

Policy Priority: Integrating Land Tenure in NDCs

Landesa at UNFCCC COP 29

The purpose of this document is to support and guide the integration of land tenure in the updated Nationally Determined Contributions (NDCs) that countries need to submit by February 2025.

Introduction

Secure land rights are essential to achieving climate mitigation and adaptation goals. Strong evidence indicates that healthy ecosystems managed by communities with secure land rights are highly effective carbon sinks. Protecting land rights of Indigenous, rural, and local communities supports equitable and inclusive land and forest management systems.

Two and a half billion people worldwide depend on land for their livelihoods. This land also protects ecosystems vital for climate mitigation and adaptation. However, only a minority of these rural and Indigenous lands are legally recognized, leaving millions of rural residents at higher risk of climate impacts and exploitation. The lack of legal recognition also makes these natural resources more vulnerable to degradation, which can exacerbate food scarcity, migration, and conflict.

Integrating land tenure into NDCs fosters a rights-based approach that aligns with global frameworks such as the Sustainable Development Goals (SDGs) and the Paris Agreement. By ensuring tenure security, governments can empower land-dependent communities to adopt and enhance sustainable agricultural practices, forest conservation and restoration, and sustainable ecosystem management efforts, which are crucial for both adaptation and mitigation.

Why should rural land tenure considerations be included in my country's NDC?

- **Secure rural land tenure is essential for effective climate adaptation and mitigation in agriculture and forestry sectors.** When landholders have secure rights to land, they are more likely to make long-term investments in land, such as adopting regenerative agriculture practices or extended rotation forestry, which can enhance soil health, improve water efficiency, increase crop yields, and store more carbon in the soil. Secure land rights also provide incentives for farmers to invest in adaptation measures, such as agroforestry systems, forest belts, and tree windbreaks, among others.
- **Secure rights of Indigenous Peoples and local communities are essential for achieving mitigation through restoration, conservation, and reduced degradation.** Secure tenure rights for Indigenous Peoples and local communities are strongly correlated with reduced deforestation and forest degradation.ⁱ
- **Inclusive processes that integrate the perspectives of rural land users and rights holders will result in more effective responses and avoid negatively impacting rural women and men.**
 - Rural land users are a crucial constituency for effective and equitable response measures. Women, Indigenous Peoples, and rural land users in general hold critical knowledge of sustainable practices and the capacity to implement local-level solutions (e.g., climate-

smart agriculture, landscape restoration)—even when those solutions are crafted and resourced at the national level.

- The effective development of these policies and their implementation should thus thoroughly consider both the interests and capacities of rural land users, with a special focus on gender equality and social inclusion. However, these perspectives are often absent from national-level climate change planning and policymaking.ⁱⁱ Women, in particular, are often excluded from adaptation programs due to a lack of control over land, financial constraints, and social norms that do not recognize women as farmers.ⁱⁱⁱ
- The negative impacts of response measures often fall disproportionately on rural land users. This is particularly true for women and others who face discrimination and marginalization.^{iv} For example, several land-based renewable energy and carbon projects have violated the rights of Indigenous Peoples as well as the rights of local communities.^v
- **NDCs must respect the human rights of Indigenous Peoples and local communities.** Apart from considerations of efficiency and effectiveness, NDCs must uphold the fundamental rights of Indigenous Peoples and local communities to land as their source of livelihood, as well as other human rights intrinsically tied to land and natural resources. This requires alignment with national and international legal and policy commitments in formulating NDCs (further discussion below).

Additional resources on the importance of including secure land tenure in NDCs:

- UN global frameworks protecting tenure rights in the context of climate change policy or Indigenous Peoples and local communities, such as:
 - [United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas](#)
 - [United Nations Declaration on the Rights of Indigenous Peoples](#)
 - [General comment No. 26 \(2022\) on land and economic, social and cultural rights](#)
- Applicable regional frameworks, targets and aspirations, such as: [Agenda 2063: The Africa We Want](#)

How can land tenure considerations and indicators be built into an NDC?

Step 1: To identify land tenure gaps and opportunities, review existing NDCs to determine if any land tenure considerations are already built in. Review specifically for language on land use planning or land administration that omits the obligation to strengthen tenure for local land stewards. This kind of content, when it does not use a rights-based approach, can undermine ecosystem stewardship, contribute to emissions, and violate the rights of rural people.

Step 2: Review existing technical guides and resources that outline internationally recognized standards for land tenure and rights applicable to NDCs and other frameworks, including:

- [The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security \(VGGT\)](#). The VGGT were widely agreed upon by governments globally and adopted in 2012. They comprise the most authoritative standards on tenure internationally.

- [Technical guide on the integration of the voluntary guidelines on the responsible governance of tenure of land, fisheries and forests](#). This guide was created by the FAO and the United Nations Convention to Combat Desertification (UNCCD) to support Parties to the UNCCD in integrating equitable tenure and land governance interventions into land degradation neutrality (LDN) initiatives. This guide could support the integration of tenure issues into NDCs in areas related to agriculture, forest, and other land uses (AFOLU).
- [Governing Land for Women and Men: A technical guide to support the achievement of responsible gender-equitable governance of land tenure](#). This guide from the FAO on VGGT implementation could inform the integration of gender issues related to land tenure and governance in NDCs.

Step 3: Review UNFCCC highlights and references on women's, local communities' and Indigenous Peoples' land rights, including:

- [COP 23, Establishment of Gender Action Plan](#)
“Noting that gender-responsive climate policy continues to require further strengthening in all activities concerning adaptation, mitigation and related means of implementation (finance, technology development and transfer and capacity-building) as well as decision-making on the implementation of climate policies...”
- [COP 26, Decision 20: Gender and Climate Change](#)
“Recognizing that the full, meaningful and equal participation and leadership of women in all aspects of the UNFCCC process and in national- and local-level climate policy and action is vital for achieving long-term climate goals and inviting Parties to engage youth and indigenous peoples in climate action, including by considering their inclusion in Party delegations...”
- [COP 26, Decision 16: Local Communities and Indigenous Peoples Platform](#)
“Acknowledging that Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity...”

Step 4: Explore other resources related to the Rio Conventions and women's land rights, including:

- [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#): This resolution emphasizes “the urgent need to respect and promote the inherent rights of Indigenous Peoples which derive from their political, economic, and social structures, and from their cultures, spiritual traditions, histories, and philosophies, especially their right to their lands, territories, and resources.”
- [United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas \(UNDROP\)](#): This framework builds on the UNDRIP and other strong human rights frameworks related to land and includes numerous references to tenure.
- [Committee on the Elimination of Discrimination Against Women \(CEDAW\), General Recommendations No. 34](#): This Convention addresses the rights of rural women (para. 56 “women’s rights to land and natural resources are fundamental human rights”); gender-related

dimensions of disaster risk reduction in a changing climate (para. 37); and the rights of Indigenous women and girls (para. 39).

What are important land tenure considerations for an NDC?

Take preliminary steps to understand the juridical and de facto landscape for tenure.

- Identify and analyze the policy, legal, and regulatory frameworks that determine ownership, use, and decision-making rights to land and related resources, as well as how those rights are governed and managed.
- Identify implementation gaps and regions of insecure tenure that may jeopardize climate mitigation and adaptation efforts.

Clearly allocate tenure rights to rural communities.

- Support recognition of community-based tenure arrangements that can play an important role in contributing to NDC targets, such as formalizing customary land holdings to ensure that key environmental stewards, such as Indigenous Peoples, have secure rights to their land.
- Update land registers where registration and adjudication of tenure rights have already occurred and digitize updated land records to promote community investments in mitigation and adaptation measures as landowners.

Empower rural peoples with the governance and management rights they need to best steward their land and resources.

- Incorporate participatory sustainable land use planning processes as a component of the land rights formalization process.
- Uphold and strengthen existing tenure arrangements for community-based resource management, particularly for forest resources—such as community forestry, community protected areas, or community fisheries in coastal areas—which can significantly contribute to mitigating climate change and serve as effective mechanisms for implementing adaptive measures.
- Harmonize land use planning at the national, regional, and community levels (with relevant government agencies and institutions) so that customary land-owning communities can identify and sustainably manage resources important for achieving climate goals. Implement joint land use planning using a landscape approach so that land-owning communities can sustainably access, use, manage, and control shared resources.

Ensure equitable processes and outcomes for tenure.

- Protect against violations of human rights and particularly against discrimination based on gender or negative impacts on women's rights.
- Minimize involuntary resettlement (e.g., by changing project designs) and—when vital for a public purpose—ensure involuntary resettlement is undertaken in accordance with the principles set out in the VGGT.
- In the context of Indigenous Peoples' territorial rights, respect cultural sites, include Indigenous Peoples based on free, prior, and informed consent (FPIC), and respect land tenure, including formal and customary land and resource rights.

- Recognize that equality between individuals may require acknowledging differences between individuals and taking positive action to promote equitable tenure rights and access to land, fisheries, and forests for all women, men, youth, and vulnerable and traditionally marginalized people within the national context.

Consider the full scope of applicable national policy and legal frameworks.

- Integrate climate mitigation and adaptation considerations into land-based investment decision-making processes.^{vi}
- Incorporate land tenure considerations in carbon market programs, standards, national planning processes, policies, and regulatory frameworks. Establish protections for land and resource rights, as well as other considerations linked to land and carbon reduction/removals (e.g., compatibility with human, land, and resource rights, and gender equity in those rights; Indigenous self-determination and the rights of Indigenous and local communities; and inclusion and equity in benefit sharing). This entails: (i) identifying all stakeholders affected and ensuring their full and meaningful participation and consent; (ii) recognizing and respecting customary and statutory rights; (iii) obtaining free, prior, and informed consent; (iv) assessing and monitoring direct and indirect costs, benefits, and risks; and (v) identifying and maintaining High Conservation Value areas.
- Gather data to guide future policy and assess the impact of improved land tenure security on climate mitigation and adaptation and NDC targets.
- Ensure that the data management plan includes exploring options for integrating global SDG indicators related to land governance into the NDC reporting process so that reporting efforts do not duplicate each other.
- Establish technical protocols for data sharing that incorporate global SDG indicators (such as land tenure security indicators) into national data platforms. This process may include standardizing data formats, cross-referencing SDGs and NDC indicators, and developing databases accessible across ministries (e.g., environment, land, and planning departments).

This guidance has been prepared by Landesa (accredited as Rural Development Institute) for the purpose of supporting state actors in incorporating land tenure into NDCs. These recommendations were authored by members of Landesa's Climate Change Program, Landesa's Research, Evaluation, and Learning Program, with support from the Law and Policy Practice Group (LPPG), Landesa's Country Program teams, Landesa's Center for Women's Land Rights, and senior program leaders.

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ⁱ Bradley, A. and Fortuna, S. (2019). Collective Tenure Rights: Realizing the Potential for REDD+ and Sustainable Development. Information brief. FAO, Rome.

https://redd.unfccc.int/documents/index.php?file=2234_37_collective_tenure_rights_fao.pdf.

ⁱⁱ <https://www.sciencedirect.com/science/article/pii/S2590332220301512>

ⁱⁱⁱ <https://link.springer.com/article/10.1007/s10584-019-02612-5>

^{iv} <http://www.fao.org/climate-smart-agriculture-sourcebook/enabling-frameworks/module-c6-gender/chapter-c6-1/en/>

^v <https://www.business-humanrights.org/en/latest-news/mexico-largest-windfarm-in-the-region-opened-despite-concerns-that-the-consultation-of-local-indigenous-communities-did-not-comply-with-international-law/>

^{vi} Akwii, E., Brennan, G., Hannay, L., Dietrich Brauch, M., and N. Mardirossian, (2024). Incorporating Climate Considerations into Investment Assessment Processes: Guidance for National and Local Governments (New York: Columbia Center on Sustainable Investment (CCSI). <https://ccsi.columbia.edu/content/incorporating-climate-considerations-investment-assessment-processes-guidance-national-and>.