



RIGHTS AND RESOURCES INITIATIVE | AUGUST 2020

*Estimate of the area of land and territories
of Indigenous Peoples, local communities,
and Afro- descendants where their rights
have not been recognized*

Technical Report

About the Rights and Resources Initiative

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

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

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This report is a product of collaborative efforts of RRG staff with RRI Coalition members, Partners, Collaborators, Fellows, experts across the world, and consultants. Data collection and analysis was led by Fangyi Xu, consultant. Kundan Kumar, Omaira Bolaños, and Patrick Kipalu provided valuable insights, assessments, and worked as member-secretary of the Regional Expert Review Groups for Asia, Latin America, and Africa respectively. Kundan Kumar was responsible for overall analysis and triangulation of results with the existing literature and available data in the public domain as well as verification by country experts. The study was led by Arvind Khare. Andy White and Alain Frechette provided comments. Shannon Johnson, Sandra Leon, and Rachel MacFarland provided valuable assistance in communicating with experts. Chloe Ginsburg and David Kroeker-Maus reviewed critical pieces of the analysis.

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Fernanda Almeida undertook (i) a detailed literature review of the published literature, non-government databases, and mapping project estimates; (ii) official government data; and (iii) contacted national representatives and experts from 30 countries for this database. Her report, separately available, formed a key source of estimates reviewed by members of Expert Review Groups.

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Any omissions of contributors are unintentional, and any errors are the authors' own.

Table of Contents

Report

| | |
|---|----|
| 1. Introduction | 6 |
| 2. Sources, Method, and Review Process..... | 7 |
| 3. Key Concepts and Terms Used..... | 8 |
| 4. Coverage..... | 9 |
| 5. Global Results..... | 10 |
| 6. Results by Region..... | 13 |
| 7. Results for FCPF Countries..... | 17 |
| 8. Results for Carbon Fund Countries | 19 |
| 9. Overall Conclusions | 21 |
| Endnotes..... | 23 |

Figures

| | |
|---|----|
| Figure 1: Countries Covered in the Study | 8 |
| Figure 2: Global Results | 9 |
| Figure 3: Asia..... | 12 |
| Figure 4: Asia (Excluding China)..... | 12 |
| Figure 5: South-Eastern Asia..... | 13 |
| Figure 6: Southern Asia..... | 13 |
| Figure 7: Latin America..... | 13 |
| Figure 8: Africa..... | 14 |
| Figure 9: Eastern Africa..... | 15 |
| Figure 10: Central Africa..... | 15 |
| Figure 11: FCPF Countries Covered by the Study..... | 16 |
| Figure 12: Unrecognized Lands in FCPF Countries | 17 |
| Figure 13: Unrecognized Lands in Carbon Fund Countries | 19 |

Tables

| | |
|--|----|
| Table 1: Regional and global land area analyzed in this report | 9 |
| Table 2: Global Results..... | 10 |
| Table 3: Countries with maximum unrecognized lands of Indigenous Peoples, local communities, and Afro-descendants (top 10)..... | 13 |
| Table 4: Estimates for FCPF countries..... | 18 |
| Table 5: Estimate for Carbon Fund Countries..... | 20 |

1. Introduction

The global urgency to legally recognize, document, and secure Indigenous Peoples',¹ local communities',² and Afro-descendants'³ customary rights cannot be overestimated. Research shows that legally recognized community lands store more carbon, have lower emissions, and have significantly lower deforestation rates than lands owned by other actors, and cost less to establish and maintain than conventional protected areas.⁴ Insecure, contested, and unjust land and forest tenure undermines international efforts to protect, sustainably manage, and restore ecosystems essential to the realization of climate, conservation, and sustainable development goals. The expansion of Indigenous and community-owned and -managed land has emerged as a conservation strategy that is often lower risk, lower cost, and more effective than the conventional, public protected area approach. Yet, in the absence of robust and comprehensive estimates of the land and territories that are customarily managed by Indigenous Peoples, local communities, Afro-descendants, and women within these communities, opportunities for the advancement of rights-based solutions are unlikely to be seized, thus undermining the realization of effective, equitable, and sustainable progress towards key international commitments and national-level priorities.

In 2015, RRI undertook the first global analysis to quantify the amount of land legally recognized by national governments as owned by or designated for Indigenous Peoples and local communities. The study,⁵ covering 64 countries comprising 82 percent of global land area, showed that communities legally owned 10 percent of this area and held designated rights to another 8 percent. Yet, some studies suggest that the total area under community management is much greater.⁶ Indeed, the leaders of Indigenous, community, and Afro-descendant organizations and expert opinion have long held that communities exercise customary rights on well over 50 percent of the global land mass outside of Antarctica.

This report aims to address this gap by offering a first comprehensive effort to develop a global baseline of the total land area with unrecognized rights of Indigenous Peoples, local communities, and Afro-descendants. This analysis draws on previous work, emerging evidence, and expert opinion to begin the process of quantifying the full extent of land to which Indigenous Peoples, local communities, and Afro-Descendants have customarily held rights that have yet to be legally acknowledged by states.

Using validated data points from 42 selected countries this analysis covers almost 50 percent of global land area.

As a technical document, this report is succinct and designed to let the data speak for itself. More importantly, users of this report should note that estimates of the extent of Indigenous Peoples', local communities', and Afro-descendants' unrecognized lands identified in this study are purposefully conservative, and intended to capture the lower value of estimate-range. The full

extent of unrecognized Indigenous, local community, and Afro-descendant lands and territories can be expected to be larger for most, if not all, of the countries in this study.

The structure of the report is as follows: Section 2 describes the sources and methods used in the report. Section 3 provides the terms and definitions used in the survey. Section 4 presents the global geographical area covered in this report and the quantitative findings. Section 5 presents overall results for each of the 42 countries analyzed. Section 6 details the findings by region (focusing on Asia, Latin America, and Africa). Sections 7 and 8 present the findings of countries participating in the Forest Carbon Partnership Facility and the Carbon Fund programs respectively, both of which are hosted by the World Bank. Overall conclusions are presented in Section 9. Complete references and supporting endnotes are provided at the end of this report.

2. Sources, Method, and Review Process

The data presented in this report was derived from three distinct sources and methods. First, a detailed survey questionnaire was sent to expert practitioners and institutions active in the 64 countries captured by RRI's 2015 report "Who Owns the World's Land," as well as for Madagascar. In all, 52 full responses were received for 38 of the countries.

Second, a consultant was engaged to collect and synthesize data on the land and territories held by communities in a subset of 30 countries, using a three-pronged approach:

1. Review of literature and non-governmental databases and mapping projects;
2. Review of official governmental data and information derived from formal land claim submissions and petitions;
3. National-level inputs from Indigenous and community representatives and experts to review and validate emerging evidence.

Third, a review of RRI databases and information from existing literature was used to extract information for specific countries either to cross-check the survey responses or to supplement missing information.

Collated sources of evidence were triangulated by RRG to ensure consistency of emerging findings, identify gaps, and conduct additional inquiries as required. To facilitate subsequent expert reviews, an annotated table was produced, detailing emerging estimates and the evidence base to support findings for each of the countries with reliable data sources. From these preliminary steps, final sets of recommendations were compiled for each of the regions, to be reviewed by Regional Expert Review Groups. Regional reviews were then summarized for the consideration of the Global Expert Review Group.

Lastly the results were again cross-checked with another set of country experts for the countries highlighted by the expert groups. The final results were adjusted accordingly. The results presented in the next section are based on the final tables that emerged out of this review process.

3. Key Concepts and Terms Used

- a. **Community** is defined as “a group of people (Indigenous or otherwise) who share a common interest or purpose in a particular land or other land-based resource (e.g. forest or pasturelands) and share that resource as a community-based resource.”⁷ The term *community* is defined broadly, intending to be as inclusive as possible so as to incorporate the diverse set of local communities, Afro-descendants, Indigenous Peoples, and tribal peoples that rely on community-based tenure across all countries analyzed. While Indigenous Peoples and local communities exist on every continent, for the purposes of this study, the term Afro-descendants is used only with respect to Latin America.
- b. **Community-based tenure** are group-held rights that “encompass[es] ubiquitous and very real local-level dynamics in which many rural people establish, maintain, and enforce community-based management rights and obligations regarding natural resource use and development.”⁸ *Community-based tenure systems* can be formally recognized by the state or can derive from custom. *Mutatis Mutandis*, lands subject to community-based tenure may include those areas that are often otherwise referred to as customary land, collective land, and/or common property land.
- c. **Recognized Community Lands:** Within the context of this study, “recognized communitylands” refers to lands that are recognized under national laws and regulations as designated for or owned by Indigenous Peoples, Afro-descendants, and local communities, as classified in accordance with RRI’s Statutory Tenure Typology.⁹ The strength of communities’ legally recognized tenure rights varies among community-based tenure regimes within and across countries. Notably, national laws and regulations may or may not require that communities undertake formalization procedures in order for their tenure rights to be statutorily recognized.
- d. **Unrecognized Community Lands:** Within the context of this study, “unrecognized community lands” refers broadly to lands and territories where:
 - i) Lands are held or used by communities, but no de jure recognition (such as through titling, registration, agreement, or legislative action, where such actions are required by law in order for recognition to take legal effect) has taken place;
 - ii) Lands are held or used by communities, but no national laws, regulations, or judicial rulings acknowledge community-based tenure as a lawful form of property rights; or
 - iii) Lands are legally classified or titled to legal persons other than communities, but remain subject to community claims as they are historically and presently held and used by them.

4. Coverage

The 42 countries covered in the study are shown in Figure 1 below, and collectively cover 48.7 percent of the global land surface outside of Antarctica. Table 1 below presents total coverage per region, where the greatest regional coverage is in Latin America and least in Africa.

Figure 1: Countries Covered in the Study

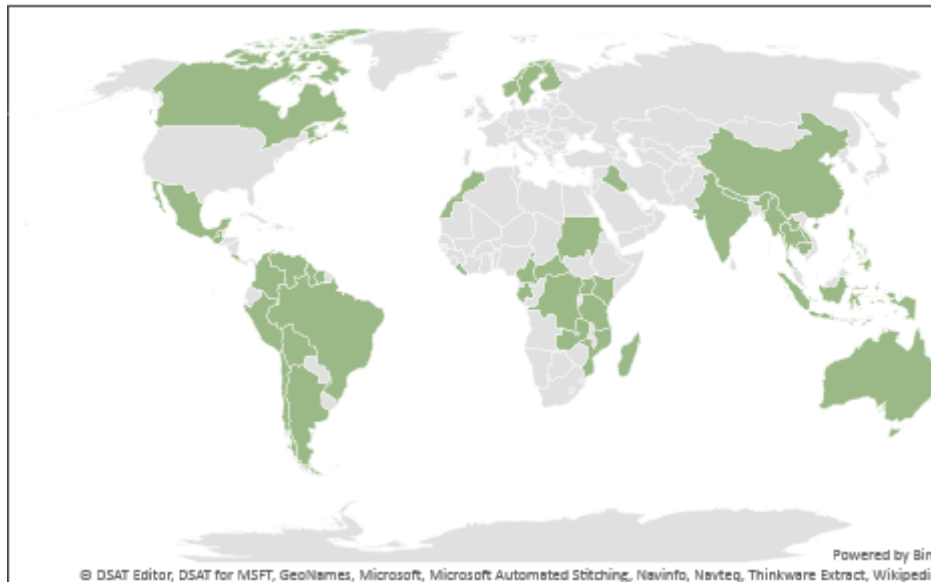


Table 1: Regional and global land area analyzed in this report¹⁰

| Region | Total Land Area of Selected Countries (mha) | Percent of Regional Land Covered |
|-------------------------------|---|----------------------------------|
| Asia | 1667.2 | 54% |
| Latin America | 1864.8 | 94% |
| Africa | 1013.3 | 34% |
| Europe/North America/ Oceania | 1785.2 | 36% |
| Global | 6330.5 | 49% |

5. Global Results

Estimate of recognized and unrecognized Indigenous, local community, and Afro-descendant land and territories for the 42 countries considered in this study are presented in Table 2 below. The term “Global Results” in this report refers to these 42 countries.

Table 2: Global Results

| Country | Total Country Area (mha) ¹¹ | Area where IP, LC, and AD rights are legally recognized | | Area where IP, LC, and AD rights are not legally recognized | | Total percent of land held by IP, LC, and AD | |
|-----------------------|--|---|-------------------------|---|-------------------------|--|-------|
| | | Area (mha) ¹² | Percent of Country Area | Area (mha) | Percent of Country Area | | |
| REGION STUDIED | | | | | | | |
| Asia | Cambodia | 17.7 | 0.6 ¹³ | 3.3% | 0.3 ¹⁴ | 1.9% | 5.3% |
| | China | 942.5 | 465.7 ¹⁵ | 49.4% | 3.7 ¹⁶ | 0.4% | 49.8% |
| | India | 297.3 | 1.1 ¹⁷ | 0.4% | 62.5 ¹⁸ | 21.0% | 21.4% |
| | Indonesia | 181.2 | 0.8 ¹⁹ | 0.4% | 40.0 ²⁰ | 22.1% | 22.5% |
| | Iraq | 43.4 | 0.0 | 0.0% | 2.0 ²¹ | 4.6% | 4.6% |
| | Lao PDR | 23.1 | 0.0 ²² | 0.1% | 5.0 ²³ | 21.7% | 21.8% |
| | Myanmar | 65.3 | 0.2 ²⁴ | 0.2% | 20.7 ²⁵ | 31.7% | 31.9% |
| | Nepal | 14.3 | 2.1 ²⁶ | 14.4% | 4.6 ²⁷ | 32.3% | 46.7% |
| | Philippines | 29.8 | 6.4 | 21.3% | 4.3 ²⁸ | 14.4% | 35.8% |
| | Thailand | 51.1 | 0.5 | 0.9% | 1.6 ²⁹ | 3.1% | 4.1% |
| | Timor-Leste | 1.5 | 0.0 | 0.0% | 1.3 ³⁰ | 88.2% | 88.2% |
| Regional Total | 1667.2 | 477.3 | 28.6% | 146.1 | 8.8% | 37.4% | |
| Latin America | Argentina | 273.7 | 8.0 | 2.9% | 4.6 ³¹ | 1.7% | 4.6% |
| | Bolivia | 108.3 | 39.4 | 36.4% | 16.9 ³² | 15.6% | 51.9% |
| | Brazil | 835.8 | 191.8 | 23.0% | 18.9 ³³ | 2.3% | 25.2% |
| | Chile | 74.4 | 2.3 | 3.1% | 1.1 ³⁴ | 1.5% | 4.6% |
| | Colombia | 111.0 | 37.6 | 33.9% | 4.8 ³⁵ | 4.3% | 38.2% |
| | Costa Rica | 5.1 | 0.3 | 6.4% | 0.8 ³⁶ | 15.7% | 22.1% |
| | Guatemala | 10.7 | 1.8 | 16.6% | 1.4 ³⁷ | 13.3% | 29.8% |

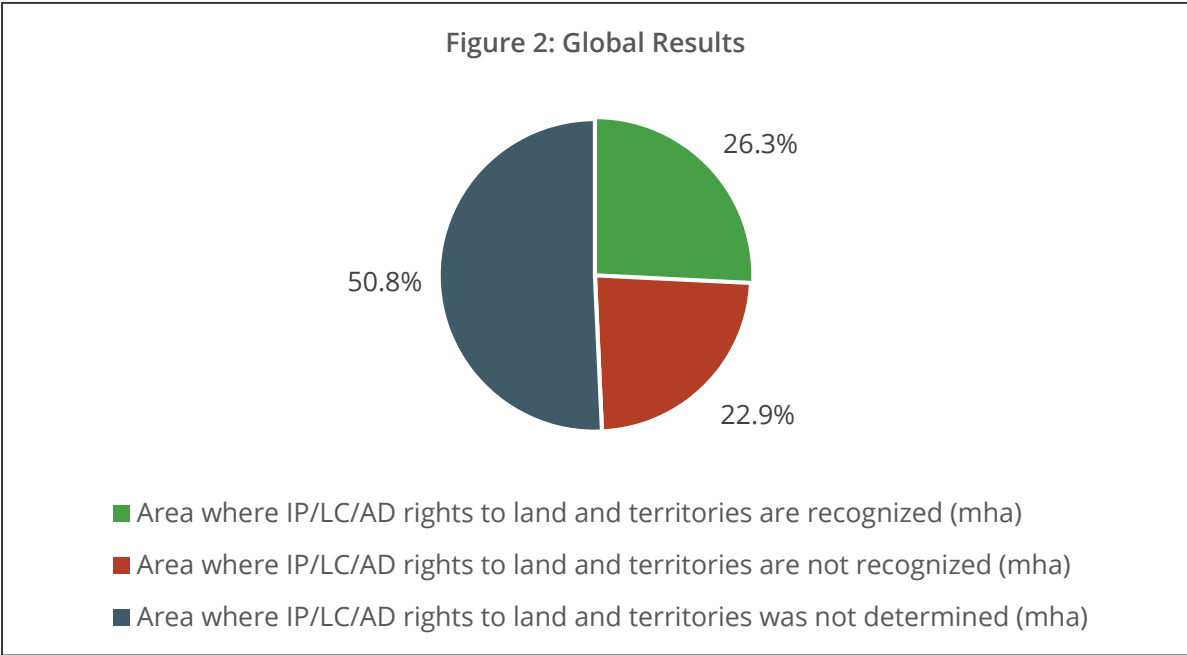
| | | | | | | | |
|--------------------------------|-----------------------|---------------|--------------------|--------------------|---------------------|--------------|--------------|
| | Guyana | 19.7 | 3.8 | 19.3% | 11.9 ³⁸ | 60.7% | 80.0% |
| | Mexico | 194.4 | 101.1 | 52.0% | 0.9 ³⁹ | 0.5% | 52.5% |
| | Peru | 128.0 | 44.6 | 34.8% | 26.9 ⁴⁰ | 21.0% | 55.8% |
| | Suriname | 15.6 | 0.0 | 0.0% | 10.5 ⁴¹ | 67.4% | 67.4% |
| | Venezuela, RB | 88.2 | 2.8 | 3.2% | 38.8 ⁴² | 44.0% | 47.2% |
| | Regional Total | 1864.8 | 433.6 | 23.3% | 137.5 | 7.4% | 30.6% |
| Africa | Cameroon | 47.3 | 4.3 | 9.0% | 34.1 ⁴³ | 72.0% | 81.0% |
| | CAR | 62.3 | 0.0 ⁴⁴ | 0.0% | 50.7 ⁴⁵ | 81.4% | 81.4% |
| | Congo, Dem. Rep. | 226.7 | 1.2 ⁴⁶ | 0.5% | 196.6 ⁴⁷ | 86.7% | 87.2% |
| | Congo, Rep. | 34.2 | 0.4 | 1.3% | 29.0 ⁴⁸ | 84.9% | 86.7% |
| | Gabon | 25.8 | 0.1 ⁴⁹ | 0.3% | 21.7 ⁵⁰ | 84.3% | 84.6 |
| | Kenya | 56.9 | 38.5 ⁵¹ | 67.7% | 0.8 ⁵² | 1.5% | 69.1% |
| | Liberia | 9.6 | 3.1 | 31.7% | 3.9 ⁵³ | 40.9% | 72.6% |
| | Madagascar | 58.2 | N/A ⁵⁴ | N/A | 37.7 ⁵⁵ | 64.8% | 64.8% |
| | Morocco | 44.6 | 12.0 | 26.9% | 15.4 ⁵⁶ | 34.5% | 61.4% |
| | Mozambique | 78.6 | 20.1 | 25.5% | 10.0 ⁵⁷ | 12.7% | 38.3% |
| | Sudan | 186.2 | 0.2 ⁵⁸ | 0.1% | 51.4 ⁵⁹ | 27.6% | 27.7% |
| | Tanzania | 88.6 | 66.5 | 75.1% | 20.5 ⁶⁰ | 23.1% | 98.2% |
| | Uganda | 20.1 | 13.4 | 67.1% | 3.0 ⁶¹ | 15.0% | 82.0% |
| Zambia | 74.3 | 39.2 | 52.7% | 30.7 ⁶² | 41.3% | 94.0% | |
| | Regional Total | 1013.3 | 199.0 | 19.6 | 505.4 | 49.9% | 69.5% |
| OTHER COUNTRIES STUDIED | | | | | | | |
| Other Countries | Australia | 768.2 | 151.8 | 19.8% | 270.4 ⁶³ | 35.1% | 54.9% |
| | Canada | 909.4 | 398.8 | 43.9% | 358.8 ⁶⁴ | 39.5% | 83.3% |
| | Finland | 30.4 | 0.2 | 0.5% | 3.0 ⁶⁵ | 9.9% | 10.4% |
| | Norway | 36.5 | 5.2 | 14.2% | 4.6 ⁶⁶ | 12.6% | 26.8% |
| | Sweden | 40.7 | 0.9 | 2.3% | 22.6 ⁶⁷ | 55.5% | 57.8% |
| | Regional Total | 1785.2 | 556.9 | 31.2% | 659.3 | 36.9% | 68.1% |
| | GLOBAL | 6359.2 | 1666.7 | 26.3% | 144.4 | 22.9% | 49.2% |

N/A = Not Available

Overall, results show that the total recognized and unrecognized land and territories of Indigenous Peoples, local communities, and Afro-descendants constitute 49.2 percent of the geographical area of the countries covered by this analysis, amounting to 3115.1 million hectares (mha). Of this, the total unrecognized land and territories of Indigenous Peoples, local communities, and Afro-descendants represents 1488.4 mha. This finding is consistent with prior research findings that Indigenous Peoples, local communities, and Afro-descendants have historic or customary rights to 50 percent or more of the global land area.

Proportionally, the total area of Indigenous, local community, and Afro-descendant land and territories (recognized and unrecognized) is:

- greater than 50 percent of the total geographical area in 20 countries, of which 13 are in Africa;
- between 20 percent to 50 percent of geographical area in 15 countries;
- less than 20 percent of geographical area in 7 out of 42 countries.



Land and territories of Indigenous Peoples, local communities, and Afro-descendants which have not been recognized constitute a large percentage of land area in a number of countries. The 10 countries with the highest percentage of area where Indigenous, local community, and Afro-descendant rights on land and territories have not been recognized are presented in Table 3. Of these 10 countries, 6 are in Africa.

Table 3: Countries with maximum unrecognized lands of Indigenous Peoples, local communities, and Afro-descendants (top 10)

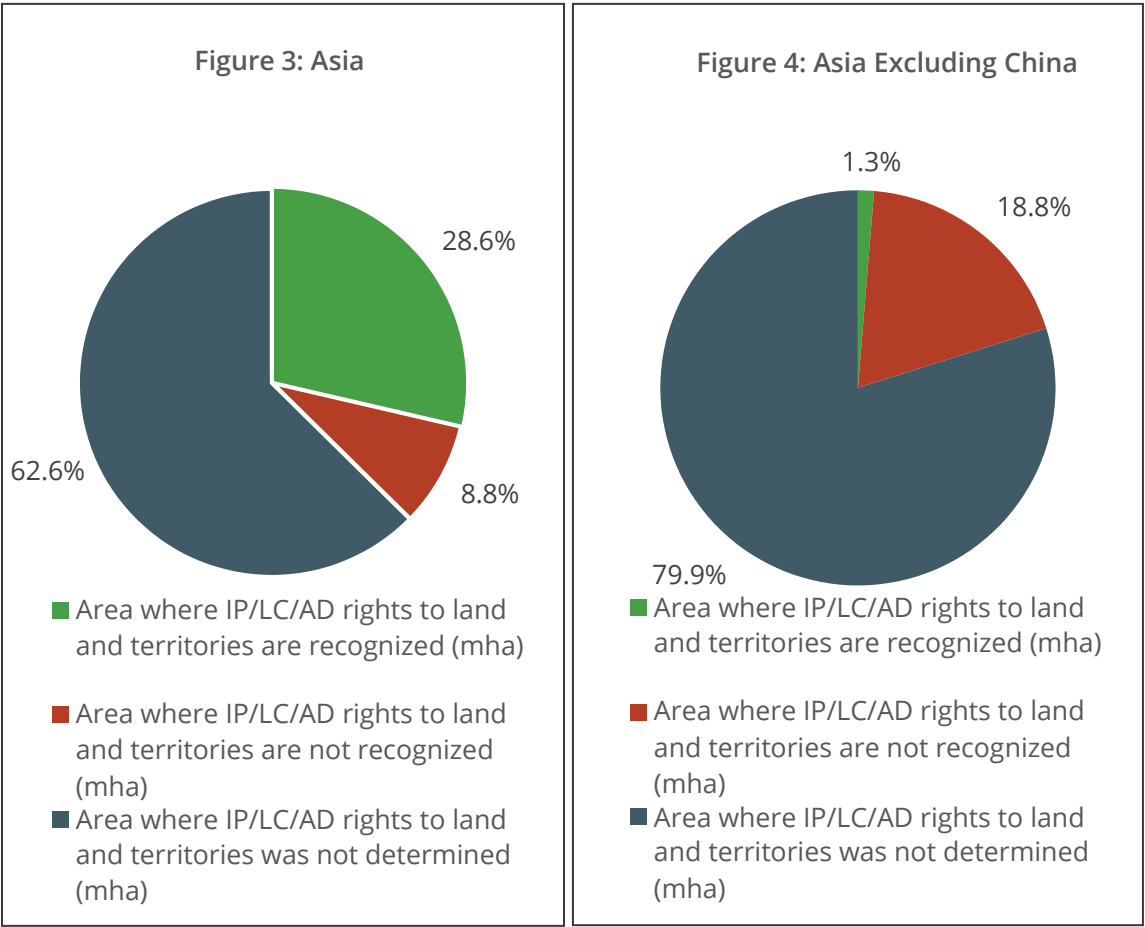
| Country | Unrecognized Land as % of Country Area |
|----------------------------------|--|
| Timor-Leste | 88.2% |
| Democratic Republic of the Congo | 86.7% |
| Republic of Congo | 84.9% |
| Gabon | 84.3% |
| Central African Republic | 81.4% |
| Cameroon | 72.0% |
| Suriname | 67.4% |
| Madagascar | 64.8% |
| Guyana | 60.7% |
| Sweden | 55.5% |

Generally, the recognition of Indigenous and local community land rights in Africa has lagged other regions. For the African countries covered in this analysis, the unrecognized portion of Indigenous and local community land and territories constitute 71.9 percent of all Indigenous and local community lands and territories. The same percentage for the countries in Asia and Latin America is 23.4 percent and 24.1 percent, respectively. Although the recognized land percentage for Asia and Latin America is skewed by China, Brazil, and Mexico, the overall results for Africa show a serious lack of progress.

6. Results by Region

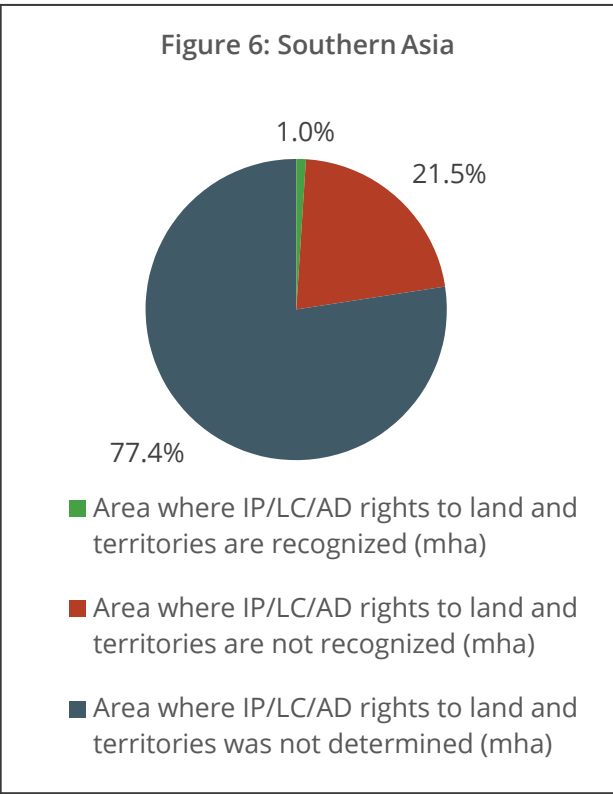
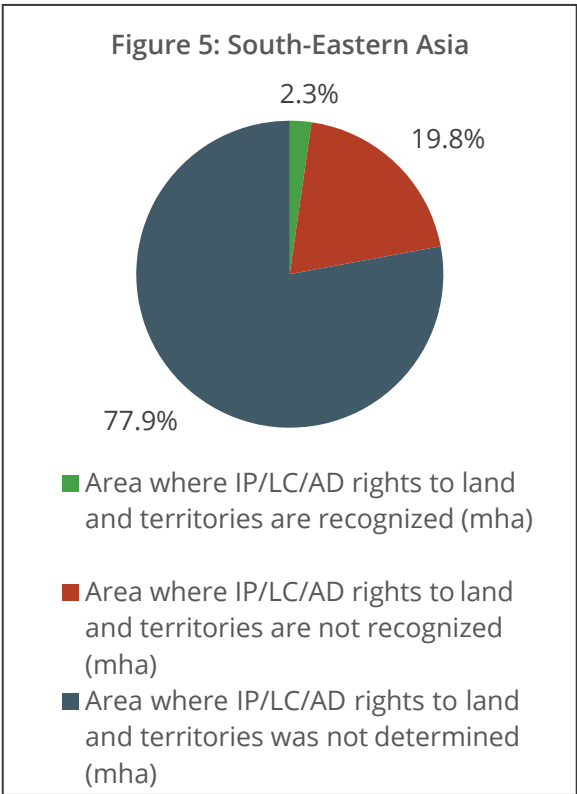
The three regions of Asia, Africa, and Latin America exhibit distinct characteristics, and while they suggest general regional patterns, overall results tend to be dominated by a few large countries. Some of these countries may have undertaken significant land tenure reforms in the recent past, while others have yet to advance reforms or support their implementation, despite widespread customary use by communities.

Asia: Overall results for Asia present a slightly deceptive picture, due to the significant extent of community-owned land in China. Analysis of all the Asian countries covered in this study shows that the total recognized and unrecognized land of Indigenous Peoples and local communities, represents 37.4 percent of the geographical area. Of this, 76.6 percent of these lands and territories (477.3 mha out of 623.4 mha) are recognized and only 23.4 percent are unrecognized.

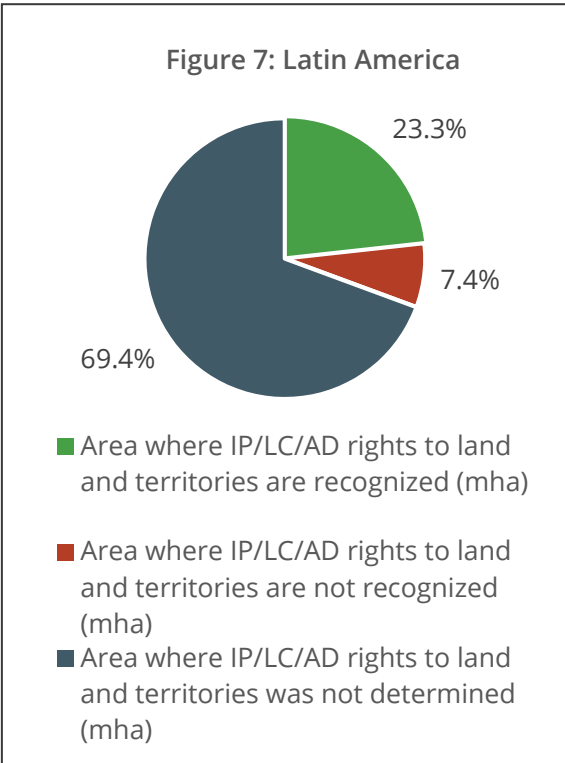


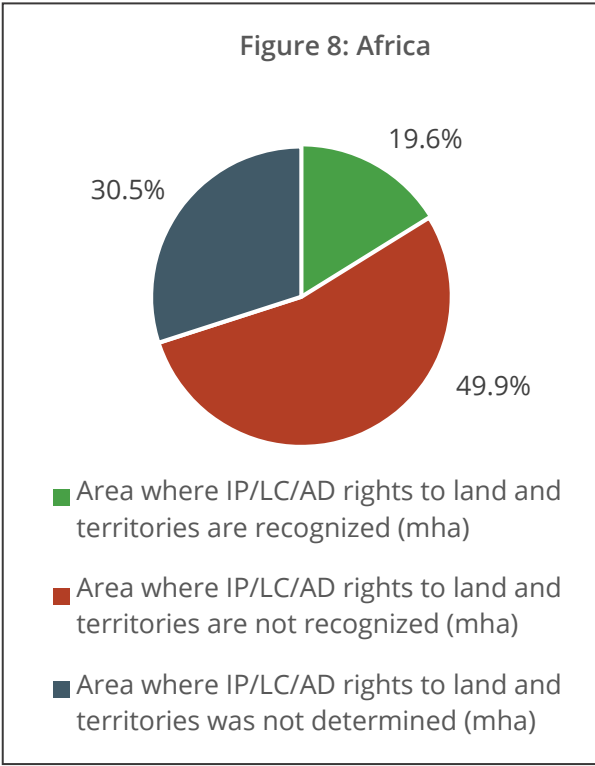
If China is excluded however, legally recognized community lands account for only 1 percent of total land area in the remaining Asian countries studied (significantly lower than the 29 percent of land recognized across Asia when China is included), with an additional 19 percent of community lands yet to be recognized. Outside China, only 6.1 percent of all Indigenous and local community lands and territories (9.9 mha out of 152.1 mha) are recognized and close to 94 percent of land and territories held by Indigenous Peoples and local communities are not recognized.

The percent of unrecognized lands in Southeast Asia and South Asia shows the low level of progress in recognition of Indigenous and local community land rights. The Southeast Asian countries included in this analysis constitute almost 90 percent of the land area of the region. Out of the total Indigenous and local community land and territories amounting to 81.7 mha in Southeast Asia, a substantial portion (89.7 percent, or 73.3 mha) is still unrecognized. The situation in South Asia is similar, where the total land and territories of Indigenous Peoples and local communities amounts to 70.3 mha; out of which 67.1 mha (95.4 percent) are not recognized.



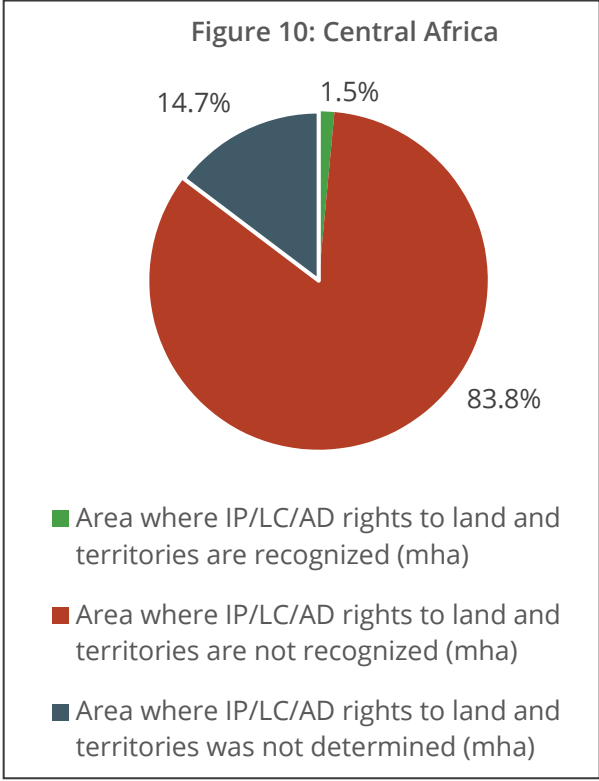
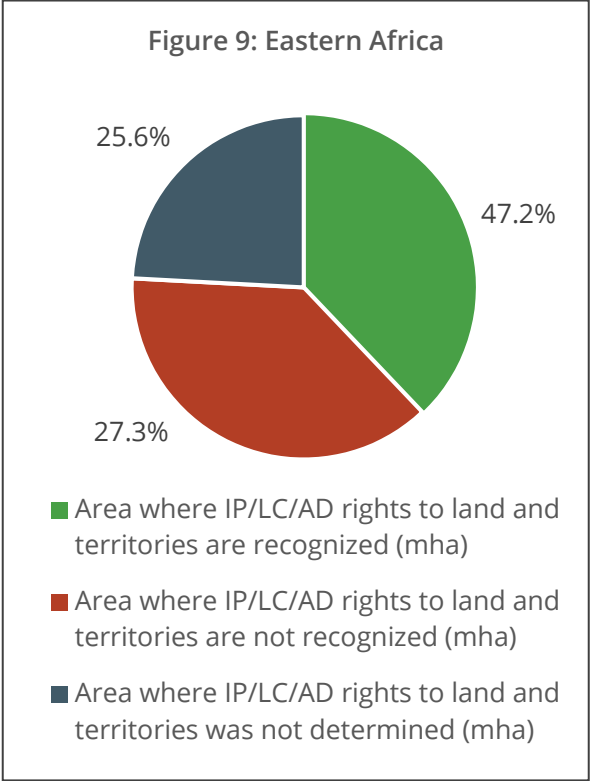
Latin America: In Latin America, the total area of Indigenous, local community, and Afro-descendant land and territories (recognized and unrecognized) constitutes at least 31 percent of the geographical area of the countries studied. Of the total land area held by Indigenous Peoples, local communities, and Afro-descendants, 75.9 percent (433.6 mha out of 571.1 mha) are recognized, thanks in large part to Indigenous Peoples’ and Afro-Descendants’ movements, which have been particularly active in Latin America, demonstrating leadership towards land recognition across the world. Yet, a large portion of these recognized land and territories are in Brazil and Mexico (292.9 mha combined). Total unrecognized land and territories are 137.5 mha and some sub-regions and countries have a substantial portion of unrecognized community lands.





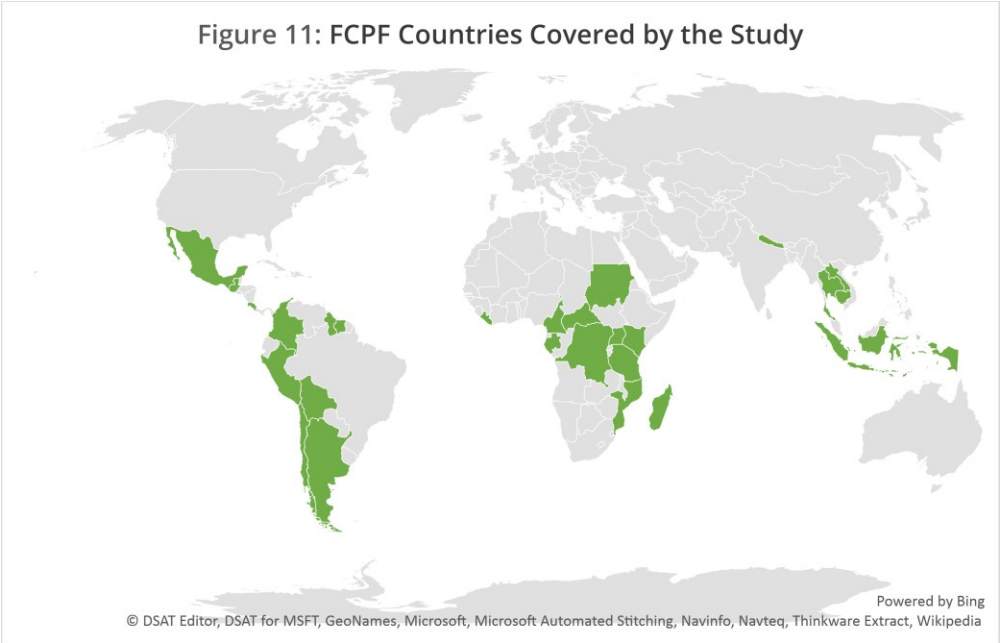
Africa: Africa has the largest portion of unrecognized Indigenous and local community lands. Together, the recognized and unrecognized lands and territories of Indigenous Peoples and local communities represent 69.5 percent of the geographical area of the countries in this study. Around 19.6 percent is legally recognized and 49.9 percent remains unrecognized. The vast majority of customarily held lands and territories remain unrecognized (505.4 mha) across the African countries studied. Three countries – the Central African Republic, the Democratic Republic of the Congo, and Sudan – account for 59.1 percent of these unrecognized lands. In 8 of the 14 African countries studies, at least 60 percent of lands held by Indigenous and local communities are not afforded legal recognition. Nevertheless, in four countries (Kenya, Tanzania, Uganda, and Zambia, more than half of community lands are legally

recognized.



The recognition of the collective land rights of Indigenous Peoples and local communities varies in the two sub-regions as illustrated below. Indigenous Peoples and local communities have legally recognized rights to almost 50 percent of lands in the East African countries studied, but have legally recognized rights to less than 2 percent of land in the countries studied in Central Africa.

7. Results for FCPF Countries



The Forest Carbon Partnership Facility (FCPF) is pioneering efforts to develop results-based payment systems to reduce emissions from deforestation and forest degradation pressures and is supporting forest conservation efforts and sustainable use initiatives. An important factor that will affect the success of benefit sharing arrangements or any other payment system will be clarity of rights over forestland resources. This analysis covers 27 of 47 FCPF countries and accounts for 80 percent of total land area (including all land types, such as forests) of FCPF countries. The table below shows the current status of recognition of community land rights in these 27 countries:

Table 4: Estimates for FCPF countries

| Country | Total Country Area (mha) | Area where IP, LC, and AD rights are legally recognized | | Area where IP, LC, and AD rights are not legally recognized | | Total percent of land held by IP, LC, and ADs | Forest Areas in FCPF Countries ⁶⁸ | |
|-------------|--------------------------|---|-------------------------|---|-------------------------|---|--|--|
| | | Area (mha) | Percent of Country Area | Area (mha) | Percent of Country Area | | Total Forest Area (mha) | Forest Area where IP, LC, and AD rights are legally recognized |
| Argentina | 273.7 | 8.0 | 2.9% | 4.6 | 1.7% | 4.6% | 26.6 | 0.9 |
| Bolivia | 108.3 | 39.4 | 36.4% | 16.9 | 15.6% | 51.9% | 54.8 | 25.2 |
| Cambodia | 17.7 | 0.6 | 3.3% | 0.3 | 1.9% | 5.3% | 8.2 | 0.5 |
| Cameroon | 47.3 | 4.3 | 9.0% | 34.1 | 72.0% | 81.1% | 22.0 | 3.0 |
| CAR | 62.3 | 0.1 | 0.0% | 50.7 | 81.4% | 81.4% | 22.2 | 0.0 ⁶⁹ |
| Chile | 74.4 | 2.3 | 3.1% | 1.1 | 1.5% | 4.6% | 17.7 | 0.9 |
| Colombia | 111.0 | 37.6 | 33.9% | 4.8 | 4.3% | 38.2% | 59.3 | 32.9 |
| DRC | 226.7 | 1.2 | 0.5% | 196.6 | 86.7% | 87.2% | 152.6 | 1.2 ⁷⁰ |
| Congo, Rep. | 34.2 | 0.4 | 1.3% | 29.0 | 84.9% | 86.2% | 22.3 | 0.0 |
| Costa Rica | 5.1 | 0.3 | 6.4% | 0.8 | 15.7% | 22.1% | 2.4 | 0.3 |
| Gabon | 25.8 | 0.1 | 0.3% | 21.7 | 84.3% | 84.6% | 23.0 | 0.1 |
| Guatemala | 10.7 | 1.8 | 16.6% | 1.4 | 13.3% | 29.8% | 3.7 | 1.6 |
| Guyana | 19.7 | 3.8 | 19.3% | 11.9 | 60.6% | 80.0% | 16.5 | 3.3 |
| Indonesia | 181.2 | 0.8 | 0.4% | 40.0 | 22.1% | 22.5% | 91.0 | 0.8 |
| Kenya | 56.9 | 38.5 | 67.7% | 0.8 | 1.5% | 69.1% | 4.4 | N/A |
| Lao PDR | 23.1 | 0.0 | 0.1% | 5.0 | 21.7% | 21.8% | 18.8 | 0.0 |
| Liberia | 9.6 | 3.1 | 31.7% | 3.9 | 40.9% | 72.6% | 4.2 | 0.6 |
| Madagascar | 58.2 | N/A | N/A | 37.7 | 64.8% | 64.8% | 12.5 ⁷¹ | N/A |
| Mexico | 194.4 | 101.1 | 52.0% | 0.9 | 0.5% | 52.5% | 66.0 | 45.5 |
| Mozambique | 78.6 | 20.1 | 25.5% | 10.0 | 12.7% | 38.3% | 37.9 | N/A |
| Nepal | 14.3 | 2.1 | 14.4% | 4.6 | 32.3% | 46.7% | 6.6 | 1.9 |
| Peru | 128.0 | 44.6 | 34.8% | 26.9 | 21.0% | 55.8% | 72.3 | 17.8 |

| | | | | | | | | |
|-----------------|---------------|--------------|--------------|--------------|--------------|--------------|-------------------|--------------|
| Sudan | 186.2 | 0.2 | 0.1% | 51.4 | 27.6% | 27.7% | 19.2 | 0.2 |
| Suriname | 15.6 | 0.0 | 0.0% | 10.5 | 67.4% | 67.4% | 15.2 | 0.0 |
| Tanzania | 88.6 | 66.5 | 75.1% | 20.5 | 23.1% | 98.2% | 48.1 | 27.3 |
| Thailand | 51.1 | 0.5 | 0.9% | 1.6 | 3.1% | 4.1% | 16.3 | 0.5 |
| Uganda | 20.1 | 13.5 | 67.1% | 3.0 | 15.0% | 82.0% | 2.1 ⁷² | N/A |
| Total | 2122.4 | 390.6 | 18.4% | 590.7 | 27.8% | 46.2% | 823.9 | 163.1 |

N/A = Not Available

Total Indigenous, local community, and Afro-descendant land area covers 46.5 percent of the terrestrial area of FCPF countries in this analysis. The range of non-recognition of community lands for FCPF countries varies from 0.45 percent in Mexico to 86.7 percent in the Democratic Republic of Congo. Overall, for all 27 FCPF countries in this analysis, at least 64 percent (631 mha out of a total of 986.7 mha) of Indigenous, local community, and Afro-descendant lands have yet to be recognized—a proportion that is much higher than 47.7 percent of non-recognized lands (1488.6 mha out of a total of 3120.3 mha) for all the 42 countries covered in the broader global analysis.

The above analysis includes all categories of lands and territory of Indigenous Peoples, local communities, and Afro-Descendants, while FCPF is mainly interested in forest lands. Out of a total forest area of 834.8 mha of forestland in the 23 FCPF countries studied, Indigenous, local community, and Afro-descendant rights have only been recognized in 20 percent (164.1 mha) of these forests (based on data from RRI, 2017 as presented in Table 4).

8. Results for Carbon Fund Countries

The Carbon Fund was established to pilot incentive payments for REDD+ efforts in developing countries. FCPF participant countries that have made significant progress in their REDD+ readiness phase may apply for an emissions reduction payment agreement (ERPA), supported by the Carbon Fund. This analysis includes 13 of 18 countries in the Carbon Fund pipeline.

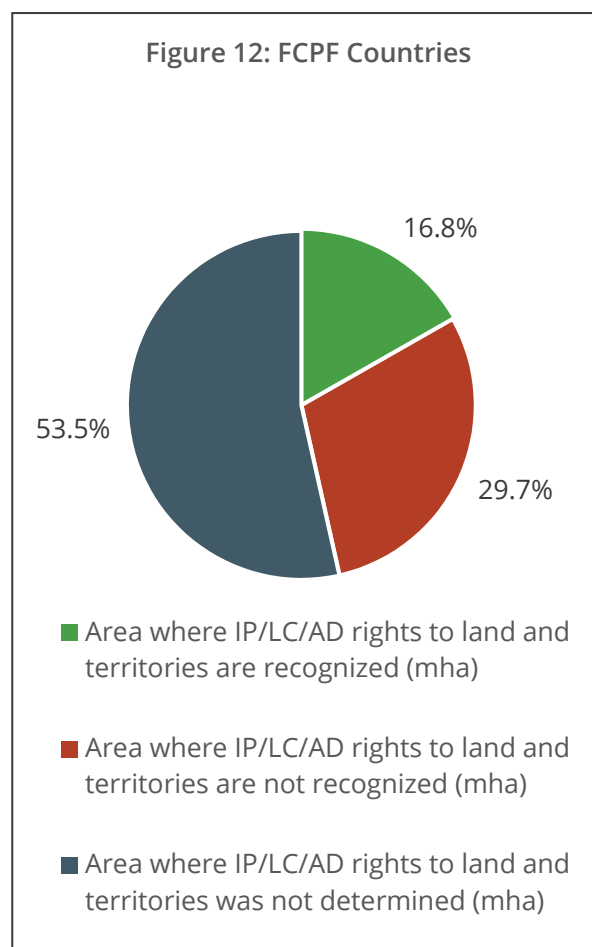
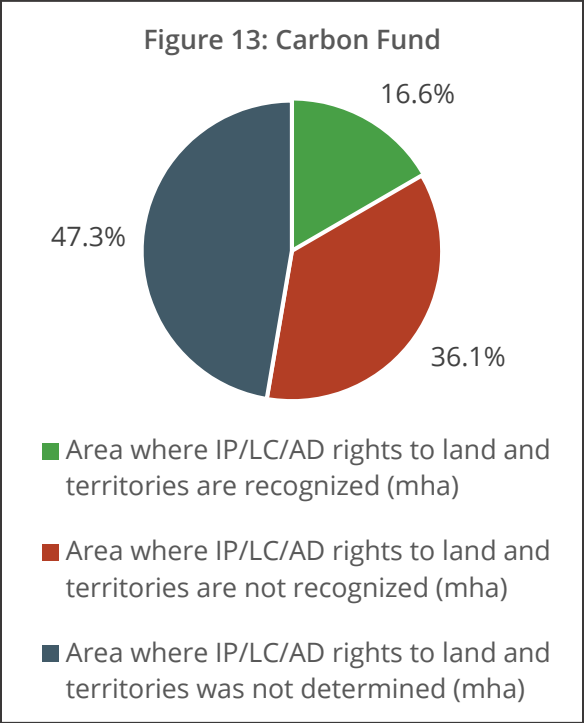


Table 5: Estimate for Carbon Fund Countries

| Country | Total Country Area (mha) | Area where IP, LC, and AD rights are legally recognized | | Area where IP, LC, and AD rights are not legally recognized | | Total percent of land held by IP, LC, and ADs | Forest Areas ⁷³ | |
|-------------------------|--------------------------|---|-------------------------|---|-------------------------|---|----------------------------|---|
| | | Area (mha) | Percent of Country Area | Area (mha) | Percent of Country Area | | Total Forest Area | Forest Area where IPs, LCs, and ADs rights are legally recognized |
| Cameroon | 47.3 | 4.3 | 9.0% | 34.0 | 72.0% | 81.0% | 18.8 | 3.0 |
| Chile | 74.3 | 2.3 | 3.1% | 1.1 | 1.5% | 4.6% | 17.7 | 0.9 |
| Congo, Dem. Rep. | 226.7 | 1.2 | 0.5% | 196.6 | 86.7% | 87.2% | 152.6 | 1.2 |
| Congo, Rep. | 34.1 | 0.4 | 1.3% | 29.0 | 84.9% | 86.2% | 22.3 | 0.0 |
| Costa Rica | 5.1 | 0.3 | 6.4% | 0.8 | 15.7% | 22.1% | 2.7 | 0.3 |
| Guatemala | 10.7 | 1.8 | 16.6% | 1.4 | 13.2% | 29.8% | 3.5 | 1.6 |
| Indonesia | 181.1 | 0.8 | 0.4% | 40.0 | 22.1% | 22.5% | 91.0 | 0.3 |
| Lao PDR | 23.1 | 0.0 | 0.1% | 5.0 | 21.7% | 21.8% | 18.8 | 0.0 |
| Madagascar | 58.2 | N/A | N/A | 37.7 | 64.8% | 64.8% | 12.5 | N/A |
| Mexico | 194.4 | 101.1 | 52.0% | 0.9 | 0.4% | 52.5% | 66.0 | 45.5 |
| Mozambique | 78.6 | 20.1 | 25.5% | 10.0 | 12.7% | 38.3% | 37.9 | N/A |
| Nepal | 14.3 | 2.1 | 14.4% | 4.6 | 32.3% | 46.7% | 3.6 | 1.9 |
| Peru | 128.0 | 44.6 | 34.8% | 26.9 | 21.0% | 55.8% | 73.9 | 17.8 |
| Total | 1076.1 | 179.0 | 16.6% | 388.0 | 36.1% | 52.7% | 521.6 | 72.5 |

N/A = Not Available

Compared to the overall status of rights recognition in FCPF countries in this database, levels of recognition in Carbon Fund countries appear further behind. While the total area of land that is formally held or customarily managed by Indigenous Peoples, local communities, and Afro-descendants in Carbon Fund countries covers 53 percent of the terrestrial areas in the reviewed countries (compared to 46.45 percent in FCPF countries), the proportion of land that remains unrecognized (68.5 percent) is noticeably larger than that of FCPF countries overall (64 percent).



In the context of forestlands, the rights of Indigenous Peoples, local communities, and Afro-descendants have been recognized on only 13.8 percent (72 mha) out of an estimated 521 mha of forests. Almost 90 percent of the recognized forest lands are in Mexico and Peru, two Carbon Fund countries with advanced collective tenure rights reforms.

9. Overall Conclusions

This research supports prior findings that Indigenous Peoples, local communities, and Afro-descendants customary rights cover 50 percent or more of the global land mass, outside of Antarctica. Building on an analysis of 42 countries, covering nearly half of the world’s land area, conservative estimates of unrecognized land and territorial

rights of Indigenous Peoples, local communities, and Afro-descendants point to several notable conclusions:

- i. The total extent of recognized and unrecognized community lands for the countries studied is equal to at least 3115 mha, or 49.2 percent of the total terrestrial areas of these countries.
- ii. The extent of land and territorial rights of Indigenous Peoples, local communities, and Afro-descendants which remains unrecognized is vast and at a minimum, it represents at least 1488 mha—an area nearly twice the size of Australia (or more than 4 times the size of India).
- iii. LMICs comprise more than half of total unrecognized community lands and territories (789 mha, or an area slightly larger than Australia), nearly two-thirds of which are in the African countries studied.
- iv. Results for FCPF and Carbon Fund countries show limited recognition of Indigenous, local community, and Afro-descendant lands overall: 60 percent of community lands in FCPF countries studied and 68 percent of community lands in Carbon Fund countries studied have yet to be recognized (compared with 46 percent of community lands across all countries in this study).
- v. Latin American countries studied show the greatest progress in recognition of the land and territorial rights of Indigenous Peoples, local communities, and Afro-descendants. However, the achievement is concentrated largely in two countries, namely Brazil and Mexico, and

there are opportunities for advancement of customary and collective rights in a number of countries such as Peru, Suriname, Bolivia, etc.

- vi. African countries studied hold the largest amount of unrecognized Indigenous, local community, and Afro-descendant lands, and thus the greatest opportunity for the advancement of customary, collective rights globally.

The climate and biodiversity emergencies have sparked unprecedented interest and action to conserve and restore the world's land and forests. The lack of legal recognition of customary collective rights over these lands are not only an injustice to Indigenous Peoples, local communities, and Afro-descendants, but such failures ultimately weaken prospects for urgently needed transformative changes in the political-economic structures that drive poverty, climate change, the loss of biological diversity, and the unsustainable use of the global environment more broadly.

This analysis reinforces the critical need to accelerate national actions and international investments to secure collective land and resource rights at scale. Never before has the scope of existing opportunities to dramatically scale-up community-based tenure rights been more clearly and comprehensively identified, and in light of increasing evidence from across the world, never have the social and environmental threats of unrecognized rights been greater. A global effort to recognize and secure rights of Indigenous Peoples, local communities, and Afro-descendants over their lands and territories is an imperative of our times.

Endnotes

¹ For RRI, the term 'Indigenous Peoples' follows the definition or 'statement of coverage' contained in the International Labor Organization Convention on Indigenous and Tribal Peoples in Independent Countries. Therefore, it includes:

- i. peoples who identify themselves as 'indigenous';
- ii. tribal peoples whose social, cultural, and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- iii. traditional peoples not necessarily called indigenous or tribal but who share the same characteristics of social, cultural, and economic conditions that distinguish them from other sections of the national community, whose status is regulated wholly or partially by their own customs or traditions, and whose livelihoods are closely connected to ecosystems and their goods and services.

While RRI recognizes that all people should enjoy equal rights and respect regardless of identity, it is strategically important to distinguish Indigenous Peoples from other stakeholders. They have a distinct set of rights linked to their social, political, and economic situation as a result of their ancestry and stewardship of lands and resources vital to their well-being.

²Recognizing that local communities are not formally defined under international law, RRI considers that they encompass communities that do not self-identify as Indigenous but who share similar characteristics of social, cultural, and economic conditions that distinguish them from other sections of the national community, whose status is regulated wholly or partially by their own customs or traditions, who have long-standing, culturally constitutive relations to lands and resources, and whose rights are held collectively.

³As per the Declaration of Santiago of 2000, the States of the Americas defined Afro-descendant as “the person of African origin who lives in the Americas and in the region of the African Diaspora as a result of slavery, who have been denied the exercise of their fundamental rights.” (See: The Durban Conference and Program of Action; The International Decade for People of African Descent https://www.un.org/en/durbanreview2009/pdf/DDPA_full_text.pdf). In Latin America and the Caribbean, constitutional and legal recognition of Afro-descendants’ collective tenure rights is based on their special cultural, ethnic, and spiritual relationship with land. Colombia, Brazil, Ecuador, Nicaragua, and Honduras, including others, have such legislation.

⁴Walker, W. et al. (2020) The role of forest conversion, degradation, and disturbance in the carbon dynamics of Amazon indigenous territories and protected areas. PNAS. 2020. <https://www.researchgate.net/publication/338858779>; Blackman, Allen, Leonardo Corral, Eirivelthon Santos Lima, and Gregory P. Asner. Titling indigenous communities protects forests in the Peruvian Amazon. PNAS, 114 (16) 4123-4128, 2017; Graziano Ceddia, M., U. Gunter, and A. Corriveau-Bourque. Land tenure and agricultural expansion in Latin America: The role of Indigenous Peoples’ and local communities’ forest rights. Global Environmental Change, 35, 316–322, 2015. Wehkamp, J., N. Koch, S. Lübbbers, and S. Fuss. Governance and deforestation—a meta-analysis in economics. Ecological Economics, 144, 214–227, 2018; Blackman, Allen, and Peter Veit. Titled Amazon Indigenous Communities Cut Forest Carbon Emissions. Ecological Economics 153: 56-57, 2018; Ding, H., P. Veit, A. Blackman, E. Gray, K. Reyta, J. C. Altamirano. Climate Benefits, Tenure Costs. The Economic Case for Securing Indigenous Land Rights in the Amazon. Washington, DC: World Resources Institute, 2016. Nolte, Christoph, Arun Agrawal, Kirsten M. Silviu, and Britaldo S. Soares-Filho. Governance regime and location influence avoided deforestation success of protected areas in the Brazilian Amazon. PNAS, 110 (13) 4956-4961, 2016.; Stevens, C. et al. Securing Rights, Combating Climate Change: How strengthening community forest rights mitigates climate change. Washington, DC: RRI and WRI. <http://rightsandresources.org/wp-content/uploads/Securing-Rights-Combating-Climate-Change.pdf>.

⁵RRI 2015. Who Owns the World’s Land? A global baseline of formally recognized indigenous and community land rights. RRI, Washington DC.

⁶Alden Wily, Liz. 2011. The tragedy of public lands: The fate of commons under global commercial pressure. Rome: International Land Coalition. Available at <http://www.landcoalition.org/en/resources/tragedy-public-lands-fate-commons-under-global-commercial-pressure>.

⁷RRI 2012. What Rights? A Comparative Analysis of Developing Countries’ National Legislation on Community and Indigenous Peoples’ Forest Tenure Rights

⁸Odero, Kenneth K. 2004. “Community Based Enterprises: Their Role in Sustainable Natural Resource Management and Rural Livelihoods in Zimbabwe.” Paper Prepared for the Tenth Biennial Conference of the International Association for the Study of Common Property (IASCP), Oaxaca, México, 9 - 13 August 2004. Available at: http://pdf.wri.org/ref/odero_04_com-based_enterprises.pdf

⁹For more information on the assessment and classification of communities’ legally recognized land and forest tenure rights under RRI’s Statutory Tenure Typology, please see Rights and Resources Initiative. 2018. At a

Crossroads: Consequential Trends in Recognition of Community-Based Forest Tenure from 2002-2017. Rights and Resources Initiative, Washington, DC.

10 Food and Agriculture Organization of the United Nations. 2020. FAOSTAT: Compare Data. Rome: Food and Agriculture Organization of the United Nations. <http://www.fao.org/faostat/en/#data/RL>.

11 Except where otherwise noted, data on country area reflects: Rights and Resources Initiative. 2015. Who Owns the World's Land: A global baseline of formally recognized indigenous and community land rights. Rights and Resources Initiative, Washington, DC.

¹² Data Except where otherwise noted, data on legally recognized land area is drawn from Who Owns the World's Land: A global baseline of formally recognized indigenous and community land rights. Rights and Resources Initiative. September 2015.

¹³ Cambodia: For the explanation of the area estimate of 0.59 mha. where IPLC rights are already recognized in Cambodia, please refer to RRI (2015), page 26, endnotes 30 & 31.

¹⁴ Cambodia: A conservative estimate of 0.338 mha. for unrecognized rights in Cambodia is based on the official extent of community forests and community protected areas that are in the process of being recognized but not yet received formal agreement (formal recognition by government) (Tol Sokchea, 2020, Personal communications). This estimate is presented in the table.

However, the likely to be a major underestimate and will need to be upwardly revised. Try Try and Hindley (2017) estimate that the areas used and claimed by indigenous communities is up to 5 mha but provide no data to support the estimate. In absence of clear data, this estimate has not been included in our estimate.

The Government of Cambodia issued, in 2010, a National Forest Program stating that 2.00 mha would be managed as Community Forests (Ministry of Forestry, Cambodia, 2010). Only 0.35 mha. of forests have been designated as community forestry till date, implying that 1.65mha of community forestry still to be recognized. However, it's not clear how the Government of Cambodia reached an estimate of 2.0 mha. and therefore, this estimate is not is not being considered in the total estimate.

As no clear data on extent of larger land and forest claims are available, the more conservative estimate of 0.338 mha. is being presented in the current estimate.

¹⁵ China: For the explanation of the area estimate of 465.70 mha. where IPLC rights are already recognized in China, please see RRI (2015), page 26, endnote 32

¹⁶ China: Estimate for the whole country is not available. The estimate of 3.68 mha. is from two provinces of Sichuan and Yunnan only and is based on survey questionnaires use in a survey in state forest areas (2013,2015); survey notes taken by leaders of the survey team (2013); and investigation report written by SFA Natural Forest Protection Program leader (2007, published at SFA web site). (Hu Jintao, Personal Communications). Similar community rights are present in other provinces also for which data is not available. Therefore, this is likely to be an underestimate for whole China.

¹⁷ India: Figure reflects the forest area recognized for communities as of 2017. For additional explanation, please see RRI (2018), page 42, endnote 123.

¹⁸ India: Two sources of data have been used to make the estimate of 62.65 mha. land claimed by IPLCs in India.

Forest Land claimed by IPLCs: This estimate refers to the extent of IPLC claims on forest land under the *Scheduled Tribes (STs) and Other Traditional Forest Dwellers Rights over Forests Act, 2006 (FRA, 2006)*. Two experts referred to the RRI et al (2015) estimate of collective rights on forests at 40 mha (Personal Communications, Tushar Dash; Almeida, 2019). The cited RRI et al (2015) estimate in turn depends on data from India's Census, 2011 (GOI, 2011) to make the estimate about forest area eligible for collective rights under FRA, 2006.

Rights and Resources Initiative, Vasundhara and NRM (2015) Potential for Recognition of Community Forest Resource Rights Under India's Forest Rights Act. RRI, Washington DC.

Non-Forest Commons claimed by IPLCs: The 2nd estimate is referred to by Almeida (2019) citing personal communication from Foundation for Ecological Security (FES) and pertains to the non-forest commons consisting of "Pastures and Grazing Lands" and "Culturable Wastelands" (Almeida, 2019 citing Jagdeesh Rao, 2019. Personal Communication). FES has based its analysis on government data (Land Use statistics Ministry of Agriculture, GOI, 2013-14) which provides state wise estimates for these lands.

¹⁹ Indonesia: Figure reflects the forest area recognized for communities as of 2017. For additional explanation, please see RRI (2018), page 43, endnotes 130 and 131.

²⁰ Indonesia: The estimate of 40 mha. refers to territories claimed by indigenous communities based on personal communications with Rukka Sombolinggi and Farid W. of AMAN and confirmed by member of expert group member (Kasmita Widodo, Personal Communications) as under "The Indicative indigenous people's territory map (JKPP, AMAN, Sekala, 2014) for Indonesia estimated that the area of indigenous territories with a strong probability is 80 mha, and a medium probability is 40 mha." In view of the estimate, a medium indicative area of IPLC lands of 40 mha. has been accepted.

²¹ Iraq: Approximately 0.5 Marsh Arabs claim over 2 mha. of marshlands in the three states of Basrah, Thi-Qar and Missan. Moumin, Mishkat Al. "Mesopotamian Marshlands: An Ecocide Case." Georgetown International Environmental Law Review. 20 (2007): 499.

²² Lao PDR: Unrounded figure of land area recognized in Lao PDR is 0.02 mha.

²³ Lao PDR: Jeremy Ironside (2017) estimated in 2017 that 5.00 mha. of rural areas need to be titled for rural communities. This data has been accepted and recommended by Almeida (2019).

²⁴ Myanmar: Figure reflects the forest area recognized for communities as of 2017. For additional explanation, please see RRI (2018), page 46, endnote 172.

²⁵ Myanmar: The estimate of 20.70 mha. is based on data from official Statistics Department of Land Administration and Statistics (2018), Myanmar with own interpretation of this data by Paul De Wit (Personal communications, 2019). In Myanmar Vacant, Fallow and Virgin (VFV) land area statistics are available. Common knowledge indicates that a significant area of these lands may be claimed; hence Paul de Wit assumes that all VFV lands are claimed, which is probably an overestimation. On the other hand, communities may claim land that fall under the permanent forest estate, which could, as per Paul De Wit, compensate for the overestimation on VFV land. Much of these lands are located in the ethnic upland states, including in Kachin, Shan, Kayah, Kayin, Chin, Mon, Rakhine, and Tanintharyi region.

²⁶ Nepal: Figure reflects the forest area recognized for communities as of 2017. For additional explanation, please see RRI (2018), page 47, endnote 176.

²⁷ Nepal: The area claimed by Indigenous Peoples and local communities is estimated to be 4.626 mha, including 1.32 mha. to be recognized as community forestry and an additional 3.326 mha. of rangelands and high-altitude pastures which can be claimed by IPLCs.

Community Forests: The original estimate of forests to be transferred to community forestry was 3.52 mha. provided in the Master Plan for Forests 1989 prepared by MOFE, Government of Nepal (Tamrakar and Nelson, 1991). Out of this, 2.2 mha. have already been recognised as Community forests, implying that approximately 1.32 mha. of community forests remain to be recognised (Khanal, 2019).

Rangelands and Pasturelands: About 22.6% land (3.326 mha.) of Nepal is covered by the Rangeland or Pasture Land. The rangeland/pasture land is utilized in a sustainable way by the IPLCs since immemorial period for the

grazing of domestic yak, sheep, goats and cow; collection of NTFPs, herbs and medicinal and aromatic plants and source of fresh water. The rangelands/pasturelands are used by the IPLCs on the customary basis, but their claims haven't been legally recognized by the government. The rangelands/pasture lands were nationalized in 1974 by the government through Rangelands/Pasture Land Nationalization Act 1974, but the IPLCs are not satisfied with that nationalization act and claiming their rights over the rangelands/pasture land for collective use. (Khanal, 2019).

²⁸ Philippines: The estimate of 4.307 mha. is based on official government data from National Commission on Indigenous People (National Commission On Indigenous Peoples (NCIP) (NCIP, 2017). This data is likely an underestimate as it doesn't include claimed areas of Community-Based Forest Management Agreements (CBFMAs) and Protected Area Community Based Resource Management Agreements (PACBRMAs). (Almeida 2019).

²⁹ Thailand: In absence of any estimate for the areas claimed by IPs and local communities as customary lands, the only estimate available is that of forests proposed to be brought under community forestry. As per RECOFTC (2017), the Government has set a target of bringing 1.6 mha. under community forestry. As of 31 August 2016, Thailand has established community forests covering an area of approximately 0.75 mha., but no substantive rights have been recognized in these forest lands. Therefore, 1.6 mha. are minimum claims for rights recognition used in this estimate. This number is likely an underestimate since the upland tribes practice customary tenure in several areas- however, no estimate for the area of such customarily claimed lands are available.

³⁰ Timor Leste: The 2017 Revised National Forest Policy of Timor-Leste reports that more than 35 ethnic groups claim more than 90% of the country rural land (Ministry of Agriculture and Fisheries (Ministério de Agricultura e Pescas). 2017). As the total rural area of Timor-Leste is 1.45 mha, the total area claimed as Community owned land is estimated to be 1.31 mha.

³¹ Argentina: The estimate of 4.61 mha. provided by respondent (Mathais Vom Hau, 2019) refers to official information published by the Instituto Nacional de Asunto Indigenas (INAI) in 2013 (INAI, 2013) and represents the "area surveyed" by a nationally mandated survey of indigenous land claims that has been pursued in Argentina since 2009/2010. The figure is an underestimate based on the fact that the survey is still ongoing in a number of provinces. In 2013, out of 1614 communities with land claims, the survey was completed only in 814 communities over an area of 4.61 mha. The customary areas of the rest of the communities are still to be mapped and calculated, creating an underestimate of the indigenously claimed lands.

³² Bolivia: Four categories of land Rights claim have been considered to obtain a figure of 16.88 mha. of unrecognized land and territorial claims in Bolivia.

Territorio Indígena Originario Campesino (TIOC: Original Peasant Indigenous Territory) (13.25 mha.)

The data in this category has been drawn from Leonardo Tamburini's *"Atlas Sociopolítico sobre los territorios indígenas en las tierras bajas de Bolivia"*.(Tamburini, 2019) This includes the total area of the 16 TIOCs demanded by indigenous groups at the *"Il Marcha por el territorio, los derechos de participación política y el desarrollo"* in 1996 at 16.281 mha. Out of this total, 7.80 mha. was recognized between the march and the enactment of the Ley INRA (2006), leaving a pending territorial claim of 8.481 mha. After the enactment of the Ley INRA in 2006, indigenous peoples claimed another 14 lands as TIOCs, demanding the recognition of 6.927 mha, of which only 2.162 mha. were recognized as indigenous territories, leaving a pending claim over 4.765 mha. Thus, the total pending TIOC claims is the sum of the pending territorial claims from before 2006 and after 2006 and equals 13.246 mha.

Propiedades Comunitarias (2.80 mha.): Propiedades Comunitarias are usually considered as a special kind of small communal Property. The *Plan Estratégico Institucional 2016 – 2020* of the *Instituto Nacional de Reforma Agraria*³² states that 2.80 mha. is pending titling in respect with *Propiedades Comunitarias*. (INRA, 2016)

Títulos Comunales para Comunidades Agro-Extractivas (Norte Amazónico) (Communal Titles for Agro-Extractive Communities in the Northern Amazonian Region) (0.11 mha): Following Cronkleton et al (2008), the estimated area for Agro-Extractive Communities in the Northern Amazonian Region pending titling in 2008 was 0.11 mha.

Agrupaciones Sociales del Lugar (ASL) (Location-Based Social Association) (0.72 mha)

Traditional groups organized under the label *Agrupaciones Sociales del Lugar* are allowed to exploit forests in a sustainable way. In 2007 it was estimated that there were around 60 ASL in the country. Following Vargas and Ozinaga (undated), the area claimed of 1.35 mha are claimed by ASLs out of which 0.629 mha. Has been certified. minus the size of the area effectively certified between 1996 and 2007. An area of 0.72 mha. claimed is not yet certified. The area claimed should be considered an underestimation because, as Vargas e Osinaga point out, "*cabe indicar que muchas de esas tierras [Territorios Indígenas Originarios Campesinos] están en proceso de demanda y la superficie a titular todavía es incierta.*"

³³ Brazil: The combined claims for indigenous people's territories and Afro-descendant Peoples claims not yet recognized are estimated to be 18.91 mha.

Indigenous People's unrecognized claimed (9.81 mha): The estimate of total area claimed for Indigenous territories and not yet recognized is 9.81 mha. Spatial data of claimed Indigenous Lands had been extracted from an updated list provided by FUNAI (National Foundation on Indigenous Peoples) upon request made through the Information Access Act (Lei de Acesso à Informação) in July 2019. The record states that 730 Indigenous Lands are in different stages of the demarcation process (Almeida, 2019)

Afro-descendant Peoples quilombola unrecognized claims (9.1 mha): Approximately 1.016 mha. have been titled for Afro-descendant Peoples. In addition to these already titled areas, there are 1,748 requests (claims) from quilombola communities for land regularization at the federal level, out of which 291 have been delimited and whose area has been mapped by INCRA at 2.60 mha. An extrapolation made by the respondent (Isabelle Picelle, 2019) based on the above mapping for all 1748 claims provides an estimate of 9.1 mha. claims for afro-descendant peoples in Brazil. This is likely to be an underestimate as it doesn't include Afro-Descendant People's requests for land regularization in states such as Maranhão, Pará, Piauí and Bahia.

INCRA data on recognised titles available at: http://www.incra.gov.br/sites/default/files/incra-andamentoprocessos-quilombolas_quadrogeral.pdf; <http://www.incra.gov.br/sites/default/files/incra-processosabertos-quilombolas-v2.pdf>.

³⁴ Chile: The combined unrecognized claims for indigenous people's territories and peasant communities land is estimated to be 1.11 mha

Indigenous People's unrecognized claims (1.03 mha.)

Centro de Ciencias Ambientales (2010) (cited in Almeida 2019) estimates that the total unrecognized indigenous lands claimed in Chile is 1.033 mha .

Peasant Communities unrecognized claims (0.072 mha)

In addition, an additional 0.072 mha. of land in the territory of the peasant community of Comunidad Agrícola Diaguita Huasco Alto (Diaguita Agricultural Community of Huasco Alto) has been claimed but given in concessions in favor of private landowners (Raúl Molina Otárola. 2013 cited in Almeida, 2019).

The data of 1.11 mha. presented in the table is a sum of the above two estimates. This is likely to be an underestimate as the report <http://www.ciiir.cl/ciiir.cl/wp-content/uploads/2018/12/policy-paper-UPP-n%C2%BA2-2018.pdf> (pp 23), points out that before the "Pacification Campaign of the Araucania (1861-1883)", the Mapuche people held 5 mha of land, only a part of which have been legally recognized as indigenous territories.

³⁵ Colombia: The figure of 4.76 mha. unrecognized claims refers to Indigenous territorial claims over 3.0 mha. and Afro-Colombian Community Land claims over 1.76 mha.

Indigenous People's territorial Claims (3.00 mha): The figure of 3.00 mha. unrecognized claims for Indigenous People's territorial rights has been provided by Carolina Gil (2019) and has been confirmed by the National Commission of Indigenous Territories (CNTI) (Camillio Nino, 2019). A member of the National Land Agency considered this as an underestimate as mapping and delineation hasn't been completed for the claimed territories.

Afro-descendant Peoples quilombola unrecognized claims (1.76 mha):

PCN and OTEC confirmed that Afro-descendant communities claim 1.76 mha of land.

Source: According to the diagnosis of the demand for lands of Afro-Colombian communities contained in the "National Development Plan for Black, Afro-Colombian, Racial and Palenqueras Communities 2018 - 2022", made by the Technical Commission for Afro-Colombian Studies, and collected in Article 4, paragraph 3 of Law 1955 of 2019 "The estimate of the demand for lands of Afro-Colombian communities."

³⁶ Costa Rica: Refers to lands claimed by Asentamientos Campesinos (Peasant Communities). No spatial data was available for the claimed area of Indigenous Territory. IP lands were identified in maps during 1970s, but these lands were never formalized and titled properly. Non-IPs have often illegally occupied the IP lands, even though the 1977 Ley Indígena prescribes that indigenous territories are "inalienable" and "exclusive" to indigenous peoples and that nonindigenous "persons cannot rent, lease, purchase or acquire by any other means" lands therein. IPs claim restitution of these lands. The Bibris and Terrabas have recovered some of their lands by de facto actions and legal actions against the government (FPP, 2014).

<https://www.forestpeoples.org/sites/fpp/files/publication/2014/02/violationsterritorialrightscostaricaenglishfeb2014.pdf>.

The estimate in this report is an underestimate.

³⁷ Guatemala: The estimate of 1.42 mha. refers to Tierras Comunes (Almeida 2019). This estimate is similar to the numbers presented in 2009 by Ministry of environment, Guatemala (2009) which was 1.57 mha. The estimate was confirmed with Illiana Monterroso (2019).

³⁸ Guyana: The total estimated claims are for 11.94 mha., out of which 8.06 mha. are territories claimed by Amerindian Peoples and 3.88 mha. are territories claimed by Afro-descendant Peoples.

Amerindian communities claimed 11.14 mha of land (United Nations Development Programme. 2013; Griffith and Rose, 2014). By 2018, The Guyana Forestry Commission reported that 3.08 mha of Amerindian Village Land had been formalized by the government, and accordingly, outstanding claims amount to 8.06 mha. (Guyana Forestry Commission. 2018).

Afro-descendants claim approximately 3.885 mha. of land (Vanda Radzik, 2019) supplemented by reports in Guyana News i) Committee claims land reparations for descendants of slaves (August 25, 2017) ii) Afro-Guyanese deserve 15,000 square miles of territory as partial compensation for enslavement; law being drafted for African land rights (August 1st, 2018) iii) The demand for Reparations for enslaved African descendants intensifies (August 18, 2019).

³⁹ Mexico: Refers to Ejidos and Comunidades. The claimed area refers to "not executed" Ejidos (0,46Mha) and "not executed" Comunidades (0.41Mha). Spatial data from: Registro Agrario Nacional (National Agrarian Register). Información Estadística de la Estructura de la Propiedad Social en México. Situación Agraria Nacional. Available at: <http://www.ran.gob.mx/ran/index.php/sistemas-de-consulta/estadistica-agraria/informacion-de-interes-nacional>.

⁴⁰ Peru: As per Instituto del Bien Común (2016), total pending claims of Indigenous Peoples; peasant communities (In the Andes and coastal areas) and riverside communities in the Amazon is estimated to be 26.838 mha. This is the conservative estimate presented in the table.

This number is likely to be an underestimate as it doesn't include claims made on behalf of indigenous people in voluntary isolation and communal reserves. AIDSESEP (2016) estimates that another 14 mha. is pending for

recognition as territories for Indigenous Peoples in Voluntary Isolation (3.82Mhas), Communal Indigenous Reserves (4.1Mhas) and Integral Territories (8.89 Mhas).

⁴¹ Suriname: The claim of territorial rights for Indigenous peoples and Maroon Peoples is estimated to be 10.5 mha. This data does not include community claims in the coastal area of the country and to that extent, is an underestimate.

Indigenous Peoples: The land claims of indigenous people is approximate 6.5 mha. (Minu Parahoe, 2019).

Maroon Peoples: The land claims of Maroon peoples is approximate 4 mha. (Minu Parahoe, 2019).

Minu Parahoe (2019) assessment based on Reports of Government of Suriname; SSDI Documents, and from NGOs involvement in talks on community's role in managing forests and has been confirmed by Amazon Conservation Team Expert.

⁴² Venezuela: The respondent (Vladimir Aguilar Castro, 2019) has estimated the area claimed by indigenous peoples in Venezuela as 38.81 mha. based on the assumption that the protected areas in the country coincide with the areas claimed by the indigenous peoples. The respondent's estimate is based on the historical occupation of Indigenous peoples and their current demands for recognition. This estimate is lower than that of Garnet et. al. (2018) who have drawn on RAISG and IWGIA data to conclude that the indigenous area in Venezuela is 46.1 mha. The lower estimate by the respondent is taken for this exercise. Based on own estimation by Vladimir Aguilar Castro.

⁴³ Cameroon: The potential claimed land of 34.05 Mha. refers to Community Land and Community Forests (Forets Communautaires) and is based on the estimation made by Liz Alden Wily (2015).

⁴⁴ CAR: For the first time in CAR, a small area of 15,000 ha. has been recognized as Community Forests Concessions in April 2019 to the communities of Moloukou, Moale and Lokombe under the 2015 Community Forest Law (Rainforest UK (2019).

⁴⁵ CAR: The potential claimed land of 58.72 mha. is based on the estimates by Liz Alden Wily (2015).

⁴⁶ DRC: Under the 2014 Community Forestry Law, a total of 65 local community forest concessions have been legally granted for an area of approximately 1,201,753 ha in 7 provinces of the country (Théophile Gata Dikulukila, 2019).

⁴⁷ DRC: The area of 200 mha. refers to Community Land in General and Local Forest Concessions and is based on the estimate by Liz Alden Wily (2015). RFUK's estimate based on participatory mapping in several forested locations in DRC, also indicates that customary tenure is the norm, extensive, and possibly contiguous and universal. RFUK estimates that between 100-200 mha. are customarily managed lands, comparable to the figures in the Landmark database.

⁴⁸ Republic of the Congo: Refers to unrecognized potential of Community Land in General and Local Forest Concessions (Liz Alden Wily. 2015 and Ministère de l'Économie Forestière (CNIAC_MEFDD). 2017) Global Forest Watch (Table du poster des concessions forestières et aires protégées en République du Congo, Mai 2017). Available at: <http://data.globalforestwatch.org/datasets/mefdd::table-du-poster-des-concessions-forestieres-et-aires-protégées-en-république-du-congo-mai-2017-format-pdf>. cited in Almeida (2019).

⁴⁹ Gabon: 0.01 mha. have been recognized as community forests in Gabon. For details, please refer to RRI (2015), page 35, endnotes 75.

⁵⁰ Gabon: Refers to Community Land in General and Local Forest Concessions (Liz Alden Wily. 2015).

Data Source: Ministry of Forest Economy, Waters, Fisheries and Aquaculture of Gabon and World Resources Institute. Interactive Forest Atlas of Gabon. Available at: <https://gab.forest-atlas.org/?l=en> cited in Almeida (2019).

⁵¹ Kenya: The area legally recognized for Indigenous Peoples and local communities in Kenya refers to the area of Community Lands (whether Registered or Unregistered), as well as Community Forest Association Participation in the Conservation and Management of Public Forests under Approved Forest Management Plans. Community Lands: Kenya's 2010 Constitution and the 2016 Community Land Act (CLA) legally recognize communities' customary land rights. County governments hold unregistered community land in trust until such time as it is registered. Thus, both registered community lands and unregistered community lands subject to customary land rights vest in communities pursuant to the Constitution and the CLA. The National Land Commission indicates that communities' customary lands encompass 67% of Kenya's total land mass (National Land Commission, 2017). As the total country area is 56.91Mha, the amount of potential Community Land is estimated to be 38.12 mha. Upon the enactment of the 2016 CLA (Section 47) and the Community Land Act Regulations (2017), Group Ranches have been subsumed by the category of Community Land. Community Lands are also understood to include Wildlife Conservancies established on Community Land in accordance with the Wildlife Conservation and Management Act (WCMA) of 2014 (Articles 11, 39-41, and 44) and the 2016 CLA. Notably, while the Ministry of Lands and Physical Planning published the Community Land Regulations laying down the procedure for community land registration in 2017, the registration of Community Lands has been slow. Community Forest Association Participation in the Conservation and Management of Public Forests under Approved Forest Management Plans: As of 2017, there were 39 Community Forest Associations with approved Forest Management Plans and signed Forest Management Agreements, totaling 0.38 mha. For details, please refer to RRI (2017), page 44, endnote 141.

⁵² Kenya: Official data from the Kenya Forest Service indicated that there were 0.83 mha of forests to which Community Forest Associations had management plans that were in force as of 2019, but to which they did not yet have a signed Forest Management Agreement.

⁵³ Liberia: This estimate is made by Ali Kaba (2019) based on following sources:

- i. Land Rights Law, Available at https://sdiliberia.org/sites/default/files/publications/Land%20Rights%20Act_full%20draft.pdf
- ii. Land Commission's Land Rights, Private Use Permits and Forest Communities. Available at http://eeas.europa.eu/archives/delegations/liberia/documents/press_corner/20130916_01.pdf
- iii. Community Rights Law. Available at <http://extwprlegs1.fao.org/docs/pdf/lbr143892.pdf>
- iv. The Forestry Development Agency (2015) Forest Governance in Liberia. Available at <https://loggingoff.info/wp-content/uploads/2015/09/268.pdf> ; <https://www.protectedplanet.net/country/LR> ; <http://lbr-data-forest-atlas.org/datasets/protected-areas/data?page=2> ;
- v. Wiley, L. A. (2007). So Who Owns the Forest: An Investigation into Forest Ownership and Customary Land; Rights in Liberia. The Sustainable Development Institute/FERN.
- vi. Interviews with: a) Forestry Development Agency (FDA), b) Department of Conservation; c)The Center for National Documents and Records Agency (CNDRA); and d) The Liberia Land Authority (LLA)

⁵⁴ Madagascar: Who owns the World's Land? (RRI2015) doesn't include data on Madagascar.

⁵⁵ Madagascar: Refers to Community Land in General (Liz Alden Wily. 2015).

⁵⁶ Morocco: Collective land is held in trust for the tribe by the Ministry of the Interior (MoI) and is characterized by highly asymmetric forms of administration that can vary from one village to the next. USAID estimates that 42% of Moroccan land is categorized as collective land, but interviews with MoI officials found that they identify 15.4 mha of land, or 34.5%, as collectively managed, with another 300,000 hectares of irrigated land that has since been privatized (USAID 2011, cited in David Balgley, 2015).

⁵⁷ Mozambique: The estimate of 10 mha. refers to Community DUATs Within Multiple Use Areas and Forest Concessions to Communities. The claimed area of 10 mha. refers to the amount of delimited community land with no issued DUAT certificate identified with the support of the Community Land Initiative (iTC), a project to implement secure community land rights in the provinces of Cabo Delgado, Gaza and Manica. Since late 2013, iTC project has covered all provinces of Mozambique except Maputo and Inhambane, implying that the above data might be an underestimate (Monteiro et. Al, 2018).

⁵⁸ Sudan: Figure reflects the forest area recognized for communities as of 2017. For additional explanation, please see RRI (2018), page 51, endnote 226.

⁵⁹ Sudan: As per Paul Kerkhof (2019) , 60% of non-desert and sub desert land of Sudan should be considered as community claimed lands in Sudan and he cites the FAO (2012) Land Cover Atlas of Sudan for this estimate.

⁶⁰ Tanzania: Refers to Village Forests not gazetted (Almeida, 2019).

⁶¹ Uganda: Based on estimates by Liz Alden Wily (2015).

⁶² Zambia: Customary tenure is estimated to cover 93% of land area in Zambia (Angus-Leppan, 1994, p294).RRI (2015) data indicates that 30.57 mha was recognized as customary lands and that communities had legally recognized rights to an additional 0.08 mha of forestland through Joint Forest Management. By subtracting the area of lands and forests to which communities had legally recognized rights as of 2015 (39.21 mha) from the total area estimated to be customarily held by communities (69.14 mha, or 93% of total country area), this report estimates that 29.93 mha of communities' customary lands remain unrecognized, including different land uses such National Parks, Game management areas and other areas which were originally lands under customary tenure.

⁶³ Australia: Refers to Registered and Unregistered Native Title Claims. Government of Australia (2018) .State of the Forests Report 2018

⁶⁴ Canada: The figure 348.78 mha. of claims and assertions have been derived from maps of claims and assertions of first nations. The maps have been sourced from Department of Indigenous Relations and Northern Affairs, Government of Canada.

⁶⁵ Finland: This estimate of 3 mha. corresponds to the formally recognized cultural and linguistic heritage site of the Sámi (i.e. "homeland"), which does not concern control and ownership of resources. The homeland is recognized in both the Sámi Parliament Act 17.7.1995/974 (4§) and the Finnish Constitution (17§ and 121§). This is the area that the Sámi "claim" as part of the ratification process of the ILO Convention 169, which Finland has not completed. The ratification would hand the indigenous community full land use rights within this territory, of which 91% is currently controlled by the government (Arttu Malkamäki and Dr. Jaana Korhonen, 2019)

⁶⁶ Norway: The estimated area of unrecognized Sami Territory is 4.6 mha. (Øyvind Ravna, 2019).

In 2005, an act that recognized the rights of Sámi people to land and natural resources was adopted by the parliament. In 2008, there were a governmental initiative to survey and clarify Sámi property and use rights in the county of Finnmark, which includes former state land approx. 46 000 km². The process has so far not been very successful seen from the Sámi side. There is also a similar process proposed for Sámi areas. south of Finnmark. (Øyvind Ravna, Personal Communication).

⁶⁷ Sweden: The estimated area of unrecognized indigenous territories is 22.60 mha (Lars-Ove Sjaun, 2019) who cites the following sources

- i. Databasen iRenmark. <http://www.sametinget.se/8382>;
- ii. <http://www.slu.se/riksskogstaxeringen>;

iii. Sandström, P., Cory, N., Svensson, J., Hedenås, H, Jougda, L., & Brochert, N. 2016. On the decline of ground lichen forests in the Swedish boreal landscape – Implications for reindeer husbandry and sustainable forest management. *Ambio* 45(4): 415-429

⁶⁸Except where otherwise noted, data on total forest area and the forest legally owned by or designated for IPLCADs is drawn from RRI. 2018. *At A Crossroads: Consequential Trends in Recognition of Community-Based Forest Tenure from 2002-2017*. Rights and Resources Initiative, Washington DC.

⁶⁹CAR: For the first time in CAR, a small area of 15,000 ha. has been recognized as Community Forests Concessions in April, 2019 to the communities of Moloukou, Moale and Lokombe under the 2015 Community Forest Law (Rainforest UK (2019).

⁷⁰DRC: Under the 2014 Community Forestry Law, a total of 65 local community forest concessions have been legally granted for an area of approximately 1,201,753 ha in 7 provinces of the country (Théophile Gata Dikulukila, 2019)

⁷¹Madagascar was not analyzed in RRI 2018. Total forest is drawn from FAO.

⁷²Uganda was not analyzed in RRI 2018. Total forest is drawn from FAO.