

MEGAFLORESTAIS 2024

---

# TENURE RIGHTS IN FOREST CONSERVATION: AN OVERVIEW

---

August 21, 2024

Solange Bandiaky-Badji  
Rights and Resources Initiative  
[rightsandresources.org](https://rightsandresources.org)



# WHO WE ARE

---

The Rights and Resources Initiative (RRI) is a global coalition of rights-holder organizations and their allies dedicated to advancing the land, forest and resource rights of Indigenous Peoples, local communities, and Afro-descendant Peoples, particularly the women within them.

RRI's members capitalize on each other's strengths, expertise, and geographic reach to achieve solutions more effectively and efficiently, focusing on *creating systemic change* in both national and global arenas.

From governance to strategic planning and program implementation, RRI is driven by rights holders, and leverages the power of its global coalition to amplify their voices and proactively engage governments, multilateral institutions, and private sector to adopt institutional and market reforms that support the realization of rights.

# OUTLINE

---

## Presentation outline

- 1) Context – Who owns the world's land?
  - Evidence of link between tenure rights and conservation
  - Country data – progress and set-backs
  
- 2) Trends in the climate and conservation sector
  - Community-conservation
  - Carbon schemes – risks and opportunities
  - Financing
  
- 3) Role of Forest Agencies
  - Policy implementation
  - Promotion of community forestry and customary rights
  - Co-management
  
- 4) Political opportunities
  - COP16
  - Roadmap to COP30

# 1.8 billion

- Indigenous Peoples, Afro-descendant Peoples, and local communities claim, live in, and steward Earth's most critical ecosystems- home to the vast majority of global biodiversity & carbon-rich landscapes



A photograph of a person's hands gently holding a small, fluffy, downy bird chick in a nest. The background is a soft-focus natural setting with green foliage. The image is overlaid with a semi-transparent green and blue gradient.

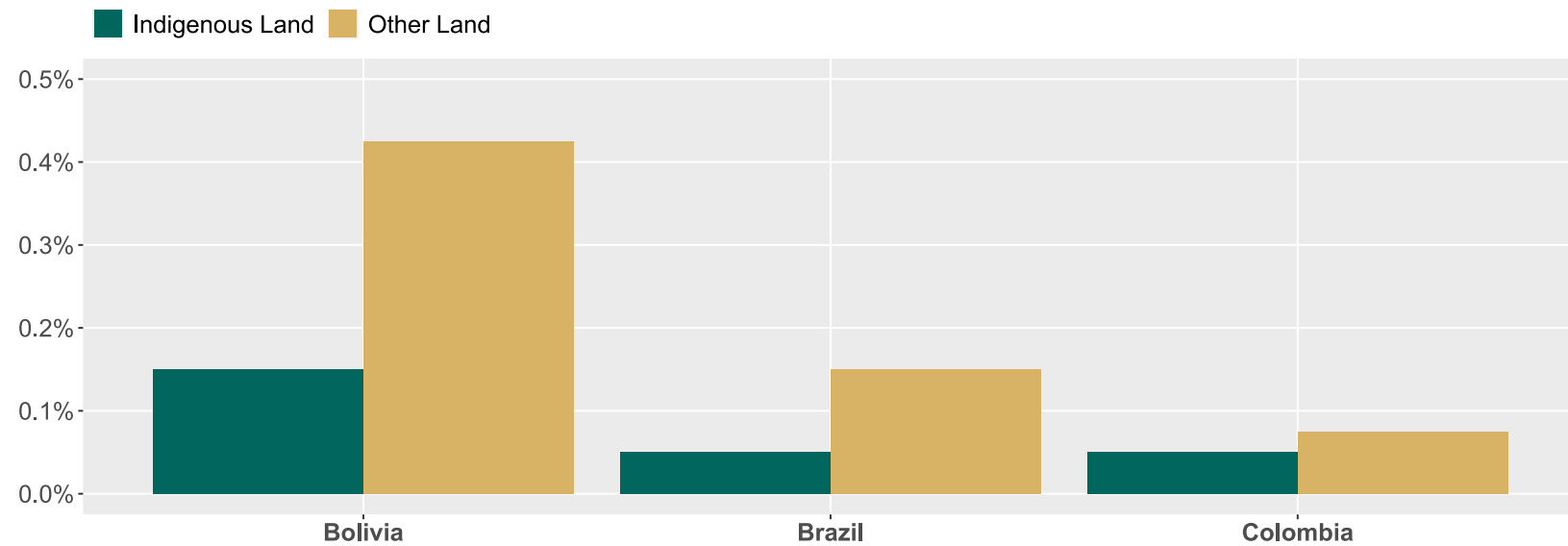
## COMMUNITY-LED MANAGEMENT OF LANDS AND TERRITORIES IS KEY TO SUCCESSFUL BIODIVERSITY CONSERVATION

---

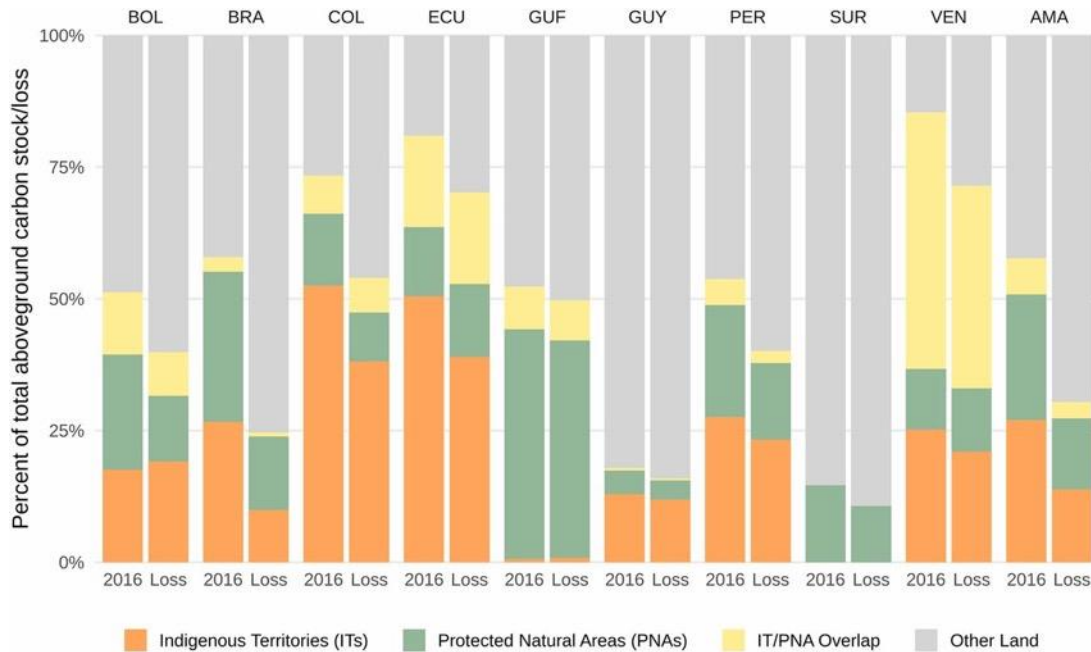
- More than 1.8 billion people live on the lands requiring conservation attention (RRI 2021 / Allen et al., 2022)
- 91% of IP and LC lands are in good or moderate ecological condition and 65% of their lands have zero to low levels of human modification (WWF et al 2021)
- At least 36% of the global area covered by Key Biodiversity Areas is contained within IP and LC lands (WWF et al 2021)
- Community-led conservation provides benefits and services that extend beyond their territories, including climate resilience and fresh water (WWF et al 2021)
- 100% of ADP lands in 9 countries (Belize, Bolivia, Costa Rica, Ecuador, Guatemala, Honduras, Guatemala, Nicaragua, and Panama) defined as biodiversity hotspots (RRI 2023)
- 63% of territories in tropical / subtropical areas not yet legally recognized (RRI, 2020)
- Global demand for land (for climate, conservation or development) increasing threats of rollbacks, violence, criminalization, forced evictions (Tauli-Corpuz, 2019; Global Witness, 2022)

Forest lands owned and managed by IPs & LCs exhibit: (i) lower rates of deforestation; (ii) store more carbon; (iii) hold more biodiversity; and (iv) benefit more people – than areas managed by public or private entities

Source: ipccresponse.org



Annual Deforestation Rates in Bolivia, Brazil and Colombia (2000- 2021)  
Source: WRI

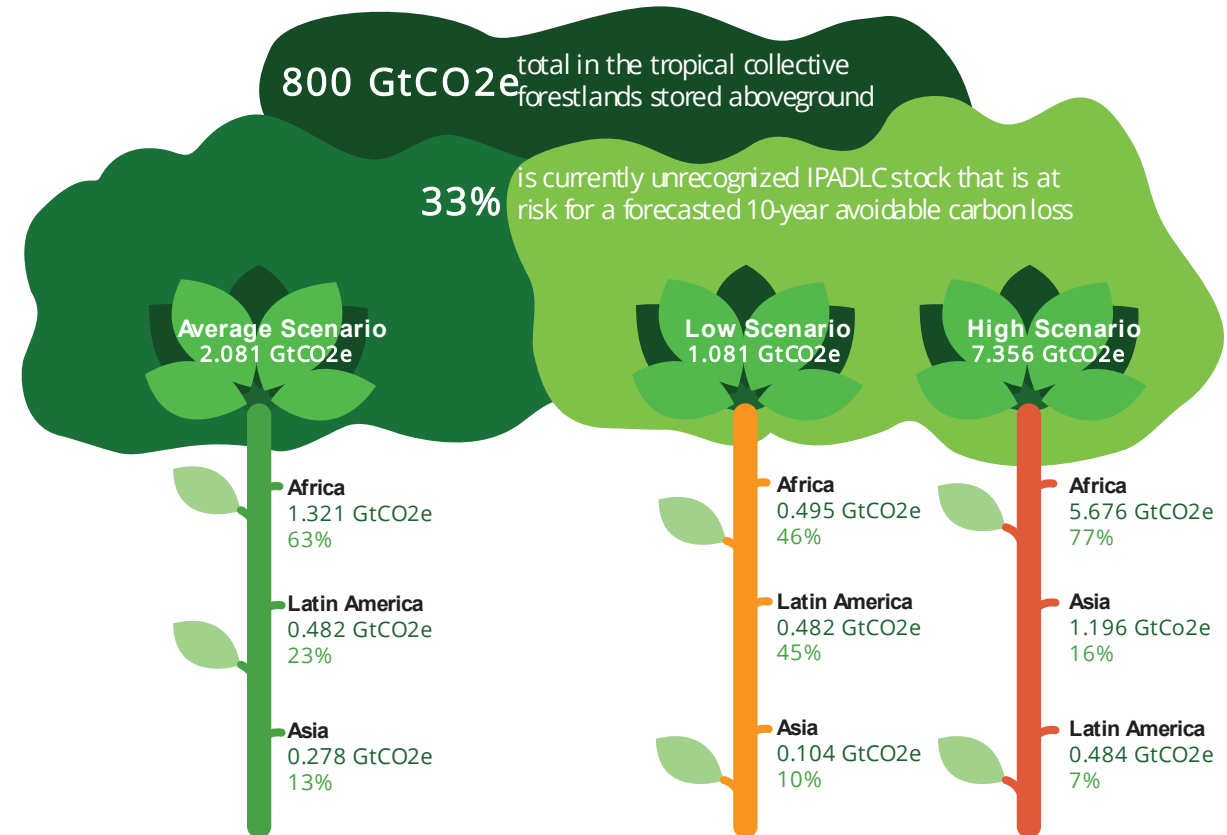


Distribution of aboveground carbon stock (2016) and loss (2003 to 2016) by region across ITs, PNAs, regions of IT/PNA overlap, and Other Land.  
Source: Walker et al. (2020)

# Indigenous Peoples, Afro-descendant Peoples, and local communities' tenure security is fundamental to achieving global climate and biodiversity goals

(IPCC, 2019; IPBES, 2019).

- **91% of IP&LC lands are in moderate to good ecological condition** (WWF et al, 2021)
- **Communities manage at least 22% (218 gigatons) of the total carbon in tropical and subtropical forests** (Frechette et al, 2018)
- **At least 33% of aboveground tropical forest carbon is at risk without secure tenure rights** (RRI, 2021)





**Across the world... Indigenous Peoples, local communities, & Afro-descendant Peoples hold historic rights to and customarily manage at least 50% of all land...**

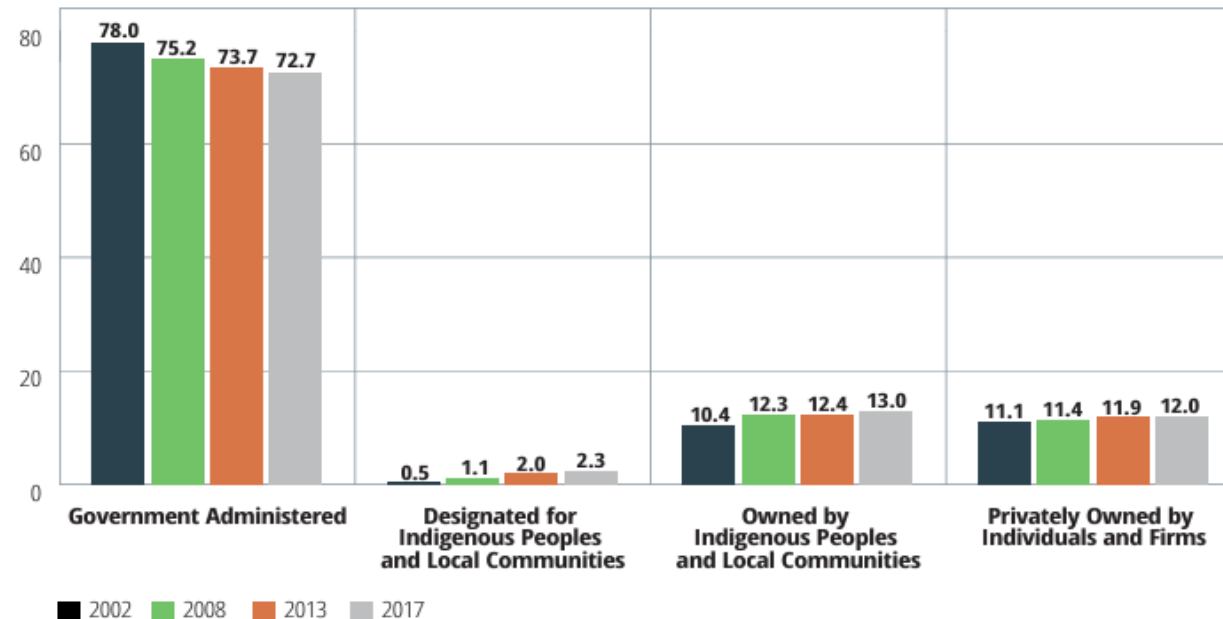
**But they legally own just 11%.**





## ELEMENTS IN PLACE FOR ANOTHER ERA OF SCALED UP RIGHTS RECOGNITION

GLOBAL CHANGE IN STATUTORY FOREST TENURE IN 41 COMPLETE CASE COUNTRIES BY PERCENT, 2002-2017



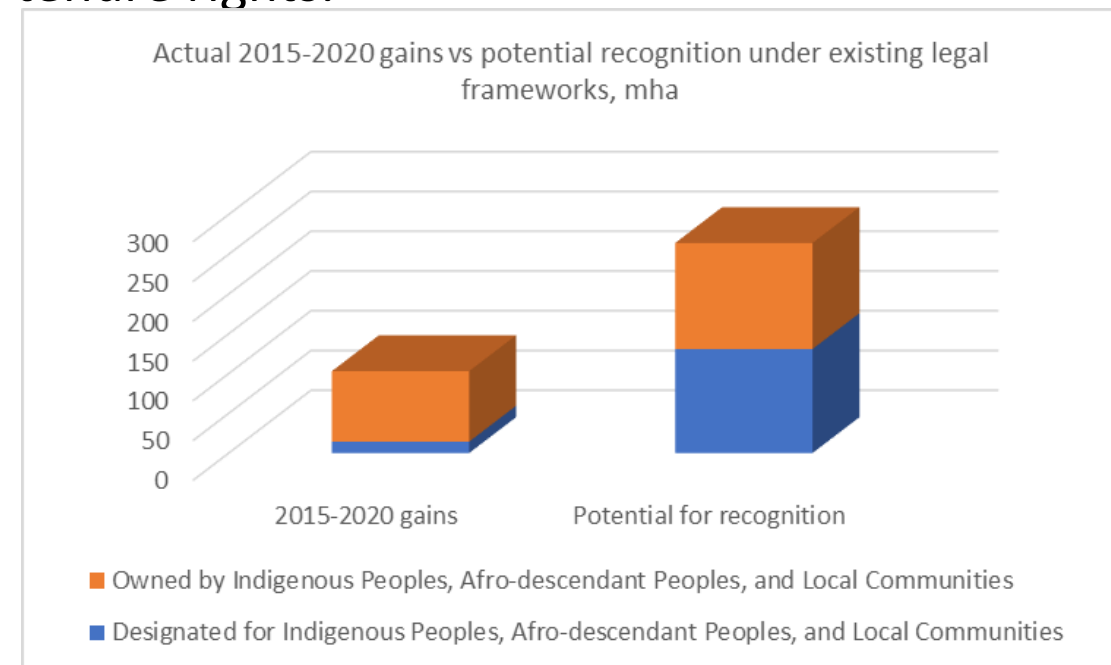
Note: Due to rounding, percents shown across all four statutory forest tenure categories for a given year do not all sum to 100%

Experience shows that rapid progress in scaling up recognition of communities' forest tenure rights is possible (e.g. between 2002-2008), and although trends in .



## ELEMENTS IN PLACE FOR ANOTHER ERA OF SCALED UP RIGHTS RECOGNITION

- Vast majority of new land areas recognised for IP, AD and LCs have full ownership rights, rather than mere designation rights (see graph).
- 12 countries established new legal frameworks for recognizing IP, AD or LC land rights between 2015-2020.
- Out of 73 countries that account for 85 percent of global lands, 65 now have at least one legal framework for recognizing community tenure rights.



Source: RRI. 2023. Who Owns the World's Land, 2nd Edition



- Global Biodiversity Framework (GBF) recognizes central role of IPs and LCs to achieving biodiversity conservation
- Target 3 not only requires States to recognize and respect the rights of IPs and LCs, but also includes “Indigenous and traditional territories” as a specific pathway beyond PAs and OECMs to achieving 30x30 goals
- Only 30% of 27 assessed NBSAPs in 2023 were developed in consultation with IPs and LCs, and only 41% list IPLCs as implementation partners



## RIGHTS-BASED CONSERVATION CHALLENGES

---

### Despite increasing recognition of rights-based conservation by the GBF, significant challenges remain to achieving community-led conservation

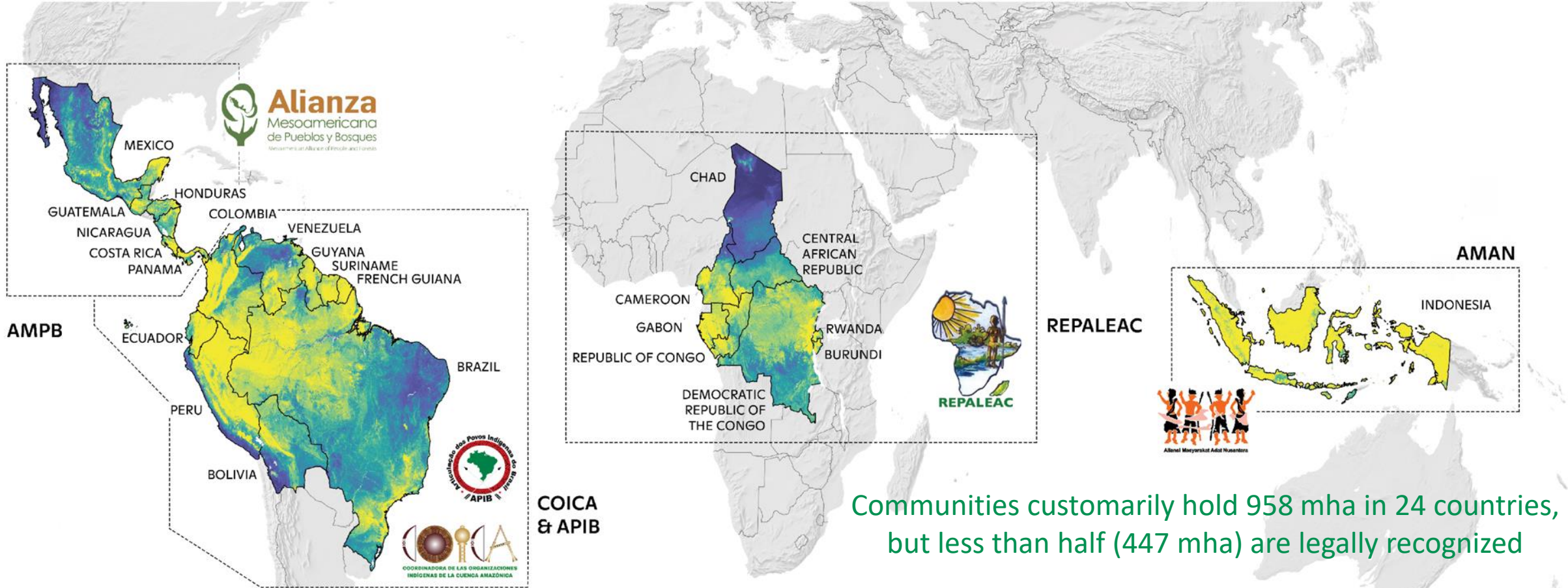
- Widespread limitations in legal frameworks for community tenure Implementation of community tenure laws remains weak
- Communities remain vulnerable to infringements from expanded conservation and climate mitigation activities
- Few countries have the requisite legal frameworks for recognition and support of community-led conservation.
- Indigenous and human rights issues are not sufficiently considered in government-led climate and conservation planning (NDCs and NBSAPs)
- Land and environmental defenders face criminalization and ongoing threats to their lives, with 1,733 defenders killed from 2012 to 2022



- Opportunity for sustainable, long-term financing when done with FPIC and in full consultation with rightsholders throughout the design, implementation, and monitoring of initiatives
- Serious risks remain to communities including
  - Threat to land tenure, particularly where territories not legally recognized
  - Inherent power and information imbalance between rightsholders and carbon market proponents
  - Limited involvement of communities in design and implementation of interventions
  - Gaps in technical understanding around carbon market financing mechanisms
  - Weak safeguards and insufficient benefit sharing agreements
  - Lack of clarity around long-term implications of signed agreements on communities' rights to land, resources, and livelihoods

# Community-Based Tenure Rights: A Natural Climate Solution

Total carbon stocks managed by the organizations of the Global Alliance of Territorial Communities in both legally recognized and unrecognized territories



Communities customarily hold 958 mha in 24 countries, but less than half (447 mha) are legally recognized

The GATC manages **253 Billion Tonnes Carbon** in biomass and soil, of which at least 131 BtC lie in territories without legal recognition. Even titled lands are subject to a multiplicity of threats.

Source: RRI, WCRC, RFUS (2021)

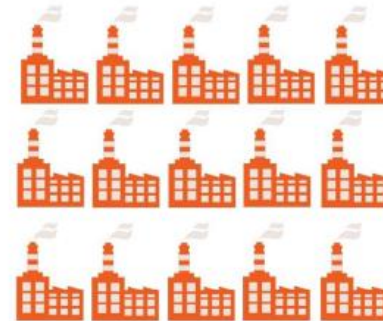


Few countries explicitly recognize communities' rights to carbon in their customary lands and forests

Across 64 analyzed countries, IPs and LCs manage at least 17%, or 293,061 million metric tons (Mt) of the total carbon stored in the forestlands

72,079 MtC is located in areas where Indigenous Peoples and local communities lack formal recognition of their tenure rights

**Failure to recognize collective land rights potentially risks the equivalent of up to 15 times the world's 2020 energy-related Co2 emissions.**



**Respect for and enforcement of communities' rights remain critical for supporting their continued stewardship of landscapes and biodiversity therein.**



## COMMUNITY ACCESS TO FINANCE

---

- Limited climate financing goes to rightsholder organizations for their self-determined priorities
  - Between 2011 and 2020, community tenure and forest management activities received **less than 1%** of Official Development Assistance for climate change mitigation and adaptation and **only 17%** of this reached an IP- or LC-led organization
- Need to significantly increase direct funding to IPs, ADPs, and LCs that is sustainable and fit for purpose
- Rise in indigenous and community-led financing mechanisms:
  - Ex: CLARIFI, Nusantara fund and the Mesoamerican Territorial Fund
- Opportunity to go beyond market-based initiatives and explore non-market financing





### How can forest agencies support rightsholders in pursuit of biodiversity conservation?

- Support recognition of community-based tenure and implementation of existing laws
- Develop or amend national frameworks to include **gender sensitive**, community-led conservation pathways
- Resolve conflicts in existing protected areas with community territories, and ensure new OECMs and other frameworks provide opportunities for recognition for rightsholders' self-determined conservation approaches
- Revise NBSAPs and NDCs through inclusive, consultative processes with IPs, LCs, and ADPs to prioritize rights-based and community-led approaches
- Strengthen frameworks for and implementation of FPIC rights and grievance redress mechanisms



### •Priority areas for COP16

- Encourage States to support rights-based approaches to conservation in their 30x30 strategies
- Ensure NBSAP updates:
  1. Support the recognition of IP, LC, and ADP tenure security
  2. Are developed in consultation with rightsholders
  3. Include IPs, LCs, and ADPs as implementation partners to biodiversity conservation
- Support the **explicit** recognition and inclusion of ADPs in the GBF
- Support increased commitments to financing the implementation of the GBF



THANK YOU.

Visit our website: [rightsandresources.org](http://rightsandresources.org)

Follow us on Twitter: [@RightsResources](https://twitter.com/RightsResources)



PARTNERS

