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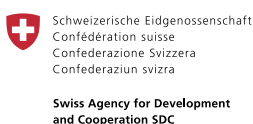
# Gender, tenure and customary practices in forest landscapes



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## Gender, tenure and customary practices in forest landscapes

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Published by Regional Community Forestry Training Center for Asia and the Pacific (RECOFTC)  
©RECOFTC December 2022  
Bangkok, Thailand

ISBN (e-book) 978-616-8089-70-5

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Suggested citation

RECOFTC. 2022. *Gender, tenure and customary practices in forest landscapes*. Bangkok, RECOFTC and MRLG.

# **Gender, tenure and customary practices in forest landscapes**

Overview of seven countries: Cambodia, Indonesia, Lao PDR, Myanmar, Nepal, Thailand and Viet Nam

Report

December 2022

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# Acknowledgements

This research is a product of the Regional Customary Tenure Alliance, a partnership funded by the Mekong Region Land Governance (MRLG) Project.

RECOFTC would like to thank the many people who contributed to this report: Ly Sophorn (Cambodia), Som Sopheak (Cambodia), Vansy Senyavong (Lao PDR), Mardha Tillah (Indonesia), Nhkum Brang Awng (Myanmar), Naw Khin Moe Aye (Myanmar), Kamala Thapa (Nepal), Bipana Maiya Sadadev (Nepal), Ho Thi Phuong (Viet Nam), Le Quang Vuong (Viet Nam) and Sabrina Gyorvary (Thailand) conducted the research and wrote the first draft of the report.

Independent consultant Patti Moore reviewed country research studies and wrote the regional report.

Independent peer reviewers Vibhuti Patel, Ha Nguyen, Natalie Campbell, Nathalie Faure and Dharmodip Basumatary reviewed the report for technical accuracy.

Peter Cutter and Ei Ei Htwe provided technical inputs and managed the project. The team also acknowledged former colleagues, Julian Atkinson, Kalpana Giri and Vanessa Hongsathivij for their support to this research.

RECOFTC staff provided administrative support: Chansreyleak Onn (RECOFTC Cambodia), Reny Juita (RECOFTC Indonesia), Souphaline Soulyavong (RECOFTC Lao PDR), Khin Moe Kyi and Khin Thiri Htun (RECOFTC Myanmar), Shambhu Dangal and Susmita Satyal (RECOFTC Nepal), Ly Thi Minh Hai (RECOFTC Viet Nam), Leela Wuttikraibundit and Korranat Buranakij (RECOFTC).

Finally, we would like to thank all the survey respondents in seven countries for sharing their time and providing valuable information.



# About the Regional Customary Tenure Alliance

The Regional Customary Tenure Alliance is a partnership funded by the Mekong Region Land Governance (MRLG) Project. The Alliance is implemented by RECOFTC, the Non-Timber Forest Products Exchange Programme (NTFP-EP), the Asian Farmers' Association for Sustainable Rural Development (AFA) and the Asia Indigenous Peoples Pact (AIPP), in collaboration with partners in Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam.

The Alliance also works with national and regional platforms that focus on forests, land and other natural resources. Through these collaborations, the Alliance promotes safeguard mechanisms for the recognition and protection of customary tenure rights of forest-dependent communities, farmers, Indigenous Peoples, ethnic minorities and women in the Mekong region.

The Alliance's outputs include primary research and case studies on food security, the implementation of free, prior and informed consent and gender within complex tenure systems. The Alliance has also produced legal and policy analyses and a guideline adopted by the Association of Southeast Asian Nations (ASEAN) that promotes increased recognition of customary recognition in forested landscapes by its Member States.

With these products, the Alliance provides national governments and other actors involved in legal reforms with evidence and tools so that they can better understand customary tenure systems; identify diverse options for the recognition of land and forest tenure under customary systems; provide and implement strategic policy recommendations to better secure tenure for local communities and Indigenous Peoples; and foster safe spaces for dialogues and learning across Southeast Asia and the Mekong region in particular.

The Mekong Region Land Governance Project aims to improve the land tenure security of smallholder farmers by contributing to the design and implementation of appropriate land policies and practices. It is a project of the Government of Switzerland, through the Swiss Agency for Development and Cooperation, with co-financing from the Government of Germany and the Government of Luxembourg.

# Executive summary

This report is based on 10 research projects carried out in 18 sites in seven countries: Cambodia, Indonesia, Lao PDR, Myanmar, Nepal, Thailand and Viet Nam. Each study documented the legal frameworks and customary practices that affect indigenous women's rights to access and manage forest resources and create restrictions on those rights. The research took place in early 2022.

The studies provide unique perspectives into customary and statutory tenure and how the two models interact. They illustrate how traditional gender roles influence women's customary tenure rights in ways that are common to several of the countries. They also highlight issues that need further investigation.

The studies reveal commonalities and differences among indigenous groups in all seven countries, especially in terms of women's rights and participation in governance. They found that customs, traditions and the obligations and restrictions imposed by national law vary from group to group. These factors influence how women participate in forest governance and contribute to their families' livelihoods.

While there are commonalities among these studies, the small sample that these studies represent in terms of geography, cultural diversity, policy context, and other measures means that one should not draw generalized conclusions. In addition, the studies found differences among communities of the same ethnic group in the same province in Cambodia. This underlines the fact that each country's approach to acceptance and recognition of customary tenure rights needs to be nuanced and flexible in the national and local context.

The findings document the ways in which each of the seven countries deals with the issue of recognizing customary rights. Each experience may be instructive for any of the other countries.

Explicit and implied recommendations from the studies were grouped in six categories:

- Education and literacy
- Training
- Empowerment
- Community forest management
- Legal reform
- Further research

The recommendations arise from the 'snapshots' of the indigenous communities the studies investigated. They could apply to communities and countries that were not represented in the studies. They also require long-term commitment and ongoing coordination with indigenous women in their communities and with their organizations.



Many recommendations may require countries to institute legal reforms. Changing the traditional community perceptions of gender and men's prejudices is a continuing incremental process. So are efforts to amend existing laws and regulations and introduce new ones.

The recommendations should not be interpreted as being relevant to all studies. They should not be seen as covering the entire scope of what needs to be done to secure indigenous women's forest tenure in any of the cases investigated.





# Introduction

In 2016, the Food and Agriculture Organization of the United Nations (FAO) and RECOFTC developed a training manual for mainstreaming gender in forestry interventions. The manual pointed out that official government processes can create obstacles to women's forest tenure and restrictive customary rules often limit their access to and control of land.<sup>1</sup>

In 2017, the Rights and Resources Initiative began an ongoing process<sup>2</sup> of tracking the status of women's rights to community forests. To date, the process has documented that national laws and regulations governing indigenous women's tenure rights in 30 countries are often unjust.<sup>3</sup> Reports from that process note that customary and community norms and practices that intersect with statutory laws often negatively impact women's tenure rights. However, the process has not assessed the impacts of customary and community norms and practices that intersect with statutory laws.

A 2020 study in selected countries in Asia, Africa and Latin America<sup>4</sup> revealed that the combination of customary practices and national laws contributes to tenure insecurity for indigenous women. This study found that almost two-thirds of indigenous communities surveyed in Cambodia indicated that illiteracy and limited access to land or resources were characteristic of indigenous women considered poor. In Nepal, 80 per cent of communities reported that lack of access to land and resources was a characteristic and 70 percent reported illiteracy.<sup>5</sup>

On the issue of literacy, "the majority of indigenous communities reported that few children managed to complete primary school. Among the main barriers to primary education were long distances and lack of transportation, poverty, lack of teaching in indigenous languages, the precariousness of school infrastructure, and parents' lack of interest."<sup>6</sup> The combination of custom and illiteracy undermines indigenous women's participation in governance processes. "Indigenous women said that they faced difficulties when it came to participating in decision-making within their own communities".<sup>7</sup>

This report draws on ongoing efforts to understand and document indigenous women's forest tenure and the ways in which both customary norms and statutory laws impact it.







# Methodology

Researchers were asked to address three baseline questions:

- Which problems do women face when they try to access, use and manage forest land and forest products and why do these problems exist?
- Which problems do women face when they try to participate in making decisions about access, use and management and why do these problems exist?
- How are women managing in spite of the problems?

Some of the researchers addressed all of these questions in their reports and others did so partially. Each researcher used a variety of approaches and methods in their studies. Their primary research methods included surveys, focus group discussions, semi-structured key informant interviews and field observation. Most used secondary sources to compile background information and data.

Some of the researchers addressed the legal context of the countries in which their research sites are located and others did not. The author of the regional report carried out supplementary research on the legal context of some countries.





## Findings by country

The information in this section is distilled from reports of field studies in seven countries: Cambodia, Indonesia, Lao PDR, Myanmar, Nepal, Thailand and Viet Nam. Although Indonesia and Nepal are outside the Mekong region, they were included in this research due to their participation in RECOFTC's Weaving Leadership for Gender Equality (WAVES) program. WAVES ran from 2018-2022 with frequent collaboration and coordination with the MRLG program.

The studies reflect the realities on the ground in early 2022 in each site at a particular point in time. They document customary practices and, in some cases, legal frameworks that affect indigenous women's rights and create restrictions in one or more sites. The studies provide unique perspectives on customary and statutory tenure and the interaction between the two. They illustrated how traditional gender roles, including the division of labour, influence women's customary tenure rights in ways that are common to several of the countries. They also highlight issues that need further investigation.

### Characteristics and legal context of research sites

The research sites included indigenous communities with legally recognized community forests, customary forests, village forests and community protected areas. Also included was a community that is using and managing its forest with no statutory recognition. The research sites also included indigenous communities that live in or near legally protected forests and other types of protected areas. These areas have an impact on the communities' rights to access and manage forests and use forest products. All of these different arrangements are described by country and research site.

The following section provides a brief description of the constitutional and statutory foundation for indigenous rights and women's rights in each of the seven countries. A detailed discussion of customary tenure can be found in *Pathways for the Recognition of Customary Forest Tenure in the Mekong Region*.<sup>8</sup>

#### Cambodia

- The Constitution of Cambodia guarantees that all citizens are equal before the law and enjoy the same rights and abolishes all forms of discrimination against women. Under the Constitution, only Khmer citizens may own land. However, the 2001 Land Law and the 2002 Forest Law formally acknowledge and protect the right of Indigenous Peoples to their ancestral lands through communal land titling.
- The 2008 Protected Area Law secures traditional access to specified zones of legally designated protected areas by local communities and indigenous ethnic minority groups residing in and adjacent to those protected areas. It also enables the establishment of community protected areas.

The research was carried out in two sites in Kampong Thom Province:

- Boeung Totil Community Protected Area of Boeung Per Wildlife Sanctuary, in Kon Kaek Village, Sambo Commune, Prasat Sambo District
- Kansaeng Veal Community Forest, in O Krouch Village, Salavisai Commune, Prasat Balang District

Boeung Totil Community Protected Area covers 2,587 hectares within the boundaries of Kon Kaek Village; none of the villagers live inside the protected area. Kon Kaek Village established the community protected area in 2005 and received formal recognition from the Ministry of Environment in 2010.<sup>9</sup> As of 2022, there are 367 families in a population of 1,836; 922 of the residents are women. Approximately 95 percent of the residents in Kon Kaek Village are registered as members of the community protected area.

People in Kon Kaek depend on small-scale agriculture, fishing and income from family members who work outside the village for their livelihoods. Until approximately 10 years ago, 92 percent of the population identified as members of the Kouy ethnic group but that has changed dramatically. In 2022, approximately 30 percent of the villagers identify themselves as Kouy and traditional customs and practices are not widely followed.

In order to get formal recognition from the Ministry in 2010, Boeng Totil Community Protected Area had to meet four requirements, one of which was a bylaw for the protected area. An updated bylaw for the community protected area was adopted in 2021. It recognizes the rights of all community members but does not provide for clear budget allocation or a benefit-sharing mechanism.

Kansaeng Veal Community Forest covers 1,304.08 hectares of forest land. The forest is state land that has been legally designated as community forest land. The community forest was established in 2004. It was officially recognized by the Ministry of Agriculture Forestry and Fisheries in 2008 and signed a community forest agreement with the Kampong Thom Forestry Administration Cantonment in 2009.

In 2022, the population of the village was 120 families, with 555 community forest members, 268 of whom are women. Ninety-five percent of the villagers are indigenous Kouy. Their identity as an indigenous community was recognized by the Ministry of Interior in 2019. However, the members of Kansaeng Veal Community Forest do not have indigenous land titles because all the village land where villagers have their homes is under private ownership.

## Indonesia

The Constitution of Indonesia recognizes and respects traditional communities and enables statutory recognition of their customary rights. It guarantees the right to be free from, and protected from, discrimination on any grounds.

As a result of a 2012 Constitutional Court decree,<sup>10</sup> Indonesia amended the definition of 'customary forest' in the 1999 Forest Law to specify that such forests are located inside the customary territory of customary-law communities and are not State land.

In addition to the constitutional provision on non-discrimination, the government of Indonesia has a series of policies supporting gender equality. However, they are not yet meaningfully implemented.

The research was carried out in one site:

- Kasepuhan Karang Indigenous Peoples community

In 2015, the regency government recognized the Kasepuhan Karang as Indigenous Peoples. In 2016, the Ministry of Environment and Forestry issued a decree giving full State recognition of the Kasepuhan Karang Indigenous Peoples community's ownership of their customary forest.

Since 2003, the Kasepuhan Karang community's customary forest had been part of a legally declared national park. This meant that community members' access to their forest gardens and paddy fields had been significantly restricted. When their customary forest was recognized in 2016, the community's and individuals' tenure security increased.

The Kasepuhan Karang Indigenous Peoples community comprises seven hamlets in Jagaraksa Village, Muncang sub-regency, Lebak Regency in Banten Province. Most of the community members live in one of the seven hamlets. The most recent statistics from 2017 indicate that the total population of Jagaraksa Village was 2,504 inhabitants: 1,278 men and 1,226 women. Not all inhabitants are descendants of Kasepuhan Karang indigenous communities.

The 2017 Jagaraksa Village Office data indicate that 60 percent of the population are farmers, 20 percent are farm labourers and 14 percent are private sector labourers. Others are traders, civil servants and craftspersons.

## Lao PDR

The Constitution of Lao PDR guarantees that all citizens are equal before the law regardless of their gender or ethnic group. It also guarantees that ethnic groups have the right to protect, preserve and promote their customs and prohibits discrimination among ethnic groups.

The 2019 Forest Law specifies that all forests and forest lands are the property of the State. It also provides for the customary use of forests, timber and non-timber forest products. Together, the Forest Law and the 2019 Land Law give village administrations the right to sustainably use State forests and forest lands to support community livelihoods. However, they must provide an approved village forest management plan. Individuals may have private customary use rights if they have made their living on forest land for 20 years before the area is classified as forest land in accordance with the Land Law.

The Forest Law recognizes communal rights for designated forest lands but communal titles are no longer being issued because the 2019 Land Law does not provide for this. Instead, the 2019 Land Law has a provision for collective title for agricultural land. There is an ongoing discussion as to whether it could be extended to entities such as cooperatives.

The research was carried out in two villages:

- Ban Khok Luang
- Houay Palam

Ban Khok Luang is located on the Mekong River, 30 kilometres south of Bokeo Province's capital Houayxay. There are 95 households comprised of 104 families and 448 people. Two ethnic groups are represented: 73 families from the Lao Loum majority who settled the village first and 31 families from the Khmu minority. The location offers residents a range of economic opportunities, including paddy rice and external trading and labour.

Houay Palam is also located on the Mekong River in Bokeo Province, 10 kilometres south of the Paktha District capital but in a more remote and mountainous location. The population consists of 100 solely Khmu households, made up of 127 families and 572 people. They rely mostly on cultivating shifting cultivation rice, raising cattle and collecting non-timber forest products.

Both villages have a village forest management plan. Ban Khok Luang's Village Forest Management Plan was completed in 2020 and approved by the district governor. Houay Palam's Village Forest Management Plan was completed in 2021 but as of the first quarter of 2022 had not yet been approved by the district governor. Village forest management plans are important for improved access, management and use rights over forest areas and provide a base layer of increased tenure security. It is important to note that village forest management plans are not formal tenure agreements but rather forest management plans.

## Myanmar

The Constitution of Myanmar guarantees that every citizen enjoys the right of equality and the right to private property. It also guarantees that no citizen will be discriminated against on the basis of gender, race or culture. Myanmar's National Land Use Policy provides that customary land use tenure systems would be recognized in the National Land Law. The law was under discussion at the time of the military coup in February 2021 and has not yet been adopted.

In 1995, Myanmar introduced Community Forestry Instructions, which emphasized the participation of local people in forest management. After adopting a new Forest Law in 2018, Myanmar updated the instructions to recognize forest lands traditionally and customarily managed by local communities. The new law further promotes the role of local people in forest management.

The research was carried out in multiple villages in Kachin State and Sagaing Region:

- Aungmyay-2 known also as Mada Buga Village in Waimaw Township, Kachin State
- Kone Kaing Lone Village, Layshi Village, Yat Kwat (2) Village, Dain Ka Lain A Way Village, Pain Nel Kone Village, Sat Pyar Village, San Pya Village, Kuki Village, Mo Done also known as Ywar Ma Village, Yaw Par Mi Village and Ma Thaw Ri Vilage in Layshi Township, Nagaland, Sagaing Region

Mada Buga Village in Kachin State has 163 households in a population of 1,467, of whom 32 percent are men and 68 percent are women. The Kachin ethnic group is in the majority, with 65 percent of the total population, ethnic Shan are 26 percent and ethnic Burmese are 9 percent. Traditionally, the villagers mainly rely on farming and shifting cultivation on their lands near the village. Since 2018, some of the customary lands are managed as community forest under the instructions.

The most recent census from 2019 indicates that Layshi Township in Nagaland had a total population of 9,061, of whom 4,570 were women and 4,491 were men. The research findings were based on interviews with 50 women and 66 men belonging to six Naga tribes living in 11 villages in Layshi Township. The six tribes are: Tangkhul, which is the majority tribe; Para (Jajare); KoKa; Khiamniungan; Longphuri; and Makury. The villagers' livelihoods mainly depend on agriculture and natural forest products. There is no statutory community forest in the Nagaland study site.

## Nepal

The Constitution of Nepal guarantees the right to equality. It also guarantees non-discrimination based on gender or social group.

The Forest Act 1993 enables the creation of community forest user groups. These groups do not own forest land but once they are legally established, they have full rights to manage their forest land and use forest resources.<sup>11</sup>

Community Forest Development Guidelines adopted in 2014 set quotas for women and Indigenous Peoples to participate in community forest user groups and share the benefits of community forestry.

The research was carried out in five sites:

- Langtang National Park in Rasuwa District in the Himalayan region was established in 1976. The Tamang community is the majority ethnic group in the area.
- Baraban Collaborative Forest in Kailali District in the lowland Terai was established in 2001. The predominant indigenous group is the Tharu.
- Koshi Tappu Wildlife Reserve in the Terai was established in 1976. At least four indigenous communities live in and around the reserve: Urau, Majhi, Santhal and Jhagad.
- Indreni Community Forest in Chitwan District in western Nepal was established in 1997. The Chepang and Tamang indigenous communities are the majority among the local population.
- Magar Community Customary Religious Forest in Palpa District was established in 2001 and registered in 2006. The customary religious forest is dependent on Bagkhor Community Forest for grass and firewood.

## Thailand

The 2017 Constitution of Thailand guarantees equal protection and non-discrimination on the basis of race and gender. It also gives qualified support for ethnic groups to

live according to their traditional cultures and customs. Thai law does not recognize customary rights.

The Community Forest Act was adopted in 2019. It enables the creation of community forests but only outside protected forest areas. A significant number of ethnic people live on protected forest land. The act does not clearly address the extent of a community's authority to follow customary practices when managing community forests and using forest products from them.<sup>12</sup>

The research was carried out in three indigenous communities in northern Thailand:

- Tin Community, Ban Kok, Nan Province
- Karen Community, Huay I Khang, Chiang Mai Province
- Lahu Community, Huay Lu Luang, Chiang Rai Province

Huay I Khang encompasses national conservation forest land and titled land, which is community forest land legally recognized under the 2019 Community Forest Act. Ban Kok and Huay Lu Luang are located in national conservation forests.

## Viet Nam

The Constitution of Viet Nam guarantees that male and female citizens have equal rights in all fields, including inheritance of land, prohibits gender discrimination. It also recognizes the right of ethnic groups to promote their customs and practices. The 2013 Land Law requires that land use certificates record both spouses as co-owners of joint property. The 2017 Forestry Law prohibits gender discrimination in allocating forest land.

In 2012, Viet Nam decentralized forest management to Provincial People's Committees at all levels of government. The district and commune levels are responsible for direct management of forest resources. Forest managers and local authorities must follow several procedures, such as submission of a design document or technical scheme for this purpose and have it approved by the Provincial People's Committee. This must be done before local people may be allowed to collect non-timber forest products in special use forests, which are protected areas, protection forests<sup>13</sup> and production forests.

The core zone of the biosphere reserve is special use forest/protected areas. It includes one national park and two nature reserves. The buffer zone and transition zone of the Western Nghe An Biosphere Reserve include both protection forest and production forest. The core zone encompasses nine mountainous districts with 182 communes and 2,125 villages. The economy is based on mining and quarrying, hydropower and forest-based industries that rely on plantations.

The research was carried out in two study sites in the core zone of Western Nghe An Biosphere Reserve:

- Five districts in the core zone of Western Nghe An Biosphere Reserve
- Two villages in Tam Hop Commune in the core zone, which is one of 10 priority communes for biodiversity conservation in Western Nghe An Biosphere Reserve; Vang Mon Village has a total population of 328 mainly ethnic Thai people in 79 households; Phong Village has a population of 698 mainly ethnic Tay Poong people in 165 households



## Accessing, using and managing forest land and forest products

### Cambodia

One research site in Cambodia is a legally recognized community protected area governed by a committee. In the community protected area, all land is communal, individuals do not have open access to it, and shifting cultivation is banned. The access restrictions are not gender-specific; they are the same for women and men.

The villagers use a hybrid of customary tenure and statutory processes to manage the community protected area. Traditional practices allow villagers to harvest wood and non-timber forest products while complying with statutory requirements for governance. Women's traditionally gender-defined household workloads constrain them from fully exercising their rights to access the community protected area and use its resources.

The other research site is an officially established community forest. Here, accessing, using and managing the forest are also governed by community committees. The only restriction is on leasing or selling land. Women exercise their rights to access the forest and use forest products more than men do.

Women are more involved in management activities that do not require night work, such as patrolling. They also avoid tasks that require staying away from home overnight as men generally are responsible for those duties. Widows and women who are poor are at a disadvantage because they do not have time or transportation to get to the community forest, which is at a distance from the village.

### Indonesia

In the customary forest, rights are designated for communities and individuals but not specifically for women or men. The customary tenure system in Kasepuhan Karang is a combination of individually owned land and communally owned land. Under this system, women rarely own land. Some paddy fields, which are communal land, belong to customary elders, who are men. Individually owned land is usually in a husband's or father's name.

Kasepuhan Karang customary law does not restrict women from accessing their forest gardens. Nor does it restrict women from owning access rights if they inherit them from their parents or if they buy them. Individuals can pawn their access rights to others and buy them back later. Islamic law, which also applies in the study site, does not restrict



I am very busy selling labor to support my family and taking care of my grandchildren in order to allow my daughter to work for income generation. If I engage in community activities, I will have no money to buy food and rice so how can I survive? So I participate less in community activities since I have no time to be involved as I am a widow and poor.

**Yoem Sav, female member,  
Kanseang Veal Community  
Forest**

women's involvement in customary forestry activities outside their homes. It does restrict their inheritance right to a minimum of half of what sons receive.

The Kasepuhan Karang Indigenous Peoples community members participated in the research. They indicated that there is no difference in gender roles in managing the agroforest area, paddy fields and other areas of the customary forest. Women and men have equal access to the customary forest and share agroforest management tasks.

Since the customary forest was recognized in 2016, women are accessing the forest to collect food and firewood as they did prior to 2003. All community members have received more benefit from the customary forest since it was formally recognized because they now have full access to it.

Women's benefits depend on the gender roles in their households. One significant difference in gender roles is in marketing agroforest products. Even when they do not own the access rights, men always make the decisions about pricing. They also decide to whom they will sell the harvest, unless they are working in the cities and not living in Kasepuhan Karang.

## Lao PDR

In both study sites, women and men report that they have the same rights to access, use and manage the forest and there are no rights that women lack. The roles, representation and participation of women in village forestry in both villages are determined by a range of factors not directly related to ethnicity. These include age, proportion of income derived from forests, area of forest, opportunity to access outside income, presence of women in the Village Agriculture and Forestry Sub Unit and reliance on shifting cultivation agriculture.

An important difference between the two villages in attitudes to village forestry is related to source of income. Lao Loum and Khmu women have equal rights of access to all types of forest products as men do under the law. All subgroups at village level reported that this was the case in practice as well. However, there were differences in the manner in which ethnic women claimed these rights.

Khmu women, the ethnic minority, have a greater interest in village forestry than Lao Loum women. This is because Khmu rely more heavily on forests for the livelihoods of their families, including swidden agriculture and non-timber forest products. Lao Loum women receive a greater proportion of household income from activities such as paddy rice and small business ventures and therefore spend less time in the forest.

Both the Lao Loum and Khmu villagers raised issues of gender in relation to the management and use of their forests. The Khmu women in particular face gender-related challenges. They acknowledge that they are not as physically strong as men and cannot do the heavy work that men do. They are afraid to venture away from the home by themselves to work as men do. And they are often not given certain tasks, because men believe they will not have the physical strength to do them. As a result, women have fewer opportunities to participate in training or study tours related to village forestry.

Women are legally able to access, use, manage and benefit from their customary forest land. However, it is more difficult for women-headed households to use their land due to a shortage of money or labour. Women from both villages reported that it was more difficult for women-headed households to use their land due to a shortage of money or labour.

## Myanmar

The six Naga tribes surveyed indicated that customary practices do not allow women to inherit land and restrict women's ownership of land. They do allow women to access land and forests and to manage agricultural land and certain forest resources.

Each tribe has its own rules for allocating land and regulating resource use. Tasks are distributed along gender lines. Men focus on commercial forestry, which generates income.

Women collect forest products to meet subsistence needs and to augment their families' incomes. They are directly involved in other forestry-related tasks but their contributions are often overlooked and they do not receive direct benefits from their work. Women focus on forest conservation and product-based forest management. These tasks ensure they have water, fuelwood, fodder, other non-timber forest products, and money to supplement their family income.

In Mada Buda Village in Kachin State, most of the men are reluctant to recognize women's role outside of the family, including in managing forest lands. Women have limited rights to inheritance. Men exercise the rights of access, use and management of forest land. Women have customarily obtained what they need for basic family sustenance from common lands since they do not have full access to other forest lands.

Men are the majority of the registered members of the Mada Buga community forest and community benefits are mostly given to the men. Women have taken on more responsibility and make extra income for their families by selling herbs and other non-timber forest products. However, their contributions are rarely acknowledged.

Women have been culturally conditioned to be skillful at juggling their household work along with the limited roles they are allowed in community forestry. Only a few educated women know about the rights of women to land and participation in forest governance and about the roles they can play.

## Nepal

The buffer zone of Langtang National Park is the area where the Tamang community is allowed to access resources, according to the rules and regulations of the park. The Tamang reported that before the park was established they had unrestricted access to medicinal herbs, wild ferns, vegetables, mushrooms and other resources. In the buffer zone, they are allowed to collect only firewood, grass and fodder.

The members of the Tharu communities surveyed in the Baraban Collaborative Forest reported that discrimination based on caste and class is persistent. The Tharu communities do not depend on forest resources for their livelihoods. They are allowed

to access some seasonal wild vegetables like mushrooms, wild ferns and bamboo shoots for their own consumption and collect dead and fallen firewood.

To buy timber for housing, the Tharu must submit documents, including a land ownership certificate and electricity bill and proof of citizenship. The cost per cubic metre is very high. Households that have old land ownership certificates are not eligible to buy timber for housing.

For landless households, buying timber for housing is out of the question. The Tharu have not received any benefits from the collaborative forest in spite of the fact that it is close to their community. But whenever there is a fire in the forest, they are the ones who are responsible for extinguishing it.

Since the Koshi Tappu Wildlife Reserve was established, the local indigenous communities' have had restricted access to forest resources, such as elephant grass and logs. The local indigenous community members surveyed reported that the number of days for which they can get permission to cut grass has been reduced by 80 percent and the fee is five times higher.

If indigenous women are found extracting firewood, security officials hit them, seize what they have collected and fine them. In the past, Urau women made baskets and brooms from the grass but due to the reserve's restrictions, their practice, knowledge and skills have almost disappeared. They have also observed that the grass is disappearing due to wild animals grazing in the reserve and flooding of the Koshi River.

When the Indreni Community Forest was established, the Chepang and Tamang communities agreed to stop practicing shifting cultivation to prevent deforestation. The communities are allowed to harvest grass and take firewood in small quantities. They must submit an application to buy timber and they need permission to collect herbs and bamboo to make baskets.

## Thailand

The indigenous groups in all three study sites are matrilineal and semi-matrilineal societies. Women in all three communities traditionally enjoy strong access and use rights and certain management rights over agricultural and forest land. In all three communities, the customary land tenure systems are founded on collective rights, traditional knowledge and territorial management practices. Women in all three communities can inherit land.

The government established a national park and a conservation forest on the land traditionally used by the people in Ban Kok Village. It also created a conservation forest

The Karen community in Huay I Khang Village customarily recognizes women's forests and men's forests. The women's forests are at higher, cooler wetter elevations where women can find edible and medicinal plants and other forest products for family subsistence. The men's forests are at lower, hotter and drier elevations, where it is better for hunting.

on land used by the Huay I Khang villagers. Similar to Ban Kok, the entire area of Huay Lu Luang Village is within a national conservation forest, which may be incorporated into a national park. The restrictions on access to forest land and use and management of forest resources in national protected and conserved areas are not gender-specific.

All three villages have established their own rules for forest use. These reflect the State requirement that anyone who wants to access the forest and harvest forest products must first get permission.

## **Viet Nam**

The government has allocated forest land to the people of Vang Mon and Phong villages. However, the villagers surveyed reported that they are largely uninterested in it for two main reasons: it would be their responsibility to protect the forest and the payment for this work is very low; and the allocated forest land is far from the villages. Men in both villages tend to leave home to find outside work to increase their income, while women stay home and shoulder more family responsibilities.

In these villages, livestock and crop farming contribute more than two-thirds of household income. Non-timber forest products account for 10 percent. Total income from forest-related sources, including non-timber forest products, forest protection patrols, and afforestation, is 16 percent. Households in both villages collect 14 types of non-timber forest products for daily food, fuel and other materials to sell and for household use. They rate them as an important or very important part of their subsistence and income.

Women intensively collect all types of non-timber forest products, while men primarily harvest bamboo poles. Women and men in both villages report that it is much harder to find non-timber forest products than it has been in the past, especially the economically valuable medicinal plants. They said that two main reasons for the decline are decreasing availability because of over-exploitation and strict management by local authorities. Vang Mon and Phong villages do not have the permissions they need from local authorities and forest managers to be able to harvest non-timber forest products legally.

The government has also allocated forest land far from family homes to households in the other districts surveyed. In these areas, the research found that men do the majority of all types of work in the forest. Women are responsible for agriculture and livestock and collect non-timber forest products for daily use and for sale.

Women are more familiar with changes in the status of the forest, both the impacts caused by human activities as well as fires and natural disasters. They have better knowledge of where non-timber forest products grow, when to collect them and how to collect them sustainably.

Women also are more aware than men are of the zoning of Western Nghe An Biosphere Reserve and of the rights local residents have in each zone. This reflects the gender-specific differences in the dependence on forests for daily needs. It may also be a result of women having more access to information on forest management practices in Western Nghe An Biosphere Reserve. This information is usually publicized via community loudspeakers, trainings and personal meetings between forest guard officers and local residents.

## Decision-making about access, use and management of forest resources

### Cambodia

While household-level decision-making is done jointly at both study sites, community members surveyed reported that men dominate in the public sphere. Women are under-represented at the community management level of both the community protected area and the community forest. There is only one woman among the 13 members of the community protected area committee and three women members among nine committees that manage the community forest.

One specific barrier is literacy. In the community protected area village, only 30 percent of women are literate. In the community forest village, even the women who are literate are rarely educated beyond primary school. Although women and men agree that their rights are equal, there is a general lack of gender sensitization among the men when it comes to community-level decision-making.

### Indonesia

The research found that women defer to their husbands on household decisions and do not participate in customary decision-making. Even after Kasepuhan Karang's ownership of its customary forest was recognized in 2016, women rarely participate in customary decision-making processes.

Women are not involved in decision-making processes in forest governance, including in the process to obtain their customary forest title deeds. In general, they rarely participate in the public sphere at all. They are usually only involved in making decisions that are related to activities in what is considered the women-only domain, such as family health and education.

### Lao PDR

Ethnic women often participate in forest land use decision-making at the household level. However, they are under-represented in community-level decision-making structures including the Village Agriculture and Forestry Sub Unit, which is responsible for forest management.

In both villages, the villagers surveyed reported that women and men have equal rights to make decisions. The village forest management plans of both villages provide that women and men should have equal treatment and should fully participate in decision-making related to forest

In the Khmu village of Houay Palam, the presence of three older women on the Village Agriculture and Forestry Sub Unit meant that there was a good understanding of village forestry among women and an appreciation of the needs of women. One of them had participated in a study tour in which there were five participants and she was the only woman.



management.

Village leaders from both villages reported that women participated in the village forest management planning processes. However, it is not clear how much they are able to contribute because they are less literate than men and the Village Agriculture and Forestry Sub Unit is required to submit written reports to the District Agriculture and Forestry Office on a regular basis. Women are shy to speak up and men often ignore them when they do. In addition, women have many household responsibilities, including finding income to support their families, and it is difficult for them to find the time to participate in meetings.

In spite of these challenges for women, there appears to be a greater level of exclusion in participation and decision-making based on age rather than gender. Young people, young women in particular, did not get to participate in meetings. This exclusion is not necessarily deliberate on the part of older people. It reflects the different roles that young people play in the villages, with many being required to work or study at times when meetings are being held.

## Myanmar

Participants in the surveys noted that men in the six tribes in Layshi Township in Nagaland have full authority over decision-making and women agree with this. Naga women usually participate in decision-making at the family level but in general not at the community and tribal levels. They express their opinions through their husbands and through the few women who dare to speak out.

One fundamental reason for Naga women not speaking out is that they have not been able to access education as men have. They have not had chances to communicate with many people outside their families and therefore are not confident in expressing themselves. Other significant barriers to women's participation in traditional forestry decision-making include weak community organization, pressure from spouses, difficulty organizing among themselves, and informal sanctions.

There is limited space in Mada Buga Village for women's involvement in decision-making regarding management of forest lands and community forestry. Girls and women are not encouraged to go outside the village to study and work. Almost all opportunities for participation in the public space are given to men. This includes capacity building and knowledge sharing workshops, even those provided by non-governmental organizations.

## Nepal

Tamang women's representation in the Langtang National Park Buffer Zone Management Committee is determined by a quota but their actual participation level is very low. The research found that barriers to their representation include low confidence due to their lack of education, the patriarchal system, time poverty<sup>14</sup>, lack of opportunity for networking, and lack of awareness about their rights and the processes they can engage in.

Tamang women do not have equal access to information about trainings and programs that are provided by the Buffer Zone Management Committee. Only the very few women who have networks and connections were knowledgeable about some programs.

Women are represented in the decision-making body for the Baraban Collaborative Forest but not in lead roles and there is no representation from the Tharu village. Tharu women lack confidence, there is no enabling environment for them in the collaborative forest committee, and they have no access to information about meetings and consultations.

The Koshi Tappu Buffer Zone Committee has no mechanism for representation of the indigenous communities and women are not represented at all. Indigenous women have almost no understanding of the buffer zone and their rights in it. The committee has no programs to support indigenous women with capacity building and skills development.

According to members of the Indreni Community Forest, women do most of the forest management work because so many of the men have migrated out in search of work. Women were included in preparing the action plan that led to formation of the community forest committee, whose members are one-third women. However, women do not participate in meetings and decision-making processes because they lack confidence and awareness. There are few programs to increase their empowerment.

The Magar community follows Bheja, a customary practice for religious forest management and conservation. An eleven-member committee oversees temple management, fund allocation for rituals and water and forest management. There is provision for women's participation in the committee but there has never been a woman representative on the committee. The Magar community depends on the Bagkhor Community Forest for grass and firewood. The community forest is governed by a committee, one-third of whose members are women and which has an inclusive decision-making process.

## Thailand

Women and men in Ban Kok Village reported that they make household decisions together and women manage the family finances. Women's participation in household decision-making does not transfer to the public sphere.

For the first time, Ban Kok Village elected a female indigenous rights activist, Rinrada Satam, as leader but this is an exception among Tin villages.

"Men have more networks, personal power and connections," Satam said. "Our Tin people still do not accept woman leaders."

In the past, the Karen women of Huay I Khang Village had decision-making power within their families and over planting swidden fields but not outside the home.



The forest officials come and tell us what to do based on their own ideas, but their ideas are in conflict with our way of life. We know what to do, and how to live.

**Chi No, respected female member of the community, Huay I Khan**

In the 1970s, a government announcement that villagers would be forcibly relocated outside the forest galvanized the women of Huay I Khang to protest and started a “revolution” in village leadership. In 2022, the elected leader of the community, vice sub-district leaders, and nearly all of the assistant village leaders are women. There is only one male assistant. Huay I Khang has set up a village committee comprising both women and men to oversee the use of forest resources.

Traditional Lahu society gives women in Huay Lu Luang Village relatively secure access to land and decision-making power over its use. Women have significant decision-making and financial management power within the family. Huay Lu Luang’s community forest committee and its community land title committee are composed of the same group of twenty-five men with no woman members. Language limitations and a strong cultural aversion to women traveling outside the community are barriers to their participation.

## **Viet Nam**

Vang Mon and Phong villages are located Tam Hop Commune. The current forest managers include two Protection Forest Management Boards, two Youth Settlement Villages, one forestry company and the Commune People’s Committee. Approximately 4,000 hectares are under household and community management.

In both villages, women are more likely than men to have had no education all or to have dropped out of primary school. There are differences between the two ethnic groups as well. For example, more Thai people in Vang Mon than Tay Poong people in Phong have finished primary and secondary school.

In the ethnic groups in the other districts surveyed, women reported that they participate less in commune meetings and local forest management decision-making than men do. Men are more involved in work that brings monetary income, such as timber harvesting, forest patrols, animal trapping and selling non-timber forest products. This gives them a greater voice in decision-making related to forest management issues.

## **How women are working to overcome challenges**

### **Cambodia**

Both the customary and statutory tenure systems that operate in the community protected area provide opportunities for women to engage in activities that support their families. They have the rights to access the community protected area and to use forest products from it for household consumption and family income.

In the community forest, women are engaged in almost all forest management activities. Although women’s participation in decision-making remains low, it has increased since the community forest was established. Women are building their confidence in speaking and sharing their ideas during capacity building events and meetings organized by different non-government organizations. Men are beginning to

encourage women to speak up and raise their concerns. They have come to recognize that women's participation is important and that women have strong negotiation skills.

## Indonesia

The government recognized Kasepuhan Karang Indigenous Peoples community's ownership of its customary forest in 2016. Since then the community has found that more labour is needed to till the areas that had been restricted since 2003. This is proving to be an advantage for landless women, who can work in the paddy fields and receive a portion of the harvest.

In 2018, the community established a micro-finance cooperative to support their customary forest management and customary forest-based livelihoods of its members. The cooperative was the first initiative of the indigenous community where women were chosen as leaders of an activity that traditionally excluded them. Five women were chosen to be managers. However, during the cooperative's initial phase of establishment a male community leader made decisions until the community agreed that the women should take over the control.

The cooperative is supported by the village government and customary leaders as part of community's post-customary forest recognition program. The women who manage the cooperative now make decisions after consulting with its members. The current head of the cooperative is a woman who did not graduate from elementary school and women fill the other management roles.

## Lao PDR

In Houay Palam the village chief and one of the two deputy chiefs are both women. This is an advantage because they also have a mandate to monitor the village forest management plan. The women in the Village Agriculture and Forestry Sub Unit help organize meetings to resolve forest conflict issues, assist the village chief in announcing forest laws and regulations, and take part in village forest management plan monitoring.

In spite of the constraints women face in participating in village forestry decision-making, the Houay Palam village chief said, "Compared to before, more women are participating in meetings and capacity building trainings. This has increased their knowledge and willingness to speak up and participate in planning and activities related to forests."

In Khok Luang, where women are less involved in village forestry, the village authority is all male. There are two women and five men in the Khok Luang Village Agriculture



Since one of the women attended an event outside our community, it became a pacer for other Adat women. We would never know that there were many issues outside our community. We also learn about equality.

**Sh, female member, Kasepuhan Karang cooperative**

and Forestry Sub Unit. The women are responsible for accounts and petty cash but they have no work because the Sub Unit does not have any money.

## Myanmar

Naga women are traditionally considered to be economically dependent on and followers of the men. The research found that these traditional values and norms are widely accepted and reinforced from generation to generation. Gender division of labour between women and men is unequal, with women assuming more of the burden within and outside the household. This division remains unquestioned.

There has been controversy in Mada Buga Village over whether to continue to recognize customary practices or to raise voices for women's rights. Most of the women surveyed understand the issues in forest management and sustainability in short-term and long-term management of forest resources. Women have a very important role in family affairs and livelihood development and with support could play an important role in forest management as well.

## Nepal

In Langtang National Park, Tamang women continue to forage wild ferns, mushrooms, stinging nettle, and culturally important herbs and flowers. However, due to restrictions limiting access to them, they are forced to hide them from officials.

Indreni Community Forest has established a women's saving and credit program. Women have been offered training in skills like tailoring but there are no opportunities for training related to their traditional knowledge of forests and forest products.

The women of the Magar community have started raising pigs and chickens for local sale to generate income. In Baraban and Koshi Tappu, indigenous women's access to the forest is very limited by law and regulations and women have not been able to develop any alternative mechanisms to overcome the challenges.

## Thailand

In two of the research sites, women are leading efforts to document their communities' traditional forest land. Women and men are working together to achieve government recognition of their rights to access and manage their land and use resources from it.

Through continuous relationship-building efforts, Rinrada Satam who was elected head of Ban Kok Village, has gained the respect of local authorities and Royal Forest Department officials. She is leading advocacy efforts to secure permanent legal rights for her constituents through community land title.

Under her leadership, and with support from national and regional indigenous rights networks, Ban Kok launched a community land rights campaign. The villagers developed a map of the village's traditional lands and compiled land use data. They submitted it to the national government with an application for community land title. The application is pending since a change of government in 2014.

The women-led Huay I Khang community is working with other indigenous and rural communities through the Northern Farmers' Network to assert local rights over natural resource management at the policy level. The villagers started a process of land history registration, which was accepted at the sub-district level. This is a successful case of collaboration between a local community and local government authorities on land and natural resource management.

Few women in Huay Lu Luang over the age of 40 speak Thai, and most have had no interaction with outsiders, save rare trips to the provincial hospital and market. Unlike the women leaders of Ban Kok and Huay I Khang, they have had no opportunity to access higher education, or to network with other indigenous women through trainings, workshops or community exchanges. Once overcoming their initial shyness, however, they readily shared their life experiences.

In 2010, the Huay Lu Luang community received external support from Upland Holistic Development Foundation to begin a multi-year process using GPS technology to map and classify their traditional land. They completed the map in 2016. In 2019 the all-male community forest committee submitted the map to the local government and successfully registered their community forest land. The government has proposed that the national conservation forest where Huay Lu Luang is located be incorporated into a national park. If this proposal goes forward, the community forest would no longer be allowed under the 2019 Community Forest Act.

## Viet Nam

Vang Mon and Phong villagers, mainly women, collect non-timber forest products their families rely on from the protected forest close to their villages. They know that this practice is prohibited but they do it anyway. Local officials are aware of it and some protected forest managers do not strictly enforce the prohibition or impose administrative sanctions. They understand that these forest products are an important source of local people's livelihoods.

In the other districts surveyed, villagers are generally respecting prohibitions on accessing protected forests. Women in these districts are participating more than men in trainings on forest governance. This is mostly because the trainings are usually funded by international organizations that require gender balance among the participants. Another reason is that they usually relate to daily livelihood activities for which women are responsible.



Previously, I could go into the forest near my village to collect bamboo shoots or medicinal plants for my family's daily needs and it only took me a half day to finish the task. However, nowadays, I have to go to forests located far from my village for this and it takes me a day or even two days for the same task. We usually form a group of women to go into the forests to collect non-timber forest products and take them to the forest gates. From the forest gates, men will transfer the non-timber forest products to village markets or local traders.

**Female member, Chau Nga Commune**





# Conclusions

The findings of the 10 studies show that there are commonalities among the indigenous and ethnic groups in all seven countries, particularly in terms of rights and women's participation in governance. The research also reveals the ways in which each indigenous and ethnic group's customs and traditions vary and the degrees to which each is influenced by obligations and restrictions imposed by national law. The interaction of rights and the customary and traditional practices of each group influence the ways in which women participate in forest governance and how they contribute to their families' livelihoods.

However, the commonalities that emerged are not an indication that generalized conclusions can be drawn. For example, the research found differences between communities of the same ethnic group in the same province in Cambodia. This underlines the fact that each country's approach to acceptance and recognition of customary tenure rights needs to be nuanced and flexible in the national context. The findings document the results of the ways in which each of the seven countries is dealing with recognizing customary rights. This experience may be instructive for any of the others.

## Rights

The constitutions of all seven countries where the research was conducted guarantee gender equality and/or non-discrimination on the basis of gender. Five countries' constitutions guarantee non-discrimination on the basis of ethnicity. The exceptions are Cambodia and Viet Nam. The constitution of Indonesia enables recognition of customary rights but does not provide a constitutional guarantee for those rights. Laws or regulations in all seven countries enable customary practices to some degree. See Table 1, Annex 11.

The research in each of the study sites focused on documenting existing rights and practices. In the Boeung Totil Community Protected Area in Cambodia, in Indonesia and in Nagaland in Myanmar, it was possible to clearly identify the customary tenure rights. Also in Nagaland, it was possible to specify the differences between women's and men's customary rights.

In the other study sites, the difference between customary tenure rights and how the indigenous and ethnic groups are complying with regulatory requirements is not so clear. This is especially true where there are statutory institutions such as community forests, community protected areas and village forests. Table 2, Annex 12 provides a summary of tenure rights in most of the study sites.

The three villages in Thailand are all matrilineal societies where women had all customary tenure rights by custom but national law has restricted their rights for decades. In all of the study sites, women have management and withdrawal and use rights. In some cases this is on the basis of custom and in others on the basis of a legally recognized arrangement such as a community forest.



Women have access rights in all study sites except Nagaland in Myanmar, where their access to forest land is restricted by custom. The right to exclude outsiders is available to women in all of the sites except for the two in Myanmar. However, men are more likely in all sites to exercise that right. Women do not have the right of alienation in the study sites in Myanmar.

In Boeung Totil Community Protected Area in Cambodia, women had the right of alienation by custom but neither women nor men can exercise that right today. In the community forest in Cambodia and the village forests in Lao PDR and Viet Nam, the lack of alienation rights imposed by national law is not gender-specific.

National laws and regulations governing allocation of forest land in Cambodia and Viet Nam do not recognize indigenous communities' traditional forest management practices. These laws and regulations make it difficult for indigenous communities to exercise the rights they do have to access forest land and use forest resources. In both countries, the study site communities are in protected areas and forest land is allocated in production forest at some distance from the villages. Allocating forest land far from where people live undermines the rights of local people, especially women.

In all countries except Myanmar and Thailand, women have basic rights to access and manage forests and use forest resources. Myanmar has customary laws and Thailand has national laws that limit these rights for women. The degree to which they can exercise those rights is, in most of the study sites, constrained to varying degrees by customary and traditional practices. See Table 2, Annex 12.

Having a provision in a law or regulation does not guarantee that the law or regulation will be equitably implemented. One example from this research comes from Indonesia, which provides strong support for recognizing customary rights in both the Constitution and national law. Changes were made to the law after the Supreme Court reviewed it and found that it was insufficient. Despite this support, it remains complicated and time-consuming for indigenous communities to complete the extensive regulatory requirements needed for their customary forests to be legally recognized.

Other examples from this research are found in Cambodia and Viet Nam, where the law enables allocating forest land to communities. However, in both countries the land that is allocated is distant from the communities and difficult to access for many community members, especially women.

## Customary and traditional practices

Customary and traditional practices are reflected in the rights women have and do not have in each study site. Women's tenure is most significantly negatively affected by customary and traditional practices in the two sites in Myanmar. In Mada Buga, women do not have access to all forest lands.

Women face time poverty resulting from an unequal customary gender division of labour in households, agricultural fields and forests in the study sites in Cambodia, Lao PDR and Viet Nam. A major contributing factor in Cambodia and Viet Nam is the distance women must travel to access forest land allocated to their households. Time

poverty is a social inclusion issue as well because it particularly affects women-headed households and poor, elderly and disabled women.

Custom and tradition are also barriers to women's education and literacy in the majority of the study sites. This is a factor in women's ability to participate in forest governance.

## Governance

In all seven countries, lack of education and language barriers were given as a reason for women's lack of participation in forest governance. Even in Nepal where community forest guidelines specify quotas for women's representation in management committees, women do not actively participate. Women's low literacy levels contribute to making them insecure about speaking out in public. The exceptions are women at the site in Indonesia, two of the sites in Thailand and one site in Nepal that have inclusive decision-making processes.

There are several customary and traditional factors that discourage women from participating more actively in forest governance. These include time poverty, men's attitudes toward women's participation, and cultural aversions to women undertaking activities in the public sphere.

In the study sites in Myanmar and Viet Nam, men tend not to recognize or to undervalue women's knowledge of forest management and ignore them when they speak about it. In Kasepuhan Karang Indigenous Peoples community in Indonesia, the community's customary forest is legally recognized and the community has full control over it. However, customary norms inhibit most women from participating in its governance.

Increasing indigenous women's access to education will not remove all the customary barriers to their participation in forest governance. But it will at least give them a basis for making informed decisions on how they choose to do so. Literacy will enhance women's participation in forest governance as well as all other aspects of family and community life.







# Recommendations

Six categories of recommendations emerged from the studies. They arise from the 'snapshots' of the indigenous and ethnic communities that the research investigated. However, each of the recommendations could apply equally to communities and countries not represented in the studies.

All these recommendations require long-term commitment and continuous coordination with indigenous and ethnic women in their communities and with their organizations, where these exist. Many of the recommendations may require legal reform in a particular country. Changing traditional community perceptions of gender and men's prejudices is a continuing incremental process, as are efforts to amend existing laws and regulations and introduce new ones.

The recommendations that follow do not claim to cover the entire scope of what needs to be done to secure indigenous and ethnic women's forest tenure.

## Education and literacy

- Increase access to education and improve the literacy rate among women and girls
- Provide opportunities, financial support, and encouragement for indigenous and ethnic youth and young women to study law and related fields

## Training

- Provide indigenous and ethnic women with training, study tours and other activities to build their confidence and capacity and help them develop the skills they need to fully participate in forest governance
- Provide ongoing technical training courses for indigenous and ethnic women and other community members on issues related to forest management, including financial management, forest laws, and sustainable collection of non-timber forest products and the regulations that govern harvesting them

## Empowerment

- Establish and maintain empowerment and leadership programs specifically designed for indigenous and ethnic women and for women who are poor, single, widowed or disadvantaged by caste
- Support indigenous and ethnic women to help them build confidence for local, national, regional and international leadership
- Encourage young indigenous and ethnic women to study forestry and get involved in



forest management and to become involved in community activities

- Establish youth community forestry networks so that young women can share experiences and encourage each other

## Community forest management

Where structures for community or village forestry already exist:

- Require that community forest management plans identify disadvantaged groups including young girls and women who are widowed, poor, elderly or disabled; specify how to build their capacity and enable their participation
- Establish quotas for indigenous and ethnic women's leadership positions in community forest management committees whose members include indigenous and ethnic people
- Promote women from all indigenous and ethnic groups, including socio-economically disadvantaged women, to stand for election but do not coerce them into doing so
- Ensure that community forestry committee bylaws include transparent benefit-sharing mechanisms that fully recognize and compensate indigenous and ethnic women's contributions

Where structures for community or village forestry do not already exist:

- Consider creating them
- Include provisions to implement these recommendations

## Legal reform

- Amend existing laws and regulations and adopt new ones to recognize indigenous and ethnic women's tenure rights in forests
- Enable indigenous and ethnic women's access to forests and non-timber forest products and ensure that the regulatory measures reflect and respect their cultural knowledge and practices

## Further research

- Expand the type of research done for these country studies into tenure, and customary practices in forests, including the intersection of statutory and customary law and the impacts of customary norms on women's statutory tenure rights, to other areas of these seven countries, other countries and other indigenous and ethnic groups





## Annex 1

# Gender and customary tenure in natural resources management

Boeung Totil Community Protected Area, Kampong Thom Province, Cambodia

Ly Sophorn, Ministry of Environment

### Context

Cambodia's forest cover is 46.86 percent with an annual loss of 0.64 percent between 2016–2018.<sup>15</sup> There are two main management systems for forests: protected areas, which cover more than 7.5 million hectares; and production forests, which cover about 1.5 million hectares.

Established in 2005, Boeung Totil Community Protected Area is part of Boeung Per Wildlife Sanctuary. The sanctuary covers parts of three provinces and is entirely within the boundaries of Kon Kaek Village, in Sambo Commune, Prasat Sambo District, Kampong Thom Province. In Kon Kaek Village, both women and men use natural resources and forest products for food, housing materials, spiritual purposes and other traditional uses.

Village residents used to belong to the Kouy indigenous group. They did not register their clan identity with the government and have claimed Khmer citizenship. They now find that their traditional practices are disappearing except for rice planting. However, women's and men's roles and responsibilities are still influenced by the customary division of labour along gender lines in their productive, reproductive and community roles.

### Research questions

- How are customary tenure rights arranged and practiced in Beoung Totil Community Protected Area? How do customary rights differ for women and men?
- How have the legal changes of natural resources governance influenced the practice of customary tenure rights; how have they affected women's rights to forest resources (space and products) since the community protected area was established?
- How do women and men engage in the community protected area? What are the challenges?

### Methodology

Primary data was gathered through semi-structured interviews with key informants knowledgeable about the community, three focus group discussions, mapping and direct participant observation. Secondary data was compiled mainly from the

Department of Community Livelihood of the Ministry of Environment, the Provincial Department of Environment in Kampong Thom and the Sambo Commune committee.

## Findings

The research focused on three periods: before 1993; 1993–2010 before the community protected area was established; and after the community protected area was created in 2010. It looked at three key types of rights: access and use of resources, management and local institutions, and resource transfer. The study also looked at women's engagement in community protected area management, especially gender roles and responsibilities, control and use of resources and community participation.

Before 1993, deforestation in the community was rare. Trees were felled for minor rice planting because of low demand for household consumption. In 1993, some parts of the forest areas in and surrounding Kon Kaek Village were established as Boeung Per Wildlife Sanctuary, which meant that people needed to inform authorities before entering the forest. In 2008, the Protected Areas Law recognized that gender issues are not often addressed as major community concerns under both the customary system and the current governance system.

After 2010, women and men living in and around Boeung Totil Community Protected Area have different roles and responsibilities in relation to the forest. The division of labour and responsibility in households has created uneven rights to different parts of the forest and forest resources.

Women are often losing their rights to forest resources in part because their household workload means that they do not have time to fully access control forest land and resources. However, both women and men say that there is equal access, control and use of farm and housing assets.

The management and conservation practices of women and men differ according to the methods and intensity of use and according to the knowledge and information they have. Only 30 percent of women can read and write, which prevents them from participating fully in managing the community protected area. As a result, the needs and voices of women may not be taken into account in decision-making.

Beyond gender, the research found that there are some weaknesses and obstacles within the community. These include disappearing Kouy ethnic norms, culture and practices, which leads to loss of local traditional knowledge due to the erosion of the customary tenure system. Local governance capacities and the community protected area committee are still weak and the number of women members is limited.

## Conclusions

The community protected area is one means to defend the community's rights. Community management of natural resources brings benefits and individual property rights to land and resources help to sustain the common property resources.

Both the customary and current governance systems provide opportunities for women and men to engage in livelihood activities and the community development process.



However, very few women are represented in decision-making at the community management level. This means that the voices of women are not heard in decision-making and women's concerns are not being addressed.

The research found that customary practices supported fair gender relations and social inclusiveness that included the participation of women in all tasks. However, there are still some constraints for women, who are fulfilling productive, reproductive and community roles at the same time.

## Recommendations

- Improve the monitoring and enforcement for the community protected area.
- Increase the number of women at the community protected area management level.
- Apply quotas internally to increase women's engagement in supervision at the community level.
- Deliver capacity development through a series of specific trainings on natural resources management, planning and budget management, women's empowerment and leadership, and violence in the family.
- Encourage women to take literacy classes and encourage parents to send female children to school.
- Strengthen the existing savings group needs at individual and group so that community members can access the community fund services.
- Develop an ecotourism activity to showcase the traditional experience of the Kouy ethnic group for customary system survival, community development and livelihood improvement.

## Annex 2

# Gender assessment of tenure rights in Kansaeng Veal Community Forest

O Krouch Village, Salavisai Commune, Prasat Balang District, Kampong Thom Province, Cambodia

Som Sopheak, Action for Development

### Context

Community forestry is a mechanism aligned with Cambodia's national policy to strengthen natural resources management. It also supports the customary practices of local communities, especially peoples.

As of 2018, there were 636 community forests in the country.<sup>16</sup> In 2019, the national Forestry Administration reported that community forests covered more than 510,000 hectares of forest land. Out of 169,248 families totaling 493,197 people, 49 percent of them were female. They were registered as community forest members who directly benefit from community forestry management activities.

The current Forestry Law of 2002 gives the Ministry of Agriculture Forestry and Fisheries the authority to allocate a community forest to a community located inside or near a forest. The law also recognizes communities' customary use rights and their statutory rights. Men have the predominant roles in community forestry. This research was conducted in Kansaeng Veal Community Forest in Kampong Thom Province, Cambodia, where 95 percent of the community belongs to the Kouy indigenous group.

### Research questions

- What are the roles and rights of women and men in community forestry? What is their level of awareness about their roles and rights?
- What is the gender issue occurring in relation to women's rights in community forestry? More specifically, what challenges do women and men face to access different bundles of rights in community forest management?
- What are the potential actions to reduce gender issues and strengthen the rights in the community forestry management? What are the enabling factors and constraining factors to solve problems?

### Methodology

Primary data was gathered through 20 key informant interviews, three focus group discussions and direct observation. Secondary data was also compiled from the

Ministry of Environment, Ministry of Women's Affairs and international and local non-government organizations, research reports, books, journals and relevant websites.

## Findings

The regulations of Kansaeng Veal Community Forest clearly state that all community forest members have equal rights to access and use resources in the community forest. Women and men can collect non-timber forest products and undertake other activities to support their livelihoods. However, the regulations do not mention that vulnerable groups of community forest members should be able to benefit from community forest management activities.

The study in Kansaeng Veal Community Forest showed that women and men more or less equally participated in community forestry activities. They also exercised their rights according to the community forest agreement and regulations. Widows participate less in community forestry activities because they are the heads of households and responsible for livelihood and income. Poor, elderly and young women also are confronted with many challenges and do not fully participate, as community forestry does not provide enough income for them due to resource degradation. Some migrate to work in the city for income.

In Kansaeng Veal Community Forest, women and men participate in tree planting, meetings and some patrolling activities. Women exercise three rights more often than men do: the right to enter the community forest area; the right to withdraw forest resources; and the right to manage forest resources.

Women understand the community forest regulation that allows them to enter the forest and harvest non-timber forest products for their income and livelihoods. This activity does not require heavy labour and is related to their daily lives. Men exercise more rights and engage the most in managing community forestry activities. These include reporting to and informing local authorities and the forestry administration about their patrolling activities and illegal activities in the community forest area. They also include carrying out tasks that require heavy labour and overnight stays, such as cracking down on illegal logging and installing boundary poles. Only 20 percent of women participated in boundary demarcation.

Community forest members, community forest committee members and local authorities in Kansaeng Veal Community Forest have different perceptions and understanding of gender roles. Vulnerable community members such as young people, widows, elderly people and poor families have a relatively low understanding of gender concepts.

There are varying degrees of understanding among committee members, as some committees received training courses on gender provided by non-governmental organizations that clearly explained the concepts. Local authorities acknowledged that Kansaeng Veal Community Forest members understand gender concepts and practice gender mainstreaming in their community forest management. Community members know that women and men have equal rights to participate in community forestry activities.

Men recognize the important roles of women in community forest management, particularly their strong negotiation, communication and financial management skills. Women who have participated in capacity building programs organized by NGOs are able to build their confidence in speaking and sharing their ideas and moving into leadership positions. Men encourage the women to speak up and raise their concerns and ideas.

## Conclusions

In Kansaeng Veal Community Forest, women and men more or less equally participate in community forestry activities. They also exercise their rights according to the community forest agreement and regulations. The engagement of women in the community clearly demonstrated their essential role, which is recognized by men and local authorities as well.

Community members, community committee members, and local authorities demonstrated an understanding of gender concepts in community forestry. However, the study found that not everyone has similar opportunities, with vulnerable groups of women at a particular disadvantage.

## Recommendations

- Ensure that all women, including those who are young, widowed, poor or elderly, are enabled to take leadership positions in the community forest management committee so that their voices are heard in decision-making.
- Amend the regulations of the Kansaeng Veal Community Forest to require and enable the participation of all vulnerable groups of women.
- Include the participation of all vulnerable groups of women in community forest management planning.
- Young people will be the community forest managers in the future. Encourage young people, especially young women, to participate in community forestry activities and consider establishing a youth network for the community forest.



## Annex 3

# Toward more equal tenure: A case of post-customary forest recognition

Kasepuhan Karang Indigenous Community, Lebak Regency, Banten Province, Indonesia

Mardha Tillah and team, Indonesia<sup>17</sup>

### Context

Kasepuhan Karang is an indigenous community in an area that used to be part of Halimun Salak National Park in Lebak Regency, Banten Province, Indonesia. In 2016, the Ministry of Environment and Forestry the Customary Forest awarded the community title deeds that gave them full ownership of their customary forest.

This research studied the impact of the recognition of Kasepuhan Karang's Customary Forest. Soon after, a women-led cooperative was established in support of their customary forest management. The research focused on changes in the tenure security of women and men from various backgrounds, including those who are unprivileged, marginalized, elderly and younger community members.

### Research questions

This research was conducted to understand how legal recognition of the community's customary forest has or has not improved the tenure security of women and other marginalized groups. The research aimed to answer the following key questions:

- What rights do women have in agroforestry areas that are a form of customary forest management and what is their experience of exercising those rights?
- Does women's engagement in the microcredit cooperative affect or increase women's tenure security in the agroforestry areas?
- Does this engagement also support tenure security of marginalized groups, such as landless men or widows?

### Methodology

This was participatory action research. The research team consisted of Indonesian Institute for Forest and Environment (RMI) one female and one male staff members and four female cooperative managers and members. Data collection was conducted through desk study, interviews, focus group discussions and in-depth interviews. Respondents were selected for in-depth interviews based on the profiles of cooperative members who represented a variety of backgrounds, including widowed women, landless men and young people.

## Findings

The research revealed changes in four aspects of women's and men's tenure after the Kasepuhan Karang Customary Forest was recognized and after their women-led cooperative was established.

First, there has been no change in gender roles in forest governance and management at the household level. Husbands are always the decision-makers unless they are working outside the village. This is true whether access rights belong to the husband or the wife in a household, especially when it is market-related. Women are still associated with sustenance provision.

In agroforest areas where a family mostly grows fruit trees and other woody plants, decision-making is done by the men. This is true even though women also clear, weed and tend the cultivated plants and collect wild plants, including mushrooms, ferns and herbs for food.

Second, women's access to the agroforest area changed after Customary Forest recognition. When their customary forest was designated as a national park in 2003 to 2016, women were afraid to access the forest to collect firewood and wild plants for food. Husbands also forbade their wives from going to their agroforest.

There were several cases when communities were criminalized or chased by police rangers because they were using forest resources, such as gathering wood for making charcoal. This situation had caused a decrease in their food diversity as they could not collect wild plants. However, after their customary forest was recognized in 2016, the women and their husbands felt more secure to accessing their agroforest. Today, their food biodiversity is similar to what it was before 2003. However, younger women are not really involved in agroforestry or paddy field management, even when the access rights are in their names.

Third, women's leadership roles have changed in community level. Customary Forest recognition has provided many opportunities for women to be part of their customary forest governance. There is a need for more people to work together to manage areas that used to be inaccessible to the community and women have been chosen to manage the cooperative.

Improvements are still needed but the women cooperative managers are now more confident to make decisions. This empowerment has enabled them to make plans to support other women on various issues, including women's access to forest resources. The community also has positive perceptions of women's leadership in what was traditionally considered as outside women's domain. Women's leadership in the public sphere was unknown before Customary Forest recognition and before the women-led cooperative was established.

Fourth, the cooperative has strengthened the community's tenure by providing loans to community members in emergency situations without taking away their access rights. Twelve out of 81 cooperative members, some of whom had lost rights to their agroforest and paddy field areas more than 10 years ago, have regained their access thanks to a loan from the cooperative. However, there are also cases of some of the more well-off members borrowing funds from the cooperative to buy the access rights

of other members in emergency situations. This potentially increases the gap between the 'elites' and the 'non-elites' at least in terms of access to land.

## Conclusions

Customary Forest recognition has affected the community's, women's and men's tenure security in a variety of ways. In general, women and men of Kasepuhan Karang feel more secure in accessing their forest and as a result the community has implemented various initiatives in its agroforest areas. Security of access has once again enabled women to collect more food from the forest, as they did before their customary forest was designated as a national park in 2003.

However, at the household level, recognition of their Customary Forest has not changed gender roles significantly. Women are still managing agroforest areas although they are more involved in paddy field management. However, they are still not involved in decision-making, especially related to marketing their forest produce.

More attention needs to be paid to gender roles in agroforest management. Otherwise future support, such as fruit tree rehabilitation coffee cultivation development, might increase the tenure security gap between women and men in the customary forest area.

Customary Forest recognition has provided a valuable opportunity for Kasepuhan Karang's women to become leaders in the governance of the customary forest, which was not the case before 2016. Recognition has created a promising path for more inclusive forest governance if further assistance from government or civil society organizations is delivered effectively.

## Recommendations

- Using relevant projects, familiarize the community with more gender equal and social inclusive principles, such as cooperative development, nursery development and food.
- A specific program for younger women, might be useful to reconnect them with customary forest management or with the post-production phase. Their connection to the forest will be crucial considering the customary forest collective ownership has no time limit.

## Annex 4

# Interaction between gender and customary tenure practices in village forest management

Ban Khok Luang Village, Houayxay District and Houay Village, Paktha District, Lao PDR

Vansy Senyavong, Women Mobilizing for Development (MHP)

### Context

Forest resources are particularly important for rural households in Lao PDR. Poorer households in particular depend upon them for nutrition, fuelwood and income. Women spend more time than men do gathering food and firewood, meaning that a loss of forest resources impacts women disproportionately and increases social inequality.

Ethnic women often participate in land use decision-making at the household level. However, they are underrepresented in community-level decision-making structures, such as the Village Agriculture and Forestry Sub Unit. Women then find it difficult to express their needs and interests related to forest and land decisions.

This study aimed to contribute to an enhanced understanding of forest management policies when interpreted and implemented at the village level. It also identifies areas in which the government can use its influence to improve the position of women in community forestry.

### Research questions

- What roles do women from ethnic majority and minority groups play in village forestry? What rights and benefits do women receive from village forestry? Are these roles, rights and benefits similar to or different than that of ethnic majority and minority men?
- What is the existing representation of women in the Village Forest Management Plan and other decision-making spaces? What is the role that women representatives play in decision-making spaces? What challenges do they face? Are these similar or different to that of ethnic majority and minority men?
- How do women from ethnic majority and minority groups take part in village forestry and express their needs and interests related to forest and land decisions? Are these similar to or different from the engagement of ethnic majority and minority men?
- Which gender gaps are there in terms of roles, rights and benefits in village forestry? How do these gaps interact with customary practices and institutions in the villages?



- What can be improved in implementing the forest and land laws and policies at the village level with respect to gender and customary tenure rights?

## Methodology

The study was undertaken in two villages in Bokeo Province. Ban Khok Luang, with 95 households, is an ethnic majority Lao Loum village located in Houayxay District, where the dominant livelihoods are paddy rice and trading. Houay Palam, with 100 households, is an ethnic minority Khmu village in a mountainous area of Paktha District. The residents rely on shifting cultivation of rice, raising cattle and collecting non-timber forest products.

The MHP research team used semi-structured interviews with district officials, village officials including the Village Agriculture and Forestry Sub Unit, and members of the community, including young people, women and men.

## Findings and conclusions

- It was apparent in this study that the Houay Palam Village Agriculture and Forestry Sub Unit was performing much better than the sub unit in Khok Luang. This is likely due to the higher involvement of women in Houay Palam.
- The roles, representation and participation of women in village forestry are determined by a range of factors not directly related to ethnicity. This includes age, proportion of income derived from forests, area of forest, opportunity to access outside wage income, presence of women in the Village Agriculture and Forestry Sub Unit and reliance on swidden agriculture.
- An important difference between the two villages in attitudes to village forestry is related to source of income. In Khok Luang, the Lao Loum farmers have privately owned paddy fields and gardens that provide the source of most of their rice and income. Lao Loum women receive a greater proportion of household income from activities unrelated to the forest and so spent less time in the forest. In Houay Palam, which is more mountainous and privately-owned land is limited, people still depend heavily on community-owned forest, non-timber forest products and swidden agricultural land for their livelihoods. Khmu women, the ethnic minority in Houay Palam, have a greater interest in village forestry than Lao Loum women. This is due to their greater reliance on forests for the livelihoods of their families.
- Under the law, both Lao Loum and Khmu women have equal rights of access to all types of forest products. All subgroups at village level reported that this was the case in practice as well. Both villages in this study reported that women are able to use and benefit from their customary land, including transfer rights.
- In considering roles, representation and participation, there are differences across age groups as well as gender. Young people, especially girls, of both majority and minority ethnic groups hardly participate at all in village forest planning and management. This exclusion is not necessarily deliberate on the part of older people, but reflects the different roles that young people play in the village. Many are required to work or study at times when meetings are being held. Women and girls also lack confidence to speak out, and may feel that when they do speak up

their opinion is not valued. Many young people need to leave the village in order to study and find work in order to support their families. More research is needed to understand how they could be engaged with village forestry.

- The representation of women within the village authority and Village Agriculture and Forestry Sub Unit is particularly important if the voices of women are to be heard and their concerns addressed. In this sense, the Khmu were better represented than the Lao Loum in this particular study.

## Recommendations

- The District Agriculture and Forestry Office (DAFO) and other involved agencies should encourage all community members, and particularly women and young people, to be aware of the forest regulations and participate in the Village Agriculture and Forestry Sub Unit.
- The Ministry of Agriculture and Forestry (MAF) and its line agencies need to continue to support professional women in forestry.
- There need to be particular incentives actively targeting women at village level for training, study tours, and other actions to build their confidence, capacity, and management skills, which will benefit village forestry management in the long term. Some particular incentives may be needed to allow suitable women to participate because of their greater household responsibilities.
- Recognize the difficulties faced by women-headed households to secure customary land, and establish an easily accessible community garden, protected from livestock, and with sufficient water for growing vegetables, for vulnerable households.

## Annex 5

# Indigenous women's knowledge, roles, decision-making and ownership of forestland in customary practice and their links to community forestry emerging practices

Mada Buga Village, Waimaw Township, Kachin State, Myanmar

Nhkum Brang Awng and Kyaw Thet

### Context

Understanding gender roles and how women and men share power is vital for managing resources in a sustainable way. These roles are shaped by the values, norms, customs and culture of the people.

This study was conducted to explore and analyze the experience, traditional knowledge, roles, ownership of forestland and customary practices of indigenous women in Mada Buga Village, Waimaw Township, Kachin State. Mada Buga is the name in the Kachin language and Aungmyay-2 is the official name of the village.

### Research questions

- What is the status of women's roles in customary land and forest governance?
- What are the existing knowledge, roles and rights of women to land and in forest governance?
- What are the opportunities and barriers of customary practice to increasing gender consideration in land and forest governance?
- How can the barriers to empowering women and achieving gender equality in decision-making be addressed?

### Methodology

The research focused on one village to learn the trends of changing customary practices in community forestry there. Primary data collection at the grassroots level was conducted by interview surveys and focus group discussions with local stakeholders during the last week of March 2022. The interviewees were women and men living on forest land using forest resources. They were divided into sub-groups. Qualitative and quantitative reviews with local experts were used as quality control.

## Findings

- Women in Mada Buga face a lack of access to forests, a lack of information and a lack of opportunities for leadership roles for making decisions about forestlands and community forestry.
- Women's customary rights of access, use, management and benefit sharing are weak compared to men's. In addition, women have limited customary rights to inherit property. This is compounded by a lack of legal rights for women generally and particularly to a lack of legal provisions that incorporate an understanding of women's traditional practices in forest lands.
- Culturally, women have rights only for basic sustenance because they hardly have any access to forest land. Women have taken on more responsibility and generate extra income for their families by selling herbs and other non-timber forest products. Their contributions are rarely acknowledged and their rights are still less than those of men. However, women can control this income and use the money to educate their children and improve their children's social mobility, while promoting their own roles in household and community decision-making.
- The focus group discussions with people of Mada Buga Village revealed that most of the men are reluctant to recognize women's roles in managing forest lands and other activities outside of the family. This means that there is limited space for women's involvement in making decisions about community forest management.
- There has been controversy over whether to adopt and recognize customary practices or to raise voices for women's rights.
- Educated women and men have a sense of gender equality and equity. However, only a few educated women know the roles and rights of women in land and forest governance.

## Conclusions

Further exploration of the roles of women in managing and conserving forestlands is urgently needed. This will help ensure that women's roles are not neglected and will be promoted in efforts to sustain the forest resource base for future generations. Younger women need to be made aware of the gender issues that arise in customary practices. This awareness will help them deal with them in the context of forest conservation and management in the future.

Women have been culturally conditioned to be skillful at juggling their household work along with the limited roles they are allowed in community forestry. Women's active representation and participation in community forest management needs to be encouraged. Their contributions, voices and responsibilities should be acknowledged and advocated for and they should be given decision-making roles for managing resources.



## Recommendations

- Women's rights to access, manage, use and share the benefits from community forestry need to be legally recognized.
- Women's education needs to be promoted over the long term, in particular with respect to the roles women can play in community forest management.
- Indigenous women's knowledge of forests and forest products needs to be documented.
- Younger women in rural areas should be given opportunities for training in forest management. They also need opportunities to build their awareness of gender issues in customary practices as well as in modern community forestry.
- Community forest membership should maintain an equitable gender ratio and ensure equal rights to access, manage, use and share benefits.
- Women and men in indigenous communities need equal rights to their forests. These rights need to be recognized from community level to national level. The power relationships between indigenous women and men that are obstacles to women's enjoyment of the bundle of rights need to be acknowledged and addressed.
- Women's role and participation in forest resource conservation should be raised by empowering women to ensure sustainable livelihoods.

## Annex 6

# Indigenous women's knowledge, roles, decision-making and ownership of land and forestland in Nagaland: Exploring customary practices

Layshi Township, Chin State, Myanmar

Naw Khin Moe Aye

### Context

The Naga are Indigenous Peoples who live in northwestern Myanmar and northeastern India. There are about 80 Naga tribes, each with its own language, culture, dress and customs. Customary practices and tenure arrangements of the Indigenous Peoples in Myanmar are not recognized in policies and laws. Lack of legal protection of long-used customary practices leaves indigenous territories insecure and threatened by investments and other forms of land concession.

There is little evidence that indicates how indigenous communities are managing and using land and forest resources. Very little attention is paid to indigenous women's knowledge, roles and decision-making in both customary practice and under national laws and policies. This is despite the fact that women are key actors in forest resource management.

### Research questions

- What knowledge and roles do Naga women play in relation to land and forest resource management?
- How do women participate in land and forest resource management in customary systems in Naga land? Which opportunities and challenges do they face to exercise their rights to access, use and manage land and forest resources?
- What are the similarities and differences in terms of women's rights to tenure between customary forest rights and practices and legal laws and provisions in community forestry?

### Methodology

This study collected data from six Naga tribes in Layshi Township: Tangkhul; Para (Jajare); KoKa; Khamniungan; Longphuri; and Makury.

Primary data were collected using both qualitative and quantitative methods, including

questionnaires for household surveys, individual interviews, focus group discussions and SWOT analysis. SWOT analysis is a framework for identifying and analyzing an organization's strengths, weaknesses, opportunities and threats.

The informants included local resource persons, villagers from the target communities, civil society organizations and community-based organizations in the target communities. They also included village leaders, women's group representatives, youth group members and members of land management committees and administrative groups. Focus group discussions were held separately with women and men.

It was challenging to access to study sites due to the COVID-19 outbreak and the political situation following the military coup. Therefore, data were collected with the help of volunteers from the target communities. The research team developed a survey form. The research team gave orientation on how to collect data to local leaders and young people in the target communities, who conducted the interviews and focus group discussions. Standard procedures for securing the respondents' free, prior and informed consent were followed. The volunteers followed up by organizing online meetings and through phone contact.

## Findings

Traditionally, forest lands customarily managed by a local community are inherited only by men because men are considered to be the custodians of tribal property. The customary practices of the six Naga tribes surveyed restrict women's ownership of land. They do allow women to access land and forests and to manage agricultural land and certain forest resources. Each of the tribes surveyed has its own rules for allocating land and regulating resource use.

Gender roles of women and men are assigned by tradition. Men are heads of households and key decision-makers. Women are considered economically dependent on men. The gender division of labour is unequal but women do not question it. Women and men acknowledge that women are involved in almost all activities on which a family's livelihood depends. However, women's contributions are recognized primarily for what they do at the household level.

Women work in agriculture and seed conservation and men are responsible for forest governance. Naga women depend daily on the forests to supply their families' needs for food, water, firewood, shelter and health care. These traditional values and norms are widely accepted and reinforced from generation to generation.

Most women and men in the target communities believe that women participate in decision-making but this is only at the household level. Women do not participate at the clan and community levels of management of land and forest resources. When meetings regarding land and forestry are going to be held and the male head of household cannot attend, the wife may be allowed to go but this rarely happens.

Significant barriers to women's effective participation in community forestry decision-making include weak community organization, pressure from spouses, difficulty organizing among themselves and informal sanctions. Women also lack education. Only men are educated.

## Conclusions

Naga women of the six tribes surveyed face a range of challenges to participating in managing forest lands customarily managed by their communities. This is mainly due to traditional cultural restrictions. Naga women take part in all spheres of work in their households and community. However, their participation and representation are persistently considered as being supporters and followers of their male counterparts. This is due to their lack of education, strong resistance by their male counterparts and strong traditional practices in Naga society.

These challenges and barriers need to be addressed at multiple levels to promote Naga women's meaningful participation in making decisions about forest lands traditionally and customarily managed by their communities. Members of the Naga tribes and other indigenous communities should be educated to change discriminatory practices around women's rights to forest land and resources.

## Recommendations

- Researchers, community organizations and women themselves should document women's knowledge, roles and rights to land and forest resource management. This will provide evidence that can be used to promote gender considerations in sustainable forest resource management.
- National gender and women's rights networks should bring the experiences of indigenous women into their advocacy agendas and promote them at national, regional and international levels.
- Civil society organizations should have plans not only for gender mainstreaming but also specific programs for building indigenous women's skills and confidence.
- National gender and women's rights networks should design and promote testimonial events for indigenous women. These could be platforms for them to tell their stories so that their voices are heard in processes to change institutional mechanisms and develop informed gender policies.
- Further research should document the customary practices of other indigenous groups that discriminate against women. This should include how such practices have changed over time and whether national laws influence such practices.
- Support and empower women to obtain land titles to enable them to control their land and other productive resources.
- Encourage the effective participation of women in land and forest resource management.



## Annex 7

# Gender gaps in forestry tenure systems

Langtang National Park, Baraban Collaborative Forest, Koshi Tappu Wildlife Reserve, Indreni Community Forest and Magar Community Customary Religious Forest, Nepal

Kamala Thapa Magar and Bipana Maiya Sadadev

### Context

There are 59 indigenous communities in Nepal. Each has its own distinct culture, social structure, tradition, history and knowledge of the conservation and sustainable use of natural resources.

Indigenous Peoples' customary laws and practices have played a vital role in forest management and maintaining the integrity of the country's natural ecosystems. Indigenous Peoples' rights to their land, territories and resources have been included in international declarations and agreements. These include the United Nations Declaration on the Rights of Indigenous Peoples and the International Labour Organization's Indigenous and Tribal Peoples Convention No. 169. Nepal has adopted both. However, there has been no recognition by Nepal of indigenous women, who have a critical role in contributing to conservation and forest management.

### Research questions

The research aimed to answer the following main research question: to what extent can indigenous women access and exercise their rights to forest spaces and products and take part in decision-making mechanisms?

### Methodology

The study used primary data collected through focus group discussions, key informant interviews and field observation. Secondary data was collected by desk review of laws, regulations and guidelines and published and unpublished articles and reports.

The study was conducted in four different forest management regimes: national park and protected forest; community forest; collaborative forest; and customary forest. They cover mountain, hill and plains (Terai) regions in Madhesh, Bagmati, Lumbini and Sudurpaschim provinces.

### Findings

In all four forest management regimes, indigenous women's access to forest resources for cultural and economic use is constrained by policies, laws, and regulations which do not recognize the rights of indigenous women to their lands, territories and resources. In protected areas, indigenous women do not feel safe to access resources due to

militarization and their exposure to different kinds of harassment and violence. The relationship that indigenous communities and indigenous women have with their forests and culture is deep, but this relationship has not been incorporated into policies, acts, regulations, and rules in the different forest regimes.

Indigenous women are not able to continue their traditional activities such as collecting herbs, non-timber forest products and wild vegetables, traditional wine making, shifting cultivation and fishing. The procedures required to access forest resources are difficult for them to navigate due to the language barrier and their lack of education and information.

Regulations for the buffer zones of national parks and wildlife reserves specify that benefits of those protected areas should be provided for community empowerment. However, this was not evident in the field surveys at the study sites.

Indigenous women's representation in decision-making roles is very low. They do not have lead roles in the decision-making bodies of the four forest regimes even though they have been playing key roles in forest conservation and management. There are provisions for women's representation in decision-making committees in the four forest regimes but not in the lead roles that could bring change in decisions and management. The collaborative forest management regime documentation mentions that representation of Indigenous Peoples is a priority in the management committee but this was not seen in the field.

## Conclusions

There are persistent gender gaps in all four forest management regimes in Nepal in the areas of representation, decision-making and benefit sharing. Despite a provision on representation of women in national community forest guidelines, there is under-representation of indigenous women. There is no enabling environment for them to build leadership skills, networks and confidence that would encourage their participation and representation in forest management regimes.

The establishment of national parks, community forests, and wildlife reserves has affected indigenous women's access to forest resources, impacting their livelihoods and culture. The restrictions have increased their vulnerability to sexual harassment and violence. Procedures to access forest resources are lengthy and costly. Indigenous women's access to information regarding trainings and other programs is low due to their limited networks and language barriers.

## Recommendations

- Amend the existing National Park and Wildlife Conservation Act of 1973 to ensure the rights of Indigenous Peoples, especially indigenous women, to access and use forest resources.
- Monitor violations of human rights in the forest regime, with particular attention to the needs of Indigenous Peoples' communities.

- Amend forest regulations to ensure Indigenous Peoples can participate in forest management and respect for their traditional knowledge.
- Identify and document Indigenous Peoples' customary forest management practices in order to recognize their importance and ensure conservation of traditional knowledge.
- Make securing the free, prior and informed consent of Indigenous Peoples mandatory before establishing new protected areas or community forests on lands traditionally occupied by Indigenous Peoples' communities.

## Annex 8

# Indigenous women's customary land tenure: A study of three communities in northern Thailand

Ban Kok Village in Nan Province, Huay I Khang Village in Chaing Mai Province and Huay Lu Luang Village in Chaing Rai Province, Thailand

Sabrina Gyrovary, Asia Indigenous Peoples Pact

### Context

Despite significant political restrictions a vibrant civil society has arisen in Thailand. Popular movements include the Northern Farmers Network, the Peoples Movement for a Just Society, the Network of Indigenous Peoples in Thailand and the Indigenous Women's Network of Thailand.

Thailand currently does not officially acknowledge the existence of Indigenous Peoples in the country nor does it provide legal recognition of communal land ownership. These groups provide vital platforms for indigenous land rights activists and their allies to analyze the challenges facing legal recognition of customary land tenure. They also help Indigenous Peoples develop advocacy and campaign strategies to secure their rights under Thai law.

The study was conducted in matrilineal and semi-matrilineal societies in three communities where women traditionally enjoy strong access, use and management rights over agricultural and forest land.

### Research questions

- How do women view their traditional ability to access the resources necessary to secure the physical and spiritual wellbeing of their communities?
- How has this changed over time?

### Methodology

The study was based on primary data collected through focus group discussions, key informant interviews and field observation in three indigenous communities in Northern Thailand: the Tin community of Ban Kok in Nan Province; the Karen community of Huay I Khang in Chiang Mai Province; and the Lahu community of Huay Lu Luang in Chiang Rai Province.



## Findings and conclusions

The customary laws and principles of custodianship practiced by the residents of the three villages have allowed them to thrive as strong, self-reliant communities while maintaining a balance with their natural environments. The value of these sets of ethical and moral obligations has so far been overlooked by the State. Thailand favors a legal system based on contextually inappropriate concepts such as the privatization of land and natural resources and forest conservation.

The indigenous women interviewed for this study said they lack recognition of their collective rights. They also reported that they suffered violations of their individual rights arising from the male-dominated power structures within their communities. Residents of the three villages follow matrilineal customs. Matrilineal means that the husband moves to his wife's family's home and patrilineal means that the wife moves to her husband's family's home.

Residing in their family homes after marriage provided women in matrilineal societies certain advantages but did not effectively prevent domestic violence. In some cases, the abuse extended to the women's parents who were struck down when they tried to protect their daughter in their own home. Women told of being forced to marry men who had sexually assaulted them and faced intense pressure to remain in abusive relationships.

Should a disease affect livestock or a series of accidents occur, the elders' first response is often to investigate the behavior of the women. Elders believe that women can bring misfortune upon the community by breaking any taboos. When their behavior is found to be the source of the problem, they have been forced to participate in publicly humiliating ceremonies to appease the spirits. Indigenous women who assume leadership positions and join in political activities in defense of their community's land rights faced even greater scrutiny.

In recent decades, Ban Kok, Huay I Khang, and Huay Lu Luang community members have made significant efforts to gain public recognition and legal protection for their customary land tenure systems. They are now able to draw upon the support of indigenous and land rights networks and government and civil society allies to advance their goals. However, they have a long way to go to attain sovereignty over their land and resources.

The solutions that they are working together to propose include legal recognition of community forests, community land title and an indigenous rights bill. These solutions are based upon indigenous concepts of collective rights and a holistic relationship with the natural world.

Some indigenous women have started to participate in popular land rights and indigenous rights movements. These activities have given some the opportunity to articulate their world views and translate their knowledge and territorial management systems into a language that is more accessible to outsiders.

Network meetings, workshops and demonstrations provide crucial spaces for indigenous women to share the challenges they face, develop campaign strategies and propose solutions. Through these networks, they have gained the skills and confidence

to voice the concerns and demands of their communities to the wider public.

However, women in communities have so far had no opportunity to exchange knowledge and experiences through indigenous and land rights network or to learn about their status under Thailand's legal and political systems.

## Recommendations

- Indigenous communities need strong local, national and international support for their efforts to gain legal recognition of their customary land tenure systems based on their own worldviews, insights and priorities.
- Indigenous women's worldviews need to be included in national policy and legislation to support legal recognition and protection of their customary land tenure systems.
- Indigenous women in Thailand need the continuing support of progressive academics.
- Indigenous youth, young women in particular, need opportunities, financial support and encouragement to study law and related fields. This will enable them to advocate for the rights of indigenous communities within Thailand's formal legal and political systems.
- Basic structural changes must be put in place to ensure that no decisions are made affecting the livelihoods of indigenous women and their communities without their full participation and consent.
- Indigenous women's leadership at local, national and international levels needs to be supported to ensure they maintain sovereignty over their land and natural resources.

## Annex 9

# Tenure rights, the governance of non-timber forest products and gender issues

Tam Hop Commune, Western Nghe An Biosphere Reserve, Nghe An Province, Viet Nam

Ho Thi Phuong, Vinh University

### Context

Women play specific roles and have specific responsibilities in many forestry value chains, which are important for the wellbeing and food and energy security of their households.

In recent years Viet Nam's economic reforms and integration into the global economy have dramatically changed forest policies and regulations governing non-timber forest products. The government is gradually controlling the exploitation of non-timber forest products to avoid overexploitation, decreasing forest biodiversity and other negative impacts. Such top-down approaches have negatively affected livelihoods and changed the lifestyles of communities, especially women and other vulnerable groups.

This research examined these gaps by studying the tenure rights of ethnic minority women and men related to non-timber forest products. The aim was to identify managerial and policy implications to ensure equality in their access to and sustainable use of forest resources.

### Research questions

- What are the roles of non-timber forest products in the daily lives and livelihoods of women and men?
- What are the respective tenure rights of women and men in non-timber forest products?
- How have these gender rights and roles changed over time? Why?
- What are the managerial recommendations and policy implications toward more equality in gender and forest sustainability?

### Methodology

The study was conducted in the Western Nghe An Biosphere Reserve, which is the sixth recognized World Biosphere Reserve in Viet Nam. A field survey was conducted in two villages, Vang Mon and Phong, Tam Hop Commune. Both villages are located in the buffer zone of Pu Mat National Park.

The data were collected from both secondary documents including annual reports, legal frameworks and formal information from local authorities. Empirical data were obtained from semi-structured questionnaire interviews with 30 local ethnic minority households and 40 respondents representing local authorities, forest owners and forest management boards.

## Findings

Approximately 80 percent of surveyed households are poor. Poverty rates in the case study sites are far above the national average of just 2.75 percent in 2021. Moreover, 100 percent of households are ethnic minority groups and have little education. Women have lower levels of education than men.

People in these remote rural areas tend to depend heavily on non-timber forest products from natural forests for sustenance, especially women and the Tay Poong people. On average, annual household income is extremely low, approximately 42 million Vietnamese dong (US\$1,810) per household, which translates to a monthly income of 781,000 Vietnamese dong (US\$34) per person, compared to Viet Nam's per capita income of 4,249,000 Vietnamese dong (US\$183) per month in 2020.

The Forest Law enables regulations that allow sustainable exploitation that doesn't affect the forest's functions in special-use forests and in protection. However, implementation is still difficult due to the lack of specific and feasible regulations and guidelines.

Women play a particularly important role in household livelihoods, especially crop farming and non-timber forest product activities. Men harvest non-timber forest products for housewares or handmade craft products. Women intensively harvest non-timber forest products for a wide range of uses, especially those that relate to daily food consumption and retail purposes. This implies that non-timber forest products play an important role in women's livelihoods. Therefore, relevant policies that do not allow for the exploitation of non-timber forest products have a negative effect on the livelihoods of women.

Approximately 76.67 percent of heads of household are registered under the husband's name and only 16.67 percent of households are registered under the wife's name. Women's rights over forest land remain less than men's due to the Vietnamese system of household registration requiring a 'household head'. This has resulted in men automatically being named the head of the household except where there are women-headed households as a result of divorce.

A full 100 percent of respondents agree that collecting non-timber forest products in Western Nghe An Biosphere Reserve is illegal but they continue this work as part of their daily practice. When asked about the current trend of non-timber forest products collection compared to in the past, most of the respondents answered that it is more difficult now.

The decline of non-timber forest products makes conservation requirements urgent for state management. However, local women's livelihood needs mean they are willing to go into the forest areas under the management of the National Park and Protection



Forest to harvest non-timber forest products. This is also recognized by local authorities who believe that non-timber forest products management policies are still inadequate and not suitable for local practical conditions.

## Recommendations

- Close the gap between policy and practice by balancing biodiversity conservation and ensuring livelihoods for communities, especially the livelihoods of women who depend on non-timber forest products.
- Adjust regulations to allow local communities to hold legal rights in sustainable harvest or share benefits of harvesting non-timber forest products in special-use and protection forests.
- Train forest managers to explore more opportunities for communities' livelihoods and incomes.
- Promote the participation of local women and men in forest resource management and sustainable forest exploitation.
- Provide training courses for ethnic minorities on forest legislation and non-timber forest products harvesting regulations and provide technical training courses for women on the non-timber forest products that may be collected and on sustainable collection practices.
- Strengthen alternative livelihoods to reduce dependence on exploitation of non-timber forest products and forest resources.
- Offer diversified job opportunities and incentives for sustainable agricultural and forestry activities.
- Encourage local authorities and private companies to create policy and financial mechanisms and build value chains to promote the development of non-timber forest products in the mountainous area of Western Nghe An Biosphere Reserve. Ensure technical experts on non-timber forest products are available to provide practical guidance to the community.

## Annex 10

# Gender roles in forest landscape management

Western Nghe An Biosphere Reserve, Viet Nam

Le Quang Vuong, Vinh University

### Context

Western Nghe An Biosphere Reserve was officially recognized by United Nations Educational, Scientific and Cultural Organization (UNESCO) on 18 September 2007. It is one of Viet Nam's forest landscape management initiatives. People living in this area belong mainly to minority ethnic groups and have been depending on the exploitation of natural resources for their livelihoods for generations.

This study explored the roles of local women and men and reviewed the policies that support gender equality in forest landscape management under this initiative.

### Research questions

- What is the difference in knowledge, attitudes and practices related to forest landscape management at Western Nghe An Biosphere Reserve between women and men?
- Which government policies support gender equality in forest landscape management?

### Methodology

The study is based on primary data collected through personal surveys and in-depth interviews to investigate local residents' knowledge, attitudes and practices in forest landscape management in Western Nghe An Biosphere Reserve. The researcher reviewed policies issued by the Vietnamese government and other secondary documents to identify legal support for gender equality in forest landscape management.

This data was collected from core zones of the Western Nghe An Biosphere Reserve covering Pu-Mat National Park, Pu-Huong Nature Reserve and Pu-Hoat Nature Reserve. This area includes five of nine districts belonging to Western Nghe An Biosphere Reserve: Con Cuong, Tuong Duong, Quy Hop, Quy Chau and Que Phong.

### Findings and conclusions

Generally, local women residents have better knowledge about forest landscape management in Western Nghe An Biosphere Reserve than do men. There still exists

gender gap issues at Western Nghe An Biosphere Reserve but their expression is context specific.

The role of local women in forest landscape management is only acknowledged when it is required in a certain circumstance or when it directly contributes money into family incomes. Local women's participation in public interactive events is low except when women's attendance is a compulsory criterion of the event. Local women carry out many activities in forests but the respondents still value men's roles in forest management activities more highly.

Gender equality is mentioned in many legal documents and policies of the Vietnamese government at all levels. However, this principle needs to be implemented more effectively in practice. The rights of women are undermined by the assignment of special use, protection and production forests and by the government practice of allocating forest land for household use far from where people live.

## **Recommendations**

- Conduct further studies to investigate the diverse issues and drivers of gender gaps in forest landscape management at Western Nghe An Biosphere Reserve and whether these barriers they create for women vary among different ethnic groups.
- Conduct additional studies on reform of land allocation policies and procedures and benefit sharing mechanisms to ensure local women's rights at Western Nghe An Biosphere Reserve.

## Annex 11

# Constitutional and statutory rights by country

	Constitutional provisions					Statutory/regulatory provisions			
	Gender equality	Non-discrimination gender	Non-discrimination ethnicity	Customary rights	Customary practices	Non-discrimination gender	Customary lands recognized	Customary rights recognized	Customary practices allowed
Cambodia	X	X					X <sup>18</sup>	X <sup>19</sup>	X <sup>20</sup>
Indonesia		X	X	X <sup>21</sup>			X <sup>22</sup>	X <sup>23</sup>	X <sup>24</sup>
Lao PDR	X		X				X <sup>25</sup>		X <sup>26</sup>
Myanmar	X	X	X				X <sup>27</sup>		X <sup>28</sup>
Nepal	X	X	X						X <sup>29</sup>
Thailand		X	X						X <sup>30</sup>
Viet Nam	X	X			X	X <sup>31</sup>			X <sup>32</sup>



## Annex 12

# Rights by study site

In three study sites, the research disaggregated by gender the findings on rights

	1. Rights of access: the right to enter an area and enjoy non-subtractive use		2. Rights of exclusion: the right to determine who will have access and withdrawal rights		3. Rights of management: the right to regulate internal use patterns and transform the resource by making improvements		4. Rights of withdrawal: the right to use resources and extract products		5. Rights of alienation: the right to sell or lease management or exclusion rights	
	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men
Kansaeng Veal Community Forest, Cambodia <sup>33</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Nagaland, Myanmar <sup>34</sup>	Limited	Yes	No	Yes	Limited	Yes	Limited	Yes	Limited	Yes
Mada Buga, Kachin State, Myanmar <sup>35</sup>	Limited	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes

In 10 study sites, the research did not disaggregate by gender the findings on rights

	<b>1. Rights of access: the right to enter an area and enjoy non-subtractive use</b>	<b>2. Rights of exclusion: the right to determine who will have access and withdrawal rights</b>	<b>3. Rights of management: the right to regulate internal use patterns and transform the resource by making improvements</b>	<b>4. Rights of withdrawal: the right to use resources and extract products</b>	<b>5. Rights of alienation: the right to sell or lease management or exclusion rights</b>
Boeung Totil Community Protected Area, Cambodia <sup>36</sup>	Yes	Yes	Yes	Yes	No
Kasepuhan Karang Customary Forest, Indonesia <sup>37</sup>	Yes	Yes	Yes	Yes	Yes
Khok Luang and Houay Palam, Lao PDR <sup>38</sup>	Yes	Yes	Yes	Yes	N/A
Ban Kok Village, Thailand <sup>39</sup>	Yes	Yes	Yes	Yes	No
Huay I Khang Village, Thailand <sup>40</sup>	Yes	Yes	Yes	Yes	Yes
Huay Lu Luang Village, Thailand <sup>41</sup>	Yes	Yes	Yes	Yes	No
Vang Mon and Phong villages, Western Nghe An Biosphere Reserve, Viet Nam <sup>42</sup>	Yes <sup>43</sup>	Limited <sup>44</sup>	Yes <sup>45</sup>	Restricted <sup>46</sup>	Limited <sup>47</sup>
Five districts in Western Nghe An Biosphere Reserve, Viet Nam <sup>48</sup>	Yes	Limited	Yes	Restricted	Limited

# Endnotes

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5. Ibid, page 30.
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8. RECOFTC. 2022. Pathways for the recognition of customary forest tenure in the Mekong region. Bangkok: RECOFTC and MRLG.
9. In Cambodia, legal recognition of a community protected area has four required steps: (1) the legal document issued by the Minister of the Ministry of Environment granting formal recognition; (2) bylaw for the community protected area; (3) agreement confirming the support of local authorities and the provincial department of environment, signed by the General Department of Community Livelihood of the Ministry of Environment; and (4) Development plan.
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[en.mkri.id/download/decision/pdf\\_Decision\\_35PUU-X2012.pdf](https://en.mkri.id/download/decision/pdf_Decision_35PUU-X2012.pdf) The court ruled that customary forests are located inside the customary territory of customary-law communities and are not State land.
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13. In Viet Nam, protection forests are not the same as protected areas. Protection forests conserve water resources and soil, prevent erosion, combat desertification, limit disasters, regulate climate and protect the environment.
14. Hyde, E., Greene, M., and Darmstadt, G. 2020. "Time poverty: Obstacle to women's human rights, health and sustainable development". *J Glob Health*. 2020 Dec; 10(2): 020313. doi: 10.7189/jogh.10.020313. PMID: 33282212; PMCID: PMC7688061. [ncbi.nlm.nih.gov/pmc/articles/PMC7688061/](https://ncbi.nlm.nih.gov/pmc/articles/PMC7688061/)
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17. Een Suryani, Susi Irma Handayani, Isut Sutini, Yunengsih, Fauzan Adima and Siti Marfu'ah.
18. Land Law 2001, articles 23-28. Article 26 explicitly recognizes shifting cultivation.
19. Limited, in legally established community forests and community protected areas.
20. In legally established community forests and community protected areas.
21. Does not guarantee customary rights but enables statutory recognition of customary rights. Constitution of the Republic of Indonesia, Article 18B(2).
22. After extensive administrative requirements under national forest and land laws and regulations for legal recognition of customary forests and lands are met.
23. In legally recognized customary forests, after extensive administrative requirements under national forest and land laws and regulations for legal recognition of customary forests and lands are met.
24. In legally recognized customary forests.
25. If the land was occupied and used for 20 years before being declared State forest. No customary lands have been recognized in State forest areas since the promulgation of the new Land and Forest Laws, due to ambiguity around customary tenure-related provisions in both laws.
26. As specified in an approved Village Forest Management Plan.
27. This recognition is in Community Forestry Instructions issued under the Forest Law. Customary forests may partially cover territory that is under customary tenure, but customary forestry is not a mechanism to fully recognize customary tenure.
28. As specified in Community Forestry Instructions issued under the Forest Law.
29. As specified in Community Forestry Guidelines.
30. Limited, and only in legally-recognized community forests established outside of national protected areas and conservation forests.
31. Gender discrimination in allocating forest land is prohibited and village forest management plans must provide for equal treatment for women and men in forest management.



32. Collecting non-timber forest products, if forest managers and local authorities complete regulatory procedures that are required before local people can get permission to do so.
33. The research report does not identify these as customary rights. They are the rights people have in the statutory community forest.
34. These are customary rights.
35. These are likely to be customary rights. There is a community forest at this site, but the research report does not indicate any impact of the community forest on what appear to be customary rights.
36. These are customary rights as they were before 1993. Today, the community has rights 1–4 but they do not have right 5. The community uses a hybrid of customary and statutory rights: customary to govern community access and use, and they comply with statutory requirements for community protected area governance.
37. These are customary rights.
38. These are not customary rights. They are the rights people have in the village forests. The research report does not indicate whether villagers have right 5.
39. These are the rights the community has, based on its own rules.
40. These are the rights the community has, based on its own rules.
41. These are the rights the community has, based on its own rules.
42. The report doesn't explicitly give information on what their customary rights may have been but implies that they were probably 1–5.
43. For all three forest types but for special use forests/protected areas government permission is required for access.
44. Indigenous and ethnic communities that have this specific right, for example in the case of communities in watersheds where the communities are protecting their water source.
45. Traditional rights are considered and integrated into forest management regulations.
46. The right of withdrawal is highly restricted in special use forests/protected areas and in protection forests.
47. The right of alienation is allowed only in production forests.
48. The report doesn't explicitly give information on what their customary rights may have been but implies that they were probably 1–5. The people in these districts seem to be using their allocated land, so their rights may be considered restricted in the sense that the community members cannot access the forests closest to home. The limitations and restrictions noted for Vang Mon and Phong villages apply equally to these five districts.

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RECOFTC's work is made possible with the support of the Swiss Agency for Development and Cooperation (SDC) and the Swedish International Development Cooperation Agency (Sida).