



ILC KEY MESSAGES FOR COP27 AND BEYOND

LAND RIGHTS AS A PATHWAY OUT OF THE CLIMATE CRISIS

OUR UNDERLYING PREMISE AS WE ENTER COP27 IS THE FOLLOWING

- » We are nowhere close to meeting the goal of limiting global warming to 1.5C leaving more than 3.5 billion people vulnerable to climate change. The most vulnerable of those are likely to suffer the greatest burden. Inequality is at the heart of the climate crisis.
- » Tenure security can play an important role in reducing inequality and supporting climate change adaptation and mitigation. It should become a critical pillar of ongoing negotiations and policy making.

Hence, the messages below specifically define why land rights matter in mitigation, adaptation and 'loss and damage' and present policy recommendations to propel actions. Holistically, the approach will also carry a positive impact in preserving biodiversity and tackling our planetary crises, keeping people that live on and from the land in the centre of decisions.

**INTERNATIONAL
LAND
COALITION**

WHY LAND RIGHTS IN MITIGATION

Indigenous Peoples and Local Communities,

- » 50% of land on the planet is held, used or managed collectively by Indigenous Peoples, Local Communities, farmers, pastoralists, fisherfolks and forest keepers, yet, only 10% of it is formally recognized. At the same time Indigenous peoples (IPs) and local communities (LCs) are recognized for their success in protecting their lands and territories, often more successfully than national authorities. It is estimated that they jointly manage 300 billion metric tons of carbon. Without tenure security, they are prevented from protecting their land against land use change, driven primarily by agriculture and resource extraction.
- » The protection of their land and resource rights is therefore considered one of the most cost-effective ways of mitigating climate change, with additional benefits that range from biodiversity conservation to the protection of our rivers, coastlines, rangeland and peatlands as well as other critical ecosystems.
- » The protection of IPs and local communities' land and territories is inextricably connected to the protection of their life styles, their social networks and their basic human rights, language and culture.
- » Pastoralists play a critical role in managing rangelands, which in turn contain one third of all soil carbon with potential to sequester more if conditions for their land rights are improved. Pastoralists are unrecognised allies in climate change mitigation.

Agriculture

- » From 2007 to 2016 agriculture, forestry and other land use produced almost a quarter of all human-caused greenhouse gas (GHGs) emissions. While large scale industrial agriculture is a key contributor to the greenhouse gas emissions, small-scale farms, however, use few fossil fuel-based fertilizers, hence emit few GHGs and often sequester CO₂ from the air into the soil, contributing to climate change mitigation
- » Agro-ecology, permaculture, agroforestry, improved grazing land management, crop rotation and fallows, residue management, reduced tillage and restoration of degraded land can contribute positively to climate mitigation. Tenure security is a prerequisite for successful implementation of climate mitigation measures in agriculture

WHY LAND RIGHTS IN ADAPTATION

- » Tenure security of Indigenous Peoples and Local Communities can ensure recognition of their cultural stewardship over the land, provide incentive for ecosystem restoration, sound management and use of their local ecosystems for livelihood generation, while continuing to provide critical ecosystem services, such as providing food and water, conserving biodiversity and storing carbon.
- » Having secure land tenure is the first step for local communities to be officially recognized as part of the adaptation planning, reducing their chance of being removed from their land, while providing an incentive for continuing to invest in the land through the adoption of sustainable land management practices or development of climate resilient infrastructure.
- » Secure access to and control over land, responsible for 80% of the agricultural production consumed in Asia and Africa, is a prerequisite for small-scale family farmers to be able to cope with the extreme weather situations they have been experiencing and which have caused their yields to decline.
- » Secure tenure increases access to finance through loans or other forms of financing.

WHY LAND RIGHTS IN LOSS AND DAMAGE

- » 'Loss & damage' is directly connected to land rights of people as natural disasters often end up in land loss or permanently altering/damaging the land that people live on and/or from. A large proportion of the world's vulnerable population live in land susceptible to natural disasters including coastal areas, semi-arid zones or land prone to erosion and landslides. The lack of land tenure excludes realistic assessment of 'loss & damage' depriving communities and individuals from compensation schemes and weak compensation laws further exacerbate the problem.
- » The 'loss & damage' of people, who live on and from the land extends to many other land related basic human rights including the right to life, food, livelihood, water, housing, health etc.
- » The cumulative effects of 'loss & damage' also causes loss of intangible assets, which cannot be captured monetarily. This is especially true for Indigenous peoples, pastoralists and other local communities, who lose their social networks, culture, traditions and local knowledge attached to their land and lifestyles.
- » Lack of land tenure will further increase the vulnerabilities of already marginalised communities as they will not be eligible for compensation or government support to recover and rebuild. This increases poverty, land inequality and potentially contributes to conflicts.
- » In the absence of secure land rights, individuals or communities tend not to leave their land in the face of natural disasters, increasing serious threats to their personal security.

ILC POLICY RECOMMENDATIONS

The efforts to bring land rights into adaptation, mitigation and 'loss & damage' discussions should be narrated and considered against the backdrop of persisting and systemic challenges that undermine tenure security for many of the world's most marginalized and vulnerable communities. These include:

- » Land, and sustainable land management, are under increasing pressure as demands for food, fuels, minerals, wind and solar energy and other products grow. Land of rural communities are under threat when governments allocate the rights to natural resources to oil, minerals, wildlife and trees, on their land to outsiders. These contribute to land inequality, poverty, forced migration and social exclusion and prevent inclusion of people as part of locally led solutions to the climate crisis.
- » The effective implementation and enforcement of laws are needed for communities to adapt to climate change and contribute to mitigation. Today customary laws and institutions are challenged, weakened, and in many places no longer able to safeguard land and commons for communities as governments fail to protect the land rights of people.
- » The increasing threat to land and environmental defenders (LED) hinders their ability both individually and collectively to fight against climate change. The increasing surveillance, stigmatization, harassment, criminalization, threats, arrests and detention of LED over the years have increased across the globe. In 2020, 227 LED were killed, an average of more than four people per week. Indigenous Peoples are at highest risk.

AGAINST THIS BACKGROUND, WE ARE MAKING THE FOLLOWING RECOMMENDATIONS

Secure IPs and LCs tenure and land rights and the rights to resources located within. Include IPs and LCs in decision-making.

- » Governments should enact laws to protect and strengthen the rights of IPs and LCs, women, pastoralists, small-scale family farmers, fisherfolks and forest keepers. Laws and practices that undermine IP's and LC's land rights should be identified, reviewed, repealed and replaced. Customary land rights need to be recognized. Allocating adequate budgetary allocations is fundamental in meeting the outcome of the progressive laws.
- » Governments need to recognize the invaluable traditional knowledge that Indigenous Peoples, pastoralists and other local communities have with respect to their local ecosystem and its contribution to climate change mitigation and adaptation. The preservation of such knowledge, culture and practices is inextricably linked to tenure security as well as rights to resources located within their lands and territories.
- » Rural land needs to be titled. While titling is not a guarantee of tenure security, formalisation of rural land tenure should be part of a policy priority for governments including support for commons and customary land systems. Such measures should also be responsive to the existing socio economic disparities in a society, preventing further marginalisation of certain segments. .
- » Governments should invest in newer people centred technologies to better administer secure land tenure with fit-for-purpose and transparent approaches, including computerised land information systems and open data systems.
- » Governments need to stop illegal operations, remove illegal occupants, and hold perpetrators accountable for their actions within IPs', LCs' and rural community land.
- » Governments need to embrace social justice and convivial conservation principles in their conservation practices and in mitigation measures. The Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs) and other relevant human rights norms provide a clear guiding path for state parties in prioritising a people centred land governance

Make land tenure a central component of national climate change strategies and plans:

- » Tenure security needs to be implemented in National Determined Contributions (NDCs), National Adaptation Plans (NAPs) and related National Action Plans on Climate Change. Given that securing land tenure is a low-cost investment, it is a cost-effective carbon mitigation and adaptation strategy when compared with other carbon capture and storage approaches. Land tenure assessment should be conducted in the preparation of NDCs and NAPs to adequately integrate complexities of local land tenure situations and to safeguard the needs and interests of all stakeholders, in particular the more marginalised groups, women and youth.
- » Tenure considerations are also crucial to the equitable distribution of benefits and the management of transaction costs in adaptation and mitigation efforts.
- » Measures should be taken to ensure that land-based mitigation efforts prevent green grabbing and concentration of control over land, thereby increasing land conflict and inequality and loss of access to land by Indigenous Peoples and local communities. People should be at the centre in netzero/carbon offsetting schemes beyond profit making market oriented approaches.

Provide meaningful citizen participation rights:

- » National laws affecting climate change should provide strong citizen participation rights, ideally requiring consent for all decisions affecting them. Government officials should be trained to facilitate effective consultations. Consultation procedures should require specific efforts to obtain input from women, youth and other relevant non-mainstream groups as relevant. Overall laws on Free, Prior and Informed Consent, and procedures for IPs and LCs need to be developed and implemented.
- » Governments should include IPs and LCs into the design and implementation of their NDCs and NAPs and other climate related national policy-making processes, also to ensure their integration of local practice and technologies, given their rich understanding of local ecosystems.

Protect land and environmental defenders:

- » Governments need to acknowledge the vital contribution by LEDs to sustain mitigation measures and their role in contributing to effective community participation in adaptation measures and establish an enabling environment that strengthens safeguards and reduces risks for them.

Integrate land tenure rights into 'loss & damage' discussion:

- » To reduce the impact from "loss and damage" and to build resilience, create separate 'loss and damage' funding facility. This is non-negotiable in order to protect the Global South from more devastating impact of climate change.
- » Land rights of IPs and LCs, women, pastoralists and small-scale farmers should be an essential component in assessing 'loss & damage'. This includes both tangible and intangible short-, medium- and long-term 'loss and damage' of peoples and communities who live on and from the land. Assessment of 'loss and damage' should always be bottom up approaches and people should be at the centre of it.
- » 'Loss and damage' should accommodate climate change induced migration and displacement due to land loss

Climate Finance

- » People at the grassroots should be the key focus of climate finance disbursement. Hence, disbursement mechanisms should enable systems for local communities to directly receive, and have access to finances.
- » Climate finance disbursement should not create inequalities by paving the way for conflicts among communities. Community consultations, transparency in financial disbursement processes and accountability for the disbursed finances matter in this regard.

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