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Secure land tenure: the key to climate resilience?

Strengthening land rights in climate change adaptation and mitigation policies



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Summary: Five things you need to know before the COPs

Secure land tenure is one of the keys to unlocking climate resilience. It ensures that marginalized communities, including women farmers and Indigenous Peoples, are empowered to actively contribute to climate adaptation, mitigation, and recovery. As we approach COP29 (UNFCCC), COP16 (UNCCD), and COP16 (CBD), the integration of land rights into global climate policies is essential to achieving equitable, sustainable solutions through carbon markets, climate-induced mobility, and loss and damage frameworks. Land rights must be at the heart of climate action if we are to build a just and resilient future.

1 Climate change adaptation and land rights: Insecure land tenure is a major barrier to climate adaptation for vulnerable groups such as rural women and smallholder farmers, and Indigenous Peoples. More than 2.5 billion people depend on land for their livelihoods, but in many countries land is often held informally or is undocumented. Strengthening land rights through National (Climate Change) Adaptation Plans (NAPs) can encourage investment in sustainable practices such as agroforestry, thereby contributing to climate resilience. COP29 and the SB 62¹ of the UNFCCC provide critical entry points for including land tenure in climate change adaptation strategies.

2 Carbon markets and land rights: As carbon markets grow, they create both opportunities and risks. Land-based climate change mitigation projects, such as reforestation, risk displacing communities unless robust land rights safeguards are included and enforced. Existing carbon standards – such as the Verified Carbon Standard (VCS) and Gold Standard – provide varying degrees of protection for land tenure, but a harmonized approach is needed. COP29 discussions on Article 6 of the Paris Agreement provide a platform to push for stronger land tenure protections in carbon markets².

3 Climate mobility and land rights: Displacement due to climate impacts is increasing, with 32.6 million people displaced in 2022 alone. **Secure land rights are crucial not only for displaced populations but also for host communities to prevent resource-based conflicts.** Global frameworks such as the Warsaw International Mechanism for Loss and Damage and the Sendai Framework offer guidance on integrating land tenure into disaster risk reduction and climate change adaptation strategies.

¹ The UNFCCC has two Subsidiary Bodies (SBs) – one for Implementation (SBI) and one for Scientific and Technological Advice (SBSTA) – which meet twice a year.

² UNFCCC, 2024: Key Standards for UN Carbon Market Finalized Ahead of COP29. More info [here](#).

4 Loss and damage and land rights:

The Loss and Damage Fund, established at COP27, aims to support communities affected by climate disasters. **However, without secure land rights, many vulnerable people have difficulty accessing recovery funds.** The Fund's operational framework, which was developed in 2024, must include land tenure considerations to ensure that displaced communities can rebuild. COP29 is a critical opportunity to advocate for this inclusion.

5 A joint land protocol for the Rio Conventions: The three Rio Conventions – UNFCCC, CBD, and UNCCD – all call for land use changes, yet only the UNCCD has explicitly addressed land tenure.

A joint land protocol could ensure that land rights are protected across all three conventions, supporting the rights of marginalized groups. This protocol would promote equitable climate action, biodiversity conservation, and land restoration, making it a priority for future COPs.



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»Everything we do relies on land. You don't have to call something 'land' to work on it. [...] We need to navigate the complexity and ambiguity to bring land issues into the discussions in all three conventions, because if we don't, there will be consequences for local communities already using the land, and then we will have failed.«

Olivier Rukundo, of the UNCCD Secretariat



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1 Introduction

Insecure land tenure is a fundamental barrier to climate adaptation and resilience, particularly for vulnerable populations such as women and smallholder farmers and Indigenous Peoples. An estimated 2.5 billion people worldwide rely on land for their livelihoods, yet in many countries of the world land is often held informally or without title, leaving many without legal protection. This insecurity exposes communities to risks such as displacement, loss of livelihoods and exclusion from climate adaptation efforts. For women, the problem is even more acute. Globally, less than 15 percent³ of all landholders are women, despite their critical role in agriculture and natural resource management. Without secure land rights, women are often excluded from decision-making processes and denied access to financial resources and adaptation programmes.

This inequity is not only an issue of social justice; it also directly undermines the effectiveness of climate strategies. Secure land tenure can increase investment in sustainable land management, enabling practices like agroforestry and climate-resilient agriculture, both essential for reducing vulnerability to climate change⁴. Studies also suggest that when women have secure land rights, they are more likely to invest in adaptation measures that benefit their families and communities, which enhances overall climate resilience⁵. However, lack of tenure security prevents these contributions, leaving communities less able to withstand climate impacts.

While current global climate frameworks address many aspects of adaptation and mitigation, they overlook the critical role of land tenure security, particularly for marginalized groups. This omission weakens the ability of vulnerable communities to adapt and exacerbates existing inequalities, especially in regions already suffering from the compounding impacts of climate change. Integrating land rights into climate policy is essential to achieving both climate justice and effective climate action.

This policy paper argues for the integration of land rights into global and national climate policies. It emphasizes the role of secure land tenure in addressing loss and damage, adaptation, climate-related human mobility, and carbon markets, four areas where land rights are critical to ensuring climate justice and enabling equitable resilience strategies. The paper builds on a discussion paper that developed explicit linkages between land rights and the four core issues. This policy paper provides recommendations for policymakers to strengthen land tenure in the context of climate action, with a focus on protecting vulnerable populations and unlocking their potential as active participants in climate mitigation and adaptation strategies.

³ FAO (2018): The gender gap in land rights. Accessible [here](#).

⁴ WRI (2019): Land Matters: How Securing Community Land Rights Can Slow Climate Change and Accelerate the Sustainable Development Goals. Accessible [here](#).

⁵ Meinzen-Dick et. Al (2019): Women's land rights as a pathway to poverty reduction: Framework and review of available evidence. Accessible [here](#).

2 Policy context and analysis

The landscape of global climate governance is highly dynamic, with climate policies constantly evolving in response to emerging environmental challenges and scientific evidence. Yet, despite the urgency of building resilience, secure land tenure remains a largely overlooked element in many climate adaptation and mitigation strategies.

Global frameworks

While frameworks such as the Paris Climate Change Agreement and the UN Sustainable Development Goals (SDGs) aim to promote climate resilience, they do not fully integrate land tenure rights, particularly for marginalized populations. The international legal frameworks governing land rights and climate action are anchored in the FAO's [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests \(VGGTs\)](#), which provide a foundation for secure tenure in the context of food security and sustainable development. These guidelines recognise that land rights are not static; they evolve and must be managed through a transparent, inclusive and accountable process.

The VGGTs outline specific conditions under which states may transfer or modify land rights. Part 4, titled “Transfers and other changes to tenure rights and duties,” details the procedures and conditions necessary for such changes. For example, national legislation concerning carbon sequestration may require changes to land rights, reflecting the need for an adaptive yet controlled approach to land management. Part 5 further emphasises the need for orderly procedures when making changes to land tenure systems; although land rights may change over time, any such changes must be made within a framework of fairness, transparency, and accountability. A key innovation in the VGGTs is the concept of legitimate tenure rights, which goes beyond formal legal recognition to include tenure rights that are deemed legitimate by local communities, customary systems and social norms. Recognising legitimate tenure rights is a crucial step which ensures that the rights of land users are not undermined by climate-related interventions, particularly those aimed at land-based climate change mitigation strategies, such as afforestation or carbon markets.

The VGGTs stem from international legal mandates, including the right to food as set out in various international agreements, such as the [World Food Summit \(1996\)](#) and various FAO resolutions. Both the Right to Food Guidelines and the VGGTs are based on the [International Covenant on Economic, Social, and Cultural Rights \(ICESCR\)](#), a legally binding international agreement that specifies what must be done to achieve the human right to food. While the VGGTs and the [Right to Food Guidelines](#) are voluntary in terms of application, the human right to food is binding, and all FAO have agreed to these guidelines as “good practices” for achieving this right. The Guidelines have been further legitimized through endorsement by the G20, Rio+20, and the United Nations General Assembly, reinforcing their role as a global standard for responsible land governance in the context of climate action.

The Rio Conventions – the UN Framework Convention on Climate Change (UNFCCC), the UN Convention on Biological Diversity (CBD), and the UN Convention to Combat Desertification (UNCCD) – all recognise the critical role of land in addressing climate change. However, the integration of secure land rights into these frameworks has been uneven. Of the three conventions, the UNCCD has taken the most explicit steps to link land tenure to climate goals, recognising that land degradation and desertification are deeply intertwined with tenure insecurity. The [UNCCD's decision on land tenure in 2019](#) was a landmark step towards embedding secure land rights in climate action, highlighting that tenure security is essential for achieving land degradation neutrality (LDN) and broader sustainability targets. While the UNFCCC and CBD address land management in terms of climate mitigation and biodiversity conservation, neither has made land tenure a primary focus. This omission limits the ability of national and international climate policies to effectively protect vulnerable communities from displacement, land grabbing and exclusion from the benefits of climate adaptation. The UNCCD decision on land tenure provides a model that should be extended across other global climate frameworks, ensuring that land rights, and women's land rights in particular, are included in climate resilience strategies.

At the national level, many countries have policies aimed at formalising land tenure, but these are often poorly implemented or fail to address the specific needs of marginalized communities. Gaps in enforcement, lack of gender sensitivity, and overlapping legal frameworks create confusion and make women's land rights particularly vulnerable. Strengthening both international and national legal frameworks to address these gaps is critical to ensuring that land rights are fully integrated into climate action, thereby increasing the resilience of vulnerable communities.

The year 2024 represents a critical moment for advancing land tenure security, with three key international conferences – COP29 of the UNFCCC, COP16 of the UNCCD, and COP16 of the CBD – providing platforms for integrating land rights into climate action. These Conferences of the Parties (COPs) offer an opportunity for decision-makers to address land tenure within the broader climate agenda, aligning adaptation, biodiversity, and land management goals. The UNCCD's most recent decision on land tenure in 2019 serves as a valuable precedent, and extending these discussions across the other Rio Conventions would ensure that land tenure becomes a central component of climate resilience strategies worldwide.

2024: The triple COP year of UNCCD, UNCBD, UNFCC

COP16 of the CBD, which will be held in Cali, Colombia, from October to November 2024, will focus on reviewing the progress made by countries in aligning their National Biodiversity Strategies and Action Plans (NBSAPs) with the goals of the Kunming-Montreal Global Biodiversity Framework. COP16 will also develop mechanisms for the fair and equitable sharing of benefits derived from genetic resources, while advancing biodiversity finance and reforming harmful subsidies. This COP represents a crucial moment to align biodiversity conservation with land tenure security, ensuring that marginalized groups can benefit from ecosystem restoration efforts and access to resources.

At COP29 of the UNFCCC, which will be held in Baku, Azerbaijan, in November 2024, there will be a strong emphasis on mobilizing climate finance, particularly for adaptation and the Loss and Damage Fund. This fund provides vulnerable communities with funding for rebuilding and resilience. COP29 aims to strengthen the effectiveness of carbon markets under Article 6 of the Paris Agreement, which has faced challenges in operationalization, and to close the adaptation finance gap by enhancing National Adaptation Plans (NAPs) and increasing resources for climate resilience.

COP16 of the UNCCD, taking place in Riyadh, Saudi Arabia, in December 2024, will mark the 30th anniversary of the UNCCD and focus on scaling up global efforts to restore degraded lands and build drought resilience, particularly in arid regions. Under the theme "Our Land. Our Future," COP16 emphasizes a people-centred approach that highlights the role of secure land tenure in promoting sustainable land management.

3 Policy options and recommendations

Lesson 1:

Rooted in resilience: unlocking land rights for climate adaptation

» Land rights and secure tenure arrangements are key to adaptation strategies with longer return-to-investment periods, such as agroforestry, soil conservation techniques and larger infrastructure construction. «

adapted from Murken & Gornott, 2022

Context

Land rights are an important piece of a wider 'resilience puzzle', particularly in the context of land-based approaches to climate change adaptation. Secure land rights and land tenure can shape responses to climate change by incentivizing long-term investments in land that help to reduce risks and enhance socio-ecological resilience. The stability afforded by secure land rights enables people and communities to manage their land and resources autonomously in ways that lead to positive outcomes.

Secure land tenure can positively influence the uptake and diversity of adaptation measures. Evidence suggests that adaptation strategies that require longer return-on-investment periods depend strongly on secure land tenure. This includes land-based adaptation measures, such as agroforestry, soil conservation, climate-smart agriculture, and the construction of physical infrastructure. In these cases, secure land rights and land tenure can act as an enabler for responsive and local-level autonomous means of adaptation at the local level. In addition, secure land rights improve access to financial resources and support systems, including services, training programmes, as well as cooperatives that offer vital safety nets.

Land rights can also act as a safeguard against maladaptation. Adaptation strategies that consider land rights ensure that all legitimate land users are actively involved in adaptation planning and implementation processes. Thus, the recognition of both customary and statutory land rights can help protect communities from the negative impacts of poorly implemented adaptation plans and measures. This is especially important for women farmers, who face barriers in accessing land due to gender-based discrimination. Strengthening women's land rights can also help reduce vulnerabilities, foster inclusive adaptation, and enhance resilience. Overall, land rights are vital to addressing socio-economic disadvantages, including poverty, food insecurity, marginalization and lack of resources.

Responsible land governance plays an important role in building local climate resilience. Responsible governance promotes transparency, participation, fairness, and equity in land-related decisions, ensuring that diverse stakeholders, including marginalized communities, are actively involved in adaptation planning. Such inclusive approaches not only increase the sustainability of local adaptation measures but also contribute to long-term climate resilience.

Analysis: what are the policy gaps and which global frameworks can be leveraged?

One critical policy gap is the lack of explicit integration of land tenure security in many National Adaptation Plans (NAPs) and Nationally Determined Contributions (NDCs) under the Paris Agreement. Although these frameworks emphasise resilience and adaptation, they often fail to recognise how insecure land rights limit the effectiveness of long-term adaptation measures, particularly for vulnerable groups. For example, adaptation strategies requiring long-term investments in land-based solutions are often sidelined when tenure insecurity prevents communities from making those investments.

► **National Adaptation Plans (NAPs):**

NAPs are the most direct entry point for embedding land rights into climate strategies. They focus on long-term adaptation, making them ideal for incorporating secure land tenure into sustainable land management and climate adaptation efforts. Fifty-two countries have submitted NAPs as of March 2024.

► **Nationally Determined Contributions (NDCs):**

While NDCs primarily target emissions reductions, they can also support adaptation. The inclusion of land tenure in NDCs can complement NAPs by ensuring that land rights are recognised as crucial for both mitigation and adaptation. The Global Stocktake under the Paris Agreement assesses collective progress towards climate goals and provides an opportunity to advocate for the inclusion of land tenure in climate action plans. Countries submit revised NDCs every five years. Countries are in the process of preparing their third round of Nationally Determined Contributions (NDCs), with the next major update deadline in early 2025.

► **Green Climate Fund (GCF) / Adaptation Fund:**

Advocacy for secure land tenure as a criterion for GCF-financed adaptation projects ensures that climate initiatives prioritize community resilience through land rights.

Policy options

Integrating land rights into National Adaptation Plans (NAPs) of UNFCCC:

National governments, particularly environment ministries and climate change agencies, are responsible for developing National Adaptation Plans (NAPs). This policy targets national policymakers, NAP coordinators, and key sectoral ministries responsible for land governance and climate adaptation. International organisations and donors providing financial and technical support should also be addressed. Integrating land rights considerations into NAPs enhances the sustainability and effectiveness of adaptation strategies. By recognising and protecting legitimate land rights, governments incentivize long-term investments in nature-based solutions (e.g., reforestation, agroforestry) and sustainable land management practices. These strategies, which often require extended return-on-investment periods, benefit significantly from tenure security.

Linking land governance frameworks with adaptation planning through the use of spatial data on land tenure arrangements supports disaster risk management. Spatial data can help identify vulnerable areas, guide recovery efforts, and prevent land disputes during post-disaster reconstruction. This integrated approach ensures that both land tenure security and climate resilience are addressed in a holistic and coordinated manner.

Integrating land rights into climate adaptation through land administration and land use planning. Land administration and land use planning play a critical role in aligning land rights with climate adaptation. By incorporating spatial data on land tenure into hazard-risk mapping and vulnerability assessments, policymakers can develop more comprehensive land and adaptation policies. This integration ensures that land tenure security is factored into disaster risk management and post-disaster recovery, reducing land conflicts and improving resilience. It also supports coordinated decision-making across sectors, ensuring that both land governance and climate adaptation goals are addressed together.

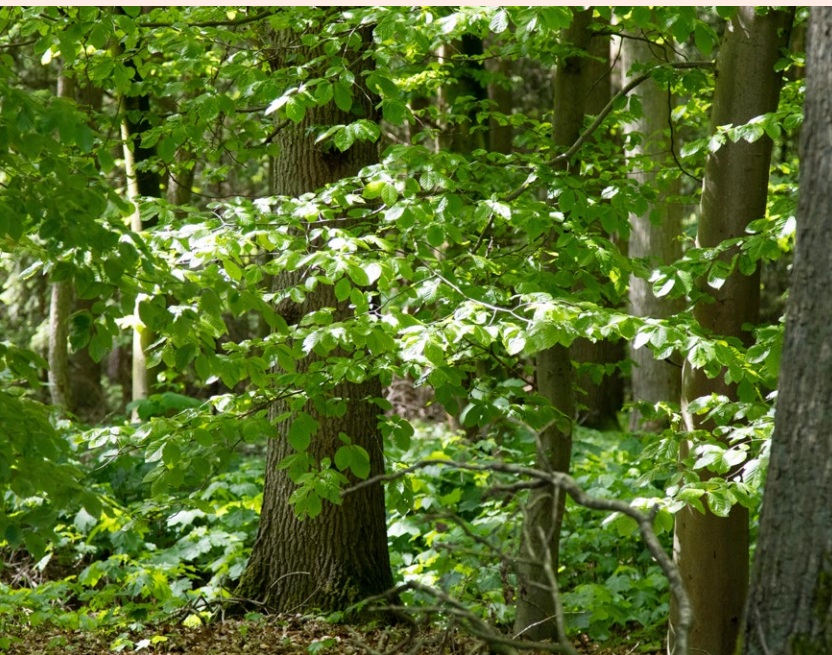


Lesson 2:

Carbon markets and land rights: grounding climate solutions in equity

»Carbon offset deals are proliferating, raising concerns about the rights of affected communities.«

McConnel, Maina, Woolfrey, 2024



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Carbon markets are now a central element of global climate governance, establishing mechanisms that facilitate trade in carbon credits to reduce, sequester, or avoid emissions in various forms. **Despite the growth in volume and value, carbon markets continue to be fraught with challenges around their design, transparency, and regulation, as well as broader environmental and social concerns.** The land sector plays a prominent role in these markets, generating credits by sequestering carbon through land-based measures, including reforestation, afforestation, and avoided deforestation. These interventions, however, can entail significant land-use changes with impacts on local communities' land rights and land tenure security.

A widely discussed concern with carbon market projects is their environmental integrity. Land-based and forest management projects, including REDD+, often face difficulties in verifying and

accurately measuring emissions reductions, which undermines transparency and accountability. These difficulties, coupled with inconsistencies in monitoring and gaps in regulation, continue to raise serious questions about the overall efficacy of carbon markets. Another key concern that has received attention in recent years is the increasing demand for land to implement carbon offset projects and the associated risk of "green grabbing" (i. e. where local communities are displaced and lands are appropriated under the pretext of environmental or climate action). Communities in insecure land tenure arrangements are particularly vulnerable to losing access to their lands, as they lack the full recognition of their (customary) rights.

Without strict enforcement of robust standards, regulations, and safeguards, land-based carbon projects risk causing environmental and social harm. For many communities, land and its resources are vital sources of livelihoods, and inadequate protection of land tenure arrangements can threaten livelihoods and exacerbate conflicts over land. **Instances of land disputes have already resulted in the discontinuation of several carbon market projects, highlighting the necessity of safeguarding land rights.** To mitigate such risks, land-based carbon projects must identify and document legitimate land rights holders prior to commencing the project activities.

In addition to acting as a safeguard, secure land rights can enhance the environmental outcomes of carbon market projects. People and local communities with secure land rights and tenure are more likely to adopt and invest in sustainable land management practices that preserve ecosystems and contribute to soil carbon sequestration. Moreover, secure land rights provide a foundation for local communities to exercise agency over project development, allowing them to influence how land is used and to access fair benefit-sharing arrangements. The recognition of land rights is therefore not just a social justice imperative; it is a strategic approach to ensure that carbon market projects are sustainable, credible and locally appropriate. For carbon market projects in the land sector to effectively support climate action, they must align with equitable land governance, linking the need for emissions reductions with respect for both customary and statutory land rights as well as local livelihoods.

Analysis: what are the policy gaps and which global frameworks could be leveraged?

Both the Paris Agreement and the Green Climate Fund (GCF) stress the importance of inclusive climate action, offering platforms to advocate for stronger land tenure protections in carbon projects. These mechanisms underscore the necessity of considering land rights in climate finance and governance structures to ensure equitable outcomes for communities engaged in carbon markets.

One major policy gap is the lack of standardized robust land tenure safeguards across all carbon standards. Given the inconsistencies between standards like [VCS](#), [Gold Standard](#), and Plan Vivo, a more harmonized approach is needed to ensure that land rights are uniformly respected and protected. There is an opportunity to strengthen the alignment of carbon market frameworks with international land governance standards, such as the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), to prevent the risk of land conflicts and displacement.

Policy options

Mandate comprehensive land tenure assessments in all land-based carbon projects, ensuring that communities' land rights are fully recognised and protected. This should apply to both the voluntary and compliance markets.

Harmonize carbon market standards in the voluntary market to include robust and consistent safeguards for land rights, drawing on frameworks like the VGGT. While these standards include principles for stakeholder engagement and land rights protections, their robustness varies depending on the framework used.

Link carbon market financing to compliance with strict land tenure provisions, ensuring that projects must respect statutory and customary land rights before receiving funding. The COP29 discussions on Article 6 of the Paris Agreement offer a platform to push for stronger land tenure protections in carbon markets.

The role of land rights in carbon standards

The rapid expansion of voluntary markets, particularly in land-based projects, raises concerns about land tenure security for local communities. To address these concerns, carbon standards – the rules and methodologies governing the Voluntary Carbon Market – include safeguards for land rights. However, the extent and effectiveness of these safeguards vary across. For example:

- ▶ The Verified Carbon Standard (VCS), which dominates the carbon market, includes some provisions for land rights but these are largely confined to stakeholder engagement protocols. Despite requiring assessments of claims to land, its safeguards for Indigenous and customary rights remain limited.
- ▶ The Gold Standard, the second-largest carbon standard, links climate action to the Sustainable Development Goals (SDGs) and includes a more formal process for assessing and documenting land tenure arrangements. However, its scope remains less comprehensive than needed to protect land rights.
- ▶ The Plan Vivo Standard, which focuses on community and smallholder projects, offers the most robust protection for land rights, requiring documented statutory and customary rights before any project activities commence. However, its market share remains small.

Lesson 3:

From displacement to stability: leveraging land rights for climate-resilient mobility

Context

Climate-induced human mobility is a multifaceted phenomenon that exposes displaced populations, particularly those without secure land tenure, to heightened risks. As climate hazards such as floods, storms, and rising sea levels intensify, people are forced to migrate, relocate, or remain immobile due to social or economic constraints. Without secure land rights, displaced populations and host communities will face increasing competition over land, leading to resource scarcity and conflicts.

In 2022, over 32.6 million people were displaced due to disasters, with 98% of these displacements linked to weather hazards⁶. This trend is projected to worsen, particularly in regions with significant environmental challenges. Secure land tenure is critical not only for the resilience of those forced to move but also for communities that remain in climate-vulnerable areas. Climate-related mobility takes three principal forms: migration, displacement and relocation, and immobility. Each form of mobility presents unique challenges for land tenure security. These can vary depending on the nature of the climate event, particularly between slow-onset and sudden-onset events. Addressing these challenges is crucial to preventing resource conflicts and ensuring equitable adaptation strategies.

The type of human mobility depends on the nature of climate events

For example, **sudden-onset climate events** like floods or storms typically force people to move quickly, often leading to immediate land tenure conflicts in both departure and destination areas. Displaced populations may struggle to claim secure land rights in their new locations, especially where relocation is state-managed but lacks sufficient tenure security provisions. Without these protections, displaced communities are at risk of further marginalization and exploitation, which heightens tensions over land use.

In contrast, **slow-onset events** such as drought or sea-level rise may not be immediately recognised as climate-induced by those affected. Communities experiencing gradual environmental degradation often attribute their movement to economic or social pressures rather than environmental ones. This affects how policies address their land rights, as these populations may not receive the same protections or resources as those displaced by sudden events. Moreover, people who remain immobile due to economic constraints or strong social ties can find themselves trapped in areas where deteriorating environmental conditions threaten their land tenure security. It is critical to develop adaptive land tenure frameworks that recognise the complexity of climate-induced mobility, including addressing insecure land tenure for both those who move and those who remain.

⁶ IDMC (2022): Displacement, disasters and climate change. Accessible [here](#).

Analysis: what are the policy gaps and which global frameworks could be leveraged?

Climate-induced displacement, migration, and immobility present unique land governance challenges that are insufficiently addressed in many national adaptation plans and global climate agreements. Although some frameworks, such as the Paris Agreement, make general references to vulnerable populations, specific policies that secure land rights for displaced persons, migrants, or those unable to leave climate-affected areas are limited. The absence of comprehensive land tenure security mechanisms can result in informal settlements, land-use conflicts, and further marginalization of vulnerable groups. As climate-induced mobility increases pressure on land and natural resources, the risk of land-use conflicts grows, particularly between displaced populations and host communities. To address this, climate adaptation strategies must integrate conflict resolution mechanisms tied to land tenure. This involves strengthening governance structures to manage land disputes and ensuring that land rights are recognised and protected for all parties involved. A key element of conflict resolution is ensuring that land governance frameworks are equitable and consider the rights of marginalized groups. By accounting for resource dependence and the different ways in which communities rely on land for their livelihoods, governments can mitigate resource conflicts, reduce competition over land, and prevent tensions from escalating into broader social unrest. Such actions are essential to fostering resilience in both displaced populations and host communities.

Several global frameworks provide pathways for integrating land tenure security into climate policies:

- ▶ **OHCHR Guiding Principles on Internal Displacement:** These human rights-based guidelines are designed to protect internally displaced persons (IDPs), emphasizing the need for secure land tenure in both relocation and return processes. This aligns with climate justice goals, ensuring that displaced populations can exercise their rights to land, housing, and livelihoods.
- ▶ **The Warsaw International Mechanism (WIM) for Loss and Damage:** The WIM, through its Task Force on Displacement, addresses climate-induced mobility by integrating human mobility issues into National Adaptation Plans (NAPs). The WIM's comprehensive risk management and displacement focus could provide practical steps to enhance resilience by securing land rights for displaced populations.
- ▶ **The Sendai Framework for Disaster Risk Reduction (2015–2030):** This framework emphasizes the importance of reducing disaster risk through sustainable land management. Strengthening land governance systems through this framework could mitigate the impacts of displacement caused by climate hazards and ensure secure land access post-disaster.
- ▶ **African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention):** This African Union convention focuses on safeguarding the rights of internally displaced persons and preventing arbitrary displacement.
- ▶ **International Drought Resilience Alliance (IDRA) and Drought Initiative:** Human mobility is inherently linked to drought resilience, as drought-induced displacement is a growing concern in many regions. In areas where drought leads to land degradation, loss of livelihoods, and resource scarcity, people are often displaced or forced to migrate. With the primary objective to halt and reverse processes of desertification, the UNCCD helps to integrate climate-induced mobility into their own frameworks or supporting frameworks such as IDRA.



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Policy options

Strengthen responsible land governance: In areas experiencing climate-induced migration and displacement, securing land tenure is crucial for both departure and destination areas. Governments should develop policies that prevent land-use conflicts and support the sustainable integration of displaced populations into host communities. Land use planning and early intervention in mapping vulnerable areas can help prevent unplanned informal settlements and resource conflicts.

Proactive and anticipatory climate mobility management: NAPs should incorporate human mobility, mapping vulnerable areas and ensuring land tenure rights for displaced persons. Frameworks like the Warsaw International Mechanism offer critical guidance for managing

migration, displacement, and immobility. Policies should recognise the legitimate land rights of displaced populations, ensuring they can return to their land or establish secure tenure in new locations. The Kampala Convention offers a valuable regional framework to ensure land tenure security in Africa.

Adopt a human rights-based approach: Policies should be guided by human rights principles, as outlined by the OHCHR Guiding Principles on Internal Displacement and the WIM. Ensuring secure land tenure for displaced populations is crucial for safeguarding livelihoods and preventing further marginalization. This approach would protect displaced communities from exploitation and ensure that their rights to land and resources are upheld.

Lesson 4:

Grounding justice: Safeguarding land rights amid loss and damage

»»When I had my land, my status in my community was high. After the river took my land, it lowered my position in society. I would not be facing these economic hardships if I had my land. People who own land can recover fast in a disaster.««

direct quote from a farmer in Bangladesh, originally published in [Wickramaratne and de Silva, 2023](#), p.10

Context

'Loss and damage' refers to negative impacts of climate change on human societies and the natural environment as a result of extreme weather events such as storms, floods and heatwaves, or slow-onset events such as rising sea levels, desertification, land degradation, and loss of biodiversity (LSE, 2022). These impacts occur regardless of any climate action taken to avoid or mitigate them. Communities in regions such as small island nations in the Pacific, coastal areas in Southeast Asia, and arid regions in sub-Saharan Africa are at greater risk due to geographical exposure to climate impacts, as well as poverty, marginalization, and other vulnerabilities.

Economic loss from climate change-related loss and damage is significant, with estimates suggesting global costs could exceed \$290 billion annually by 2030 (UNEP). Individuals and communities with insecure land tenure are especially vulnerable, as they face compounded economic challenges due to their inability to rebuild, claim compensation, or access recovery funds, further emphasizing the importance of integrating land rights into climate action frameworks like the Loss and Damage Fund. Additionally, **existing land laws may hinder affected communities' direct access to grant support**. On the other hand, **secure land rights emerge as a critical safeguard, helping to reduce vulnerability and support recovery from climate-induced**

damages. Secure land tenure can help mitigate both economic and non-economic losses by providing communities with the stability and security they need to rebuild their livelihoods.

The Loss and Damage Fund was established in 2022 through a decision at the 27th Conference of Parties of the UNFCCC (COP27) to provide support to communities affected by loss and damage. The Board of the Loss and Damage Fund will determine how affected individuals and communities access grant support and will also establish policies and processes for distributing funds and determine how recipient countries will access the Fund directly through budget support and regional, national and subnational entities ([Heinrich Böll Stiftung, 2024](#)).

The Board of the L&D Fund is currently working to define its operational modalities. Its meetings will include 26 participants selected from member-state parties to the Convention and the Paris Agreement, as well as active observers in line with decision 1/CP.28 (the Board will invite active observers, including representatives of youth, women, Indigenous Peoples and environmental NGOs, to participate in its meetings and proceedings).

Analysis: what are the policy gaps and which global frameworks could be leveraged?

So far, the land tenure rights topic has not featured in discussions on the **operationalization of the Loss and Damage Fund**. However, the Board has met only three times since it was established (in May, July and September 2024) with a fourth meeting scheduled to take place after COP29 in early December. This presents an opportunity to highlight the importance of considering land tenure rights, including legitimate tenure rights, in the operationalization of the Fund. Integrating land rights into the Fund's framework is also a critical step towards advancing climate justice, as secure land tenure is a human rights issue that directly impacts communities' resilience to climate change. By protecting these rights, the Fund would uphold its broader goal of providing equitable and just support for those most affected by climate-induced damages.

Additionally, the [Santiago Network of the UNFCCC](#) is expected to step into its role of providing technical assistance to the Board and to various stakeholders and organisations that will inform the Fund's operation. As the Network works towards delivering on this role, it can facilitate the prioritization of land tenure among the topics for discussion at the Board's meetings. In doing so, it should also make a strong case for introducing land tenure rights considerations into the operationalization of the Fund by presenting case study examples where such considerations can enhance how affected communities access grant support. It will be important to ensure that bureaucratic barriers do not prevent communities from accessing the Fund, particularly in regions where land tenure is informal or undocumented. Practical solutions, such as community testimony or alternative forms of proof, should be considered.

The Group of Seven major industrialized countries (G7) and the V20 (Vulnerable Twenty, an alliance of countries particularly vulnerable to climate change) are also joining efforts for loss and damage protection and preparedness. They established the Global Shield against Climate Risks, which helps countries and communities improve their financial protection against climate risks. It focuses on preparedness and resilience, enabling the rapid disbursement of funds following extreme weather events. The Shield's comprehensive risk management approach – integrating disaster risk management, social protection, and climate finance – could also be applied to land tenure issues. Incorporating land tenure into the Global Shield's framework would enhance its ability to build resilience in the most vulnerable regions.

Policy options

Integrating legitimate land tenure into the Loss and Damage Fund's operational framework by linking the global discussion on the operationalization of the Fund to local realities in developing nations. As the Board continues to define the operation of the Fund, it is important that they take into consideration the contexts and realities of the communities the Fund aims to assist.

The Board should seek to establish an operational framework to address tenure-related challenges that may limit affected communities' abilities to access grant support. These include absence of documented proof of tenure rights, despite there being a clear history of use of lands and land-based resources. The role of the Santiago Network in providing technical assistance to the Board and to various stakeholders and organisations that inform the Fund's operation offers a key entry point to begin integrating land rights issues into the Fund's operational framework. Additionally, loss and damage assessments conducted at the national and sub-national levels should include assessments of the land rights situation and propose ways to address the land rights component of loss and damage.

Enhancing the participation of representatives of Indigenous People and local communities, as well as the participation of Civil Society Organisations, in the Board's meetings and proceedings.

In its [second meeting](#), the Board passed a decision requesting the Fund's interim secretariat to develop a draft policy for participation of active observers in Board meetings and proceedings and to present this policy to the Board members at its fourth meeting. As the Secretariat prepares this policy, it will be important to ensure the representation of Indigenous People and local communities who can highlight the unique tenure-related challenges that they face, which may limit their ability to access grant support.

Incorporating secure land tenure into the framework of the Global Shield against Climate Risk. This would enhance the Shield's ability to build resilience, especially in communities at high risk of displacement or marginalization due to tenure insecurity. Lessons from the Shield could be shared with the Board of the Loss and Damage Fund, offering examples of how rapid disbursement mechanisms can be paired with land tenure considerations to provide more holistic support to communities affected by climate risks.

Lesson 5:

Is a joint land protocol essential for achieving the goals of the Rio Conventions?

» The implementation of the three Rio Conventions – UNFCCC, CBD, and UNCCD – requires significant land use changes but often overlooks a critical issue: land tenure rights. Imagine a single hectare where a woman grows food for her family. This same land is targeted for reforestation, biodiversity restoration, and land degradation neutrality. Without secure land rights, these initiatives risk displacing her and jeopardizing her livelihood unless her land rights are first recognised and protected. A joint land protocol is urgently needed to protect legitimate tenure rights across all three Conventions, ensuring that climate solutions are equitable and inclusive, particularly for women and Indigenous communities. «

Alexander Müller, Founder and Managing Director, TMG Research

Context

The three Rio Conventions – UNFCCC, UNCBD, and UNCCD – each require significant changes in land use to achieve their goals of addressing climate change, biodiversity loss, and land degradation. However, while technical aspects of land use have been addressed, a critical gap persists in addressing land governance and rights, particularly for marginalized communities. Without secure and legitimate land rights, the transformative changes needed for climate resilience, biodiversity conservation, and land degradation neutrality cannot be fully realised. The Sustainable Development Goals (SDGs) and international climate agreements, with the exception of the UNCCD, have not adequately incorporated the issue of secure land tenure. This gap threatens to undermine

sustainable development goals and global climate and environmental efforts.

Despite the objectives of all three Rio Conventions significantly relying on land use to achieve their targets, only the UNCCD has taken concrete steps to address land governance through its 2019 land tenure decision. The UNFCCC and UNCBD have largely focused on technical land-use solutions (e.g., emissions reductions and biodiversity conservation) without integrating the human dimensions of land governance, particularly land tenure security for marginalized populations.

One of the barriers to integrating land tenure in the Rio Conventions is the lack of institutional coordination between the different secretariats. Although the conventions share common goals, there has been little formal collaboration on the issue of land governance. A joint protocol would require improved coordination mechanisms to ensure that the conventions work together to secure land rights as part of their respective environmental objectives.

Analysis: what are the policy gaps and which global frameworks could be leveraged?

BMZ's *Feminist Development Policy* is built around three sets of principles: rights, resources, and representation (3 Rs). It explicitly advocates for gender equity and the empowerment of women and marginalized communities. These principles align with the need for secure land tenure under the Rio Conventions, as land rights for women and other vulnerable groups are essential for achieving equitable and sustainable development.

To complement the existing technical solutions, this joint protocol introduces an additional pillar focused on governance, rights, and equity. While technical approaches remain crucial, land governance and rights, particularly for marginalized groups, are often overlooked in global agreements. By addressing these issues, the protocol would enable the three conventions to work synergistically towards shared goals, promoting long-term, just transitions that benefit both the environment and vulnerable communities.

The implementation of a Joint Land Protocol is both feasible and actionable, but it requires global structural changes through improved coordination between the secretariats of the UNFCCC, UNCBD,

and UNCCD. The UNCCD's 2019 land tenure decision serves as a strong precedent, demonstrating how land tenure issues can be successfully integrated into environmental frameworks. Expanding this approach to the UNFCCC and UNCBD will require the leveraging of existing institutional frameworks and the fostering of deeper collaboration and alignment between the conventions.

- ▶ **The Rio Conventions already have COP mechanisms**, which bring together governments, international organisations and civil society to make decisions and commitments related to climate, biodiversity and land degradation. These platforms provide an ideal opportunity to introduce and endorse the Joint Land Protocol.
- ▶ **The UNCCD, having integrated land tenure into its framework, offers a template for the UNFCCC and UNCBD to follow.** Using the UNCCD's decision as a foundation, the protocol could be expanded to include climate mitigation and adaptation strategies (UNFCCC) and biodiversity conservation plans (UNCBD), ensuring that land tenure becomes a central part of all environmental action.

Creating formal coordination mechanisms between the secretariats of the UNFCCC, UNCBD, and UNCCD is essential for joint implementation. While the conventions have different mandates, their goals around sustainable land use and land governance overlap, making inter-convention collaboration both necessary and sensible. An inter-secretariat working group on land tenure could help harmonize their approaches and integrate land tenure security into each convention's strategic planning.

The success of the Joint Land Protocol depends on sustained political commitment from parties to the conventions. Securing land tenure, especially for marginalized communities, often requires legal and institutional reforms at the national level. This makes advocacy at the COPs crucial to ensure that land tenure becomes an integral part of climate and biodiversity action plans. Countries that have already shown leadership in land tenure reform, like those that supported the UNCCD's 2019 decision, could champion this effort in future UNFCCC and UNCBD discussions.

Recommendations

Adopting a joint protocol would send a strong message of fairness and equity in global climate governance. It appeals to values of justice, security and opportunity, particularly for marginalized groups. This protocol would represent a significant step toward a just transition by ensuring that all communities, regardless of status, can benefit from land-use changes and contribute to sustainable development.

Develop a joint protocol for securing legitimate land rights, particularly for women, under the Rio Conventions:

This protocol would address the often ambiguous and contested nature of land rights, ensuring they are central to climate action, biodiversity conservation and land restoration. By establishing clear guidelines on tenure security, the protocol would protect vulnerable populations from displacement and resource loss.

Promote VGGT-aligned coordination across the Rio Conventions to address tenure rights: Leveraging the joint protocol, the UNCBD and UNFCCC should align with the UNCCD's land tenure decision by adopting VGGT principles, establishing consistent land governance approaches across the Conventions.

Embed VGGT-based land tenure safeguards in national and program-level policies: The joint protocol can guide parties to adopt VGGT-based safeguards at the national level, securing tenure rights, especially for vulnerable communities, in climate and biodiversity policies.

The Women's Land Rights Initiative (WLRI), hosted by TMG Research, the Robert Bosch Stiftung, the Huairou Commission, and the Secretariats of the three Rio Conventions, can serve as a key sounding board for advancing this proposal. The WLRI provides a collaborative platform that centers women's land rights within the Conventions and bridges local experiences with global policy-making. Through regular dialogues, capacity-building efforts, joint planning, and pilot initiatives, the WLRI can help shape the protocol's development and promote broad-based political engagement across countries. This approach ensures the protocol remains responsive to the specific needs of women and marginalized groups, fostering equity in land governance.



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