

Brot für die Welt ANALYSIS

No. 111

Land and Climate: Rights at Risk

Civil Society Organisations Advocating for
Land Rights in the Context of Climate Change



Publisher

Brot für die Welt
Evangelisches Werk für Diakonie
und Entwicklung e. V.

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15, 17, 22), Florian Kopp (p. 9), Susanne
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Layout Simon Gümpel

Donations

Brot für die Welt
Bank für Kirche und Diakonie
IBAN: DE10 1006 1006 0500 5005 00
BIC: GENODED1KDB

Berlin, October 2024

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Introduction

The following report summarises the content shared in an online discourse on “Advocating for land rights in the context of climate change.” The webinar series was organised by Brot für die Welt. Representatives from 27 land

rights organisations 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 aim of the online discourse was to explore 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.

This study summarises the content delivered in the 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 climate pledges and the role of land for the achievement of national climate targets (chapter 2). The study presents 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 deepen the knowledge on the issue (chapter 4).

***Note:** We are using the terms indigenous peoples (IPs) and local communities (LCs) when referring to marginalised 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, we include small-scale farming and peasant communities as well as ethnic minority groups. For the sake of better readability, we summarise all these groups with the terms “IPs” and “LCs”.

Chapter 1

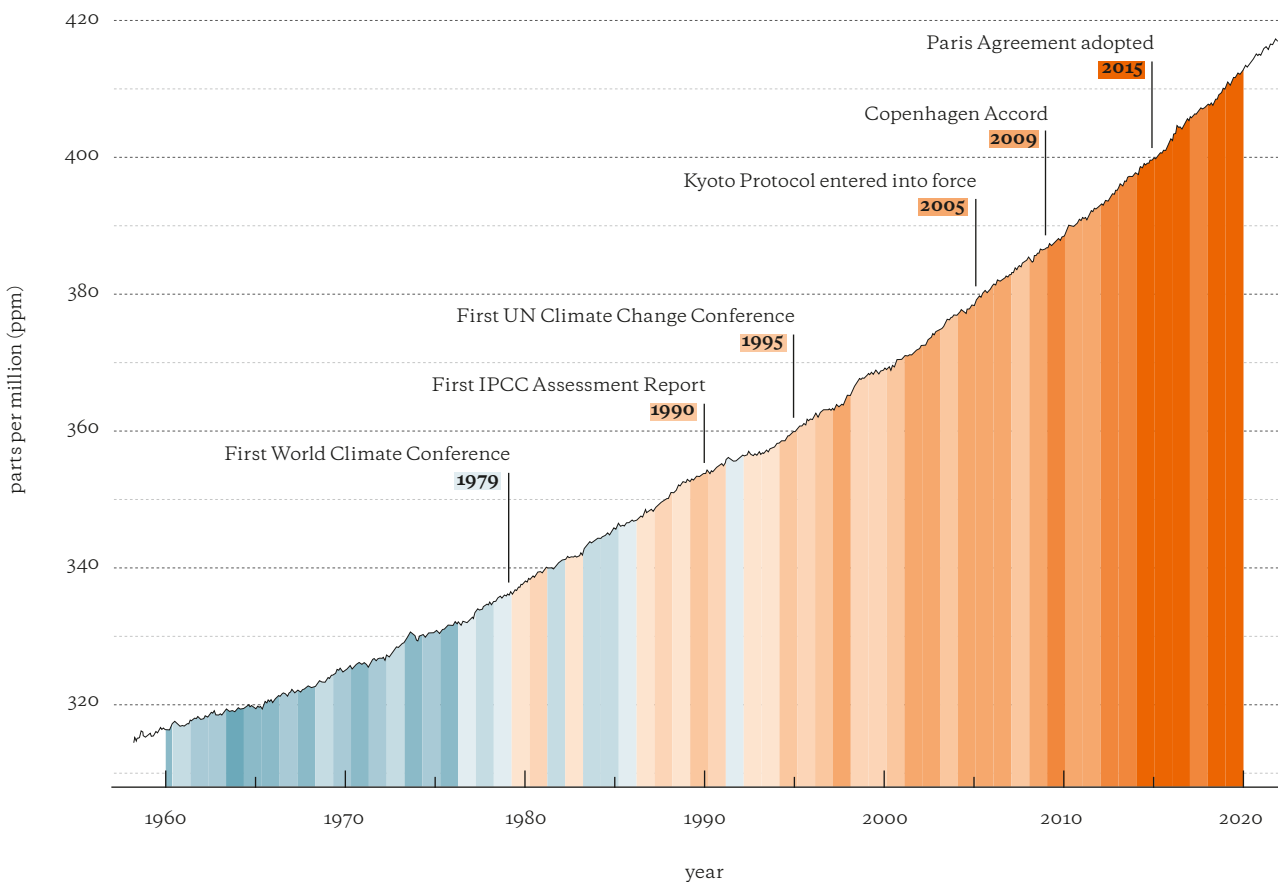
General Context

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 degrees Celsius since preindustrial times causing severe impacts on land and people especially in the Global South (→ earthobservatory.nasa.gov/world-of-change/global-temperatures).

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 (→ www.thegef.org/what-we-do/topics/land-degradation). 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 (Oxfam, 2021).



(credit: Scripps Institution of Oceanography, NOAA Global Monitoring Laboratory), and #ShowYourStripes average annual temperatures (credit: Ed Hawkins, University of Reading, and UK Met Office) CC-BY 4.0

Source: <https://www.theclimateadaptationcenter.org/2022/04/04/climate-warming-some-good-news-and-some-bad-news>



The giant trees in the rainforest of Papua New Guinea bind huge amounts of CO₂. Indigenous people and local communities are protecting them.

1.2 The Commitment to Limit Global Warming

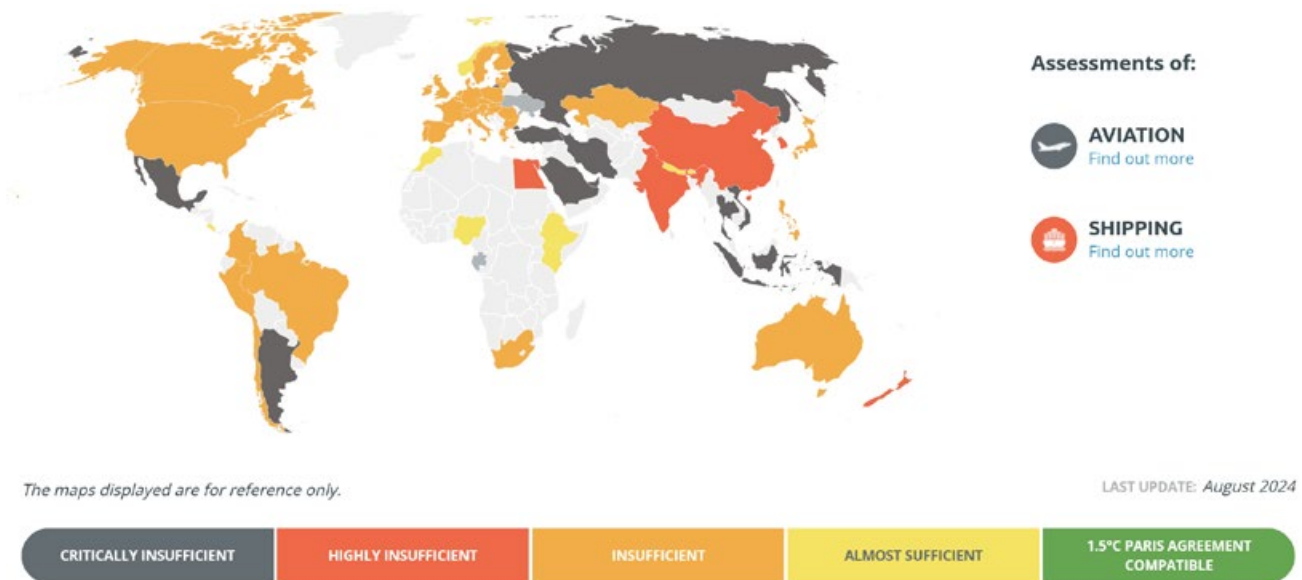
The Paris Agreement adopted by 196 state leaders in December 2015 set the goal to limit global temperature increase well below two degrees compared to pre-industrial levels and to pursue efforts “to limit the temperature increase to 1.5 degrees Celsius above pre-industrial levels” (→ unfccc.int/process-and-meetings/the-paris-agreement). 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 three degrees Celsius hotter atmosphere by the end of this century (→ www.theguardian.com/environment/2023/nov/20/world-facing-hellish-3c-of-climate-heating-un-warns-before-cop28). In order to achieve the goal formulated in the Paris Agreement, humanity needs to reduce emissions of greenhouse gases (GHG) by 48 percent compared to the levels of 2019 by 2030 and by 80 percent by 2040, reaching near zero by around 2050 (Client Earth, 2022).

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 national strategy how the country will reduce emissions and adapt to the impacts of climate change (→ unfccc.int/process-and-meetings/the-paris-agreement/nationally-determined-contributions-ndcs). 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.

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 (→ climateactiontracker.org/countries/).

The countries’ efforts to mitigate the climate crisis are rated as “insufficient”, “highly insufficient” or “critically insufficient”. Only less than ten countries in the world are



rated as “almost sufficient”. And no single country’s effort to mitigate the climate crisis is in line with the target formulated in the Paris Agreement.

1.4 Interrelations Between Land and Climate Change

Land and oceans play an important role for the stability of the global climate system since they take up and store around half of the GHG that are emitted into the atmosphere by human activities. 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 carbon storage capacity over the last decades and have caused massive releases of GHG from carbon stocks (→ www.globalcarbonproject.org/carbonbudget/22/highlights.htm). Industrial food systems are responsible for about 80 percent of deforestation, and almost 30 percent of the global GHG emissions. At the same time, they are the single largest cause of biodiversity loss on land (→ www.carbonbrief.org/un-land-report-five-key-takeaways-for-climate-change-food-systems-and-nature-loss/). All these factors reinforce climate change, while making the land use sector even more vulnerable to its impacts.

The land use sector is highly important for ambitious climate action (CLARA, 2017). However, land is a scarce resource that is not only needed for climate change

mitigation and adaptation, but also for other purposes – most importantly for securing our food supply, protecting habitats and supporting livelihoods. These different uses do not represent alternative choices or trade-offs, but are interconnected challenges that must be considered in all climate policies related to land, otherwise biodiversity and human rights will suffer.

1.5 Reducing Emissions vs. Balancing Emissions – The Trouble with Net-Zero

The Paris Agreement anchored the concept of “net-zero” emissions in international climate politics, thus marking a significant shift from the previous focus on decarbonisation of the economy. While decarbonisation aims to reduce CO₂ emissions to near zero by phasing out fossil fuels, transitioning to renewable energy sources, improving energy efficiency, and adopting low-carbon technologies etc., the „net-zero“ concept does not necessarily mean reducing emissions to near zero as quickly as possible. Instead, „net-zero“ refers to a state in which the GHG going into the atmosphere are balanced by removals out of the atmosphere.

This shift has led to the widespread adoption of “net-zero” climate targets by many governments. In their NDCs, more than 130 countries, including China, the

United States of America (US) and the countries in the European Union (EU), have pledged to achieve net-zero emissions by 2050 or later. However, many net-zero pledges are not backed up by corresponding short-term and interim emissions-reductions targets, such as for 2025.

In addition, committing to long-term net-zero targets enables governments to avoid or postpone immediate, drastic reductions of fossil fuel emissions as long as these emissions are balanced – to an often unclear and controversial extent – through carbon dioxide removal (CDR) from the atmosphere.

Most CDR schemes rely excessively on land and natural ecosystems to remove and store atmospheric CO₂. This includes protecting or restoring natural forests and wetlands, adopting sustainable soil management techniques as well as monoculture tree plantations. So far,

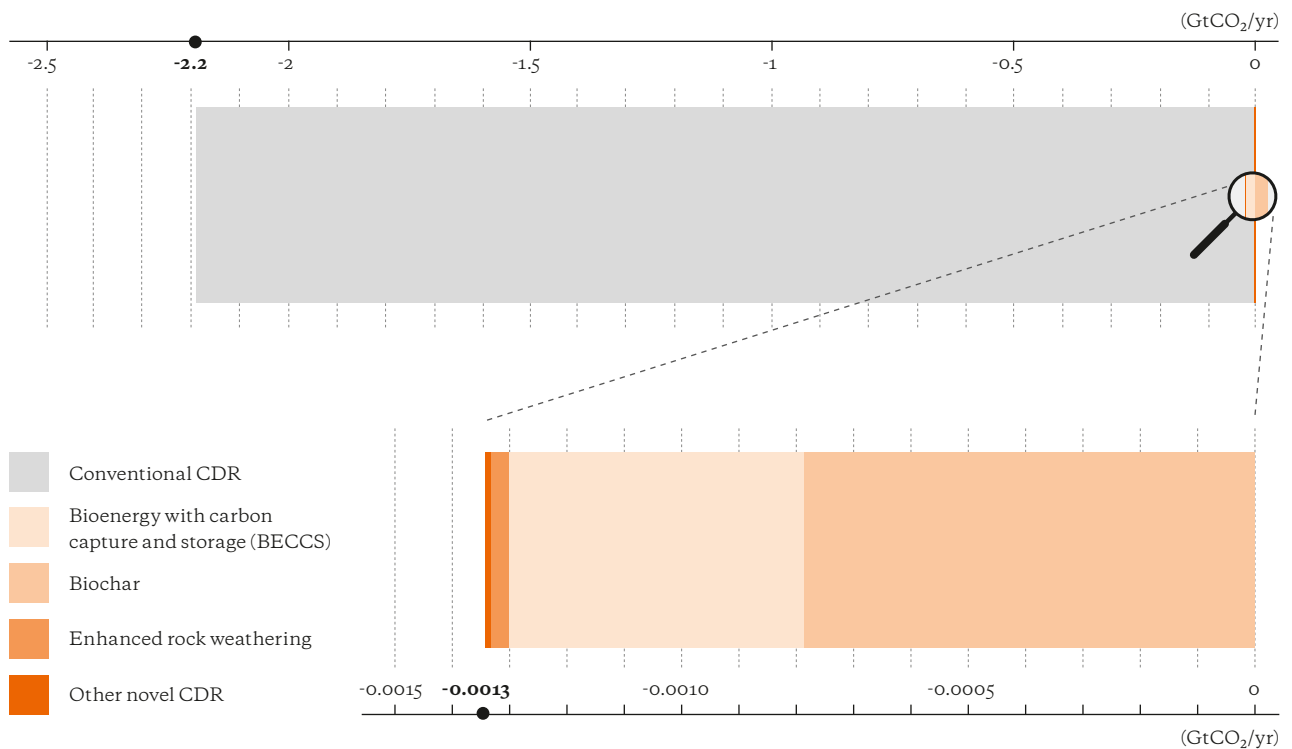
nature-based CDR, primarily through forestry activities, accounts for almost all of the current CO₂ removed from the atmosphere each year (Smith, 2024).

Other CDR measures are technology-based, such as Direct Air Capture (DAC) and Bioenergy with Carbon Capture and Storage (BECCS). DAC involves capturing CO₂ directly from the air and storing it underground, while BECCS combines biomass energy production with CO₂ capture and storage. However, the feasibility of these technologies at climate-relevant scales is not yet proven, and they are associated with excessive costs as well as far-reaching risks and side effects for people and ecosystems (Heinrich Böll Stiftung, 2019).

Many net-zero targets involve offsetting which means that carbon emissions in one country or by one company can be balanced with the avoidance or removal of

Only a tiny fraction of all carbon dioxide removal results from novel methods

Total amount of carbon dioxide removal, split into conventional and novel methods (GtCO₂/yr)



Conventional „nature based“ carbon dioxide removal – mainly through land use and forestry activities – account for almost all of the current CO₂ that is removed from the atmosphere each year (Smith, 2024).



Oil refinery in Ecuador: The Paris Agreement makes it possible to offset emissions in other parts of the world.

emissions elsewhere in 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 or removed by an 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 removals in their net-zero climate pledges. In 2023, 143 governments that have signed the Paris Agreement stated in their NDCs that they plan to use land-based carbon removals. Industrialised countries see it as a means to achieve their national climate targets. Countries in the Global South aim to access finances for their national climate action (→ carbonmarketwatch.org/campaigns/ccrm). This development is a cause for serious concerns as it could shift the mitigation burden away from reducing fossil fuel emissions to carbon removals through land and ecosystems on which local communities depend.

In addition to governments’ net-zero pledges, hundreds of companies, banks, insurers and investors have also made net-zero pledges (→ sciencebasedtargets.org/blog/500-companies-net-zero-ambition). These private actors try to reduce part of their emissions and buy carbon credits to offset the remaining emissions. Two thirds of the world’s biggest companies with net-zero targets rely on land-based carbon offsets to meet their climate goals. While most of these companies are based in the Global

North, many of the carbon offsetting projects they invest in are implemented in the Global South (→ [interactive. carbonbrief.org/carbon-offsets-2023/companies.html](https://carbonbrief.org/carbon-offsets-2023/companies.html)).

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 Voluntary Carbon Market (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” (→ www.unep.org/topics/climate-action/climate-finance/carbon-markets).

While the CCM is not very active, the VCM’s value grew from 300 million US dollar to 1 billion US dollar between 2018 and 2021, and it is estimated that it will continue to grow rapidly in the coming decades, possibly reaching 180 billion US dollar by 2030 (Quinn Emanuel Trial Lawyers).

1.6 Land-based Carbon Offsetting Projects

There are different types of nature-based carbon offsetting projects in the land use sector. Most common are reforestation, afforestation, and forest conservation projects. The latter are known as 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 (→ www.unep.org/explore-topics/climate-action/what-we-do/redd). The contribution of these REDD+ projects to significantly reduce deforestation and make positive contributions to mitigating the climate crisis are contested. Several studies have analysed REDD+ projects and found that many of them are far less beneficial than they claim (→ www.science.org/doi/10.1126/science.ade3535).

There are other so called “nature-based solutions” (NBS), such as:

- 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) (HEKS, 2023).

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 countries in the Global South 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. Land-based carbon projects accounted for over 66 percent of the transactions in the VCM in 2021 equivalent to more than 1.3 billion US Dollar (→ www.visualcapitalist.com/the-rising-demand-for-nature-based-climate-solutions).



Corporations contribute significantly to the destruction of the remaining forests. The forest on the land of the indigenous Batak people was cleared for eucalyptus plantations.

1.7 The Problem with Land-based Carbon Offsets

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 stick 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 simply no more space for any offsetting in the remaining global carbon budget to limit global temperature rise below 1.5 and even two degrees Celsius. 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. Several studies revealed that the majority of projects most commonly used within the voluntary carbon market have fundamental failings and thus cannot be relied upon to reduce or remove greenhouse gas emissions (→ www.theguardian.com/environment/2023/sep/19/do-carbon-credit-reduce-emissions-greenhouse-gases and → newrepublic.com/article/175773/popular-climate-solution-tank-progress).

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.

Critiques also say that it takes a long time to actually achieve carbon removals through nature-based solutions such as new tree plantations, afforestation and reforestation. A newly-planted tree can 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 of 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). Doubts about the reliability of such forest-based carbon offsetting projects have increased over the last few years since investigative journalists and academics have started to critically examine these projects and their climate impacts: A global research team 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. There are numerous other pieces of analysis that suggest that carbon trading fails to deliver meaningful mitigation benefits and rather exacerbates the climate problem since huge amounts of real

GHG end up in the atmosphere without the corresponding offset actually taking place (→ www.clara.earth/cmac).

These are just some of the reasons why international civil society networks and organisations such as the Global Forest Coalition (→ globalforestcoalition.org/forest-cover-68) or the Climate Land Ambition and Rights Alliance (CLARA; → www.clara.earth/clara-responds-to-net-zero) consider carbon offsetting to be a “false solution”. They do not oppose the valuable efforts to protect and restore natural forests and other ecosystems. What they criticise 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.

1.8 The Land Gap in Climate Policies

While it is urgently needed to halt deforestation and sustainably restore and manage lands and forests, the net-zero plans of governments and companies that rely on land-based carbon removals to offset ongoing GHG emissions are highly unrealistic. There is simply not enough land available to accommodate all these offsetting plans. The “Land Gap Report” shows that governments’ 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 US (983 million hectares), and more than three times the size of India (329 million hectares).

And this does not even include the offsetting plans from the private sector. Oxfam has analysed the net-zero targets of just four 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 United Kingdom. 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 US, or one-third of the world’s farmland (Oxfam, 2021). More than half of this area (633 million hectares) 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 the people to have full control over their land and resources (The Land Gap Report, 2022).

1.9 Negative Impacts on IPs’ and LCs’ Land Rights

Indigenous peoples and local communities are both victims of and important stakeholders in mitigating the climate crisis. Directly exposed to the effects of climate change and dependent on the natural resources, they 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 (AIPP, 2022). The IPCC found that gender inequalities are further exacerbated by climate-related hazards, and they result in higher workloads for women, occupational hazards indoors and outdoors, psychological and emotional stress, and higher mortality compared to men (→ www.globalcitizen.org/en/content/how-climate-change-affects-women/).

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

Land-based climate measures 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 criminalised for carrying out their traditional livelihood activities in their customary forest areas (Ibid.).

Since most of the governments do not explicitly recognise customary collective 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 recognise 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 recognise customary land of IPs and LCs will take control over untitled lands as well as the associated financial benefits (Ibid.).

Legal recognition of land rights is 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 253 billion tonnes of carbon. This huge amount of carbon is stored both in legally recognised and 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 (→ interactive.carbonbrief.org/carbon-offsets-2023/index.html#section-why-do-carbon-offset-projects-come-with-side-effects-for-indigenous-peoples-and-local-communities).

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. The civil society organisation 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 (Compensate, 2021).

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 (Oxfam, 2022). 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.



Up to 2.5 billion people, more than 370 million IPs, depend on collectively managed lands and forests. However, they legally own only ten percent of these lands.

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 (RRI, 2017).

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. Forest lands that are legally held by communities exhibit lower rates of deforestation, store more carbon, harbour more biodiversity, and benefit more people than lands managed by either public or private entities. 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. Stable climate conditions are essential for the global food production (→ indepth.oxfam.org.uk/land-rights/secure-land-rights-to-address-climate-change). Thus, IPs and LCs make an important contribution to mitigating climate change by adhering to their customary rules, practices and 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 important role of IPs and LCs for forest conservation, the world's climate and biodiversity, governments in their majority fail to recognise the contribution of IPs and LCs in protecting and sustainably using land, forests, territories and resources (RRI, 2018). On the contrary, communities face increasing threats of criminalisation and violence from the continued expanse of externally driven land-use schemes that fail to recognise the tenure rights of communities.

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

Chapter 2

National Contexts

2.1 NDCs in Southeast Asia and the Pacific

All countries in Southeast Asia and the Pacific have signed and ratified the Paris Agreement (→ treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-d&chapter=27&clang=_en). 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. NDCs look at different sectors (e.g. transportation, energy production, agriculture, forestry and land use, waste management etc.) and indicate which contribution the respective sector can make to reduce emissions and reach the national climate targets. An analysis of Southeast Asian and Pacific Islands countries' NDCs reveals that the climate pledges of most of these countries rely heavily on the forest and land use sector to reduce emissions. Reducing deforestation, protection and restoration of forests and sustainable land and forest management are among the most popular measures. For example, in Cambodia, the forest and land use sector shall provide the major share of the planned emissions reduction, with an almost 60 percent emission reduction by 2030 (Kingdom of Cambodia: Updated NDC,

2020). Similarly, in Indonesia the forestry sector shall contribute around 60 percent of the emissions reduction of the countries' climate targets (Republic of Indonesia: Enhanced NDC, 2022). Laos in its NDC also pledges to reduce emissions from deforestation and forest degradation, to foster the conservation of forests and enhance forest carbon stocks (Lao People's Democratic Republic: NDC, 2021). The likely effectiveness of these forest-based mitigation pledges is hard to determine because descriptions of activities are mostly very general and unquantified (The Land Gap Report, 2023). What is certain is that these policies do increase the pressure on land and on the communities that live on the land. On the other hand, protecting the remaining primary forests and engaging in large-scale ecological restoration of degraded forests is essential for solving the biodiversity and climate crises. This has to be done in a way that IPs and LCs are involved, and not excluded.

2.2 Conflicting Policies

A recurring problem with regard to the countries' climate targets is that they are very often in conflict with national development policies which depend to a large extent on



Governments often see indigenous peoples and local communities as development obstacles. They prioritise economic goals over ecological and cultural goals.

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 (→ www.globalforestwatch.org/dashboards/country/IDN). 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 country's most important economic activities are land-based and thus significant drivers of deforestation (Ibid.). 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 percent in 2022 (→ climateactiontracker.org/countries/indonesia). 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 (→ climateactiontracker.org/countries/indonesia/policies-action). 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. However, with few exceptions, the various national climate mitigation pledges have paid little attention to who is living on, using and managing the lands involved, much less to existing land rights of indigenous peoples and local communities (The Land Gap Report, 2022). In its Special Report on Climate Change and Land, the Intergovernmental Panel on Climate Change (IPCC) emphasises the importance of securing community land for mitigating the climate crisis. IPs and LCs contribute little to greenhouse gas emissions while maintaining some of the largest carbon stores on Earth. 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. This will make them less vulnerable to the effects of climate change and have positive effects for the climate (→ www.wri.org/insights/ipcc-calls-securing-community-land-rights-fight-climate-change). However, while the Paris Agreement explicitly mentions the importance of IPs in the preamble and several COP decisions have recognised the important role of IPs and IP rights, states are not encouraged to consider the recognition and inclusion of IP and LC rights in NDCs. A review of NDCs by the Rights and Resources Initiative revealed that less than 25 of 165 NDCs made commitments to advance or uphold the rights of IPs, LCs and women (→ rightsandresources.org/wp-content/uploads/2016/06/Indigenous-Peoples-and-Local-Community-Tenure-in-the-INDCs_RRI_April-2016_Summary.pdf). The issue of IP and LC land tenure and forest management has also received little funding from the international community (Rainforest Foundation Norway, 2024). Most 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. Climate policies do not address the issue of 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, climate policies even contribute to the criminalisation 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 criminalised indigenous farmers who apply the practice (FIAN and Borneo Institute, 2023) while at the same time allowing companies to practice large-scale forest clearing for expanding their oil plantations (→ www.wrm.org.uy/bulletin-articles/indonesia-forest-burning-and-punished-victims-the-tragedy-of-the-delang-indigenous-community-in-lamandau-central-kalimantan).

Chapter 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

recognised by governments and safeguards are not in place. At the same time climate, conservation and restoration pledges cannot be met without engaging indigenous peoples and local communities.

The numerous impacts of climate change policies on land and land rights of IPs and LCs make it an urgent task for land rights organisations to get involved in climate-change related issues. During the online discourse



The eucalyptus trees that were grown on the land of the indigenous Batak were processed in this paper factory.

of Brot für die Welt and partner organisations from Southeast Asia and the Pacific, 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 importance for land rights organisations 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.

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 organisations 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 organise regular 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 realise the important contribution that they have historically been making to mitigate climate change. Organisations 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

The NDCs and climate policies of countries in Southeast Asia and the Pacific rely heavily on the land use and forest sector. The protection, restoration and sustainable

management of forests and biodiversity rich areas are gaining increased importance. Land rights organisations 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, 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 are “climate heroes” since they 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 criminalise 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 emphasises the role of 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 show 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 grow is a living space and a sacred identity for the Batak. Socially and culturally, the land is the 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, national 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 the civil society organisation KSPPM – fought for their rights as indigenous people. Through persistent lobby and advocacy work, they could achieve a decree that recognises 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 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 organisations in Indonesia is pushing the government to accelerate and expand the recognition of IPs' and LCs' rights to their land, to make this a central part of the climate change mitigation policy and to reorient their climate policies from company-oriented to people-oriented.



The indigenous Batak have maintained their traditional culture and wisdom.

Support Full and Effective Participation of IPs and LCs in NDC Monitoring and Revision

Land rights and indigenous peoples' organisations and networks have an important role to play when it comes to advocating for the establishment of local and national level mechanisms to facilitate the full and effective participation of IPs, including 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 the 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. 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. As recognised by the IPCC: “Supporting Indigenous self-determination, recognising Indigenous Peoples’ rights, and supporting Indigenous knowledge-based adaptation is critical to reducing climate change risks and effective adaptation.” Land rights and IPs’ organisations 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 (→ www.greenclimate.fund/document/indigenous-peoples-policy). The Cancun Safeguards also call for the full and effective



In Kait community in Papua New Guinea, the carbon trading project has led to social conflicts.

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 (AIPP, 2022).

Land rights organisations must make sure that the participation of IPs and LCs is not a mere proforma exercise but is turned into an opportunity to make their voices heard and respected in decision-making processes. They can support community representatives with technical advice and help strengthen their negotiation skills. They can critically accompany the process and ring the alarm bell when communities' 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 organisations 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, young people and people with disabilities. 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 organisations should network with other relevant organisations 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 organisations 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 (PNG) 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 realise what was going on. When they found out about the contract, conflicts arose in the community.

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 organisations 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 organisations 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 organisations – 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 organisations 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.



The activists of FORCERT support the residents of Kait in realising their rights.

Reject False Solutions

Land-based climate mitigation should not be tied to mechanisms that justify ongoing GHG emissions. Carbon off-setting is a convenient excuse to continue polluting the air and 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 implication for communities, rights and ecosystems. Communities and land rights organisations are therefore forming alliances with climate action networks to reject false solutions and advocate for real solutions. The more organisations get involved, the stronger the movement will be.

Advocate for Real Solutions

Land rights organisations have started to form strong national and international coalitions with climate action networks in order to advocate for real solutions. These real solutions are characterised 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 recognise that collective land 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. They do not allow to add new emissions to the atmosphere but put all the resources and efforts into cutting down emissions. Real solutions insist on phasing out of fossil fuels and divesting from these economic sectors. They prioritise human rights, the conservation of ecosystems and biodiversity over economic development.

Land-rights organisations have a lot to contribute to the debate on real solutions since they have been advocating for the recognition of IPs' and LCs' land rights; agroecology and food sovereignty; the support of small-scale farmers and fisherman; close-to-nature forestry and other sustainable practices for decades and have excellent good practice examples to share which demonstrate that real solutions are possible. 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 shown 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 organisations have already started to incorporate these topics into their work and build communities' awareness on these issues. *Brot für die Welt* will continue to cooperate with partner organisations 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.

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)

UNFCCC: NDC Registry. <https://unfccc.int/NDCREG>

Climate Watch Data: Explore Nationally Determined Contributions. <https://www.climatewatchdata.org/ndcs-explore>

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. <https://peoplesndc.org>

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Secure Land Rights as a Mitigation Strategy

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LAND-at-scale (2023): Land Governance for Climate Resilience – a Review and Case Studies from LAND at-scale projects. <https://data.landportal.info/blog-post/2023/10/looking-back-land-scale-exchange-2023-scaling-way-forward>

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Abbreviations

ACoGS	Avoided Conversion of Grasslands and Shrublands
AIPP	Asian Indigenous Peoples' Pact
ALM	Agriculture Land Management
BECCS	Bioenergy with Carbon Capture and Storage
CCM	Compliance Carbon Market
CCS	Carbon Capture and Storage
CDR	Carbon Dioxide Removal
COP	Conference of the Parties
DAC	Direct Air Capture
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	Kelompok Studi dan Pengembangan Prakarsa Masyarakat (Study Group for the People's Initiative Development)
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
RRI	Rights and Resources Initiative
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

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