

# Goal 10 Assessment

Technical Annex to the Five-Year Assessment Report

September 2019 | [forestdeclaration.org](http://forestdeclaration.org)

## Goal 10

*Strengthen forest governance, transparency, and the rule of law, while also empowering communities and recognizing indigenous people's rights, especially those pertaining to their lands and resources.*

### Key messages

- Improvements in forest governance remain too slow to adequately support efforts to reduce deforestation. Forest governance is weakest in poorer countries, where institutions and the rule of law tend to be weak overall.
- Illegality drives deforestation. The risk that forest-related laws are violated in the production of commodities remains alarmingly high, especially in areas where commercial agriculture is causing significant forest loss.
- Many countries have strong laws on paper, particularly regarding access to information and justice, but these are often inadequately implemented.
- Progress in recognizing the rights of indigenous peoples and other local communities to their lands and resources remains slow, and a significant share of community lands remains unrecognized.

### Overview of goal and indicators

Goal 10 of the NYDF recognizes the link between improvements in governance and addressing deforestation. It commits endorsers to support advances in transparency, the rule of law, and the empowerment of communities and indigenous peoples in relation to their land and resources. In this assessment we understand forest governance to entail:

- The institutions, laws, policies, and processes that govern the ownership, management, use, protection, and conversion of forests
- How these institutions, laws, policies, and processes operate in practice, including their degree of transparency
- The strength of the rule of law in forest-related matters, including the implementation and enforcement of the law and access to justice for those wronged by forest-related decisions
- The governance of international trade in forest products and non-forest products linked to deforestation and forest degradation
- The rights and empowerment of indigenous peoples and local communities

This update will assess progress made based on the framework used in the [2018 in-depth assessment report on Goal 10](#). This framework expanded on previous assessments of Goal 10 and contains three criteria and eight indicators related to the rule of law, forest-related crime, transparency, participation and access to justice, as well as empowerment of indigenous communities (**Table 1**).

**Table 1. Criteria and indicators to track Goal 10**

Criteria	Indicator
1. Governance, the rule of law, and forest-related crime	1.1 Legal and policy frameworks governing forests 1.2. Illegality in and around forests 1.3 Demand-side measures and international cooperation
2. Transparency, participation, and access to justice	2.1 Transparency and access to information 2.2. Participation in decision-making 2.3 Access to justice
3. Empowering and ensuring the rights of indigenous peoples and local communities	3.1. Rights of indigenous peoples and local communities 3.2. Empowerment of communities

## Findings

### Criterion 1: Governance, the rule of law, and forest-related crime

#### Indicator 1.1 Legal and policy frameworks governing forests

Last year’s Goal 10 in-depth assessment found that countries with weak forest laws and policies, insufficient enforcement, and high levels of corruption experience higher rates of deforestation than countries with stronger legal frameworks and institutions. This year, we found that, while some countries, such as Indonesia, have made notable improvements in their efforts to reduce illegal activities, progress remains slow.<sup>1</sup>

#### Policy efforts to reduce deforestation

The United Nations Environment Programme (UN Environment) released a first-of-its-kind comprehensive and comparative analysis on environmental policy in early 2019 (the UN Environmental Rule of Law).<sup>2</sup> It found that 176 countries have environmental frameworks, 150 have embedded environmental protection or the right to a healthy environment in their constitution and 164 countries have created cabinet-level bodies responsible for environmental protection. While these are impressive figures, the report also concluded that, in many cases, compliance with environmental regulation is sketchy. A few of the factors identified in the study that are inhibiting forest protection are the perception that environmental laws will hinder development, a lack of funding for environmental agencies, corruption, and a lack of participation from civil society.<sup>3</sup>

The UN Environment study reflects the findings of Climate Focus’ and Chatham House’s 2018 assessment on forest governance. Nine countries were assessed: Brazil, Cameroon, Democratic Republic of the Congo, Ghana, Indonesia, Lao People’s Democratic Republic, Malaysia, Papua New Guinea, and Republic of Congo. While all nine countries studied had made progress in strengthening their laws and policies tackling illegal deforestation, most had major inconsistencies within their forest legislation and a lack of political will to effectively address deforestation.<sup>4</sup>

Good news from Indonesia, where there have been significant improvements in policy efforts to reduce deforestation. Global Forest Watch linked the [60 percent decline](#) in primary forest loss between 2016 and 2017 to the government’s 2016 presidential regulations prohibiting commercial development in peatlands, even in areas already licensed for conversion to oil palm or timber.<sup>5</sup> Moreover, Ghana and the Côte d’Ivoire are expected to release action plans this year as part of their commitment to curb deforestation in the cocoa sector and strengthen reforestation.<sup>6</sup> The Ghanaian government has pledged to halt forest conversion for cocoa production and eliminate illegal production in protected areas.<sup>7</sup>

## Laws and policies hindering forest protection

Overall, however, global progress in strengthening forest governance remains slow. Amendments to forest laws in the past two years have allegedly weakened forest protection in some countries. A study by the University of São Paulo and the KTH Royal Institute of Technology in Stockholm found that an article amended in the Brazilian Forest Code in 2018 may release between 7 and 15 million hectares of protected forest for clearance.<sup>8</sup> The amended code now allows concessioners to reduce the legal reserve requirement from 80 to 50 percent if the state they are in allocates at least 65 percent of its land as natural reserves (i.e. conservation units or indigenous reserves). This may mean that as soon as a state passes the 65 percent protection threshold, concessioners will be allowed to deforest a larger portion of their land.<sup>9</sup>

Moreover, the new Brazilian administration issued an decree in January 2019, which hands responsibility for indigenous land demarcation to the Ministry of Agriculture.<sup>10</sup> This decision has been criticized by many entities, particularly by the indigenous affairs agency (FUNAI), which was previously responsible for this task.<sup>11</sup> After legal challenges and protests by indigenous groups, Brazil's Congress reversed this change in May 2019, returning land demarcation authority to FUNAI.<sup>12</sup> In Russia, a law which reduced protected spawning forest area from one kilometer to 50-200 meters will come into force in July 2019. It is expected to put 50 million hectares of forests in risk of clearance.<sup>13; a</sup>

### Indicator 1.2. Illegality in and around forests

Last year's assessment found that almost half of all tropical deforestation in recent decades was due to the illegal conversion of forests for commercial agriculture, in particular for the 'big four' commodities: palm oil, soy, pulp/timber, and cattle/beef. It also found that legality risks vary by commodity and that legality risks are significantly higher in tropical countries (**Figure 1**).<sup>14</sup>

While global data on illegal deforestation for 2018 have not yet been published, there are a few cases of illegality in and around forests that have been recorded this year. The Monitoring of the Andean Amazon Project, for instance, reported that deforestation rates as a result of [illegal gold mining](#) have risen to a new record in the Peruvian Amazon. During 2017 and 2018, more than 18,400 hectares were cleared. This figure is the highest recorded since 1985.<sup>15</sup>

Progress in halting corruption and improving enforcement has also been limited. In Indonesia, an article published this year found that several Indonesian plantation companies failed to pay around USD 1.3 billion in fines and penalties associated with illegally clearing land with fire.<sup>16</sup> Moreover, new corruption cases in Indonesia have been reported since last year's report, which has led, among other activities, to the clearing of a 10,000 hectare area in Sulawesi.<sup>17</sup>

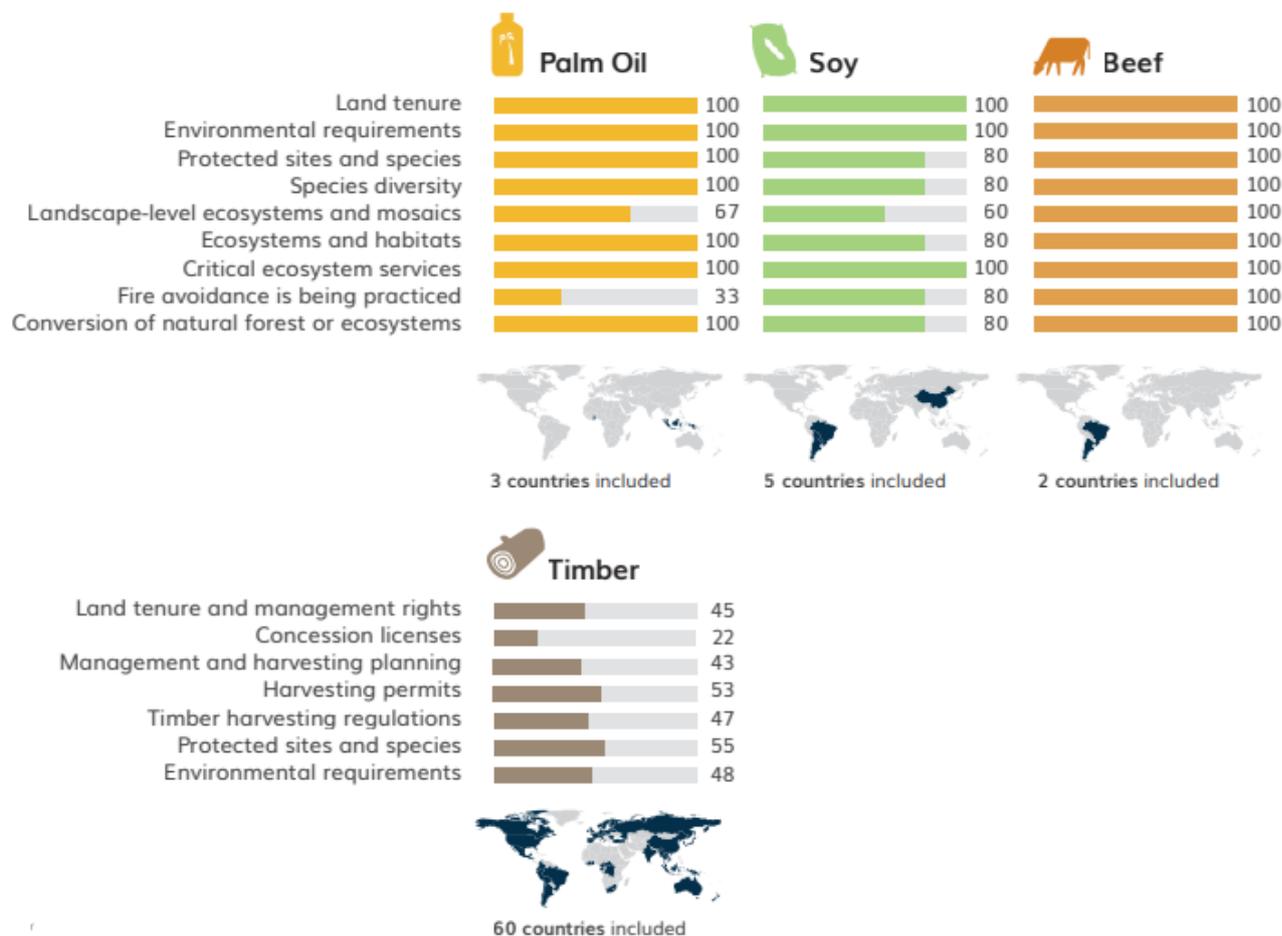
### Indicator 1.3 Demand-side measures and international cooperation

In our last update report of Goal 10, we found that several major consumer countries have adopted regulations on timber legality that place obligations on timber importers to avoid deforestation. While promising, these laws were found to suffer from potential compliance loopholes and weak enforcement mechanisms. While limited data has been published on this since our last report, our findings suggest that the EU and several other countries and companies are strengthening demand-side measures to tackle illegal deforestation.<sup>18</sup>

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<sup>a</sup> In the Russian legal system, a protected spawning forest area refers to preserved coastal zones of water bodies where spawning migrations take place.

Figure 1. Legality risks in forest and agricultural commodity supply chains (2017)



Source: Climate Focus analysis based on 2017 data on country-level legality risk assessments from Nature Economy and People Connected (NEPCoN)'s Sourcing Hub.

### EU and national efforts to reduce deforestation in trade

In 2018, France adopted a far-reaching National Strategy to Combat Imported Deforestation that seeks to eliminate deforestation from imported products by 2030.<sup>19</sup> Some of its key measures include: allocating EUR 60 million of Official Development Assistance (ODA) to sustainable forest management and reforestation; creating a national platform for combating deforestation; developing zero-deforestation labels for commodities; and adopting a zero-deforestation public procurement policy by 2022.<sup>20</sup> This strategy builds on the Corporate Duty of Vigilance Law adopted in 2017, which obliges the largest French companies to assess and address their social and environmental impacts through annual publications of public vigilance plans. Non-compliance enables victims and concerned parties to access legal enforcement by taking the matter to court.<sup>21</sup>

The EU is working on a 'Deforestation and Forest Degradation – Stepping Up EU Action' initiative, which aims to publish a new EU Communication mid-2019 to develop a comprehensive approach to reduce deforestation. Possible measures will address supply chains, investment flows, regional and international cooperation, and agriculture and land governance.<sup>22</sup> In the face of the EU-Brazil trade negotiations this year, 300 Brazilian indigenous organizations and 600 European scientists signed a letter in April 2019, calling for the EU to step up its efforts to make its trade with Brazil more sustainable.<sup>23</sup>

Guyana has joined the list of Forest Law Enforcement, Governance and Trade (FLEGT) implementing countries, having signed its Voluntary Partnership Agreement (VPA) with the EU in November 2018 after six years of negotiations. The implementation of the VPA in Guyana could take between four to six years. A few first steps to reform the legal system have already taken place, and are expected to improve forest governance, especially by strengthening inter-governmental coordination.<sup>24</sup>

Chatham House and Climate Focus also updated the 2018 assessment on forest governance.<sup>25</sup> Among the analyzed indicators, import controls for timber were assessed in all nine countries.<sup>b</sup> The analysis found that about half of the countries or sub-national governments have full controls on importing illegal timber – the Lao People’s Democratic Republic (Lao PDR), the Republic of Congo, Indonesia, Ghana, Cameroon, and Peninsular Malaysia and Sarawak. Others, like Brazil, only have partial controls. The Democratic Republic of the Congo (DRC), Papua New Guinea, and the state of Sabah in Malaysia do not have any such controls. Rather than having an explicit restriction, some countries require companies to implement a due diligence system for timber imports (e.g. Indonesia). In most of the countries the legislation applies to actors along the supply chain, rather than only first importers and, in all cases, there is a system in place to monitor and assess implementation as well as penalties for non-compliance. However, enforcement of the legislation needs to be improved in all of the countries.

#### Private sector commitments

As the [Goal 2 update](#) illustrates, private-sector commitments to address deforestation have increased over the past five years, but their implementation is slow. Several major companies have adopted measures and policies to combat deforestation in the past year.<sup>26/27</sup> However, Global Canopy’s recently published annual Forest 500 report found that, while almost half of the 500 analyzed companies working with forest-risk commodities have made commitments to eliminate deforestation from their supply chains by 2020, none of them are on track to achieving their commitment by then.<sup>28</sup> This is a striking conclusion, especially when read in combination with a recent article in the *Global Environmental Change* journal on the role of international trade in global emissions. It found that between 20 and 39 percent of total deforestation-related emissions between 2010 and 2014 were related to internationally traded commodities. This is larger than the percentage of fossil carbon emissions embedded in trade.<sup>29</sup>

## Criterion 2: Transparency, participation, and access to justice

### Indicator 2.1 Transparency and access to information

Last year’s in-depth assessment indicated that several countries adopted laws that gave citizens the right to access forest-related information. However, we also found that few countries released data proactively, and systems that made information available to the broader public were the exception. This year has seen progress in this regard in several countries, which have either implemented or are in the process of implementing measures and mechanisms to improve transparency.<sup>30</sup>

#### Progress in protecting the right of access to information

Over the last year, according to UN’s Environmental Rule of Law report, access to environmental information – defined by the report as the right to seek, receive, or impart information – has improved.<sup>31</sup> As of 2017, the UN found that 96 countries protect the right of access to information in

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<sup>b</sup> The assessed countries were Brazil, Cameroon, Democratic Republic of the Congo, Ghana, Indonesia, Lao People’s Democratic Republic, Malaysia, Papua New Guinea, and Republic of Congo.

their constitution and 110 countries have provisions on how to implement this right in their national laws.<sup>32</sup>

In 2019, ClientEarth launched a new online instrument to help civil society and concessioners have access to the most relevant and recent forest laws and policies, as well as governance.<sup>33</sup> Moreover, while the United States withdrew from the Extractive Industries Transparency Initiative (EITI) a year ago, other countries have not followed suit, as anticipated. Liberia's EITI standard has been suspended for missing a deadline, but progress has been recorded as the country decided to include timber in its EITI framework.

#### Implementation of the VPA's transparency annex

There have been several developments in implementing countries' VPA transparency annex. These annexes establish that information that is either difficult to access or has never been published must be made available. Vietnam, for example, has been working to map the current situation of public disclosure of information in the forest sector this year, followed by an analysis of the gaps and recommendations for public disclosure. Additionally, they aim to use their existing VNFOREST website to implement a VPA information and communications strategy. While Cameroon has a website dedicated to publishing forest-related information, it has been offline in recent months and its updating and maintenance have proven difficult.

Similarly, civil society organizations in Lao PDR are conducting a comprehensive analysis of its legal framework on transparency and access to forest information, expected to be completed mid-2019. In particular, the analysis will focus on the access to information by local communities in forest areas targeted for conversion. In Ghana, the country's Forestry Commission has developed an electronic wood tracking system (as part of its legality assurance system). This system is expected to improve access to information on logging to the exporting of timber products. It is also complemented by civil society monitoring groups to improve its enforcement.<sup>34</sup>

Lastly, the Guyanese government has committed, as part of its VPA, to enhance transparency in the concession allocation process. A first step has been a commitment to provide information pertaining to the forest allocation process such as: allocation procedures for forest concessions; allocation guidelines; criteria for allocation of forest concessions; and location maps of allocated concessions and for areas available for logging.<sup>35</sup>

#### The Indonesian OneMap initiative

In Indonesia, significant progress was achieved with OneMap. This initiative aims to resolve conflicts and clarify land holdings among stakeholders by integrating and harmonizing existing maps into one base map. The OneMap Policy Geoportal was launched in December 2018 and has so far integrated 83 of 85 thematic maps. OneMap is now moving into its third phase, namely to develop harmonization guidelines and issuing recommendations for land conflict resolution.<sup>36</sup>

#### Indicator 2.2. Participation in decision-making

Last year's assessment found that the majority of countries assessed through data from the Environmental Democracy Index provided legislation and policies to enable consultations on forest-related policies and projects.<sup>37</sup> This year, limited new data was found for this indicator.

The update of the 2018 assessment on forest governance, conducted by Chatham House and Climate Focus, also looked into how gender is addressed in forest policymaking in the nine countries studied. The analysis found that while a majority of countries have policies that aim to improve the participation of women in policymaking, few guarantee a balanced participation in the development

and implementation of forest policies. Moreover, the study indicates that, in practice, in four of the countries assessed, women's participation in policymaking is limited. Most of the countries were found to have a designated agency on gender. However, the analysis found that none of the nine countries have formal processes in place to assess how women are impacted by forest policies.<sup>38</sup> A recent experiment suggests groups with equal gender quotas conserve more trees and share economic gains more equally. The study attributed this effect to the gender composition of the groups.<sup>39</sup>

Lastly, the UN Environmental Rule of Law report's findings support ours; the report found that a majority of countries consider participation in decision-making in their legal framework. A total of 131 countries have constitutional provision and 107 countries provide provision in environmental laws. As of 2017, 161 countries require public participation in environmental processes.<sup>40</sup>

### Indicator 2.3 Access to justice

Last year's assessment found that most countries have laws guaranteeing the right to access judicial and administrative remedies but, in practice, these are too costly and slow to provide effective legal protection. While limited new data was found for this indicator this year, the UN Environmental Rule of Law report confirms some of our previous conclusions and sheds some new light on the topic. It found that access to justice has improved in the past decades, due particularly to an overall broadening of the criteria for standing. Some countries, such as Bolivia, even give standing (i.e. having enough cause to bring suit to a court) for nature or natural ecosystems. As of 2017, 130 countries allow citizens to bring suits based on their country's environmental legislation. The UN recognized the Philippines as one of the countries with the most inclusive standing rules.<sup>41</sup> However, access to justice globally still faces a number of challenges. For instance, ClientEarth recently submitted a complaint to the Aarhus convention compliance Committee, claiming new laws in Bulgaria may systematically restrict people, public institutions, and environmental groups' ability to go to court for environmental matters.<sup>42</sup>

## Criterion 3: Empowering and ensuring the rights of indigenous peoples and local communities

### Indicator 3.1. Rights of indigenous peoples and local communities

As established in last year's Goal 10 assessment, progress in recognizing the rights of indigenous peoples and local communities (IPLCs) has been mixed. On one hand, an assessment of 41 countries by the Rights and Resources Initiative (RRI) found that the amount of forest land where IPLCs have legally recognized rights increased from 11 percent in 2002 to 15 percent in 2017.<sup>43</sup> While data on the progress between 2017 and 2019 is not yet available, evidence this year indicates that, while recognition of IPLCs continues to improve, especially at the international level, progress at the national level continues to be mixed.

#### Role of IPLCs in forest protection

Recent research from the Rights and Resources Initiative found that IPLC manage at least 17 percent (i.e. 293,061 Mt) of the total carbon stored in forests across 52 tropical and subtropical countries studied.<sup>44</sup> One third of this area (72,079 MtC) is located in areas where IPLC's tenure rights have not been recognized. The RRI study highlights the role IPLCs play in carbon storage not only by protecting trees but also vast reservoirs of carbon in the soil that would be otherwise released. It also supports our finding in last year's report, that when IPLCs hold secure rights to their land, it is less likely to be deforested.

Forest defenders face significant risks as they seek to control and manage their traditional lands. At least 164 forest and land defenders were killed in 2018, according to Global Witness.<sup>45</sup> **Box 1** examines the violence perpetuated against indigenous peoples and local communities in Indonesia.

### **Box 1. Indonesia's land rights defenders fight criminalization and violence**

In 2015, on the island of Sumatra, a rights activist and farmer named Indra Pelani was brutally beaten and killed. The alleged offenders were security guards at a nearby forestry plantation owned by Asia Pulp and Paper.<sup>46</sup> The conflict was emblematic of the all-too-common violence against and criminalization of indigenous peoples and local communities (IPLCs) in Indonesia, largely due to the overlap of commercial agribusiness and forestry concessions with customarily claimed lands. One report found evidence of 1,769 land related conflicts from 2015-2018, leading to 940 arrests of land rights defenders, 546 people tortured, 51 shot, and 41 killed.<sup>47</sup> Currently, 437 ongoing land conflicts involve 250,000 people across 4 million hectares of contested land.<sup>48</sup>

The non-recognition of IPLC customary land rights underlies many of these conflicts, with the government unilaterally awarding commercial concessions without community input.<sup>49</sup> Concessions cover over 30 percent of Indonesia's land area, while IPLCs lay claim to at least 40 million hectares (20 percent) of forests and land. Concessions also account for more than two fifths of nationwide deforestation from 2001-2016.<sup>50</sup> When IPLCs resist the destruction of their forests and landscapes, they are often criminalized. A landmark series of hearings by Indonesia's Human Rights Commission revealed the criminalization of IPLCs as palm oil companies and other agribusinesses sought to convert their forests to monoculture crops.<sup>51</sup> The Commission recommended the recognition of community land rights as the long-term solution to criminalization and protecting forests.<sup>52</sup>

A landmark 2014 decision by Indonesia's Supreme Court on Customary Forests provided the legal support to recognize community land rights. However, even as the Jokowi administration has promised to scale up customary forest rights recognition, entrenched commercial and bureaucratic interests have stalled efforts.<sup>53</sup> As yet, only 0.03 million hectares have been recognized. Meanwhile, organizations like Aliansi Masyarakat Adat Nusantara and other civil society organizations are working to mitigate criminalization through interim measures such as an Anti-Criminalisation fund, even as they continue the larger fight for secure rights.

### **Recognition of IPLCs on the international stage**

At the global level, rights of IPLCs received recognition in the 24<sup>th</sup> session of the United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties, where the Local Communities and Indigenous Peoples Platform (LCIPP) was launched (**Box 2**). This body is intended to link the international climate negotiations with IPLCs by

- strengthening the knowledge, technologies, practices and efforts of IPLCs related to responding to climate change
- facilitating the exchange and share best practices and lessons learned related to mitigation and adaptation
- integrating and enhancing the engagement of IPLCs in the UNFCCC process<sup>54</sup>

While the platform has only recently been launched, journalists have already pointed out potential challenges for its operationalization. The decision creating the LCIPP Facilitative Working Group emphasizes that the platform may not encourage any action that may 'dismember or impair' the sovereignty of a state.<sup>55</sup> Climate Home News reported that this statement was pushed by the Chinese government, and may have been an attempt to prevent local communities in China (i.e. Tibetans or Taiwanese) to seek recognition under the LCIPP.<sup>56</sup>

## **Box 2. Toward effective participation of indigenous peoples on global climate change mitigation and adaptation**

The United Nations Framework Convention on Climate Change (UNFCCC) Local Communities and Indigenous Peoples Platform (LCIPP) was first established in 2015 under the Paris Agreement (Decision 1/CP.21). The LCIPP is intended to increase engagement of these communities through, inter alia, “facilitat[ing] the exchange of experience and the sharing of best practices and lessons learned related to mitigation and adaptation in a holistic and integrated manner.”

Most important for the process of its operationalization, during COP24 parties to the UNFCCC agreed to launch a Facilitative Working Group (FWG) to LCIPP, which will be composed of seven party representatives and seven indigenous representatives. The FWG will also be open to having local community representatives once a constituency is established under the UNFCCC. This is the first time that a UN agency will provide for direct and equal participation of indigenous peoples in fulfillment of their right to participate in decision-making as affirmed in Article 18 of the UN Declaration, allowing officially non-state parties to negotiate on an equal level as parties.

Furthermore, the Indigenous Peoples Major Group for Sustainable Development, Rights and Resources Initiative, and the Global Landscapes Forum (GLF) are partnering to develop a set of global principles – called The Gold Standard – to guide future actions and investments in conservation, restoration, climate action, management, and development in rural landscapes.<sup>57</sup> The principles are grounded in international law, go beyond the usual ‘do no harm’ minimum standards, and are designed to create a race to the top by including best practice standards. This Gold Standard will leverage investment by conservation and development organizations alike to support rights-based approaches to conservation and landscape development. A large consultation process is now underway, and proponents aim to earn adoption and endorsement by the GLF and its Charter Members by late 2019, and other organizations by early 2020.

### **National successes and challenges on the recognition of IPLCs**

Over the last year, indigenous rights improved in Cambodia. A governor of the northeastern province of Ratanakiri instructed the Ministry of Agriculture to remove 64 areas from concessions, which were recognized as indigenous lands of 12 communities. The government had granted this area, which amounted to around 19 thousand hectares, to a Vietnamese rubber company 10 years ago.<sup>58</sup>

This year, however, IPLCs at the local level have faced a number of challenges. The Indigenous World book series by the International Work Group of Indigenous Affairs (IWGIA) has, for the past 33 years, highlighted an increasing trend towards harassing and criminalizing IPLCs.<sup>59</sup> The 2019 publication reveals an increase in 2018 in the reporting of illegal surveillance, arbitrary arrests, travel bans to prevent free movement, threats, dispossession, and killings. In Bangladesh, for instance, 117 indigenous protesters face false charges, 75 of whom were arrested in 2018. The report also concludes that of the 400 environmental and human rights activists killed in 2017, 40-50 percent were indigenous leaders or community members.<sup>60</sup>

In India, forest dwellers face eviction after a supreme court decision ruled that indigenous people were living illegally in forest lands. Depending on the size of the families, more than five to seven million people could be evicted by July 2019.<sup>61</sup> In Brazil, the first 100 days of the new government’s presidency has seen a rise in armed invasions on indigenous peoples’ lands. Even before the new administration began, a 150 percent spike in land invasions was recorded by the Indigenous Missionary Council (CIMI) during his election campaign.<sup>62</sup> Deforestation during November 2018 and 2019 was also recorded in indigenous reservations, which saw a tree loss of almost 27 km<sup>2</sup>.<sup>63</sup>

In the DRC, tensions between IPLCs and a Canadian oil palm company, Feronia, have been reported in recent months. Feronia has allegedly been involved in the illegal occupation of IPLCs' lands, as well as forcing the displacement of people.<sup>64</sup> [Tension between extractive industries with IPLCs](#) in Latin America has also led to several protests across the continent (e.g. in Brazil, Colombia and Bolivia). A common message behind these protests is denouncing the violations of IPLCs' rights by extractive industries.

Lastly, a 2019 Landmark report found that, while a 2013 constitutional court decision in Indonesia significantly improved the formality of indigenous people's tenure rights, only two percent of national land has been recognized as customary forests so far.<sup>65</sup>

### Indicator 3.2. Empowerment of communities

Last year's report found that aggregate data on the empowerment of IPLCs is unavailable. However, evidence suggested that communities which were able to form locally controlled forestry businesses benefited from more local empowerment. Moreover, we found that while effective international development finance can support empowerment, too little finance reaches communities.<sup>66</sup>

Our analysis this year concluded that donors continue to allocate comparatively little development assistance to the empowerment of IPLCs. Although no specifications on IPLCs were made, the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee released figures this year on contributions to women's empowerment. It found that, on average, 30 countries allocated USD 44.8 billion between 2016 and 2017 to projects related to women's empowerment.<sup>67</sup> On the national level, a few cases of IPLC businesses backed by governments were recorded. The Australian government introduced targets for awarding contracts to indigenous businesses in 2015, as well as a new financial support system in 2018.<sup>68</sup> In Morocco, the government plans to increase support for rural women engaged in agroforestry systems, such as planting olive and fig trees.<sup>69</sup>

## Endnotes

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