Dahal, Ganga Ram, Julian Atkinson and James Bampton. 2011. Forest Tenure in Asia: Status and Trends. Kuala Lumpur: The European Union Forest Law Enforcement, Governance and Trade Facility).

[42] Refers to area under Hutan Kemasyarakatan and Hutan Tanaman Rakyat tenure regimes in production and protection forests. Data from: Government of Indonesia. 2010. Situation of HKm 2007-2010 and the Directorate General of Area Rehabilitation and Social Forestry, Ministry of Forestry, Jakarta. As cited in Dahal et al. 2011.

[43] 2002 figure as cited in Dahal et al. 2011.

[44] 2010 figure as cited in Dahal et al. 2011.

[45] It has not been methodologically possible to disaggregate between forests in Sudan and forests in South Sudan; as a result 2013 data is not available for either country. 2002 Sudan data from: World Bank/UNDP. 1988. Energy Sector Management Assistance Program, Sudan Activity Completion Report. No. 073/88, World Bank and United Nations Development Program (UNDP). (As cited in White and Martin 2002).

[46] Since South Sudan only became independent in 2011, there is no data point available for 2002. It has not been methodologically possible to disaggregate between Sudan and South Sudan's forest areas; as a result 2013 data is not available for either country.

[47] Calculated as the total forest area in 2002 minus area "designated for and owned by Indigenous Peoples and local communities" and the area "owned by individuals and firms." Data from: Forest Survey of India. 2003. As cited in FAO. 2010f. Global Forest Resources Assessment 2010, Country Report India. Country Report 094, Food and Agriculture Organization of the United Nations, Rome. 7.

[48] Calculated as the total forest area in 2011 minus area "designated for and owned by Indigenous Peoples and local communities" and the area "owned by individuals and firms." Data from: Forest Survey of India. 2011. India State of Forests Report. Ministry of Environment and Forests. Dehra Dun. 16.

[49] Refers to forest area under Joint Forest Management. Data from: Government of India. 2002. As cited in Damodaran, Appukttannair and Engel, Stefanie. 2003. Joint Forest Management in India: Assessment of Performance and Evaluation of Impacts. ZEF Discussion Papers on Development Policy No. 77, Zentrum für Entwicklungsforschung (ZEF) - Center for Development Research. Bonn. 12.

[50] Refers to forest area under Joint Forest Management. Data from: United Nations Forum on Forests. 2012. Voluntary National Reports – India. Questionnaire Completed by Ministry of Environment and Forests, 16.

[51] Refers to forest area under the Scheduled Tribes and other Traditional Forest Dwellers tenure regime. Data from: Government of India. 2013. Status report on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Government of India, Ministry of Tribal Affairs. 3.

[52] Forest Survey of India. 2003. as cited in FAO. 2010f : 13.

[53] Forest Survey of India. 2005. as cited in FAO. 2010f : 13.

[54] Calculated as the sum of forest area under the following categories: Permanent Production Forest, Conservation Concessions, Protected Areas and Others. Data from: National Forest Authority 2000. as cited in: FAO. 2010g. Global Forest Resources Assessment, Peru Country Report. Country Report 163, FAO. Rome. 22.

[55] Refers to the sum of forest area under the following categories Permanent Production Forest, Non-timber Forest Product Concessions, Conservation Concessions, Protected Areas, Protected Area Buffer Zones and Others. Area under Reservas Communales tenure regime has been subtracted from this data point. Reservas Communales are located within protected areas. Data from: National Forest Authority. 2010. as cited in: FAO. 2010g: 22.

[56] Refers to Reservas del Estado. Data from: National Forest Authority. 2000. As cited in FAO. 2010g: 22.

[57] Refers to Reservas del Estado and Reservas Comunales en suelo forestal. Data for Reservas del Estado from: National Forest Authority 2010. as cited in FAO 2010g: 22. Data for Reservas Comunales en suelo forestal from: IBC. 2009. Mapa Amazonía Peruana 2009. Instituto del Bien Común (IBC), Accessed on June 6, 2013. http://www.ibcperu.org/mapas/mapa-ibc.php

[58] Refers to forest area under Tierras de Comunidades Nativas con aptitud Forestal tenure regime. Data from: National Forest Authority 2000. as cited in FAO 2010g: 22.

[59] Calculated as the sum of forest area under the following tenure regimes: Tierras de Comunidades Nativas con aptitud Forestal, Tierras de Comunidades Campesinas con aptitud Forestal, and Reservas Indigenas. Data for Tierras de Comunidades Nativas con aptitud Forestal and Tierras de Comunidades Campesinas from: National Forest Authority 2010. as cited in FAO 2010g: 22. Data for Reservas Indigensas from IBC. 2009.

[60] Refers to Predios Privadas, area may not be entirely forested. Data from: FAO. 2005b. Global Forest Resources Assessment, Peru Country Report. Country Report 201 FAO. Rome. 29.

[61] Figure refers to forests on industrial and smallholder private lands. Data from: Government of Peru. 2009. as cited in ITTO. 2011. Status of Tropical Forest Management 2011. Technical Series 38, International Tropical Timber Organization (ITTO), Yokohama, 365.

[62] El Subsector Forestal en México. 1998. Consejo Técnico Consultivo Nacional Forestal. As cited in White and Martin 2002.

[63] INEGI. 2007. As cited in FAO. 2010h. Global Forest Resources Assessment, Country Report Mexico. Country Report 132. FAO. Rome. 22.

[64] Refers to area of Ejidos and Comunidades covered by forest; includes both communal-use and household/individual titled lands. Data from: El Subsector Forestal en México 1998.

[65] Calculated based on information on the total forest area and tenure distribution found in: INEGI. 2008. Resultados Preliminares de IX Censo Ejidal. Intituto Nacional de Estadistica Geografía e Informática (INEGI). Mexico.

[66] El Subsector Forestal en México 1998.

[67] INEGI 2007. as cited in FAO 2010h: 22.

[68] Calculated as the total forest area in 2000 minus area "owned by Indigenous Peoples and local communities." Data from: Instituto de Hidrología, Meteorología y Estudios Ambientales (IDEAM) as cited in FAO. 2010i. Global Forest Resources Assessment 2010, Country Report Colombia. Country Report 043, FAO. Rome. 11.

[69] Calculated as the total forest area in 2010 minus area "owned by Indigenous Peoples and other communities." Data from: IDEAM as cited in FAO 2010i: 11.

[70] Refers to forest area under the Resguardos Indigenas and Tierras de las Comunidades Negras tenure regimes. Data from: Ng'weno, Bettina. 2000. On Titling Collective Property, Participation and Natural Resource Management: Implementing Indigenous and Afro-Colombian Demands, A Review of Bank Experience in Colombia. World Bank. Washington DC. As cited in White and Martin. 2002.

[71] Refers to forest area under Resguardos Indigenas and Tierras de las Comunidades Negras tenure regimes. Data from IGAC. 2010. As cited in New Pressures on Forest and Community Lands: The Case Study of Latin America. Rights and Resources Initiative. Presentation prepared for Next Generation of Forest Agency Leaders Conference, Oaxaca. Slide 12.

[72] All forests in Angola were under government administration in 2002. Data from: FAO. 2010j. Global Forest Resources Assessment 2010, Country Report Angola. Country Report 006. FAO. Rome. 11.

[73] Refers to total forest area reported in 2010 minus the area "designated for Indigenous Peoples and local communities." FAO. 2010j: 11.

[74] Refers to the Comunidad de Julia, a community in the forested Huambo Province which has obtained a community title from the government. An additional nine communities have received titles but area data is not available. The area for these additional titles is less than 10,000 hectares. Carranza, Francisco. 2013. Personal Communication. Corrdenador Projecto Terra. FAO. October 2013. Data from: FAO. 2013. Delimited Rural Communities, Huambo Province, Angola [GIS Shapefile]. FAO. October 2013.

[75] Calculated as the total forest area in 2000 minus area "designated for and owned by Indigenous Peoples and local communities," and area "owned by individuals and firms." Data from: Government of Bolivia statistics. 2002. As cited in FAO. 2010k. Global Forest Resources Assessment 2010, Country Report Bolivia. Country Report 025. FAO. Rome. 10.

[76] Calculated as the total forest area in 2010 minus area "designated for and owned by Indigenous Peoples and local communities," and area "owned by individuals and firms." Data from: Government of Bolivia statistics 2010. As cited in FAO. 2010k.

[77] Refers to forest area under the Agrupaciones Sociales del Lugar tenure regime. Cumulative total for area aggregated between 1997 and 2002. Data from: Government of Bolivia and FAO. 2007. Base de datos sobre el Sector Forestal de Bolivia 1997-2006. DG for Forest Resources.

[78] Refers to Agrupaciones Sociales del Lugar "vigentes" larger than 200 ha. Data from: ABT. 2010, unpublished data. As cited in, LIDEMA. 2010. Informe del Estado Ambiental de Bolivia 2010. Liga de Defensa del Medio Ambiente (LIDEMA), 329.

[79] Calculated as the sum of the forest area under the following tenure regimes: Teritorio Indigena Originario, and Propiedades Comunitarias. Data for Teritorio Indigena Originario from: White and Martin 2002. Data for Propiedades Comunitarias from Government of Bolivia and FAO 2007.

[80] Calculated as the sum of forest area under the following tenure regimes: Teritorio Indigena Originario, Propiedades Comunitarias, and Títulos Comunales para Comunidades Agro-extractivitas. Data for Teritorio Indigena Originario and Propiedades Comunitarias from: Fundacion Tierra. 2011. Territorios Indígena Originario Campesinos en Bolivia Entre la Loma Santa y la Pachamama. Fundacion Tierra, La Paz, 46/130. Data for Títulos Comunales para Comunidades Agro-extractivitas from: Unpublished data from National Institue for Agrarian Reform (INRA). 2007. 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. Center for International Forestry Research (CIFOR), Bogor, Indonesia, 38.

[81] Government of Bolivia and FAO 2007.

[82] ABT. 2010, unpublished data as cited in LIDEMA. 2010: 329.

[83] Refers to total forest area in 2000. Data from: Zambia Forest Department as cited in FAO. 2010l. Global Forest Resources Assessment 2010, Country Report Zambia. Country Report 233. FAO. Rome. 10.

[84] Refers to total forest area in 2010. Data from: Zambia Forest Department as cited FAO 2010l.

[85] Legal mechanism for Joint Forest Management (JFM) exists, but JFM never went beyond the piloting phase. All pilots have expired, and the law is currently being amended. (Mwitwa, Jacob. 2013. Personal Communication. School of Natural Resources, Copperbelt University, Zambia. July 2013). Communities' rights under JFM remain unclear; therefore JFM pilots are not included in the 2002 area reserved for Indigenous Peoples and local communities.

[86] All forests in Venezuela were under government administration in 2002. Data from: FAO. 2005c. Global Forest Resource Assessment, Country Report Venezuela. Country Report 227. FAO. Rome, 11.

[87] Research indicates that several titles have been granted to communities through the ABARE tenure regime. As of March 2013 the area under ABRAE titles was 1,024,348 hectares. This figure does not disaggregate for forested areas. Data from: SiBCI. 2013. Etnias indígenas reciben títulos de demarcación de hábitat y tierras, (SIBCI). Accessed December 3, 2013. www.vtv.gob.ve/articulos/2013/03/27/etnias-indigenas-reciben-titulos-de-demarcacion-de-habitat-y-tierras-1190.html.

[88] The reason no data is given is that DUAT rights do not need to be formalized nor proven to be effective; they exist within the law. Communities may choose to formalize these rights through a process of community land delimitation which culminates in the issuance of a certificate provided by the state, or through a request by a community to the state for a Community Land Title, a process which involves demarcation. Data exists on the extent of these delimited and demarcated rights, but that would grossly underestimate the total legal area owned by communities.

[89] Coetzee, H and Alves T. 2005 as cited in FAO. 2010m. Global Forest Resources Assessment, Country Report Mozambique. Country Report 140. FAO. Rome. 14.

[90] Coetzee, H and Alves T. 2005 as cited in FAO. 2010m: 14.

[91] Calculated as total forest area in 2000, Data from: Ministry of Natural Resources and Tourism as cited in FAO. 2010n. Global Forest Resources Assessment 2010, Country Report Tanzania. Country Report 222, FAO. Rome. 14.

[92] Refers to area classified as government forest reserve, minus area under Joint Forest Management (JFM). Data from: Interview Notes with (Haki Ardhi, Ministry of Lands, MNRT) and Blomley & Said Iddi. 2009 as cited in Caldecott et al. 2013. Scoping Mission for a Possible Renewable Natural Resource Economic Governance Programme in Tanzania. Gaia Consulting Oy, Helsinki, Finland.

[93] Includes area under Joint Forest Management (JFM) and Unreserved Forests on Village lands. Data for Joint Forest Management from: Masayanyika & Mgoo. 2001. as cited in Meshack, Charles, Bhim Ahdikari, Nike Doggart, and Jon C. Lovett. 2006. Transaction Costs of Community-Based Forest Management: Empirical Evidence from Tanzania. African Journal of Ecology, Blackwell Publishing Ltd. 2. Data for Unreserved forests on village lands from: Caldecott, J. 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.

[94] Includes area under JFM and reserved and unreserved village forests. Data from: Caldecott et al. 2013.

[95] Sunderlin et al. 2008 classified Village Land Forest Reserves as "owned by Indigenous Peoples and local communities," however additional research found that the Village Land Forest Reserves regime does not recognize communities' right to legally exclude outsiders from encroaching on their resources. Area data is now classified as "designated for Indigenous Peoples and local communities."

[96] Ministry of Natural Resources and Tourism as cited in FAO. 2010n: 77.

[97] Ministry of Natural Resources and Tourism as cited in FAO. 2010n: 77.

[98] Refers to total forest area in 2000 minus the area "designated for Indigenous Peoples and local communities." Data from: Government of Myanmar, as cited in FAO. 2010o. Global Forest Resources Assessment 2010, Country Report Myanmar. Country Report 141. FAO. Rome. 8.

[99] Refers to total forest area in 2010 minus the area "designated for Indigenous Peoples and local communities." Data from: Government of Myanmar, as cited in FAO 2010o: 8.

[100] Refers to the sum of Community Forest areas established between 1996 and 2002. Data from: Planning and Statistics Division, Forest Department as Cited in Tint, Kyaw, Oliver Springate-Baginski, Mehm Ko Ko Gyi. 2011. Community Forestry in Myanmar: Progress and Potentials. Ecosystem Conservation and Community Development Initiative, Yangon, 23.

[101] Refers to the sum of Community Forest areas established between 1996 and 2010. Data from: Planning and Statistics Division, Forest Department as cited in Tint et al. 2011: 23.

[102] World Bank. 1993. Argentina Forestry Sector Review. Report 11833-AR, World Bank, Washington DC. As cited in White and Martin. 2002.

[103] Calculated based on information on the tenure distribution found in: Overseas Development Institute. 2007. What can be learnt from the past? A history of the forestry sector in Papua New Guinea. Papua New Guinea Forest Studies 1. London: Overseas Development Institute p.1. This tenure distribution was applied to Papua New Guinea's total forest area for 2000 and 2010 found in: National Forest Service, as cited in FAO. 2010p. Global Forest Resources Assessment 2010, Country Report Papua New Guinea. Country Report 161. FAO. Rome. 11/14.

[104] Swedish National Board of Forestry (SNBF). 2002. Statistical Yearbook of Forestry 2002, Jönköping, as cited in Sunderlin et al. 2008.

[105] Refers to the sum of area under the following tenure categories: State, State Owned Company and Other Public owners. Data from: Swedish Forest Agency. 2013. Swedish Statistical Yearbook of Forestry 2013. Skogsstyrelsen: Swedish Forest Agency, Jönköping, 35.

[106] The Reindeer Husbandry Act of 1971 grants Sami populations the exclusive right to reindeer herding in their lands in Sweden. Research has found no available spatial data available on the extent of forestlands covered by this regime.

[107] Refers to the area of productive forestlands located in the forest commons. Data from: Calsson, Lars. 1995. as cited in Holmgren, Eva. 2009. Forest Commons in Boreal Sweden: Aims and Outcomes of Forest Condition and Rural Development. Doctoral Thesis, Department of Forest Resource Management, Swedish University of Agricultural Sciences, Umeå, 28.

[108] Calculated as the forest area under private ownership minus the area under forest commons. Data from: Swedish National Board of Forestry (SNBF) 2002.

[109] Refers to the sum of the forest area under the following ownership classes: Owned by Companies, Individuals, and other private owners. Data from: Swedish Forest Agency. 2013:35.

[110] Government administrated forest area calculated based on sum of National forest and Publically Owned Forest. Data from: Japanese Forestry Agency and Prefectural Governments. 2002. as Cited in FAO. 2010r. Global Forest Resources Assessment 2010, Country Report Japan. Country Report 103. FAO. Rome, 10.

[111] Government Administrated forest area calculated based on sum of forest area owned by national government and other publicly owned forests. Data extracted from: Ministry of Agriculture, Forestry and Fisheries (MAFF), 2013. "87th Statistical Yearbook of Ministry of Agriculture, Forestry and Fisheries" Statistical Tables, Forest Land Area (Table: X,3,(2),b). Accessed June 25, 2013. www.maff.go.jp/e/tokei/kikaku/nenji_e/87nenji/index.html#nse010.

[112] Sunderlin et al. 2008 had classified "communal districts" as "owned by Indigenous Peoples and local communities." Further investigation revealed that communal districts refer to 23 subdivisions of Tokyo which have a quasi-municipal status. These lands do not meet the criteria for classification as community owned, they have been reclassified as government administrated.

[113] Japanese Forestry Agency and Prefectural Governments 2002. As Cited in FAO 2010r: 10.

[114] MAFF 2013.

[115] The possibility for community forests exists in the 2008 forest code, but no implementing decree has been passed. All forests remain classified as government administrated. Data from: FAO. 2010s. Global Forest Resources Assessment 2010, Country Report Central African Republic. Country Report 042. FAO. Rome. 13.

[116] Calculated as the total forest area in 2000 minus area "designated for Indigenous and local communities." Data from: CNIAF/MEF as cited in FAO. 2010t. Global Forest Resources Assessment, Republic of the Congo Country Report. Country Report 045. FAO. Rome. 13.

[117] Calculated as the total forest area in 2010 minus area "designated for Indigenous Peoples and local communities." Data from: Verhegghen, Astrid , and Pierre Defourny. 2010. as cited in Editors: Carlos, de Wasseige , Paya de Marcken, Nicolas Bayol, François Hiol Hiol, Philippe Mayaux, Baudouin Desclée , Robert Nasi, Alain Billand, Pierre Defourny , and Richard Eba a Atyi. 2010. The Forests of the Congo Basin: State of the Forest 2010. Publications Office of the European Union. Luxemburg. 29.

[118] Refers to the Lake Tele Community Reserve, established in 2001. Ministère de l Economie Forestière (MEF) as cited in Protected planet "Lake Télé Community Reserve". Protected Planet, Accessed on December 3, 2013. http://protectedplanet.net/sites/313494. Area of Community Reserve from: Global Forest Watch (GFW). 2007. Atlas Forestier Interactif du Congo document de Synthèse. World Resources Institute (WRI). Washington DC. As cited in Sunderlin et al. 2008.

[119] Refers to Lake Tele Community Reserve, only includes the "superfice administrative". Data from: WRI. 2012. Atlas Forestier Interactif du Congo - Version 3.0. World Resources Institute (WRI). Washington DC. 14.

[120] METLA. 2003. Forest Finland in Brief. Finish Forest Research Institute (FFRI). Vantaa. 35.

[121] Calculated based on information on the tenure distribution and total forest area found in: METLA. 2012. Statistical Yearbook of Forestry 2012. Finish Forest Research Institute (FFRI), Sastamala, Finland. Page 43/46.

[122] METLA 2003: 35

[123] Calculated based on information on the tenure distribution and total forest area found in: METLA 2012: 43/46.

[124] All forests in Gabon were under government administration in 2002. Data from: FAO 2010u. Global Forest Resources Assessment 2010, Country Report Gabon. Country Report 073. FAO. Rome. 6.

[125] Calculated as the total forest area in 2010 minus area "designated for Indigenous Peoples and local communities." Data from: Verhegghen and Defourny. 2010.

[126] The first two Community Forests in Gabon were approved on September 16th 2013. Ebyeng-Edzuamenième (1,200 ha) and Nkang (2,700 ha). Data from: ITTO, WWF Gabon, Gembloux Agro-Bio Tech (Université de Liège) 2013. as provided by Moumbogou, Carl. 2013. Personal Communication. October 20, 2013.

[127] All forests in Cameroon were under government administration in 2002. Data from: FAO. 2010v. Global Forest Resources Assessment 2010, Country Report Cameroon. Country Report 035, FAO. Rome, 11.

[128] Refers to total forest area in 2010, minus area "designated for Indigenous Peoples and local communities." Data from: FAO. 2010v.

[129] Refers to total area under "community forests" tenure regime. Data from: Nguiffo, Samuel. 2013. Personal Communication. Center for Environment and Development (CED).

[130] All forests in Thailand were under government administration in 2002. Data from: Royal Forest Department of Thailand Information Office. 2008. "Forest Area in Thailand 1973-2008" Accessed on June 19th, 2013. http://forestinfo.forest.go.th/55/Content.aspx?id=72.

[131] Refers to the total forest area in 2010 minus the area "designated for Indigenous Peoples and local communities." Data from: Royal Forest Department, Statistical Data. As cited in FAO. 2010w Global Forest Resources Assessment, Country Report Thailand. Country Report 206, FAO. Rome. 8.

[132] Refers to area under "community forests" tenure regime. Data from: Community Forest Management Bureau. 2011. as cited in Royal Forest Department of Thailand. 2011. Forestry Statistics Data 2554 (2011). Royal Forest Department of Thailand, Table 11, Translated by Prasit Wangpakapattanawong (ICRAF-Thailand).

[133] RRI/ITTO(2009) had included data on privately owned rubber plantations, however all forests in Thailand are managed by the government, and rubber plantations are not included in the legally recognized forest estate (FAO. 2010w:11). Therefore rubber plantations are not included in this data set, and the area owned by firms and individuals is zero.

[134] All forests in Lao PDR were under government administration in 2002. Data from: Department of Forestry as cited in FAO. 2010x. Global Forest Resources Assessment 2010, Country Report Lao People's Democratic Republic Country Report 112. FAO. Rome. 11.

[135] Refers to total forest area in 2010 minus area "designated for Indigenous Peoples and local communities." Data from: Department of Forestry as cited in FAO. 2010x: 11

[136] Refers to Temporary Land Use Certificates for Communal Land and 'Communal titles on the Nakai Plateau'. Data for Temporary Land Use certificates from: SNV. 2011. as cited in Sayalath, Ekvinay, Vilaisi Phothilack, Khongkha Mabounkhoun, Khoon Thavien Boulom, Souphaphone Sengkannaly, Manilai Chantavongsa, Soukanh Soupidi, Joost Foppes, Lounthone Bounmany, Souvanhpheng Phommasane, and Martin Greijmans. 2011. "Towards Communal Land Titiles in Sangthong District". SNV, Greater Vientiane Capital City Area, 20. Data for Communal titles, from: Schneider, Tina. 2013. Personal Communication.

[137] All forests in Guyana were under government administration in 2002. Data from: Guyana Forest Commission, Land Use Figures. As Cited in FAO. 2010y. Global Forest Resources Assessment, Country Report Guyana. Country Report 088, Food and Agriculture Organization of the United Nations. Rome, 7.

[138] Refers to total forest area, minus area "designated for Indigenous Peoples and local communities." Data from: Guyana Forest Commission, Land Use Figures as cited in FAO. 2010y: 7.

[139] Refers to forest located on Titled Amerindian Land. In RRI/ITTO (2009), these areas were classified as owned by Indigenous Peoples and local communities. However, further research revealed that prior to the enactment of the Amerindian Act of 2006 in 2010, Titled Amerindian communities did not poses sufficiently robust rights to be even classified as "designated for Indigenous Peoples and local communities" and therefore were reclassified under "government administered." Following the enactment of the Amerindian Act of 2006, areas this tenure regime could be classified as "designated for Indigenous Peoples and local communities." Data from: Guyana Forestry Commission & INDUFOR. 2012. Guyana REDD+ Monitoring Reporting and Verifications System Interim Measures Report. Version 3, INDUFOR and Guyana Forestry Commission, Georgetown and Auckland. 9.

[140] Total Forest Area refers to "Forestlands", a legal definition which emphases all lands on the public domain and includes public forest, permanent forest, forest reserves, forest reservations, timberlands, grazing lands and bird sanctuaries. Data from: Forest Management Bureau. As cited in FAOz. 2010. "Global Forest Resources Assessment, Country Report Philippines." Country Report 164. FAO. Rome. 14.

[141] Calculated as the total forestlands area in 2000 minus area "designated for Indigenous Peoples and local communities." Data from: DENR. 2011. 2011 Philippine Forestry Statistics. Department of Environment and Natural Resources. Forest Management Bureau, Quezon City, Philippines. 4.

[142] Calculated as the total forestlands area in 2011 minus area "designated for Indigenous Peoples and local communities." Data from: DENR 2011: 4.

[143] Refers to area under Community Based Forest Management Agreements (CBFMAs), it is possible that there is a margin of overlap between CBFMAs and the area classified as "designated for Indigenous Peoples and local communities." Data from: DENR. 2000. as cited in Guiang et al. 2001. Community-Based Forest Management in the Philippines: A Preliminary Assessment. Institute of Philippine Culture, Quezon City, 13.

[144] Refers to area under CBFMAs (see note above) and under Protected Area Community Based Resource Management Agreements (PACBRMA). Data for CBFMAs from: DENR 2011: XIV. Data for PACBRMAs from: Philippines Forestry Statistics. 2011. as cited in Eleazr et al. 2013. Implementation of Land Governance Assessment Framework (LGAF), Revised Draft Report. Department of Natural Resources/World Bank/LETS, 42.

[145] Refers to area under Certificate of Ancestral Domain titles. Data from: Forest Management Bureau 2003. As cited in FAO. 2010z: 14.

[146] Refers to area under Certificate of Ancestral Domain Titles and Certificate of Ancestral Land Titles in 2010. Data from: Philippines Forestry Statistics 2011. As cited in Eleazr et al. 2013: 42.

[147] Calculated as the total forest area in 2000 minus area "designated for Indigenous Peoples and local communities." Data from: Foundation for Forest Management and Production Control (SBB) as cited in FAO. 2010aa. Global Forest Resources Assessment, Country Report Suriname. Country Report 199. FAO. Rome. 10.

[148] Calculated as the total forest area in 2010 minus area "designated for Indigenous Peoples and local communities." Data from: Foundation for Forest Management and Production Control (SBB) as cited in FAO. 2010aa: 10.

[149] Refers to forests under communal management. Data from: Foundation for Forest Management and Production Control (SBB) as cited in FAO. 2010aa: 15.

[150] Refers to forests under communal management. Data from: Foundation for Forest Management and Production Control (SBB) n.d as cited in R-PP: Suriname submitted to FCPF/UN-REDD. 2013. Readiness Preparation Proposal (R-PP): Suriname, Version 4 Final Draft. Forest Carbon Partnership Facility (FCPF), Accessed June 22, 2013, 50.

[151] All forests in Vietnam were under government administration in 2002. Data from: Government of Vietnam. 2002. Vietnam Forest Statistics. Ministry of Agriculture and Rural Development, Forest Protection Department. Hanoi. http://www.kiemlam.org.vn/Desktop.aspx/List/So-lieu-dien-bien-rung-hang-nam/. Data Translated by Nguyen, Quang Tan (RECOFTC - Vietnam Country Program Coordinator).

[152] Calculated as the total forest area in 2011, minus area "designated for Indigenous Peoples and local communities." Data from: Government of Vietnam. 2011. Vietnam Forest Statistics. Ministry of Agriculture and Rural Development, Forest Protection Department. Accessed July 2013. http://www.kiemlam.org.vn/Desktop.aspx/List/So-lieu-dien-bien-rung-hang-nam/. Data Translated by Nguyen, Quang Tan (RECOFTC - Vietnam Country Program Coordinator).

[153] Refers to forests allocated to communities. Government of Vietnam 2011.

[154] Calculated as the total forest area in 2000 minus the area "designated for Indigenous Peoples and local communities." Data from: Woody Biomass Inventory and Strategic Planning Project (WBISPP). 2000. As cited in FAO. 2010bb. Global Forest Resources Assessment 2010, Country Report Ethiopia. Country Report 074. FAO. Rome. 9.

[155] Calculated as the total forest area in 2000 minus the area "designated for Indigenous Peoples and local communities." Data from: WBISPP as cited in FAO. 2010bb.

[156] Refers to area managed by Participatory Forest Management Groups in 2002. Data from: Kubsa, Abdurahiman, Asfaw Mariame, Girma Amante, Hans-J Lipp, Tsegaye Tadesse. 2002. Wajib: An Alternative Forest Conservation Approach For Ethiopia's Forests. FAO. Rome.

[157] Refers to the area managed by Participatory Forest Management Groups in 2011. Data is based on a partial sample of the country. Data from: Weinberg, Ellen. 2011. Participatory Forest Management in Ethiopia, Practices and Experiences. FAO. Addis Ababa, Ethiopia. 11.

[158] Calculated as the total forest area in 2000 minus the area "designated for Indigenous Peoples and local communities." Data from: Government of Cambodia. As cited in FAO. 2010cc. Global Forest Resources Assessment 2010. Country Report Cambodia. Country Report 034. FAO. Rome 7.

[159] Calculated as the total forest area minus the area "designated for Indigenous Peoples and local communities." Data from: Government of Cambodia, as cited in FAO 2010cc: 7.

[160] Refers to Community forests with signed management agreement with MAFF. Data from: Cambodia Forestry Administration. 2013. Community Forestry Statistic in Cambodia 2013. Department of Forest and Community Forestry, Phonm Penh. 2.

[161] Calculated as the total forest area in 2000 minus the area "designated for Indigenous Peoples and local communities." Forest Resources Situation of Nigeria as cited in FAO. 2010dd. Global Forest Resources Assessment, Country Report Nigeria. Country Report 151. FAO. Rome. 11.

[162] Refers to community forests in the Cross River State. Data from: CRS Forestry Commission Data. 2001. As cited in Oyebo, Macarthy, Francis Bisong and Tunde Morakinyo. 2010. A Preliminary Assessment of the Context of REDD in Nigeria. Federal Ministry of Environment, Cross River State's Forestry Commission and United Nation Development Program. Cross River State. 36.

[163] 2002 figure as cited in RRI/ITTO. 2008.

[164] Calculated as the sum of the forest area under the following categories: "Nacional", "Ejidal", "Conflictos fronterizos", "Desconocido", and "Privado Empresarial", minus area "designated for Indigenous Peoples and local communities." Data from: FAO. 2005 and ICF. 2011. As cited in R-PP submitted to FCPF. 2013. Readiness Preparation Proposal (R-PP) for Country Honduras, Version 6, Working Draft. Forest Carbon Partnership Facility (FCPR). 99.

[165] Refers to the area under Cotratos de Manejo. Prior to 2010 regime lacked a legal implementation mechanism. In 2010, the 2007 Forestry Law was passed; this clarified the legal uncertainties associated with Cotratos de Manejo. Data 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. Forest Trends. Washington DC. 7.

[166] Refers to area classified as Privado Tribal and forest area under Miskito coastal communities. Data for Privado Tribal from: FAO. 2005 and ICF. 2011 as cited in R-PP submitted to FCPF. 2013: 99. Data for Forest area under Mikito Coastal communities from: Instituto Nacional Agrario. 2013.

[167] 2002 figure as cited in RRI/ITTO. 2008.

[168] Refers to area classified as "Privado Individual." Data from: FAO. 2005 and ICF. 2011 as cited in R-PP submitted to FCPF. 2013: 99.

[169] Statistical Yearbook of Forestry. 2000. as cited in FAO. 2010ee. Global Forest Resources Assessment, Country Report Republic of Korea. Country Report 170. FAO. Rome. 11.

[170] Refers to National and Public Forests. Korea Forest Service. 2013. The Statistical Yearbook of Forestry 2013. Korea Forest Service. Daejeon. 44-45.

[171] Statistical Yearbook of Forestry 2000. As cited in FAO 2010ee: 11.

[172] Korea Forest Service. 2013: 45.

[173] 0.13 Mha of forested land is covered by 'Signed Community Forest Agreement,' however this figure does not disaggregate for the type of underlying statutory tenure of the communities with CFAs. Also, this figure is based on a sample size that significantly underestimates the total forest area under community ownership. De Wit, Paul. 2012. "Land Rights, Forest Communities and Private Use Permits". Land Commission of Liberia, Monrovia, Prepared with the support of EU Project FED/2011/270957. 2.

[174] Inventario Forestal Nacional de Guatemala. FAO. 2002 -2003. And Escobedo, Mario. 2004. As cited in FAO. 2006b. FAO Forest Tenure Matrix: Guatemala. FAO. Rome, Accessed November 27, 2013.

[175] Inventario Forestal Nacional de Guatemala, FAO. 2002 -2003. And Escobedo, Mario. 2004. As cited in FAO. 2006b.

[176] Alianza Mesoamericana de Pueblos y Bosques and Prisma. 2013. Mesoamerica at the Forefront of community forest rights. Nicaragua: Alianza Mesoamericana de Pueblos y Bosques. 4.

[177] Government of Guatemala. 2002. Bosques comunales y municipales. Proyecto de fortalecimiento forestal municipal y comunal (BOSCOM). Guatemala: Instituto Nacional de Bosques. As cited in: Elías, Silvel, Brenda García, Carmen Cigarroa, Violeta Reyna. 2008. Diagnostico de la conservacion y manejo de recursos naturales en tierras comunales. Guatemala: Grupo Promotor de Tierras Comunales. 30.

[178] Inventario Forestal Nacional de Guatemala. FAO. 2002 -2003. And Escobedo, Mario. 2004. As cited in FAO. 2006b.

[179] Calculated as the total forest area in 2000 minus area "designated for Indigenous Peoples and local communities," and area "owned by individuals and firms." Data from: Ministry of Forests and Soil Conservation, Government of Nepal. As cited in FAO. 2010ff. Global Forest Resources Assessment 2010, Country Report Nepal. Country Report 144. FAO. Rome. 8.

[180] Calculated as the total forest area in 2010 minus area "designated for Indigenous Peoples and local communities," and area "owned by individuals and firms." Data from: Ministry of Forests and Soil Conservation, Government of Nepal. As cited in FAO. 2010ff: 8.

[181] Calculated as the sum of the area under the following tenure regimes: Community Forests, Community Leasehold forest, Rand Buffer Zone Community Forests, data for area under Religious Forests handed over to communities is not available. Data for Community Forests Extracted from: Government of Nepal, Department of Forestry, as cited in Mahat, Anupama. 2011; and Forest Tenure in Nepal: Status and Trends. Draft Report, Kathmandu, 8. Prepared as input to Dahal, Ganga Ram and Adhikari, Krishna. 2011. South Asia Forest Tenure Assessment. Helvetas Swiss Intercooperation, Latipur. Data for Community Leasehold Forests extracted from: HMGN/MFSC. 2002. Nepal Biodiversity Strategy. Ministry of Forests and Soil Conservation and His Majesty's Government of Nepal, Kathmandu, 49. Data for Buffer Zone Community Forests includes all Buffer Zones established prior to December 2002. Area for Makalu Barun National Park Buffer Zone is not included because the data does not disaggregate by year. Data Extracted from: GoN/DNPWC 2012. Annual Report (2011/2012). Government of Nepal and Department of National Parks and Wildlife Conservation, Kathmandu, Annex 11.

[182] Calculated as the sum of the area under the following tenure regimes: Community Forests, Community Leasehold Forests, Buffer Zone Community Forests, Religious forest transferred to communities and, Buffer Religious Forest handed over to community. Data for Community Forests, Community Leasehold forests, and religious forest transferred to a community extracted from: Department of Forestry, as cited in Mahat, Anupama. 2011: 8. Data for Buffer Zone Community Forests calculated as the sum of all Buffer Zones listed in Annex 11 of GoN/DNPWC 2012. Same report indicates one Buffer Religious forest handed over to a community, this buffer zone is located in the Langtang National Park, its associated area is also included.

[183] HMGN/MFSC 2002: 52.

[184] Department of Forestry, as cited in Mahat, Anupama. 2011: 4.

[185] While Participatory Forest Management is practiced in Kenya, communities living under this regime help implement Forest Management plans, but have no legal right to manage their resources. The KFS and local authorities are responsible for the preparation of Management Plans. Due to the lack of management rights, these lands remain classified as government administrated. Government of Kenya. 2007. Section 34, Forest Act 2005. Authorized in 2007.

[186] Calculated as the total forest area in 2000 minus the area "owned by individuals and firms." Data from: Kenya Forestry Master Plan as cited in FAO. 2010gg. Global Forest Resources Assessment (GFRA) 2010. Country Report Kenya. Rome: Food and Agricultural Organization of the United Nations. 10.

[187] Refers to total forest area in 2010. Data from: Kenya Forestry Master Plan as cited in FAO 2010z: 10.

[188] Kenya Forestry Master Plan as cited in FAO 2010gg: 13.

[189] Kenya Forestry Master Plan as cited in FAO 2010gg: 13.

[190] All data for Bhutan was collected for study by Dahal, Ganga Ram and Adhikari, Krishna. 2011. South Asia Forest Tenure Assessment. Nepal: Helvetas Swiss Intercooperation.

[191] Equal to total forest area in 2000 minus area "designated for Indigenous Peoples and local communities." Data from: Ministry of Agriculture, Royal Government of Bhutan as cited in FAO. 2010hh. Global Forest Resources Assessment 2010, Country Report Bhutan. Country Report 024. Rome: Food and Agricultural Organization of the United Nations. 8.

[192] Equal to total forest area in 2011 minus the area "designated for Indigenous Peoples and local communities." Data from: Ministry of Agriculture and Forest. 2011. As cited in B.B Chhetri. 2011. Forest Tenure Assessment in Bhutan - An Overview. Ministry of Agriculture and Forests, Thimpu. 4.

[193] Refers to area under Community Forestry in 2002. Data from: Bhutan Social Forestry Division. 2011. As cited in B.B Chhetri. 2011: 10.

[194] Refers to area under Community Forestry in 2011. Data from: Bhutan Social Forestry Division. 2011. As cited in B.B Chhetri. 2011: 10.

[195] SINAC. 1999. As cited in FAOii. 2010. Global Forest Resources Assessment. Country Report Costa Rica. Country Report 047. Rome: Food and Agricultural Organization of the United Nations. 17.

[196] FONAFIFO. 2007. as cited in Ulate Chacón, Enrique. 2009. Implicaciones de la tenencia y la gestión forestal en la reducción de la pobreza en Costa Rica. Rome: Food and Agricultural Organization of the United Nations. 7.

[197] SINAC. 1999. As cited in FAOii. 2010:17.

[198] Refers to Tierras Indígenas. Data from: FONAFIFO. 2007. As cited in Ulate Chacón, Enrique. 2009: 7.

[199] Refers to Tierras Indígenas. SINAC. 1999. as cited in FAOii 2010: 17.

[200] FONAFIFO. 2007. As cited in Ulate Chacón, Enrique. 2009:7.

[201] Calculated as the total forest in 2000 area minus area designated for Indigenous Peoples and other communities, and area owned by individuals and firms. FAO 2010jj. Global Forest Resources AOssessment 2010, Country Report Gambia. Country Report 074. Rome: Food and Agriculture Organization of the United Nations. 8. http://www.fao.org/docrep/013/al510E/al510E.pdf.

[202] Calculated as the total forest area in 2010, minus area designated for Indigenous Peoples and other communities and area owned by individuals and firms. FAO/DOF. 2010. The Gambia- National Forest Assessment 2008-2010. Department of Forests – Gambia. 91.

[203] Refers to Community Forests. Data for Jointly Managed Forest Parks is not available. Data for Community Forests extracted from: Dampha, Almami. 2001. Management of Forest Fires Through the Involvement of Local Communities: The Gambia. Forestry Department, Banjul. In FAO. 2003. As cited in Sunderlin et al. 2008.

[204] Refers to Community Forests and Jointly Managed Forest parks. Data for Jointly Managed Forest Parks (0.0017Mha) provided by Camara, Kanimang. 2013. Personal Communication. July 31st 2013. Data for Community Forests extracted from: Camara, Kanimang, Alkai Jarjusey, Demba Sanyand and Hatab Camara. 2011. Socio-Economic Evaluation of Community-Based Forest Enterprise Development using the Market Analysis and Development Approach in the Community Forestry in the Gambia. Gambia: Department of Forests, and Rome: Food and Agricultural Organization of the United Nations.

[205] Sunderlin et al. (2008) classified community forests as "owned by IPs and local communities" however, further research revealed that communities under this regime do not have the right to due process or compensation in the face of the extinguishment of their rights and therefore have been reclassified as "designated for Indigenous Peoples and other communities." Government of Gambia. 1998. Article 72, Forest Act of 1998. July 1998.

[206] Camara, Kanimang and Almami Dampha. 2006. Trends in Forest Ownership, Forest Resource Tenure and Institutional Arrangements: Are they contributing to better forest management and poverty reduction? Case study from the Gambia. As cited in Sunderlin et al. 2008.

[207] Camara, Kanimang. 2013. Personal Communication. July 31, 2013.

[208] FAO. 2010kk. Global Forest Resources Assessment, Country Report Togo, Country Report 209. Rome: Food and Agriculture Organization of the United Nations. 17.

[209] Complete cases only.

[210] This study identifies low and middle-income countries as those having a gross national income (GNI) per capita lower than US$12,616, as ranked by the World Bank. http://data.worldbank.org/about/country-classifications (accessed 12/12/2013).

[211] The complete countries included in the LMICs include: Angola, Bhutan, Bolivia, Brazil, Cambodia, Cameroon, Central African Republic, China, Colombia, Costa Rica, Democratic Republic of the Congo, Ethiopia, Gabon, Gambia, Guyana, Honduras, India, Indonesia, Kenya, Lao PDR, Mexico, Myanmar, Nepal, Papua New Guinea, Peru, Philippines, Republic of the Congo, Suriname, Tanzania, Thailand, Togo, Vietnam, Zambia. The five non-REDD+ countries discussed in Table 2 are: Angola, China, Gambia, India, and Togo. All others listed here are REDD+ countries.

[212] Complete cases only.

[213] See GRAIN's dataset (http://www.grain.org/article/entries/4479-grain-releases-data-set-with-over-400-global-land-grabs, accessed 2 October 2012) and the International Land Coalition's Land Matrix (http://landportal.info/landmatrix, accessed 2 October 2012). These assessments are primarily limited to concessions and leases issued in the last decade alone. The actual extent is likely to be much higher, when incorporating unexpired concession agreements issued prior to 2002.

[214] In Mozambican law, all lands belong to the state. However, the communities have sufficient legal rights to constitute 'ownership' within the parameters of this study.

[215] The countries represented within this study include: Angola, Cameroon, the Central African Republic, the Democratic Republic of the Congo, Gabon, and the Republic of the Congo.

[216] Japan, the Republic of Korea, and the Russian Federation were excluded from this set. Japan and the Republic of Korea were excluded because of their status as a HIC and the Russian Federation due to the sheer "size-outlier" effect.

[217] The only sampled country in Asia that showed no changes in the distribution of forest tenure in 2002-2008 was Papua New Guinea, as community land ownership was largely implemented prior to 2002.

[218] Papua New Guinea (PNG) accounts for much of the balance of forest lands owned by Indigenous Peoples and other communities in Asia, with nearly 18 percent of the total regional share in 2013. The Philippines and India are the only other two countries identified in the region with implemented tenure regimes that recognize community ownership of lands.

[219] Defined as the combination of Cambodia, Lao PDR, Myanmar, Thailand, and Vietnam.

[220] Defined as the combination of Indonesia, Malaysia, Papua New Guinea, Philippines, and Timor Leste.

[221] The decline in Peru should be ascribed to a change in measurement methodology and does not necessarily reflect a transition in tenure.

[222] In Africa: Republic of the Congo, Kenya, Nigeria and Zambia; in Asia: India, Malaysia, Thailand, and Vietnam; and in Latin America: Guyana. In Guyana, the Amerindian Act (1976, Chapter 29:01) regulated the land rights of Amerindian Peoples in 2002. Nevertheless, the assumption behind this Act was that Amerindians were unable to manage their land. With the exception of the right of access, councils composed of government officials or appointed by the government exercised all other rights. In India, JFM schemes allow communities to use and benefit from some forest land. Nevertheless, the schemes are not legally binding and therefore are not included here as a tenure regime. In India and Malaysia, the subnational states have the prerogative to regulate land and forest rights. In Malaysia, the states in Peninsular Malaysia, and the states of Sabah and Sarawak, recognize in their regulations a certain level of rights for Indigenous Peoples and local communities.

[223] Rights that are still "to be determined" or are recognized on a "case-by-case" basis under the implementing law or regulation are all considered in the percent calculations as "not recognizing the right."

[224] Alienation rights–the rights to lease, sell, or use the resource as collateral–are not included in this assessment of the bundle of rights, because they are do not form part of the definition of areas owned or controlled by Indigenous Peoples and local communities. While in many legal traditions–especially in countries with common law–alienation rights are viewed as integral to the notion of ownership, in the context of community rights, the legal recognition of alienation rights has often become a vehicle of dispossession for communities.

[225] Only two regimes do not recognize management rights in any way, but these regimes uniquely allow communities to exclude outsiders and therefore exercise a minimum degree of legal control over their resources.

[226] The only exception is the Joint Forest Management regime in Zambia. In that case, a management authority (a body comprising of community members, government representatives, and others) has the power to decide who within a given community may access the forest.

[227] Three of these regimes (all of them in Africa) have not yet been fully defined in law, and may shift out of the government administered category if further definition recognizes more rights.

[228] These regimes include Mexico's Ejidos and Comunidades, which were modified through the recognition of alienation rights through a reform of the Agrarian Law in 2008, and Communal Land in Liberia, which was modified by a new forest law in 2006. Previously, the communal land regime in Liberia only recognized rights to access and subsistence withdrawal. After 2006, the law extended communities' rights under this regime through the recognition of their right to manage and lease their forest resources.

[229] Eduardo Geraque. 2012. Case Study of Brazil's Forest Tenure Reform, 1992–2012. Washington, DC: Rights and Resources Initiative.

[230] Government of Cambodia Sub-Decree on Registration Procedures for Indigenous Community Lands. 2009.

[231] Supreme Court of India. Orissa Mining Corporation vs. Ministry of Environment and Forest & Others, Judgment of Written Petition (Civil) No. 180/2011. 18 April 2013.

[232] PUTUSAN. Nomor. 35/PUU-X/2012.

[233] These include cases concerning the Arau Village Council, the Isseneru Village Council and the Kako Village Council.

[234] International Labour Organization Convention No. 169, Article 14. This convention was adopted in 1989, entered into force in 1991, and has been ratified by 22 states, mostly in Latin America.

[235] United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295), Article 26.

[236] FAO. 2012. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. Rome: Food and Agriculture Organization of the United Nations.

[237] Alden Wiley, Liz. 2011b. The Tragedy of Public Lands: The fate of the commons under global commercial pressure. Rome: International Land Coalition (ILC) and Agricultural Research for Development (CIRAD). Available at: www.landcoalition.org/sites/default/files/publication/895/WEB_WILY_Commons_final_layout.pdf.

[238] This global estimate includes legally designated terrestrial protected areas. The global estimate excluding protected areas is 6.8 billion ha (Alden Wiley 2011a, as cited above).

[239] Alden Wiley, Liz. 2011a. Customary Land Tenure in the Modern World, Rights to Resources in Crisis: Reviewing the fate of customary tenure in Africa. Brief 1 of 5. Washington, DC: Rights and Resources Initiative. www.rightsandresources.org/documents/files/doc_4699.pdf.

[240] Lindsay, Jonathan. 1998. Creating a Legal Framework for Community-based Management: Principles and dilemmas. Rome: Food and Agriculture Organization of the United Nations.

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[247] The scale of these estimates has been criticized due to the methodology used in compiling data. The ILC has recently revised the total confirmed cases to cover over 35.6 Mha, with an additional 14.1 Mha as 'intended' investments (Land Matrix data as accessed in February 10, 2014). However, a series of independent studies by RRI in Liberia, Cameroon, Peru, and Myanmar used a methodology primarily based on assessing company financial reports and using government concessions data sets, and have been able to confirm a much higher level of investments in these countries alone than are currently reported by the ILC's Land Matrix. Furthermore, these agreements are often negotiated in contexts of limited transparency, and several companies which are not publically traded do not publish their financial statements, making it all the more difficult to assess the true extent of investments. These early estimates should therefore be viewed as effective illustrations of the scale of the issue over the past decade alone, but not necessarily as precise indicators.

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