

Natural resource rights and land resource governance: A systematic review of legal instruments regulating access, use, and conflict resolution

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ABSTRACT

Access to and use of land and natural resources are governed by a complex and dense legal matrix in which international, regional, national and customary laws and conventions overlap. This systematic review brings together published research on the legal frameworks governing access and use rights, tenure security and conflict resolution in relation to natural resources, with a focus on land governance. The review is informed by foundational literature on property-rights theory, legal pluralism in relation to customary and statutory land rights in Africa, large-scale land acquisition (commonly known as land grabbing), and free, prior and informed consent (FPIC). The synthesis highlights four main themes: (1) property-rights theory and the bundle-of-rights concept as a basis for comparing statutory and customary claims to land; (2) persistent legal pluralism and the tension between statutory and customary land rights; (3) the contested content and uneven implementation of FPIC in extractive-industry and large-scale land-acquisition processes; and (4) the range of dispute-resolution routes, from state courts to customary courts, with locally accessible, low-cost institutions associated with durable resource governance. The review concludes that, although the normative framework protecting natural resource rights has expanded, the weak legal status of customary and communal tenure, uneven State implementation of FPIC, and the disadvantages that customary systems can create for women continue to undermine tenure security. Recommendations for policy and further research include the harmonisation of overlapping legal regimes and the empirical assessment of locally based dispute-resolution arrangements.

Keywords: Free, Prior and Informed Consent, Land Conflict Resolution, Land Governance, Legal Pluralism, Natural Resource Rights, Systematic Review, Tenure Security.

I. INTRODUCTION

For many people worldwide, livelihoods, food security, cultural identity and economic development depend on land and natural resources, yet access to and control over them are regulated by a complex and sometimes conflicting set of laws. Ostrom (1990) classic study of the governance of common-pool resources showed that neither complete privatisation nor complete State control is always optimal for achieving sustainable outcomes, and that community-level institutions can govern a shared resource effectively when certain conditions are met. Ostrom and Hess (2007) clarified the nature of property rights by treating property as a bundle of separable rights (access, withdrawal, management, exclusion and alienation) that may be held by individuals or by collectivities, and by distinguishing common-property regimes from open-access regimes.

In articles published in 2011 and 2012, Alden Wily argued that land laws, from the colonial era to the present, have denied customary tenures the status of genuine property rights, thereby legalising the loss of the lands of the rural poor, particularly in Sub-Saharan Africa (Alden Wily, 2011, 2012). Her examination of more than twenty African land laws led her to conclude that the weak legal status of communal rights is the most pernicious enabler of involuntary land loss (Alden Wily, 2011). This weak legal protection for land held under customary norms is a central concern for the legal instruments, whether international, national or customary, that aim to prevent and settle land disputes.

In recent decades, the legal framework of natural resource rights has become more complex. The instruments involved include human-rights treaties and declarations, such as International Labour Organization Convention No. 169 of 1989 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose legal status remains debated (Cabrera Silva, 2023; Fredericks, 2017), alongside national statutes and customary normative orders. Von Benda-Beckmann et al. (2006) and Meinzen-Dick and Pradhan (2002) describe how multiple legal orders (state, customary, religious, project and local) coexist and interact as bases for claiming property rights, often within the same jurisdiction. This plurality can give people flexibility in how they claim and use resources, but it can also create uncertainty and encourage forum shopping, in which claimants choose the legal framework most favourable to their claim (Meinzen-Dick & Pradhan, 2002).

The review is guided by three questions: (i) What are the main international, regional and customary legal instruments governing access to and use of land and natural resources? (ii) How do these instruments cope with conflicts, and what processes have developed to manage disputes between different legal orders? (iii) What issues, conflicts and implementation challenges recur throughout the literature? The review systematically examines existing empirical and doctrinal research on these questions in order to offer researchers and policy makers a structured overview of existing academic knowledge on legal instruments for natural resource rights and land governance.

1.1 Statement of the Problem

Access to and control over land and natural resources is governed by an overlapping body of human-rights treaties and declarations, national statutes and customary normative orders. Although this legal framework has expanded considerably, it has not translated into secure rights for many rural communities. Statutory land laws often fail to recognise customary tenures as genuine property rights, leaving land held under customary norms with weak legal protection and exposed to involuntary loss (Alden Wily, 2011, 2012). At the same time, legal pluralism can create uncertainty and encourage forum shopping (Meinzen-Dick & Pradhan, 2002), while principles such as free, prior and informed consent (FPIC) are frequently reduced in practice to procedural formalities (Cabrera Silva, 2023).

The relevant scholarship is spread across doctrinal, ethnographic and political-economy literatures, and there is a need for a structured synthesis of what these studies reveal about the legal instruments that regulate access, use and conflict resolution. This review addresses that gap.

1.2 Research Objectives

- i. To identify the main international, regional, national, and customary legal instruments governing access to and use of land and natural resources.
- ii. To examine how these legal instruments address land and natural resource conflicts and the mechanisms for resolving disputes between different legal orders.
- iii. To identify recurring issues, legal conflicts, and implementation challenges in the governance of land and natural resources as reported in the literature.

II. THEORETICAL REVIEW

2.1 Property-Rights Theory and the Bundle of Rights

The review draws on property-rights theory, which treats property not as a single right but as a bundle of separable rights. Schlager and Ostrom (1992) develop a conceptual schema that distinguishes diverse bundles of rights, ranging from the authorised user to the claimant, the proprietor and the owner, and distinguishes operational-level rights of access and withdrawal from the collective-choice rights of management, exclusion and alienation. Ostrom (1990) demonstrated that communities can sustain shared resources over long periods through locally designed institutions, without privatisation or centralised State control, while Ostrom and Hess (2007) distinguish rule-governed common property from open access. Together, these works supply the conceptual vocabulary used in this review to compare the strength of statutory and customary claims to land.

2.2 Legal Pluralism

Legal pluralism theory holds that several normative orders can operate within the same social field. Von Benda-Beckmann et al. (2006) propose an analytical framework in which property is examined at several layers (ideologies, legal systems, social relationships and social practices), and they note that many contemporary States contain a plurality of property ideologies and legal institutions rooted in local or traditional law, State law, international law and religious legal orders. Meinzen-Dick and Pradhan (2002) add that these legal orders do not exist in isolation but influence each other and change over time, so that static, statute-based definitions of property rights are inadequate. Alden Wily (2011, 2012) applies a related lens to Sub-Saharan Africa, arguing that statutory law has often denied customary tenures the status of property, while Alden Wily (2018) provides an overview of global trends in the legal recognition of collective land ownership.

2.3 Rights-Based Governance and Consent

Finally, the review draws on rights-based approaches to governance, in particular FPIC, which is a procedural right that operationalises the right of indigenous peoples to self-determination (Cabrera Silva, 2023) and which treaty bodies derive from existing rights to culture, property and non-discrimination (Ward, 2011). FPIC provides a normative standard against which the treatment of communities in extractive and large-scale land-acquisition processes can be assessed, and it links the property-rights and legal-pluralism perspectives to questions of procedure and participation.

III. METHODOLOGY

3.1 Research Design

This study adopts a systematic review design based on secondary data. It is qualitative and interpretive in orientation, and it synthesises doctrinal legal analysis together with empirical studies drawn from ethnographic, political-economy and institutional research. The review was structured with reference to the PRISMA 2020 guidance for systematic reviews (Page et al., 2021), and it was guided by the three research questions and objectives stated in Sections I and 1.2.

3.2 Search Strategy

The search was conducted in academic databases and journal repositories, and scholarship by named authors was preferred to institutional or promotional material. The search concepts included (a) natural resource and land rights (e.g., 'land tenure', 'property rights', 'customary land rights' and 'common-pool resources'); (b) legal pluralism and land-acquisition governance (e.g., 'legal pluralism', 'land acquisitions (large-scale)' and 'land grabbing') and (c) rights-based governance mechanisms (e.g., 'free, prior and informed consent', 'alternative dispute resolution' and 'customary courts').

3.3 Eligibility Criteria

Sources were eligible if they were peer-reviewed journal articles, scholarly books or book chapters with named authors that addressed legal instruments, frameworks or institutions pertaining to the access, use or transfer of land or natural resources; mechanisms for resolving land or natural resource conflicts; or the doctrinal and empirical foundations of tenure security. Non-authored institutional web content was excluded from the final reference list, and the peer-reviewed scholarship on which it relied was included instead.

3.4 Study Selection and Synthesis

Titles, abstracts, and available full text were subjected to a screening process to determine their relevance, and a narrative thematic synthesis was used because of the diversity of methods (doctrinal legal, ethnographic case study, political-economy and quantitative institutional analysis) found in the literature. The final evidence base comprised 17 scholarly sources.

3.5 Analytical Framework

Retained sources were categorised thematically under four themes that are present in the land-governance literature: (a) property-rights theory and instruments from international/soft law; (b) statutory–customary legal pluralism; (c) free, prior and informed consent and governance of large-scale land-acquisitions; and (d) conflict-resolution mechanisms. The findings in Section 4 are organised into these domains.

3.6 Data Analysis

The retained sources were analysed using narrative thematic synthesis. Their principal arguments, instruments and findings were coded under the four themes described in Section 3.5. The coded material was then compared across sources to identify points of agreement, tensions and gaps, and the results were organised in line with the research objectives. Because the evidence base combines doctrinal, ethnographic, political-economy and quantitative institutional studies, no statistical pooling was attempted, and the findings are presented narratively.

IV. FINDINGS AND DISCUSSION

4.1 Findings

4.1.1 Property-Rights Theory and the Bundle of Rights

Much of the contemporary literature on land governance relies on the theoretical work of Ostrom (1990), who showed, from a large number of comparative studies of irrigation systems, forests and fisheries, that community-level institutions are capable of sustaining the management of shared natural resources for long periods of time, without the need for privatisation or centralised state control, as long as certain institutional design conditions are met. Ostrom and Hess (2007) add to this analysis, focusing specifically on the private/common property distinction, and caution that debates over natural resource governance frequently fail to appreciate the difference between rule-governed, excluding common property regimes, and truly open access regimes, a distinction that bears on the legal characterisation of customary and communal land tenure.

Schlager and Ostrom (1992) develop a conceptual schema that distinguishes diverse bundles of rights, ranging from the authorised user to the claimant, the proprietor and the owner, and they apply it to empirical settings that include the Maine lobster industry. Their schema implies that holding only partial rights to a resource (such as the rights to use

and withdraw it, but not to manage it or to exclude others) is a different legal position from holding the complete bundle. This has direct implications for the design of customary and statutory tenure instruments, as discussed in Section 4.2.

4.1.2 Statutory–Customary Legal Pluralism and Tenure Recognition

The relationship between statutory land law and customary tenure systems, especially in Sub-Saharan Africa, is a recurring issue in the literature. Alden Wily (2012) traces the role of property law in land rushes from earlier historical periods to the present, and argues that land rushes past and present have relied on legal manipulations that deny that customary tenures deliver property rights, thereby legalising the theft of the lands of the poor. Alden Wily (2011), drawing on an examination of more than twenty African land laws, argues that the weak legal status of communal rights is the most pernicious enabler of their demise, allowing governments to take undue liberties with the lands of their citizens, particularly lands that are unfarmed and held in common. Alden Wily (2018), in contrast, examined the laws of 100 countries and identifies a trend towards statutory recognition of rural communities as collective owners, including laws that acknowledge that community property may exist whether or not it has been registered.

Using a critical hermeneutic approach, Murata et al. (2023) question whether terms such as right, property, communal and traditional are appropriate descriptors of customary land tenure in legally plural Southern Africa. They argue that contemporary customary tenure is a product of State intervention and that the uncritical use of foreign concepts by researchers has limited understanding of what customary tenure is. In a similar vein, von Benda-Beckmann et al. (2006) argue that property should be analysed at several layers (ideological, legal, relational and practical), since what property is at one layer cannot be reduced to what it is at another.

This dynamic is also documented in the interaction between customary and statutory claims. Meinzen-Dick and Pradhan (2002) show that State, customary, religious, project and local laws coexist and interact as bases for claiming property rights, so that outcomes depend on more than formal legal categories. Whitehead and Tsikata (2003) examine the gendered implications of this plurality. They identify an emerging consensus among policy institutions, lawyers and academics about the potential of customary land tenure systems to meet the needs of all land users, but conclude that there are considerable problems with such systems for achieving gender justice in women's land claims; African women lawyers, a minority dissenting voice, were more equivocal about trusting the customary and looked instead to the State for laws to protect women's interests. Murata et al. (2023), for their part, ask whether customary tenure is a priori discriminatory to women, noting that some scholars attribute entrenched gender discrimination in property to colonial and apartheid laws.

4.1.3 Free, Prior and Informed Consent and Large-Scale Land Acquisition Governance

Free, prior and informed consent (FPIC) is now a key rights-based approach to decisions affecting indigenous peoples' lands and resources, including extractive, infrastructure and development projects. Ward (2011) analyses the development of FPIC within international law and applies the current standards to two case studies: the Lubicon Cree in Alberta, Canada, and the Mayan communities of Sipakapa and San Miguel Ixtahuacán in Guatemala. The study concludes that treaty bodies interpret existing rights to culture, property and non-discrimination as the right of indigenous peoples to participate in decisions affecting their lands and resources; that the right to full FPIC is not yet part of customary international law, although States at a minimum have an obligation to consult indigenous peoples in good faith; and that the two cases reveal a gap between the standards being developed and current State practice.

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) contains the most explicit expression of FPIC (Ward, 2011), yet Fredericks (2017) notes that there has been much debate over the legal status of the Declaration and that member States have done little to implement it. Fredericks adds that extractive industries and conservation groups, aware of the risks of not seeking FPIC, have created their own FPIC protocols, whereas indigenous peoples have not yet developed protocols of their own, and she argues that indigenous peoples should develop and implement their own FPIC laws and protocols in order to assert their rights without waiting for State implementation. Cabrera Silva (2023) provides a more recent critical review of the FPIC literature, arguing that scholars, whether sceptical or optimistic, have treated FPIC mainly as a shield that indigenous communities use to block, delay or mitigate externally driven projects, and have thereby overlooked its "proactive function" as a legal strategy for promoting indigenous-driven projects. Drawing on the experience of a Purhépecha community in Mexico, which used a consultation to secure direct control over a share of the municipal budget, the paper shows how FPIC can serve self-determination on the community's own terms. The same study documents persistent concern that consultations are reduced to empty formalities.

Yakovleva et al. (2023) examine corporate social responsibility approaches to implementing FPIC in Russia, focusing on the region of Yakutia and drawing on legislative and policy documents and corporate reports. They find gaps in national legislation on seeking and securing consent from Indigenous peoples, and a rights-based approach that is less developed in extractive companies in Russia.

The governance of large-scale land acquisitions (LSLAs) is closely related to FPIC and to tenure security, and it has generated a substantial body of scholarship, notably by Saturnino Borrás Jr. and Jennifer Franco. Borrás and

Franco (2012) observe that “land grab” has become a catch-all phrase for the current surge in transnational commercial land transactions, and they argue that the politics of changes in land use and in property relations had not been sufficiently explored; they offer a preliminary analytical approach, with typologies, to address this gap. Cotula (2012) critically examines the evidence on the trends, scale, geography and drivers of the global land rush and finds a more complex set of drivers than is widely assumed, reflecting shifts in economic and geopolitical relations that link sovereign States, global finance, agribusiness and local groups. He argues that only a solid understanding of these drivers can help identify levers and pressure points for policy responses to large-scale land acquisitions.

More recently, Borras and Franco (2025) argue that the term “land rush” has been underexplored and offer their own definition of it, distinct from related terms such as land grab and large-scale land acquisition. They contend that studies centred on concluded, operational land acquisitions have tended to dismiss failed land deals, to overlook “pin prick” forms of land accumulation, and to rarely treat the land rush itself as the unit of analysis. Taken together, these studies show that the processes through which land is acquired are broader and more varied than finalised large-scale deals alone suggest.

4.1.4 Conflict-Resolution Mechanisms: State and Customary Pathways

The literature reviewed points to several routes for addressing land and natural resource conflicts. Murata et al. (2023) describe a mixture of justice systems (living customary law, formal customary law, religious law and statutory law) that coexist in Southern Africa, and note that customary courts are often more accessible to rural communities than other legal systems, with voluntary participation and discussion forums in which group consensus carries the day. They also report that, where customary courts have been found to be unjust, women in South Africa have in some cases opted to use higher statutory courts. Ostrom’s (1990) more general institutional-design research on common-pool resources associates low-cost, local arenas for resolving conflicts with the design principles that characterise long-enduring, self-governing resource institutions.

Murata et al. (2023) also observe that State attempts to improve tenure security through land reform, and through formalised and professionalised customary courts at the level of the traditional leader or chief, tend to adopt foreign and colonial norms that clash with community norms, which are diverse, changing and non-professional. Meinzen-Dick and Pradhan (2002) add that legal pluralism can create uncertainty, especially in times of conflict, because rival claimants can draw on a large repertoire of laws to support their claims and no individual is likely to know all the types of law that may be relevant.

Meinzen-Dick and Pradhan (2002) further caution that changes in statutory law intended to increase tenure security may instead increase uncertainty, especially for groups with less education and fewer contacts, unless the dynamic and plural nature of property rights is recognised.

4.1.5 Summary of Findings in Relation to the Research Objectives

With regard to the first objective, the literature shows that the instruments and legal orders regulating access to and use of land and natural resources include human-rights treaties and declarations (Cabrera Silva, 2023; Fredericks, 2017), national statutes, and State, customary, religious, project and local laws (Meinzen-Dick & Pradhan, 2002; von Benda-Beckmann et al., 2006), and that property-rights theory provides the conceptual basis for comparing them (Ostrom, 1990; Schlager & Ostrom, 1992). The bundle of rights that an arrangement actually confers, rather than its formal label, is what distinguishes positions such as authorised user and owner (Schlager & Ostrom, 1992).

With regard to the second objective, conflicts between statutory and customary orders arise where statutory law denies or qualifies the status of customary claims (Alden Wily, 2011, 2012; Murata et al., 2023), although Alden Wily (2018) identifies a growing trend towards statutory recognition of community ownership. Consent-based instruments such as FPIC are weakened when consultation is treated as a formality (Cabrera Silva, 2023) and when States do little to implement them (Fredericks, 2017; Ward, 2011). Disputes are addressed through State courts, customary courts and formalised customary forums (Murata et al., 2023), and low-cost, locally available mechanisms are associated with durable resource institutions (Ostrom, 1990).

With regard to the third objective, the same challenges recur across the sources: the weak legal status of customary and communal tenure (Alden Wily, 2011); uneven implementation of FPIC and a gap between standards and State practice (Fredericks, 2017; Ward, 2011); the disadvantages that customary systems can create for women (Whitehead & Tsikata, 2003), a point that Murata et al. (2023) subject to critical scrutiny; consultation that is more symbolic than genuine (Cabrera Silva, 2023); and uncertainty and forum shopping arising from overlapping legal orders (Meinzen-Dick & Pradhan, 2002).

4.2 Discussion

4.2.1 Property-Rights Theory as a Bridge Between Doctrine and Governance Practice

One major contribution of the property-rights literature that developed from Ostrom's work (Ostrom, 1990; Ostrom & Hess, 2007; Schlager & Ostrom, 1992) is that it treats tenure not as a binary variable but as graduated, with the bundle of rights actually held (access, withdrawal, management, exclusion or alienation) distinguishing one position from another. This bundle-of-rights model provides a conceptual link between the legal-pluralism literature (see Section 4.1.2) and the literature on governance design and conflict resolution (see Section 4.1.4), and it can provide a theoretical basis for addressing some of the questions that arise in debates about the recognition of customary tenure by statutory law.

4.2.2 Legal Pluralism as Both Resource and Risk

The reviewed studies suggest that legal pluralism has a mixed impact on land rights holders. Meinzen-Dick and Pradhan (2002) show that multiple legal frameworks give people considerable flexibility in using natural resources, yet also create uncertainty, especially in times of conflict. Alden Wily (2011, 2012) and Murata et al. (2023) indicate that State intervention has often weakened or reshaped customary tenures, while Alden Wily (2018) points to a countertrend of growing statutory recognition of community ownership. Whitehead and Tsikata's (2003) gendered analysis highlights an additional risk: where the customary is trusted without critical evaluation, women, who are poorly positioned and represented in local power structures, may be disadvantaged. Murata et al. (2023) caution, however, that the claim that customary tenure is inherently discriminatory to women requires critical scrutiny.

4.2.3 The Contested Content and Function of Consent

The FPIC literature shows a continuing struggle over the content of consent. Ward (2011) concludes that the right to full FPIC is not yet part of customary international law, while States at a minimum have an obligation to consult indigenous peoples in good faith, so the distinction between a right to be consulted and a right to refuse a project remains contested. Cabrera Silva (2023) documents concern that powerful actors can reduce consultations to empty formalities, and Fredericks (2017) notes that States have done little to implement UNDRIP. By proposing that FPIC be understood as having a proactive function, Cabrera Silva (2023) offers a promising avenue for future scholarship and policy: rather than serving only as a shield, FPIC can be used to promote indigenous-driven projects, which may soften the adversarial framing of much of the existing FPIC literature.

4.2.4 Toward More Effective Conflict Resolution

The evidence reviewed on conflict resolution is thinner than that on property-rights theory, legal pluralism and FPIC, and it should be read with caution. Ostrom's (1990) institutional-design principles associate low-cost, local conflict-resolution arenas with durable resource governance, and Murata et al. (2023) show that customary courts are often the most accessible forum for rural communities, while women may turn to statutory courts where customary courts are unjust. These findings are consistent with the view that improving the legitimacy and accessibility of local dispute-resolution institutions may be more promising than assuming that State adjudication is better in every case, although the reviewed sources do not allow a comparative judgement on the relative performance of the different mechanisms.

V. CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

This systematic review brings together academic research on the role of law in shaping access, use and conflict resolution in natural resource rights and land governance. Overall, the evidence suggests that the bundle-of-rights concept of property remains central to scholarship on the strength and validity of statutory and customary claims to land. Legal-pluralism scholarship shows that the relationship between statutory and customary legal orders can be both a threat to land rights and a source of flexibility, depending on how the plurality is organised and by whom it is invoked. Free, prior and informed consent has emerged as a key but contested tool for the governance of extractive and large-scale land-acquisition projects, with interpretations ranging from a substantive right to refuse to a procedural duty to consult, and with uneven implementation by States. The literature on land rushes and land grabbing, together with analyses of African land laws, indicates that legal frameworks that give customary and communal tenure a weak status leave customary landholders exposed to dispossession. Finally, locally accessible, low-cost conflict-resolution mechanisms are associated with durable resource governance, although the evidence reviewed on this theme is limited.

5.2 Recommendations

Based on the findings of this review, the following recommendations are made for policy and further research. First, policymakers should harmonise overlapping legal regimes and strengthen the legal status of customary and communal tenure, so that land held under customary norms is protected by law rather than left exposed to involuntary loss (Alden Wily, 2011, 2018). Second, States should translate FPIC into clear obligations on governments and investors, moving beyond consultation as a procedural formality and implementing the standards in UNDRIP through domestic law (Cabrera Silva, 2023; Fredericks, 2017; Ward, 2011). Third, the legitimacy, accessibility and affordability of local and customary dispute-resolution institutions should be strengthened (Murata et al., 2023; Ostrom, 1990). Fourth, reforms that recognise customary tenure should include safeguards for women and other groups that customary systems may disadvantage (Whitehead & Tsikata, 2003).

For future research, there is a need for empirical assessment of locally based dispute-resolution arrangements and for comparative studies of how overlapping legal regimes operate in practice across jurisdictions. This review draws on a limited set of 17 peer-reviewed scholarly sources and uses narrative rather than statistical synthesis; its findings, particularly on conflict-resolution mechanisms, are therefore indicative rather than exhaustive.

Declaration of Interest

The authors declare that they do not have any known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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REFERENCES

- Alden Wily, L. (2011). "The law is to blame": The vulnerable status of common property rights in Sub-Saharan Africa. *Development and Change*, 42(3), 733–757. <https://doi.org/10.1111/j.1467-7660.2011.01712.x>
- Alden Wily, L. (2012). Looking back to see forward: The legal niceties of land theft in land rushes. *The Journal of Peasant Studies*, 39(3–4), 751–775. <https://doi.org/10.1080/03066150.2012.674033>
- Alden Wily, L. (2018). Collective land ownership in the 21st century: Overview of global trends. *Land*, 7(2), Article 68. <https://doi.org/10.3390/land7020068>
- Borras, S. M., Jr., & Franco, J. C. (2012). Global land grabbing and trajectories of agrarian change: A preliminary analysis. *Journal of Agrarian Change*, 12(1), 34–59. <https://doi.org/10.1111/j.1471-0366.2011.00339.x>
- Borras, S. M., Jr., & Franco, J. C. (2025). Land rush. *The Journal of Peasant Studies*, 52(7), 1666–1681. <https://doi.org/10.1080/03066150.2024.2317961>
- Cabrera Silva, A. G. (2023). The right to consult ourselves: Conceptualizing the proactive function of the right to free, prior, and informed consent. *Harvard Human Rights Journal*, 36, 147–[verify page range]. https://journals.law.harvard.edu/hrj/wp-content/uploads/sites/83/2023/06/HLH101_crop-1.pdf
- Cotula, L. (2012). The international political economy of the global land rush: A critical appraisal of trends, scale, geography and drivers. *The Journal of Peasant Studies*, 39(3–4), 649–680. <https://doi.org/10.1080/03066150.2012.674940>
- Fredericks, C. F. (2017). Operationalizing free, prior, and informed consent. *Albany Law Review*, 80(2), 429–[verify page range]. <https://scholar.law.colorado.edu/faculty-articles/804>
- Meinzen-Dick, R., & Pradhan, R. (2002). *Legal pluralism and dynamic property rights* (CAPRI Working Paper No. 22). International Food Policy Research Institute. <https://ageconsearch.umn.edu/record/55442>
- Murata, C., Ndlovu, L., Ganyani, L., & Odume, O. N. (2023). Demystifying contemporary customary land tenure in legally plural Southern Africa. *Journal of Law, Society and Development*, 9, 1–17. <https://doi.org/10.25159/2520-9515/13662>
- Ostrom, E. (1990). *Governing the commons: The evolution of institutions for collective action*. Cambridge University Press.
- Ostrom, E., & Hess, C. (2007). *Private and common property rights*. SSRN. <https://doi.org/10.2139/ssrn.1304699>
- Page, M. J., McKenzie, J. E., Bossuyt, P. M., Boutron, I., Hoffmann, T. C., Mulrow, C. D., Shamseer, L., Tetzlaff, J. M., Akl, E. A., Brennan, S. E., Chou, R., Glanville, J., Grimshaw, J. M., Hróbjartsson, A., Lalu, M. M., Li, T., Loder, E. W., Mayo-Wilson, E., McDonald, S., ... Moher, D. (2021). The PRISMA 2020 statement: An updated guideline for reporting systematic reviews. *BMJ*, 372, Article n71. <https://doi.org/10.1136/bmj.n71>
- Schlager, E., & Ostrom, E. (1992). Property-rights regimes and natural resources: A conceptual analysis. *Land Economics*, 68(3), 249–262. <https://doi.org/10.2307/3146375>



- von Benda-Beckmann, F., von Benda-Beckmann, K., & Wiber, M. G. (2006). The properties of property. In F. von Benda-Beckmann, K. von Benda-Beckmann, & M. G. Wiber (Eds.), *Changing properties of property* (pp. 1–39). Berghahn Books.
- Ward, T. (2011). The right to free, prior, and informed consent: Indigenous peoples' participation rights within international law. *Northwestern Journal of International Human Rights*, 10(2), 54–[verify page range]. <https://scholarlycommons.law.northwestern.edu/njihr/vol10/iss2/2>
- Whitehead, A., & Tsikata, D. (2003). Policy discourses on women's land rights in Sub-Saharan Africa: The implications of the re-turn to the customary. *Journal of Agrarian Change*, 3(1–2), 67–112. <https://doi.org/10.1111/1471-0366.00051>
- Yakovleva, N., Gavriyeva, T. N., Makarov, A. I., & Krasilnikova, N. A. (2023). Free prior informed consent in the extractive industry: Approaches to involving Indigenous peoples in decision-making in Russia. *Journal of Environmental Management*, 344, Article 118341. <https://doi.org/10.1016/j.jenvman.2023.118341>