



Rightsholders and stakeholders

Decision-making over land and water

How do we define rightsholders and stakeholders, and does one group necessarily have precedence over another? This paper outlines some questions.

INTRODUCTION

RIGHTSHOLDERS AND STAKEHOLDERS ARE NOT THE SAME THING. IDENTIFYING WHERE DIFFERENT GROUPS BELONG, AND THEIR RELATIVE INFLUENCE OVER DECISIONS, IS CRITICAL TO PARTICIPATORY CONSERVATION APPROACHES.

As human rights are prioritised in conservation, issues about rightsholders and stakeholders are getting more attention. The two groups are defined from a conservation perspective. The IUCN World Commission on Protected Areas states: “...in the context of protected areas, we refer to ‘rightsholders’ as actors socially **endowed with legal or customary rights** with respect to land, water and natural resources... ‘Stakeholders’ possess direct or indirect interests and concerns about those, but do **not necessarily enjoy a legally or socially recognised entitlement to them**,” (our emphasis).¹ (Note that many languages do not have easily translatable phrases to encompass these differences, which creates some confusion.)

These definitions and assumptions have been developed primarily in consideration of the rights of Indigenous peoples and local communities. They imply that Indigenous peoples or other customary users have the right to self-determination in their traditional lands and waters, and that while other people have the right to voice opinions, they don’t have the right to impose them. There may be limitations to these rights under law, so that e.g., actions taken do not adversely affect neighbours. Governments also often reserve rights to minerals and so on. But the general principle of traditional rights is widely accepted.

In this context, the order of priority (rightsholders precede stakeholders) seems correct and the two groups need to be carefully distinguished. But extending this principle across the whole landscape and seascape is problematic. In many countries, legal land title lies in the hands of a few people and companies, a situation that may have existed for centuries, and ownership is still being concentrated.² In others, the state owns most or all land but leasing systems favour powerful society members. One per cent of the world’s farms now operate over 70% of farmland.³ In some countries, land is largely undocumented and powerful interests can gain title through land-grabbing.⁴ Women own less than 20% of the world’s land.⁵ Inequality of land ownership is deeply embedded in all but a few countries.



THERE ARE SITUATIONS WHERE RIGHTSHOLDERS SHOULD CLEARLY BE THE ONES DRIVING THE DECISIONS, BUT OTHERS WHERE IT IS MUCH MORE ETHICALLY CONFUSING.

Implying that stakeholders have no “*legally or socially recognised entitlement*” assumes that those who by purchasing power or past history hold legal rights to land and water have a more-or-less complete precedence over everyone else in how it is used. These issues play out daily in countries with concentrated land ownership and large landless populations.

From this perspective, legal or customary rights may be too narrow a focus. Some commentators take a wider view: “*Procedural rights (participation, access to information, and access to justice, among others) are rights to fair processes that respect the dignity of all individuals and groups ... Substantive rights are those that describe the underlying entitlement to services or conditions of a good life (e.g., rights to education, health services, property, decent work, among others) ... certain rights are more commonly impacted in the specific context of biodiversity ... the use, ownership and access rights of [those] who depend on land, water or natural resources and their traditional knowledge to manage them and who may have customary or other claims to them, particularly where these claims may not be recognised under national law ... linked to associated rights to hold and transmit traditional knowledge...*”.⁶ The text emphasises ethical rights rather than just property rights.

This is an important development but is still ambiguous about the rights of those left completely outside the system. Advocacy groups and development agencies work to address issues of land inequality. But despite some successes, particularly on Indigenous rights,⁷ things are moving in the opposite direction. It would be naïve to hope for a major reversal of land ownership in the medium term. Whilst working towards fairer access to and governance of land and water, we need a parallel strategy to create conditions that give those without direct control over land, water and natural resources more of a say over how these are used, accessed and governed, whilst still protecting the legitimate rights of traditional owners, institutional owners and private owners. Some potential steps:

1. A review of definitions of *stakeholders* and *rightsholders* to see if these need revision to address linked issues relating to equality and power.
2. Investigation into whether subdivisions to the definitions are needed (between e.g., communal rightsholders and individual or private rightsholders).
3. Discussion of which values might require wider stakeholder involvement (e.g., basic human rights or the right to a clean and healthy environment).
4. Development of principles outlining the respective rights of rightsholders and stakeholders, including rights that stakeholders might expect in terms of influence over land and water management that directly impacts their livelihoods or wellbeing.
5. Advice on translation of “rightsholder” and “stakeholder” into other languages.
6. Assembly of case studies of how integration of owners, rightsholders and a variety of stakeholders have been reconciled in a positive manner.

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THE TIME IS RIGHT FOR A THOROUGH REAPPRAISAL OF THESE ISSUES.



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² International Land Coalition. 2020. [*Uneven Ground: Land inequality at the heart of unequal societies*](#).

³ Lowder, S.K., Sánchez, M.V., and Bertini, R. 2019. [*Farms, family farms, farmland distribution and farm labour: What do we know today?*](#) FAO Agricultural Development Economics Working Paper 19-08. Rome, Italy: Food and Agriculture Organization of the United Nations

⁴ Yang, B. and He, J. 2021. Global land grabbing: A critical review of case studies across the world. *Land* **10** (3): 324. <https://doi.org/10.3390/land10030324>

⁵ [*World Economic Forum*](#). 2017

⁶ Human Rights and Biodiversity Working Group. 2024. *From Agreements to Actions: A guide to applying a human rights-based approach to the Kunming-Montreal Global Biodiversity Framework*.

⁷ Ginsberg, C. and Kroeker-Maus, D. 2023. [*Who Owns the World's Land*](#). 2nd edition. Rights and Resources Initiative, Washington DC.

