

Advocating for Land Rights in the Context of Climate Change



prepared for Brot für die Welt
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Abbreviations

ACoGS	Avoided Conversion of Grasslands and Shrublands
AIPP	Asian Indigenous Peoples' Pact
ALM	Agriculture Land Management
CCM	Compliance Carbon Market
CCS	Carbon Capture and Storage
COP	Conference of the Parties
FPIC	Free, Prior and Informed Consent
GHG	Greenhouse Gases
IDEAS	Institute for the Development of Educational and Ecological Alternatives
IFM	Improved Forest Management
IPs	Indigenous peoples
KSPPM	The Community Initiative Development Study Group
LCs	Local communities
LUCF	Land Use Change and Forestry
LULUCF	Land-Use, Land-Use Change and Forestry
NBS	Nature-based solutions
NDC	Nationally Determined Contributions
PNG	Papua New Guinea
REDD	Reducing Emissions from Deforestation and Land Degradation
UNFCCC	United Nations Framework Convention on Climate Change
UPRI	The Resilience Institute of the University of the Philippines
VCM	Voluntary Carbon Market
WRC	Wetland Recovery and Conservation

Introduction

The following report summarizes the content shared in an online discourse on “Advocating for land rights in the context of climate change.” The webinar series was organized by Brot für die Welt. Representatives from 27 land rights organizations from Cambodia, Fiji, Indonesia, Laos, Myanmar, Papua New Guinea, Philippines, and Vietnam as well as staff members from Brot für die Welt participated in the online discourse. The idea for this project was born in a regional land rights workshop which was held in Southeast Asia in 2022. In this workshop, participants expressed their wish to learn more about the interrelation between land rights and climate change, especially on the question of how land-based climate action increases the pressure on land and threatens the land rights of indigenous peoples (IPs) and local communities (LCs). The online discourse gave participants the opportunity to explore these questions, gain new insights, exchange experiences and discuss new entry points for land rights advocacy. The seven sessions of the online discourse were held between May and November 2023 and resource persons from different organizations shared their valuable expertise on different thematic aspects in the field of land rights and climate change:

- Session 1 – Brot für die Welt: The interrelation between land rights and climate change and the trouble with “Net Zero”.
- Session 2 – Asian Indigenous peoples Pact (AIPP): National climate action in the countries of Southeast Asia and the Pacific and the impacts on IPs.
- Session 3 - Global Forest Coalition: False solutions to mitigate climate change and the impact on land and communities.
- Session 4 - Carbon Market Watch and FORCERT: Risks of carbon offsetting and advocating for safeguards in PNG’s carbon market regulation.
- Session 5: KSPPM: Using climate policies for securing land rights in Indonesia.

- Session 6: IDEAS and UPRI: Identifying entry points for land rights advocacy in the national climate change framework in the Philippines.
- Session 7: Learnings from the exchange process and the way forward.

This study summarizes the content delivered in the seven online sessions and complements it with some more in-depth research and analysis (chapter 1). The study also provides some basic information on the national contexts of the participants' countries (chapter 2). However, the situations in the different countries differ a lot and it would exceed the scope of this study to offer a detailed analysis of climate change-related policies in the various countries. In combination with the online discourse, this study aims to further raise the awareness of Brot für die Welt partners and other interested groups and organizations on the impacts that climate action can have on land and on the communities that live on the land – very often without secure land tenure and thus facing an increased risk of losing their land. In line with the online discourse, the study presents various entry points for advocating for land rights of IPs and LCs in the context of climate change (chapter 3) and equips the readers with further reading materials to further deepen their knowledge on the issue (chapter 5).

Note: We are using the terms indigenous peoples (IPs) and local communities (LCs) when referring to marginalized groups who live in rural and forest areas, often without secure land titles and thus exposed to risks of land grabbing and forced evictions. When using these terms in this study, we include small-scale farming and peasant communities. For the sake of better readability, we summarize all these groups with the terms “IPs” and “LCs”.

1. General Context

1.1. Climate change – a threat to humanity

Climate change is the biggest threat that humanity is facing in the 21st century. The global mean temperature has already increased by at least 1.1°C since preindustrial times causing severe impacts on land and people.¹ Many millions live in rural areas and rely on land and agriculture for their livelihoods, making them susceptible to climate impacts on land. Extreme weather events such as droughts and floods, changing rainfall patterns and rising temperatures mean drier and less fertile lands, increased water scarcity and fewer and less nutritious harvests. An estimated 3.2 billion people worldwide – about two-fifths of the global population – are already directly affected by land degradation which is caused by climate change and other factors such as unsustainable agricultural practices.² Thus, climate change is significantly increasing the risk of food insecurity. As the impacts of climate change intensify, more farmers and rural communities could be forced to migrate to find food.³

1.2. The commitment to limit global warming

The Paris Agreement adopted by 196 state leaders in December 2015 set the goal to limit global temperature increase well below two degrees compared to pre-industrial levels and to pursue efforts “to limit the temperature increase to 1.5°C above pre-industrial levels”.⁴ However, all efforts undertaken to reach this goal have not yet led to a trend reversal in global heating: currently, the world is heading towards a 3°C hotter atmosphere by the end of this century.⁵ In order to achieve the goal formulated in the Paris Agreement, humanity needs to reduce emissions of greenhouse gases (GHG)

¹ <https://earthobservatory.nasa.gov/world-of-change/global-temperatures>

² <https://www.thegef.org/what-we-do/topics/land-degradation>

³ Oxfam (2021): Tightening the net: Net zero climate targets – implications for land and food equity

⁴ <https://unfccc.int/process-and-meetings/the-paris-agreement>

⁵ <https://www.theguardian.com/environment/2023/nov/20/world-facing-hellish-3c-of-climate-heating-un-warns-before-cop28>

by 48% compared to the levels of 2019 by 2030 and by 80% by 2040, reaching 'net zero' by around 2050.⁶

1.3. Nationally determined contributions

To turn these abstract numbers into concrete policies, the Paris Agreement requires each signatory country to elaborate and continuously update a strategy how the country will reduce national emissions and adapt to the impacts of climate change.⁷ These national action plans are called "Nationally Determined Contributions" (NDCs) and are at the heart of the Paris Agreement. They contain information on national targets, policies and measures for reducing national emissions and spell out adaptation priorities. NDCs also contain information on either the needs for, or the provision of, finance, technologies and capacity building for these actions. Countries are obliged to communicate new or updated NDCs every five years starting in 2020.

In their NDCs, more than 130 countries, including China, the US and those in the European Union (EU), have pledged to achieve net-zero emissions by 2050 or shortly after. The countries of the participating organizations in Brot für die Welt's online discourse have made the following pledges:

Cambodia, Fiji, Laos, Myanmar, Papua New Guinea, and Vietnam all announced their commitment to achieve net zero by 2050.⁸ Indonesia wants to reach this target by 2060.⁹ All these net-zero pledges are conditional on international financial support.

However, as the Climate Action Tracker shows, no country is implementing climate policies that are in line with the goals set in the Paris Agreement.¹⁰ The countries' efforts to mitigate the climate crisis are rated as "insufficient", "highly insufficient" or "critically insufficient". Only less than 10 countries in the world are rated "almost sufficient". And no single country's effort to mitigate the climate crisis is compatible with the Paris Agreement.

1.4. Interrelations between land and climate

Land and oceans play an important role for the stability of the global climate system since they take up around half of the GHG that are emitted into the atmosphere. However, poor land use practices such as deforestation, destruction of wetlands, soil degradation etc. as well as the impacts of climate change have considerably reduced this capacity over the last decades and have caused massive releases of GHG from carbon stocks.¹¹ Industrial food systems are responsible for about 80% of deforestation, and almost 30% of the global GHG emissions and are the single largest cause of biodiversity loss on land.¹² This – in turn - has negative impacts on water retention and soil fertility. All these factors reinforce climate change, while making land use sectors even more vulnerable to its impacts. Oceans are threatened by pollution, acidification, deep-sea mining and other harmful activities that decrease their capacity to capture GHG.

Land and oceans therefore play an important role for ambitious climate action. It is crucial to stop the pollution or destruction of these ecosystems and to increase the carbon storage capacity of oceans and land.¹³ However, land is a scarce resource that is not only needed for climate change mitigation and adaptation measures, but also for other purposes such as biodiversity, livelihoods, natural resources etc., most importantly securing our food supply, protecting livelihoods and habitats.

⁶ Client Earth Briefing Paper (2022): Legal Risks of Carbon Offsets

⁷ <https://unfccc.int/process-and-meetings/the-paris-agreement/nationally-determined-contributions-ndcs>

⁸ <https://www.visualcapitalist.com/sp/race-to-net-zero-carbon-neutral-goals-by-country/>

⁹ <https://climateactiontracker.org/countries/indonesia/>

¹⁰ <https://climateactiontracker.org/countries/>

¹¹ <https://www.globalcarbonproject.org/carbonbudget/22/highlights.htm>

¹² <https://www.carbonbrief.org/un-land-report-five-key-takeaways-for-climate-change-food-systems-and-nature-loss/>

¹³ CLARA (2017): Climate Action in the Land Sector: Treading Carefully

1.5. Reducing emissions, balancing emissions

The Paris Agreement anchored the concept of “net-zero” emissions in international climate politics, which refers to a state in which the greenhouse gases going into the atmosphere are balanced by removals out of the atmosphere. This led to the rise of “net-zero” climate targets among many governments, companies and organisations. In order to meet these new net-zero climate targets, different approaches can be chosen: GHG emissions can be reduced directly or they can be balanced with a series of measures that remove and store carbon from the atmosphere. Some of these measures are technology-based, such as carbon capture and storage (CCS) while others are nature-based, such as the carbon sequestration through natural ecosystems and cultivated lands, e.g. through protecting natural forests or wetlands, planting trees, adopting certain sustainable soil-management techniques etc. Most net-zero targets involve offsetting which means that the removals to balance ongoing emissions are somehow achieved in other places of the world.

The currency used for the offsetting system is called “carbon credits”. One carbon credit represents one tonne of CO₂ equivalents which is avoided (e.g. via renewable energy projects) or removed (e.g. via nature-based solutions) by the offsetting project. To generate the credits, carbon projects need to comply with certain standards and undergo certification to become a credible carbon project.

Many governments rely heavily on nature-based carbon removal in their net-zero climate pledges since this allows them to circumvent the far more difficult task of avoiding or reducing GHG emissions. In 2023, 143 governments that have signed the Paris Agreement stated in their NDCs that they plan to use land-based carbon removals. Industrialized countries see it as a means to achieve their national climate targets while developing countries aim to access finances for their national climate action.¹⁴

In addition to governments’ net-zero pledges, hundreds of companies, banks, insurers and investors have also made net-zero pledges.¹⁵ These private actors try to reduce part of their emissions and buy carbon credits on the Voluntary Carbon Market (VCM) to offset the remaining emissions. Two thirds of the world’s biggest companies with net-zero targets use carbon offsets to meet their climate goals. While most of these companies are based in developed countries, many of the carbon offsetting projects they invest in are implemented in the Global South.¹⁶

There are two types of markets where carbon credits are traded:

- The Compliance Carbon Market (CCM) is for governments who need to comply with binding emission reduction targets under the Paris Agreement. The United Nations Framework Convention on Climate Change (UNFCCC) is in the process of defining new rules that are intended to avoid double counting and other problems and provide a minimum standard for the implementation of the mechanism.
- The VCM is for non-state actors (individuals and companies). The latter are under no formal obligation to achieve specific climate targets. However, corporations and individuals seek to voluntarily offset their emissions to improve their green credentials, e.g. to be able to declare that they are “climate neutral”.¹⁷

While the CCM is not very active, the VCM’s value grew from \$300 million to \$1 billion between 2018 and 2021, and it is estimated that it will continue to grow rapidly in the coming decades, possibly reaching \$180 billion by 2030.¹⁸

¹⁴ <https://carbonmarketwatch.org/campaigns/ccrm/>

¹⁵ <https://sciencebasedtargets.org/blog/500-companies-net-zero-ambition>

¹⁶ <https://interactive.carbonbrief.org/carbon-offsets-2023/companies.html>

¹⁷ <https://www.unep.org/topics/climate-action/climate-finance/carbon-markets>

¹⁸ Quinn Emanuel Trial Lawyers (2022): Carbon offsets: a coming wave of litigation?

1.6. Land-based carbon offsetting projects

There are different types of nature-based carbon offsetting projects in the land use sector. The most prominent type is REDD+ which stands for “Reducing Emissions from Deforestation and Land Degradation”. REDD+ was developed by the Parties to the UNFCCC. Its framework, the so-called Warsaw Framework was adopted in 2013 at COP 19 in Warsaw and provides the methodological and financing guidance for the implementation of REDD+ activities.¹⁹ The contribution of these REDD+ projects to actually reduce deforestation significantly and make positive contributions to mitigating the climate crisis are contested. Several studies have analysed REDD+ projects and found that they are less beneficial than they claim.²⁰

Besides REDD+, there are other so called “nature-based solutions” (NBS), such as:²¹

- Afforestation, Reforestation and Revegetation (ARR) projects.
- Agriculture Land Management (ALM) projects that increase crop and livestock production while preserving soil and water resources.
- Improved Forest Management (IFM)
- Avoided conversion of grasslands and shrublands (ACoGS)
- Wetland recovery and conservation projects (WRC)

These are just examples of the broad range of activities and projects which can be funded via carbon markets. Many of these land-based carbon projects are being implemented in developing countries where there are still huge areas covered with virgin forests that need to be protected in order to mitigate climate change and stop the further loss of biodiversity. Forestry and land use carbon credit projects accounted for over 66% of the transactions in the VCM in 2021 equivalent to more than 1.3 billion US Dollar.²²

1.7. The trouble with net zero

On the other hand, many forested countries are seeking financial profits from international carbon markets. Supporters of land-based carbon projects argue that these offsetting schemes reward forest-rich nations for preserving their forests, and at the same time monitor their success in doing so. In their view, offsetting provides a source of income and protection to some areas, and at least some form of monitoring and accountability to ensure that companies are sticking to their commitments.

Yet, critics see many problems connected to the concept and practice of land-based carbon offsetting: one of the most fundamental critiques is that there is no more space for any offsetting in the remaining global carbon budget to limit global temperature rise below 1.5 and even 2 degrees. Emissions must be reduced as quickly as possible and not just be offset.

Offsetting projects are often implemented without sound legal safeguards to protect the rights of the local population. In many countries where carbon offsetting projects are implemented, specific carbon-market regulations are not in place while at the same time, the voluntary carbon market is flooded with cheap carbon credits and carbon traders are eager to fix the contracts.

Carbon offsetting shifts the burden to mitigate the climate crisis away from reducing fossil fuel emissions in the countries where they are being caused onto land, local communities and ecosystems in countries that have made no or only minor contributions to climate change.

Another critique is that it takes a long time to actually achieve carbon removals through nature-based solutions (NBS) such as new tree plantations, afforestation and reforestation. A newly-planted tree can

¹⁹ <https://www.unep.org/explore-topics/climate-action/what-we-do/redd>

²⁰ <https://www.science.org/doi/10.1126/science.ade3535>

²¹ HEKS Land Forum (2023): Understanding the System: The Land-Based Carbon Market and its Impacts on the Ground

²² <https://www.visualcapitalist.com/the-rising-demand-for-nature-based-climate-solutions/>

take several decades to capture the amount of GHG that a carbon-offset scheme promises. However, it is critical to reduce GHG emissions very quickly and drastically within the current decade to limit global warming and avoid triggering the climate tipping points that would lead to irreversible and catastrophic changes in the global climate system. Carbon offsetting projects often rely on an emission reduction effect in the future while the emissions that these projects are meant to balance are taking place immediately and having their effect on the global climate. The time periods required for these NBS are simply too long in order for them to effectively combat global warming in the current critical phase in which emissions need to be cut quickly.

Most carbon-offset projects, such as agroforestry projects that plant trees, remove CO₂ from the atmosphere only temporarily. However, when these trees or plants die, whether from fires or logging or simply old age, most of the carbon that they have stored returns to the atmosphere. With climate crisis causing ever higher temperatures and droughts, there is a huge risk that trees and other plants planted as part of offsetting projects could become a source of emissions in just a couple of years, cancelling out the positive effect to the climate that they were bought for.

Other carbon-offset projects avoid emissions, but do not remove GHG from the atmosphere, such as solar energy projects or wind parks that replace fossil fuel energy and thus contribute positively to climate mitigation. Like NBS, many these measures also require large amounts of land.

A third category of offset projects actually do not remove any additional CO₂ from the atmosphere at all. These projects work on the hypothesis that they make a positive contribution to the global climate because they avoid deforestation or the destruction of ecosystems (e.g. REDD+ schemes). Serious doubts about the reliability of such forest-based carbon offsetting have been raised by a global research team that has examined 29 of the 87 forest protection projects certified by Verra, the world's leading carbon standard for the rapidly growing VCM. Verra approves three-quarters of all voluntary offsets. Many of these voluntary offsets are forest offsets. The research indicates that many of the rainforest offsetting certificates do not represent genuine carbon reductions and significantly over-estimate the positive effect for the climate. If this is true on a large scale, it would mean that huge amounts of GHG end up in the atmosphere without the corresponding offset actually taking place. The researchers state that failed offsetting is not only a missed opportunity to save the climate, but can even exacerbate the climate problem because the fact of having bought a carbon certificate can be taken as a free pass to emit more GHG.²³

These are just some of the reasons why international civil society networks and organizations such as the Global Forest Coalition²⁴ or the Climate Land Ambition and Rights Alliance (CLARA)²⁵ consider carbon offsetting to be a “false solution”. They do not oppose all the valuable efforts to protect the natural forests, to stop deforestation, to reforest, restore wetlands, preserve soil and water etc. What they criticize is that carbon offsetting offers governments and companies a welcome excuse to continue with their emissions and to postpone a much more radical system change which is unavoidably necessary to solve the climate crisis. They emphasize that land-based and ecosystem-based climate mitigation is necessary and needs financing but should not come hand in hand with new emissions.

1.8. The land gap in climate policies

While it is urgently needed to stop deforestation and sustainably restore and manage lands, the net-zero plans of governments and companies to balance ongoing GHG emissions with land-based removals of carbon in plants and soils are highly unrealistic since there is simply not enough land available to accommodate all these offsetting plans: the “Land Gap Report” shows that governments’

²³ <https://www.theguardian.com/environment/2023/jan/18/revealed-forest-carbon-offsets-biggest-provider-worthless-verra-aoe>

²⁴ <https://globalforestcoalition.org/forest-cover-68/>

²⁵ <https://www.clara.earth/clara-responds-to-net-zero>

net-zero pledges alone need a total area of land of almost 1.2 billion hectares. This area of land is equivalent to current global cropland, an area larger than the United States of America (983 million ha), and almost four times the area of India (329 million ha). And this does not even include the offsetting plans from the private sector. Oxfam has analysed the net-zero targets of just four of the big oil and gas producers (Shell, BP, Total Energies and ENI). Their offsetting plans alone could require an area of land twice the size of the UK. If the oil and gas sector as a whole adopted similar net-zero targets, it could end up requiring land that is nearly half the size of the United States, or one-third of the world's farmland.²⁶ More than half of this area (633 million ha) requires a land-use change through tree plantations and establishing new areas devoted exclusively to forests, which will severely compromise the rights, livelihoods and food sovereignty of IPs and LCs, - including the right of local communities and smallholder farmers to have full control over their land and resources.²⁷

1.9. Negative impacts on IPs' and LCs' land rights

Indigenous peoples and local communities are both victims of and an important stakeholder in mitigating the climate crisis: Being directly exposed to the effects of climate change and dependent on the natural resources around them, IPs and LCs are disproportionately affected by the impacts of higher temperatures and unpredictable weather patterns. Floods, soil erosion, wildfires, landslides and the destruction of arable land are threatening their livelihoods. Indigenous women suffer even more from the effects of climate change.²⁸

Land-based climate mitigation projects require huge amounts of land. Very often, these projects are being planned and implemented on IPs' and LCs' customary land without their participation or consultation.

Climate policies increase the risks that IPs and LCs lose control over their land, forests and resources with deep impacts, especially on women. Offsetting projects very often include conditions on how the land or forest shall be managed over a period of 20, 30 or more years. This also includes that traditional and cultural practices of IPs and LCs may not be allowed any more. In several countries, IPs and LCs have reported being criminalized for carrying out their traditional livelihood activities in their customary forest areas.²⁹

Since most of the governments fail to explicitly recognize customary land rights of IPs and LCs, there are more and more cases where climate action has led to land grabbing of IPs' and LCs' customary land and even to evictions. Governments fail to recognize the many impacts that climate policies have on IPs and LCs and to come up with preventive measures.

As increasing amounts of money and international finance are flowing into carbon storage projects in forests (such as REDD+ and others), there is a growing risk that States which do not recognize customary land of IPs and LCs will take control over untitled lands as well as the associated financial benefits.³⁰

Legal recognition of land rights is also a precondition for communities to receive the benefits that are created through carbon projects. Land security means also that the communities are the ones to benefit from the carbon income. In a report published by the Rights and Resources Initiative (RRI), Woodwell Climate Research Centre and Rainforest Foundation US, it is estimated that the global land "held and used" by Indigenous peoples, Afro-descendent peoples and local communities stores at least 253bn tonnes of carbon. This huge amount of carbon is stored both in legally recognised and

²⁶ Oxfam (2021)

²⁷ The Land Gap Report (2022)

²⁸ Asia Indigenous peoples Pact (2022): Nationally Determined Contributions in Asia: Are governments recognizing the rights, roles and contributions of Indigenous peoples?

²⁹ AIPP (2022)

³⁰ AIPP (2022)

unrecognised territories of IPs and LCs. Without legal recognition of land rights and, eventually, “carbon rights” – defined as the rights to receive the benefits generated from emissions reduction – communities are at risk of missing out on benefits from offset projects.³¹

Another difficulty related to carbon offsetting is that – like with many other investment projects - the implementation of climate measures on IPs’ or LCs’ land can lead to social conflicts within the communities. FORCERT in Papua New Guinea mentioned the example of a community that was approached by a carbon trader and part of the community decided to sign a contract with the company without having consulted this decision with the rest of the community. Social conflict and division in the community was the result. Conflicts can also arise when a carbon project does not deliver the promised benefits like building schools or health posts or when the community members disagree on the way how benefits from the carbon projects are shared or invested in the community. According to a study by Compensate Operations Ltd., community conflicts are among the major reasons why carbon projects fail.³²

Climate policies that rely heavily on offsetting and NBS increase the risks of land inequality and threaten the livelihoods of an estimated 2.5 billion people involved in smallholder agriculture who depend on land as a source of income, food and identity.³³ It is a sad paradox that those peoples and communities that have contributed least to climate change and that have proven to be the most effective stewards of the world’s biodiversity and natural resources are hit hardest by climate change and by the governments’ and international climate mitigation policies.

1.10. Secure land rights as a mitigation strategy

Up to 2.5 billion people worldwide make their living in rural economies through the stewardship of community forests and other community lands. They play an essential role in maintaining ecosystem services at the landscape level.³⁴ Studies show that IPs and LCs vastly outperform both governments and private landholders with respect to preventing deforestation, conserving and restoring biodiversity, and producing food sustainably. The best maintained primary ecosystems can be found where IPs and LCs hold collective land titles. The land and natural resources governed by IPs and LCs are biodiversity hotspots that maintain the ecological balance of our planet and help regulate the climate that enables global food production.³⁵ Thus, IPs and LCs make an important contribution to mitigating climate change by adhering to their customary rules, practices and traditional livelihood activities; by maintaining and transferring their knowledge and wisdom on how to adapt to harsh climatic conditions; and by providing inspiring examples of food system resilience.

However, despite good evidence with regard to the positive role of IPs and LCs for the world’s climate and biodiversity, governments in Southeast Asia and the Pacific in their majority fail to recognize the important contribution of IPs and LCs in protecting and sustainably using land, forests, territories and resources.³⁶ On the contrary, communities face increasing threats of criminalization and violence from the continued expanse of externally driven land-use schemes that fail to recognize the tenure rights of communities.

³¹ <https://interactive.carbonbrief.org/carbon-offsets-2023/index.html#section-why-do-carbon-offset-projects-come-with-side-effects-for-indigenous-peoples-and-local-communities>

³² Compensate (2021): Reforming the Voluntary Carbon Market. How to solve current market issues and unleash the sustainable potential

³³ Oxfam (2022)

³⁴ Rights and Resources Initiative (2017): Securing Community Land Rights: Priorities & Opportunities to Advance Climate & Sustainable Development Goals

³⁵ <https://indepth.oxfam.org.uk/land-rights/secure-land-rights-to-address-climate-change/>

³⁶ Rights and Resources Initiative (2018): A Global Baseline of Carbon Storage in Collective Lands. Indigenous and Local Community Contributions to Climate Change Mitigation

It is an important task for civil society organizations and networks to make governments aware of this positive correlation and insist that secure land tenure for IPs and LCs must be a key element in the governments' climate mitigation efforts.

2. National Contexts

2.1. NDCs in Southeast Asia and the Pacific

All the countries in Southeast Asia and the Pacific have signed and ratified the Paris Agreement.³⁷ Thus, they are obliged to submit their Nationally Determined Contributions (NDCs) to the UNFCCC secretariat and formulate national climate policies that spell out how they plan to implement their climate pledges. All NDCs look at different sectors and the contribution of the respective sector can make to reduce emissions and reach the climate targets. This section summarizes which role the forest and land use sector play in the NDCs of the various countries in the region since their interaction with land and land rights is most striking here. The countries included in this section are the ones that participated in Brot für die Welt's online discourse on "Advocating for land rights in the context of climate change."

Cambodia has submitted its second NDC to the UNFCCC in 2020. The country commits to reducing GHG emissions by 41.7% conditional on international support. The forest and land use sector are expected to provide the major share, with an almost 60% emission reduction by 2030. The deforestation rate shall be reduced by 50% by 2030. Planned activities in this sector are: Improved management and monitoring of forest resources and forest land use; strengthened implementation of sustainable forest management; reducing deforestation; building capacity and engaging stakeholders. In addition, the NDC states that particular attention will be given to gender and vulnerable groups, in order to ensure that the country's adaptation and mitigation actions contribute to a more inclusive society.³⁸

Fiji has submitted an updated NDC in 2020. The country commits to achieve net-zero GHG emissions by 2050. In its updated NDC, the country reconfirms the targets set in its first NDC dated 2015 to reduce 30% of the CO₂ emissions from the energy sector by 2030, to reach close to 100% renewable energy power generation by 2030, to reduce energy sector CO₂ emissions by 10% through energy efficiency improvements in several industry sectors such as transport, industry and electricity. The updated NDC includes also new commitments, such as the reduction of domestic maritime shipping emissions, the adoption of Climate Smart Agriculture practices, the conservation of the country's natural environment and wealth in biodiversity in order to maintain valuable ecosystem services and the potential to sequester carbon. The country also commits to planting 30 million trees by 2035 and to implement the National Ocean Policy that shall contribute towards enhancing the ocean as a carbon sink.³⁹

Indonesia has submitted its enhanced NDC to the UNFCCC in September 2022. The country commits to reducing GHG emissions by 32% (unconditional, i.e. without financial support from outside) or by 43% (conditional on international financial support) by 2030.⁴⁰ Indonesia is the 8th largest emitter of GHG in the world and is thus making a considerable contribution to climate change.⁴¹ A very problematic sector in Indonesia is the land-use, land-use change and forestry (LULUCF) sector which has accounted for almost half of the country's emissions over the last 20 years. Between 2001 and

³⁷ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-d&chapter=27&clang=en

³⁸ Kingdom of Cambodia: Updated NDC (2020)

³⁹ Republic of Fiji: Updated NDC (2020)

⁴⁰ Republic of Indonesia: Enhanced NDC (2022)

⁴¹ <https://www.hrw.org/world-report/2022/country-chapters/indonesia#74d7dc>

2022, Indonesia alone contributed to more than 6 % of the total global tree cover loss.⁴² Although Indonesia has improved efforts in this sector and managed to decrease the annual tree cover loss in the last five years, reducing emissions from deforestation continues to be an urgent task for Indonesia.⁴³ This effort is reflected in Indonesia's latest NDC where the forestry sector is planned to contribute around 60% of the emissions reduction effort in Indonesia's climate targets. To meet these targets, Indonesia envisages the forestry sector becoming a net GHG sink by 2030. A permanent moratorium on primary forest and peatland destruction has been one of the main policies to limit deforestation since its introduction in 2011. The moratorium was renewed every two years and became permanent in 2019. The moratorium covers 41% of Indonesia's forests and peatlands – the remaining 59% is excluded as secondary forest (47%) and land within concession (12%). However, the efficacy of the moratorium is contested: while some claim that the moratorium is a good instrument to reduce deforestation in Indonesia, other research shows that deforestation has increased since it was implemented.⁴⁴

Lao PDR has presented a revised NDC in May 2021.⁴⁵ Lao PDR commits to reducing GHG emissions by 60% (unconditional) by 2030. Major strategies in the land use change and forestry sector to mitigate climate change are: reducing emissions from deforestation and forest degradation; fostering conservation of forests; sustainable management of forests; establishing buffer zones of protected areas and national parks; and enhancing forest carbon stocks. Projects that receive finances from the Green Climate Fund and the World Bank shall support the implementation of these strategies. To reach net-zero emissions by 2050, the Lao PDR aims to increase its forest cover to 70% of the land area. This objective depends on financial support from developed countries.⁴⁶

Prior to the military coup on 1 February 2021, **Myanmar** had submitted an updated NDC in July 2021.⁴⁷ In this NDC, the country commits to reducing GHG emissions by 50% conditional on financial support. One major sector to achieve this goal is the forest land and other land use sector where Myanmar has set the target of reducing deforestation by 50% by 2030 (conditional on financial support from other countries), and the target to reduce deforestation by 25% by the year 2030 (unconditional). The National REDD+ Strategy sets a target to achieve net-zero deforestation by the year 2045. To achieve these targets, Myanmar plans to address the drivers of deforestation, particularly the conversion of forest land into agro-business plantations (rubber, oil palm, betel nut, bananas, others). The country also emphasizes the need to fully implement the “Myanmar Reforestation and Forest Rehabilitation Programme” and to prioritize the conservation of important forest areas. Myanmar explicitly recognizes in its NDC that collaboration with ethnic regions and states, local and ethnic organizations must be increased to promote forest conservation work within and outside of the Permanent Forest Estate.⁴⁸ Due to the currently complex and challenging situation in Myanmar, it remains to be seen how much of the above stated goals will be reached.”

Papua New Guinea: Papua New Guinea (PNG) submitted its NDC in December 2020.⁴⁹ PNG, as a whole, was still a net sink in 2000 but turned into a net source of GHG emissions in 2015. The LULUCF sector historically acted as a huge sink in Papua New Guinea. However, due to land use changes and the decrease of forests in the last two decades, the sector has turned into one of the biggest sources of GHG emissions in PNG. Almost all deforestation was due to land-use conversion from forest land to cropland, in particular, subsistence agriculture and for oil palms plantation development. Logging was

⁴² <https://climateactiontracker.org/countries/indonesia/policies-action/>

⁴³ <https://climateactiontracker.org/countries/indonesia/>

⁴⁴ <https://climateactiontracker.org/countries/indonesia/policies-action/>

⁴⁵ Lao People's Democratic Republic: NDC (2021)

⁴⁶ [https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Lao%20People's%20Democratic%20Republic%20First/NDC%202020%20of%20Lao%20PDR%20\(English\),%2009%20April%202021%20\(1\).pdf](https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Lao%20People's%20Democratic%20Republic%20First/NDC%202020%20of%20Lao%20PDR%20(English),%2009%20April%202021%20(1).pdf)

⁴⁷ The Republic of the Union of Myanmar: NDC (2021)

⁴⁸ Republic of the Union of Myanmar: NDC (2021)

⁴⁹ Papua New Guinea's Enhanced NDC (2020)

the major driver of forest degradation, accounting for over 90 percent of the total degraded forest in PNG. In its latest NDC, PNG sets the target to turn the LULUCF sector into a sink again by 2030. This shall be achieved by a 25 percent reduction in both the area of annual deforestation and annual degradation compared to 2015 as well as an increase in the areas of forest planted. The government's REDD+ finance and investment plan is an integral part of the NDC Implementation Plan. The NDC also mentions carbon offsetting as a means to balance emissions particularly from the energy industries.

The **Philippines** submitted its first NDC in April 2021.⁵⁰ The country commits to reducing its GHG emissions by 75%. Most of this commitment is conditional on international financial support. Only a small fraction, 2.71% is unconditional. Peak emissions shall be reached by 2030.⁵¹ The forestry sector has not been included in the NDC as an emitting sector because the Philippines has claimed to be a "net sink".⁵² However, government projections show that this net sink is expected to decrease further over this decade due to deforestation and may eventually turn the sector into a source of GHG.⁵³ The Philippines Development Plan 2017-2022 includes strategies to rehabilitate and restore degraded natural resources and protect fragile ecosystems while improving the welfare of resource-dependent communities.⁵⁴ This includes the delineation of high value conservation areas as protection forest; sustained rehabilitation of degraded forestlands and strengthened protection of remaining natural forests as well as the enhanced management of protected areas and the sustainable management through the issuance of appropriate tenure arrangements.⁵⁵

Vietnam submitted its second updated NDC in November 2022.⁵⁶ The country aims to reduce emissions by 43.5% by 2030 conditional on international financial support. Major climate mitigation sectors are energy, agriculture, LULUCF as well as waste and industrial processes. The strategies in the LULUCF sector to mitigate climate change are the protection of existing natural forest areas in mountainous areas, with priority given to hot spots of deforestation and forest degradation; protection of coastal protection forests and special-use forests; restoration of protection forests and special-use forests; improvement of the quality and carbon stock of poor natural forests; improvement of productivity and carbon stock of large timber plantations; upscaling of agroforestry models to improve carbon stocks and conserve soil; sustainable forest management and forest certification.⁵⁷

These very short paragraphs on the countries' climate targets show that many countries in Southeast Asia and the Pacific put a strong emphasis on climate mitigation measures through land use change and forestry measures. Reducing deforestation, protection and restoration of forests and sustainable land and forest management are among the most popular measures. REDD+ and carbon offsetting measures play a very important role, e.g. in Cambodia, Indonesia and Papua New Guinea.

2.2. Conflicting policies

A recurring problem with regard to the countries' climate targets is that they are very often in conflict with their national development policies and plans which depend to a large extent on raw materials extraction or large-scale industrial agricultural projects. Indonesia is a good example for such conflicting policies: despite all the efforts and promises of the government to protect the forests, large-scale forest clearings have continued to take place over the last two decades.⁵⁸ The country is the world leader in palm oil production and huge areas continue to be cleared for new plantations. Indonesia is also an important exporter of coal and minerals such as nickel, lead, tin, zinc and many others. The

⁵⁰ Republic of the Philippines: NDC (2021)

⁵¹ <https://climateactiontracker.org/countries/philippines/targets/>

⁵² <https://climatepromise.undp.org/what-we-do/where-we-work/philippines>

⁵³ <https://climateactiontracker.org/countries/philippines/policies-action/>

⁵⁴ <https://climateactiontracker.org/countries/philippines/policies-action/>

⁵⁵ <https://climateactiontracker.org/countries/philippines/policies-action/>

⁵⁶ https://unfccc.int/sites/default/files/NDC/2022-11/Viet%20Nam_NDC_2022_Eng.pdf

⁵⁷ The Socialist Republic of Viet Nam: NDC (2022)

⁵⁸ <https://www.globalforestwatch.org/dashboards/country/IDN/>

country's most important economic activities are land-based and thus significant drivers of deforestation.⁵⁹ Indonesia's recent efforts to move away from exporting raw minerals and to process them into finished products to provide added value and create new jobs in the country has led to a higher demand of energy and this – in turn – impacts negatively on Indonesia's climate efforts: a huge fleet of new coal plants increased Indonesia's emissions by 21% in 2022.⁶⁰ An example that illustrates the dilemma between forest protection and economic development is that Indonesia signed the international forestry pledge at COP26 but later withdrew, stating that the pledge was not compatible with Indonesia's development goals.⁶¹ Similar tendencies can be observed in other countries such as Cambodia, the Philippines and Papua New Guinea.

2.3. Land rights of IPs and LCs in countries' NDCs

Large portions of the land on which the climate policy efforts described in the NDCs will be undertaken is under the customary land ownership of IPs and LCs. In its Special Report on Climate Change and Land, the Intergovernmental Panel on Climate Change (IPCC) emphasizes the importance of securing community land for climate change. Communities that have secure land rights will be more motivated to invest in measures for climate change mitigation and adaptation such as sustainable forest management and forest protection which will make them less vulnerable to the effects of climate change and will have positive effects for the climate as well.⁶² However, most of the governments fail to acknowledge the positive interrelation between secure land tenure for IPs and LCs and the protection of forests and do not take into consideration this important element in their NDC as part of their climate efforts. On the contrary, in many countries, climate policies fail to address land tenure insecurity – caused, among others, by a lack of legal recognition of customary land rights—and the related threats to traditional livelihoods faced by IPs and LCs. In several instances, the policies even contribute to the criminalization of traditional sustainable practices by defining them as drivers of deforestation. In Indonesia, for example, the indigenous Dayak Ngayu people in Central Kalimantan have used the *manyeha tana* system (slash and burn) for cultivating their land. This is a traditional soil management practice which is typical in tropical and sub-tropical areas where fire use and fallow time are key factors for controlling the dynamics of soil physical and chemical properties. However, the government has forbidden to use this practice and has criminalized indigenous farmers who apply the practice⁶³ while allowing companies to practice large-scale forest clearing for expanding their oil plantations.⁶⁴

When analysing in how far NDCs make any reference to human rights obligations, including the rights of IPs and LCs, the findings are that only a few countries make a general reference to these topics (Indonesia, Cambodia, Myanmar, PNG and the Philippines) while others do not make any reference to these topics at all (Fiji, Lao PDR, Vietnam).

Indonesia states in its NDC that “[...] Indonesia respects, promotes and considers its obligation on human rights, the right to health, the right of adat communities, local communities, migrants, children, youth, elders, persons with different abilities, and people in vulnerable situations; as well as the right to development, including gender equality, empowerment of women and intergenerational equalities.”⁶⁵

⁵⁹ <https://www.globalforestwatch.org/dashboards/country/IDN/>

⁶⁰ <https://climateactiontracker.org/countries/indonesia/>

⁶¹ <https://climateactiontracker.org/countries/indonesia/policies-action/>

⁶² <https://www.wri.org/insights/ipcc-calls-securing-community-land-rights-fight-climate-change>

⁶³ FIAN and Borneo Institute (2023): Policy Brief: Manyeha Tana - Local and/or indigenous agricultural systems that have not been recognized and protected by the State

⁶⁴ <https://www.wrm.org.uy/bulletin-articles/indonesia-forest-burning-and-punished-victims-the-tragedy-of-the-delang-indigenous-community-in-lamandau-central-kalimantan>

⁶⁵ Republic of Indonesia, Enhanced NDC (2022)

Cambodia states that “during the NDC implementation and particularly for mitigation measures in the FOLU, the Royal Government of Cambodia will seek to promote the rights of indigenous people, specifically concerning land ownership. Respect for the traditional knowledge held by indigenous peoples is integral to an understanding of traditional livelihoods and of culture and is, therefore, an essential component of safeguarding these rights.”⁶⁶

Myanmar’s NDC mentions nine principles that will guide the implementation of climate actions on the ground. The NDC explicitly states that FPIC (Free Prior and Informed Consent) will be integrated in all initiatives and emphasizes the government’s aim “to protect the rights of Myanmar’s citizens to live in a healthy environment and a fair, equitable, and sustainable society, in particular the poorest and most vulnerable people.”⁶⁷ However, since this NDC was published before the military coup, it is not clear whether the new government will stick to the pledges made in the NDC.

Papua New Guinea’s NDC states that the commitments made in the NDC “seek to ensure a gender-responsive and human rights-based approach in all related planning, programming, and implementation. This includes the participation of men, women, youths, and vulnerable groups in consultations, planning, decision making and implementation in the identified sectors, as well as ensuring men, women and youths have opportunities to develop sustainable low-carbon livelihoods.”⁶⁸

The Philippines’ NDC upholds “the importance of promoting the country’s obligations on human rights and the rights of its indigenous peoples.”⁶⁹

None of the NDCs provides any further detail on how protection of these rights will be enforced.⁷⁰ Nevertheless, the statements made in the NDCs offer good entry points for human and land rights organisations to advocate for the implementation of these pledges.

3. Entry Points for Advocating Land Rights in the Context of Climate Change

As we have seen above, climate change policies have significant impacts on land and land rights of IPs and LCs. The implementation of climate policies such as reforestation projects, carbon offsetting projects, the installation of wind parks, solar parks, hydropower plants or the establishment of natural parks and protected areas – all these measures require land and can possibly turn into threats for IPs and LCs where customary land rights are not fully recognized by governments and safeguards are not in place.

The numerous impacts of climate change policies on land and land rights of IPs and LCs make it an urgent task for land rights organizations to get involved in climate-change related issues. During the online discourse, several entry points for land rights advocacy in the context of climate change have been identified that can be taken up by CSOs and NGOs in order to influence the direction in which national and global climate action are developing:

Get informed

There are numerous examples where IPs and LCs have been deprived of their land or their right to live their culture and traditions for the sake of climate change mitigation. This is why it is of great

⁶⁶ Kingdom of Cambodia, Updated NDC (2020)

⁶⁷ Republic of the Union of Myanmar, NDC (2021)

⁶⁸ Papua New Guinea’s Enhanced NDC (2020)

⁶⁹ Republic of the Philippines, NDC (2021)

⁷⁰ AIPP (2022)

importance for land right organizations and communities to inform themselves about the interrelations between climate policies, land and communities' land rights. Identifying the relevant climate change policies, analysing their potential impacts on land and land rights of IPs and LCs and critically monitoring their implementation is the basis for advocating for land rights in the context of climate change. As Brot für die Welt's online discourse has shown, many partner organizations are already on the way to integrate climate change related issues into their land rights work.

Raise IPs and LCs awareness

Global and national climate action and the effects on land is a relatively new topic. This topic offers both, new opportunities and arguments to advocate for secure land rights, but also new risks for IPs and LCs and their right to land. Communities are often not aware of these opportunities and risks. Land rights organizations have an important role to play when it comes to informing communities on the climate - land interrelations and discussing with them the way how to deal with these. For example, it can be helpful to organize annual dialogues with IPs on the interrelation between NDCs and land rights. Since these interrelations are complex, they need to be presented and discussed in an understandable way.

Strengthen communities' identity as climate heroes

IPs and LCs also often do not realize the important contribution they have historically been making to mitigate climate change. Organizations that accompany communities can discuss this important role with them and thus contribute to strengthening their identity as climate heroes.

Advocate for secure land rights

As analysed in this study, the NDCs and climate policies of countries in Southeast Asia and the Pacific rely heavily on the land use and forest sector. Through these policies, the protection and sustainable management of forests and biodiversity rich areas are gaining increased importance. Land rights organizations can use this fact to pressure their governments to initiate reforms with the aim of securing customary land and resource rights in national law. Collective tenure rights and access to land for women represent the most cost effective, sustainable and equitable strategies to protect and restore vital ecosystem functions, conserve biodiversity, and reduce deforestation and forest and land degradation.

Introduce new narratives

Protecting forests and ecosystems is a key element of solving the climate crisis. However, as described in chapter 2.2, economic development policies and plans often run counter to the efforts of protecting forests and biodiverse ecosystems. Mining, industrial food production and agrobusiness as well as other extractive activities have devastating impacts on forests and ecosystems. In this regard, communities that resist the conversion of natural forests and ecosystems into plantations, mines or other extractive projects make an important contribution to the national climate mitigation efforts. However, governments often tend to see things differently: they accuse land rights defenders and owners of "opposing economic development" and criminalize them instead of valuing their effort to protect rich carbon stocks, biodiversity hotspots and important cultural lands. CSOs can use the climate pressure to present a new narrative to the government that depicts land rights defenders as climate heroes.

Provide evidence to governments on the important role of IPs and LCs

Gathering and presenting scientific research and analysis to the governments helps to prove the important role that IPs and LCs are playing for the protection of forests and ecosystems. Land rights organisations can demonstrate that lands that are managed by IPs and LCs are more biodiverse and store more carbon than areas that are under the control of other groups. This can be important data to urge governments to include secure land tenure as a key strategy in their national climate policies. As shown in this study, ensuring that IPs and LCs have legitimate and effective ownership and control of their land is a cost-effective and immediate contribution to mitigating the climate crisis.

Case Study: The case of Nagasaribu Community in North Sumatra, Indonesia

Nagasaribu is an indigenous community in North Sumatra. The Batak people have been living on their customary land for generations. For the Batak Indigenous Communities, forests are not only a source of livelihood, clean water and common property, but also have spiritual values. The land on which the forests grows is a living space and a sacred identity for the Batak. Socially and culturally, the land is the social bond between community members. It structures how the local indigenous Batak run their lives, interact with each other and develop socio-cultural institutions. Economically, land is their source of income. Ecologically, land is the symbolic mother that reproduces and must be protected for the future generations.

Since land plays such a vital role, the Batak people have maintained myths and rituals that support the conservation of the forest and the natural resources. Losing the land and the forest for the Batak means losing their identity. However, economic development programs have been putting increasing pressure on land for decades and have led to large-scale forest clearings.

The people in Nagasaribu have experienced land grabbing from a pulp factory that cut down the forest and grew eucalyptus trees for the production of paper. The community – with the help of KSPPM – fought for their rights as indigenous people. Through persistent lobby and advocacy work, they could achieve a decree that recognizes the community's right to their customary land. The pulp factory had to withdraw from the community's land. KSPPM supports the community in developing a sustainable land use plan which includes the reforestation of the destroyed area. An essential part of the community's and KSPPM's lobby work was to point to the obvious contradictions between the government's climate pledges and the contradicting practices on the ground. KSPPM could show to the government that the Batak indigenous communities cultivate the land and forest in a sustainable way using their traditional wisdom and protecting the climate.

A broad alliance of civil society organizations in Indonesia is pushing the government to accelerate and expand the recognition of IPs' and LCs' rights to their land and to make this a central part of the climate change mitigation policy and to reorient their climate policies from company-oriented to people-oriented.



Typical houses of the indigenous Batak people

Photo: Susanne Friess

Support full and effective participation of IPs and LCs in NDC monitoring and revision

Land rights and indigenous peoples' organizations and networks have an important role to play when it comes to advocating for the establishment of local and national levels mechanisms to facilitate the full and effective participation of IPs, indigenous women, indigenous youth, and indigenous persons with disabilities in the revision, implementation, monitoring and reporting of NDCs and other relevant climate-related policies.

Include IPs and LCs in development of national climate policies

There are numerous other climate change related policies in each country that possibly impact the customary land and livelihoods of IPs and LCs. Therefore, IPs and LCs need access and opportunities to represent their own interests and to engage on equal terms – ultimately exercising the right to self-determination. Land rights and IPs' organizations must advocate for the establishment of local and national-level mechanisms to facilitate the full and effective participation of IPs and LCs and to include them as rights-holders, knowledge-holders and agents of positive change in national climate policies. They must also insist that land-based climate policies must be based on consultation with the affected IPs and LCs and have their free, prior and informed consent (FPIC).

Cooperate with strong partners

Strategic alliances with national and international networks such as AIPP, the Climate Action Network, the Global Forest Coalition, CLARA and others help to increase pressure on governments to implement gender-just, rights-based and community-governed solutions to climate change.

Use international mechanisms to open new spaces for participation of IPs

Some climate programs and finance mechanisms like REDD+, the Green Climate Fund and others make the participation of IPs obligatory —for example, in technical working groups or in the development process of projects. This may represent an opportunity for land rights advocacy to bring IPs and LCs to the table. For example, the Green Climate Fund has an Indigenous Peoples Policy which sets out an approach to incorporating the circumstances of IPs into decision-making while working towards climate change mitigation and adaptation.⁷¹ The Cancun Safeguards also call for the full and effective participation of IPs. There are targeted efforts by international agencies such as UNDP and the UN-REDD Programme to bring indigenous voices into the national conversations. This can facilitate new spaces where indigenous representatives can engage with governments and advocate for their specific interests.⁷²

In Cambodia, for example, the Consultation Group for the country's REDD+ Programme provides comments and feedback to the REDD+ Taskforce. It links the REDD+ Programme with different networks and stakeholder groups. The Consultation Group includes two indigenous representatives. In addition to that, the Cambodian civil society has created the Cambodian CSOs REDD+ Network to serve as a platform for sharing information and to engage with policy dialogues and debates on protecting the benefit of indigenous peoples and forest dependent communities in REDD+. The CSO REDD+ Network aims to ensure full and effective participation of stakeholders in the implementation of the National REDD+ Strategy and promotes the implementation of REDD+ with transparency and good governance. It provides capacity building to members; organizes workshops where CSOs can discuss their perspectives on social and environmental REDD+ safeguards and formulate recommendations on related policies, law and regulations; empower CSOs' engagement in the ASEAN Social Forestry Networks and other important functions. Although there are many challenges in the process, the Network has had a significant influence on the debates and decisions with regard to REDD+ in Cambodia.⁷³

⁷¹ <https://www.greenclimate.fund/document/indigenous-peoples-policy>

⁷² AIPP (2022)

⁷³ <https://cambodia-redd.org/wp-content/uploads/2013/05/PEB-8-Presentation-6-Effective-engagements-with-local-stakeholders-Thiny.pdf>

In Vietnam, international climate and environmental policy processes such as REDD+ have helped consolidate greater respect and protection for IPs in national laws. Indigenous advocacy within these processes has contributed to “local communities” now being recognized as one category of “forest owners” in the Forest Law. This change has become an important legal entry point for promoting the recognition of community conserved areas.⁷⁴

Land rights organizations must make sure that the participation of IPs and LCs is not a mere proforma exercise but is turned into an opportunity to make IPs and LCs voices heard and respected in decision-making processes. They can support IP representatives with technical advice and help strengthen their negotiation skills. They can critically accompany the process and ring the alarm bell when IPs’ voices are not respected.

Provide technical and legal advice to communities

If communities are approached by carbon traders who offer them money in turn for protecting the forests, land rights organizations have an important role to play by accompanying the community in their decision-making process, providing technical information and legal advice. It is important for CSOs and communities to take sufficient time for these discussions and to make sure that all members of the community can actively participate, including women and the young people. CSOs can raise the community’s awareness on the long-term obligations that arise from signing a carbon project contract. Discussions on critical issues such as benefit sharing and the ways how benefits would be invested need good and continuous facilitation. If a community decides to engage in a carbon project, they will need long-term accompaniment in order not to convert the carbon project into a cause for social division and discord.

Advocate for strict national carbon market regulations

In forest-rich countries engaged in carbon projects, land rights organizations should network with other relevant organizations and networks to advocate for a strict carbon market regulation with safeguards that protect the rights of IPs and LCs. It is extremely important that IPs and LCs as well as land rights organizations are heard in this process and can bring their views and needs to the table. Such a consultation process needs time for the different stakeholders to understand and discuss the elements of the regulatory framework.

Case Study: Advocating for a carbon market regulation in Papua New Guinea

Papua New Guinea is an important destination for carbon offsetting projects. The country has large forests and wants to protect them apart from its natural resource sectors policies and plans. The protection of the remaining forests and reforestation are important elements of PNG’s climate mitigation strategy. In pursuit of this goal, PNG has opened up the market for land-based carbon projects. PNG is also one of the first countries in the world to adopt the REDD concept and had developed its REDD+ Strategy and Guidelines. Many companies, especially from Australia, offset their emissions through these projects.

The people in Kait community in New Ireland Province, Papua New Guinea, were approached by a US carbon trading company/developer that offered them money and other benefits in turn for the community to protect the environment and especially the virgin forest on their land. The carbon developer did not do proper Free Prior Informed Consent (FPIC) with the community but just approached a few chiefs through their main clan called Kamlapar and made them sign the contract. However, the community members did not really know their rights, nor their duties. And the majority of the community did not even realize what was going on. When they found out about the contract, conflicts arose in the community.

⁷⁴ AIPP (2022)

Conflicts also arose with the company: The carbon developer did not share information on how much money was involved in the carbon project, nor where it came from. There was a lack of information, a lack of transparency and a lack of communication with the community. The situation became worse when the promised money did not come. The community felt that the company had treated them unfairly. For the community, their engagement in the carbon market led to frustration, conflicts within the community and disillusion. With the help of FORCERT, the Kamlapar clan managed to hire a lawyer to take the carbon developer to court and claim their rights back. The process is still ongoing.

Against the backdrop of this and other examples, civil society organizations in PNG are very sceptical about the potential benefits of land-based carbon offsetting. Rather, they see the carbon market as a new instrument from the Global North to take control over the land and resources of communities in the Global South.

Communities signing contracts with carbon trading companies are mostly not treated as equal partners, but as service providers while the control of the projects very often is in the hands of powerful companies: They control the information, they control how the benefits are distributed between carbon trading company and community and they control the process.

This is why some organizations see carbon trading as a new form of extractivism and have shaped the term “carbon colonialism”. They argue that carbon trading includes a serious risk of restraining the rights of IPs and LCs to practice their traditional way of life and their culture, to control and manage their resources and ultimately to exercise their right to self-determination. Since the voluntary carbon market is growing fast in PNG, FORCERT – together with other organizations – is lobbying for a strict regulation of the carbon market. They insist that this regulation must provide safeguards for the communities with maximum benefits reaching the community as custodians of the land and forests. But even with the regulation in place, civil society organizations in PNG are clear that carbon offsetting projects will not solve the climate crisis. The only way to mitigate the crisis is to stop emissions.



Kait community

Photo: Susanne Friess

Reject false solutions

Land-based climate mitigation should not be tied to mechanisms that justify ongoing GHG emissions. Carbon offsetting is a convenient excuse to continue polluting the air and to take control over IPs and LCs land and resources. Net-zero targets that rely to a large extent on land-based climate mitigation measures will dramatically increase land competition and have serious negative implications for communities, rights and ecosystems. Communities and land rights organizations are therefore forming alliances with climate action networks to reject false solutions and advocate for real solutions. The more organizations get involved, the stronger the movement will be.

Advocate for real solutions

Land rights organizations have started to form strong national and international coalitions with climate action networks in order to advocate for real solutions. These real solutions are characterized by putting people and communities, their wisdom and their needs in the centre. They respect IPs' and LCs' rights and strengthen their capacity to protect and restore vital ecosystem functions, conserve biodiversity, reduce deforestation and land degradation. Real solutions recognize that collective land tenure rights are a key instrument for protecting the remaining forests and conserving them. Real solutions protect and restore natural ecosystems through agroecological farming which creates positive effects for the climate, soil conservation, biodiversity and food security. Real solutions do not postpone real climate action into the future but act now. Real solutions do not add new emissions to the atmosphere but put all the resources and efforts into cutting down the emissions. Real solutions insist on phasing out of the fossil fuel economy and divesting from these economic sectors. Real solutions prioritize human rights, the conservation of ecosystems and biodiversity over economic development. Land rights organizations have a lot to contribute to the debate on real solutions since they have been advocating for agroecology and food sovereignty; the support for small-scale farmers and fishermen; close-to-nature forestry practices; the recognition of IPs and small farmers' land rights and many other sustainable practices for many years and have excellent best practice examples to share that demonstrate that real solutions are possible, cost-effective and respect the rights of communities. Documenting, disseminating and advocating for these real solutions on the national and international level in cooperating with climate action movements will strengthen the debate and increase the leverage.

As we have seen in this chapter, there are many different entry points for CSOs, NGOs and the communities they accompany to engage in land rights advocacy in the context of climate change. In Brot für die Welt's online discourse, the participating land rights organizations showed that they are already on the way to incorporate these relatively new topics into their work and build communities' awareness on these issues. Brot für die Welt will continue to cooperate with partner organizations around the globe in the endeavour to strengthen real solutions and to lobby for them to become essential elements in national and international climate action.

4. Acknowledgements to participating organizations

This study summarizes important content and learnings from the online discourse on “Advocating land rights in the context of climate change” which was organized by Brot für die Welt in 2023. The following networks and organizations have provided valuable inputs for the online discourse:

Networks

- [The Asian Indigenous peoples’ Pact](#) (AIPP)
- [The Global Forest Coalition](#)
- [The Land Matrix Initiative](#)

Organizations

- [Carbon Market Watch](#) in Belgium
- [The Study Group for the People’s Initiative Development](#) (KSPPM) in Indonesia
- [FORCERT](#) in Papua New Guinea
- The Institute for the Development of Educational and Ecological Alternatives (IDEAS) in the Philippines
- [The Resilience Institute of the University of the Philippines](#) (UPRI)

Our thanks go to all the resource persons and participants of this exchange process for the great wealth of their valuable contributions.

Although many organizations contributed valuable information, the information in this study does not necessarily reflect the views of those organizations, nor of Brot für die Welt who commissioned this study.

5. Sources and Resources

The following publications and resource materials offer deeper insights into the issues discussed above and are recommended as further readings:

Nationally Determined Contributions (NDCs)

- Kingdom of Cambodia: Updated NDC (2020) https://unfccc.int/sites/default/files/NDC/2022-06/20201231_NDC_Update_Cambodia.pdf
- Republic of Fiji: Updated NDC (2020) <https://unfccc.int/sites/default/files/NDC/2022-06/Republic%20of%20Fiji%27s%20Updated%20NDC%2020201.pdf>
- Republic of Indonesia: Enhanced NDC (2022) <https://unfccc.int/sites/default/files/NDC/2022-09/ENDC%20Indonesia.pdf>
- Lao People’s Democratic Republic: NDC (2021) <https://unfccc.int/sites/default/files/NDC/2022-06/NDC%202020%20of%20Lao%20PDR%20%28English%29%2C%2009%20April%202021%20%281%29.pdf>
- The Republic of the Union of Myanmar: NDC (2021) <https://unfccc.int/sites/default/files/NDC/2022-06/Myanmar%20Updated%20%20NDC%20July%202021.pdf>
- Papua New Guinea: Enhanced NDC (2020) <https://unfccc.int/sites/default/files/NDC/2022-06/PNG%20Second%20NDC.pdf>

- Republic of the Philippines: NDC (2021) <https://unfccc.int/sites/default/files/NDC/2022-06/Philippines%20-%20NDC.pdf>
- The Socialist Republic of Viet Nam: NDC (2022) <https://unfccc.int/sites/default/files/NDC/2022-11/Viet%20Nam%20NDC%202022%20Update.pdf>

Tracking National Climate Action

- The Climate Action Tracker is an independent scientific project that continuously tracks government climate action and measures it against the globally agreed Paris Agreement aim of "holding warming well below 2°C, and pursuing efforts to limit warming to 1.5°C, <https://climateactiontracker.org/>
- UNFCCC: Nationally Determined Contributions, <https://unfccc.int/process-and-meetings/the-paris-agreement/nationally-determined-contributions-ndcs>
- Climate Land Ambition and Rights Alliance: The CLARA Guide to Nationally Determined Contributions is designed to help civil and indigenous groups understand the NDC process and get involved in national climate change response plans <http://peoplesndc.org/>

Rights and Roles of IPs and LCs in NDCs

- Asian Indigenous peoples' Pact (2022): Nationally Determined Contributions in Asia: Are governments recognizing the rights, roles and contributions of Indigenous Peoples? The study looks into the country contexts of 10 countries in Asia Bangladesh, Cambodia, India, Indonesia, Malaysia, Myanmar, Nepal, Philippines, Thailand, and Vietnam, https://aippnet.org/wp-content/uploads/2022/06/Nationally_Determined_Contributions_in_Asia_Overview_-_digital_-_Amended_03June-compressed.pdf

Land and Climate Interrelations

- CLARA (2017): Climate Action in the Land Sector. Treading Carefully https://www.boell.de/sites/default/files/clara_action_in_the_land_sector_final.pdf
- Dooley K., Keith H., Larson A., Catacora-Vargas G., Carton W., Christiansen K.L., Enokenwa Baa O., Frechette A., Hugh S., Ivetic N., Lim L.C., Lund J.F., Luqman M., Mackey B., Monterroso I., Ojha H., Perfecto I., Riamit K., Robiou du Pont Y., Young V. (2022): The Land Gap Report, <https://www.landgap.org/>
- International Panel on Climate Change (2019): Land–climate interactions. In: Climate Change and Land: an IPCC special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems, <https://www.ipcc.ch/srccl/chapter/chapter-2/>
- Land Matrix Initiative (2022): Large-scale land acquisitions in Asia, www.landmatrix.org/region/asia
- Oxfam (2021): Tightening the Net. Net zero climate targets – implications for land and food equity, <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621205/bp-net-zero-land-food-equity-030821-en.pdf>

Secure Land Rights as a Mitigation Strategy

- International Land Coalition (2022): Secure Land Rights to Secure the Climate Crisis, <https://www.landcoalition.org/en/resources/secure-land-rights-to-fight-the-climate-crisis/>
- LAND-at-scale (2023): Land Governance for Climate Resilience – a Review and Case Studies from LAND at-scale projects, <https://data.landportal.info/file/82230/download>

- Landesa (2022): Land Rights Matter - Policy Recommendations for Climate Action Through Land Tenure Security, <https://cdn.landesa.org/wp-content/uploads/Landesa-Land-and-Climate-Policy-Brief-June-2020.pdf>
- Rights and Resources Initiative (2017) : Securing Community Land Rights: Priorities & Opportunities to Advance Climate & Sustainable Development Goals, <https://rightsandresources.org/en/publication/securing-community-land-rights-rri-brief/>
- Rights and Resources Initiative (2018): A Global Baseline of Carbon Storage in Collective Lands. Indigenous and Local Community Contributions to Climate Change Mitigation <https://rightsandresources.org/publication/globalcarbonbaseline2018/>
- World Resources Institute (2021): 9 Facts about Community Land and Climate Mitigation, <https://landportal.org/file/65036/download>

How Carbon Credits work

- CarbonBrief (2023): Infographic: How are carbon offsets supposed to work? <https://interactive.carbonbrief.org/carbon-offsets-2023/infographic.html>

Critical Analysis of Carbon Offsetting

- CarbonBrief (2023): Can ‘carbon offsets’ help to tackle climate change? <https://interactive.carbonbrief.org/carbon-offsets-2023/index.html>
- CarbonBrief (2023): Mapped: The impacts of carbon-offset projects around the world <https://interactive.carbonbrief.org/carbon-offsets-2023/mapped.html>
- Carbon Market Watch (2020): Above and Beyond Carbon Offsetting – Alternatives to Compensation for Climate Action and Sustainable Development https://carbonmarketwatch.org/wp-content/uploads/2020/12/CMW_AboveAndBeyondCarbonOffsetting.pdf
- Climate Land Ambition and Rights Alliance (2023): No Space for Any Offsets in IPCC’s remaining Carbon Budget, <https://static1.squarespace.com/static/610ffde0dd5c39015edc6873/t/64134f6d5e62fc778c9f7775/1678987118518/No+space+for+ANY+offsets+-+FINAL.pdf>
- Compensate (2022): Reforming the Voluntary Carbon Market. How to solve current market issues and unleash the sustainable potential, <https://www.compensate.com/articles/white-paper-qa>
- Global Forest Coalition (2021): The end of False Solutions. Moving towards rights-based and gender-transformative solutions to climate change, <https://globalforestcoalition.org/forest-cover-68/>
- HEKS/EPER Land Forum (2023), The land-based carbon market: Perspectives from the Global South. Online Event Report, <https://www.heks.ch/media/7715>
 Online Session 1 (2 November 2023): Understanding the System: The land-based Carbon Market and its Impacts on the Ground
 Online Session 2 (9 November 2023): Improving the System: Avoiding Land and Human Rights Violations, Strengthening Climate Resilience
 Online Session 3 (16 November 2023): Changing the System: Alternatives towards Climate Justice, beyond Carbon Colonialism
<https://www.heks.ch/land-forum-2023>
- WALHI (2023): Civil Society Open Letter on Carbon Trading: Boycott! Carbon Trading – Stop the Release and Dismantling of Emissions, and Accelerate the Recognition of Customary Areas and Community-based Area Management, <https://en.walhi.or.id/boycott-carbon->

[trading-stop-the-release-and-dismantling-of-emissions-and-accelerate-the-recognition-of-customary-areas-and-community-based-area-management](#)

Legal Risks of Carbon Offsets

- Client Earth Briefing Paper (2022): Legal Risks of Carbon Offsets, <https://www.clientearth.org/latest/news/the-legal-risk-of-advertising-carbon-offsets/>
- Quinn Emanuel Trial Lawyers (2022): Carbon offsets: a coming wave of litigation? <https://www.quinnemanuel.com/the-firm/publications/client-alert-carbon-offsets-a-coming-wave-of-litigation/>

Overestimation of the Ability of Carbon Projects to reduce Emissions

- CarbonBrief (2023). Analysis: How some of the world's largest companies rely on carbon offsets to 'reach net-zero': <https://interactive.carbonbrief.org/carbon-offsets-2023/companies.html>
- The Guardian (2023): Revealed: more than 90% of rainforest carbon offsets by biggest certifier are worthless, analysis shows <https://www.theguardian.com/environment/2023/jan/18/revealed-forest-carbon-offsets-biggest-provider-worthless-verra-aoe>
- Follow the Money (2023): Showcase project by the world's biggest carbon trader actually resulted in more carbon emissions, <https://www.ftm.eu/articles/south-pole-kariba-carbon-emission?share=Mzy8G3cU3Fg7TwbQb62OpyxpIvkQER%2FH8UnxjJoQ%2BULhIhqoAXLQrmF%2FGCz7TUY%3D>

Critical Analysis of REDD+ Projects:

- Berkeley Carbon Trading Project (2023): Quality assessment of REDD+ carbon credit projects, <https://gspp.berkeley.edu/research-and-impact/centers/cepp/projects/berkeley-carbon-trading-project/REDD+>

Criminalization of Traditional Practices

- FIAN and Borneo Institute (2023): Policy Brief: Manyeha Tana. Local and/or indigenous agricultural systems that have not been recognized and protected by the State, <https://fian-indonesia.org/category/policy-brief/>

Relation between Mining and Deforestation

- WWF (2023): Extracted Forests – Unearthing the Role of Mining-Related Deforestation as Drivers of Global Deforestation, <https://climate-diplomacy.org/magazine/environment/extracted-forests-unearthing-role-mining-related-deforestation-driver-global>

Real solutions

- Global Forest Coalition: Climate-Just Pathways to Real Solutions & Real Zero: Taking stock of where we're at. A side event at the Bonn Climate Change Conference on Friday, 9 June 2023: <https://youtu.be/1TMIK81dJ6c>