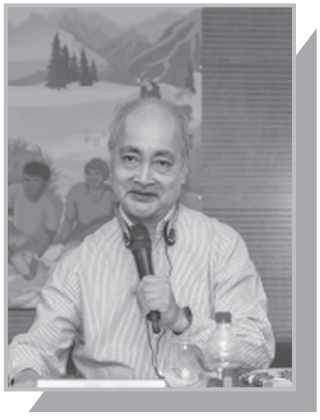
KEYNOTE PRESENTATION

Examining the links of land tenure and climate change

An Asian CSO Perspective



Mr. ANTONIO QUIZON
Former Chair and Executive Director, ANGOC

In 2022, about 15,000 scientists told us something that we know already. Planet Earth is in Code Red.

Today some 3.3 to 3.6 billion people live in situations like this, that is 30 to 40 percent of humanity. We only focus on the sudden changes in weather, but not the slow changes brought about by climate change like droughts and rising sea levels.

While climate change affects all of us, the poor are most vulnerable. People without security of tenure and who are politically weak face the greatest risk to the impacts of climate change and natural disasters. Poverty pushes people to live in vulnerable areas and conditions. And while the poor are aware of the risks, they are forced to accept or ignore their reality. They have no options, and need to live and carry out their livelihoods. They are the first to be hit, and the last to recover.

Indeed, there is a direct impact of climate disasters on land and people.

- There is loss of land, due to erosion, landslides, flooding, salinization and loss of vegetation. Lives are lost, families are displaced, homes and crops are destroyed; and livelihoods disappear.

- Diseases proliferate, especially among children. Almost 90 percent of all climate change related disease are borne by children under the age of five.
- Families lose their documents and identity.
- Holders of secondary rights – sharecroppers, pastoralists, and those who lease, use or occupy land – become vulnerable to evictions.
- Women are the main victims. 80 percent of people displaced by climate disasters are women.

In terms of recovery from disasters, those with no security of tenure, have the least capacity to recover and rebuild and may fall into recurring cycles of vulnerability. They usually have three options when disaster happens. They either (1) fall deeper into poverty (and debt); (2) move back to their former areas, or relocate to unsafe land; or, (3) form residual caseloads of landless people without access to land and permanent housing.

Those without land tenure rights are likely to face difficulty in reclaiming their occupied lands – boundaries may disappear and conflicts may arise with new occupants.

Further, many are forced to migrate, but without social ties, many face the prospect of conflict and violence, and the threat of eviction.

Natural disasters and extreme weather events can intensify conflicts over land. For example, pastoralists may veer away from their migratory routes and bring them into conflict with farming communities. Or farmers may shift to other livelihoods that bring them into conflict with existing users of forests and public lands. Disasters also provide opportunities for land grabs.

Government responses to disasters, also impact on the land tenure rights and resilience of people and communities. Examples of these are prohibitions, zoning, and “no-go” areas, and re-assigning land rights to other users.

Relocation and resettlements are typical government solutions for victims of climate related disasters but these are hampered by lack of public lands and funding. What mostly happens is that only a portion are resettled and most victims have to fend for themselves. In terms of resettlements sites, the typical shortfalls are they are unsafe, in remote areas, lacking in utilities and services, and far from sources of livelihood. Thus, land tenure security is crucial for disaster prevention and adaptation. People with secure tenure rights are more likely to invest in better housing, embankments, terraces and protection against damages and risks. They have more choices and decisions – what farming system to use, what to plant, when to harvest. They are likely to invest long-term on trees, soil fertility, regeneration of pastures, among others. Indeed, land tenure security can impact a farmer’s risk management decisions.

Also, securing land tenure rights for women is key for adaptation and resilience. Concerns for nutrition and food security, economic stability, security of shelter, health, safety, and family well-being — are essential for resilience. When productive assets such as land are placed in the name of women, this enhances their own security and decision-making, and allows more benefits to flow to their children and dependents. When adaptation needs to be implemented on a larger scale, organization and collective action become indispensable.

In terms of climate change mitigation, land is both a source and a sink of greenhouse gases (GHG). According to the IPCC (2019), people use about a quarter to one third of the world's land's potential production for food, feed, fiber, timber and energy.

Land also provides the basis for many other ecosystem functions and services. The land sector (agriculture, forestry and land use) accounted for 13 to 21 percent of global total human GHG emissions in the period 2010 to 2019. The way in which land is allocated, used and governed, impacts significantly on overall GHG emissions and climate change. Much of the world's remaining forests lie in customary lands of indigenous peoples who have acted as stewards of the world's most valuable remaining ecosystems.

In the Philippines, for instance, 96 out of the 128 key biodiversity areas lie within the traditional lands of indigenous peoples. A study of 36 countries by RRI (2016) showed that forest lands legally-owned or traditionally-held by indigenous peoples contain at least 54.5 million metric tons of carbon or at least 24 percent of the total carbon stored aboveground in the world's tropical forests. Ensuring the land rights of indigenous communities, along with education, will be vital to preserve and enhance these carbon stocks.

Climate change adaptation and mitigation in Asian agriculture should also address rural poverty, which is strongly linked to the lack of access to land. Poverty incidences in developing countries remain prevalently rural and agricultural. About 54 percent of land in Asia is agricultural, and is home to 75 percent of the world's farming households, of which about 80 percent are small-scale farmers and producers. About 87 percent of the world's 500 million small farms — with a farm size of two hectares or less — are found in Asia and the Pacific.

The climate-response measures we take may impact directly on land rights and on the tenure rights of smallholders and producers.

The global biofuel industry has been one of the primary drivers of global land acquisitions and displacement of small producers.

Biofuel production has affected agricultural production by shifting land use from forests and food, to biofuel crops. Biofuel production is capital-intensive and favors large-scale plantations. Palm oil is one of the major crops for biofuel. Biofuel is produced also from food crops — sugarcane, corn, and soybean. Food on the table competes with fuel for cars.

Carbon payment or trading systems are complex, and efforts will be needed to ensure that poor people are not shut out of such benefits through social exclusion or limitations on land-use rights. Payments are linked to those who are legal holders of land rights. Indigenous peoples and those without legal tenure are not likely to be compensated, or worse, they are left out or even displaced with the increased competition for forest lands. Payments favor new carbon sequestration (e.g., reforestation) rather than prevented deforestation, which creates new competition for control of forests. Carbon has become the new crop.

Climate change mitigation has to be examined using a human rights lens. Resolution 7/23, UN Human Rights Council stated that climate change "poses an immediate and far-reaching threat to people and communities around the world and [climate change] has implications for the full enjoyment of human rights." "While climate change affects people everywhere, those who have contributed the least to greenhouse gas emissions (i.e., the poor, children, and future generations) are those most affected."

According to Oxfam and the Stockholm Environment Institute, the richest 10 percent of the world's population was responsible for more than half of the cumulative carbon emissions from 1990 to 2015, whereas the poorest half was responsible for (only) seven percent in the same period. Roughly half the emissions of the richest 10 percent – constituting almost a quarter of global emissions – are related to citizens' consumption in Canada, the USA, and the EU. According to the IPCC, the 10 percent of households with the highest per capita emissions contribute 34 to 45 percent of global consumption-based household GHG emissions, while the bottom 50 percent contribute 13 to 15 percent. Greenhouse gases can remain in the atmosphere for decades, and they have a cumulative effect.

Until today, much of climate change discussions have still remained under the exclusive realm of scientists and governments. We need a more compelling vision of how climate change is felt around the world. We need to humanize the discussions on climate change.

We were always taught to "think globally, and to act locally". However, today, the reverse message could even be more compelling. We also need to think locally, and act globally.

Poor people – who are often left out of climate change discussions, those without land, the most marginalized and voiceless – who suffer the most as direct victims of climate change disasters – they are the face of climate change.

KEYNOTE PRESENTATION

Examining the links of land tenure and climate change

Country Perspective: Bangladesh

MS. ROWSHAN JAHAN MONI
Deputy Executive Director, ALRD

Bangladesh is a major climate vulnerable country because it is located in the low-lying Ganges-Brahmaputra-Meghna (GBM) Delta. The country ranks seventh in the *2021 World Climate Risk Index.*

Changing climatic patterns, including increased frequency of floods, cyclones, and droughts, threaten productivity of agriculture and food security. River erosion increases land scarcity, made worse by the lack of land governance, which results in highly unequal land ownership patterns.

The Sundarbans mangrove forests are at risk of erosion and inundation, and urban areas faces heat island effect and waterlogging.

Climate change impacts are felt in Bangladeshi lives and livelihoods. Agro-based livelihoods of the marginalized communities are highly impacted. Landless people in the rural areas fall prey to landlessness, degradation of forest and water resources, and loss of biodiversity and vital ecosystems.

A report from the Asian Development Bank revealed that climate change could reduce Bangladesh's agricultural productivity by up to 30 percent by 2050.

For the country's indigenous communities, climate change severely limits their scope to practice subsistence-based knowledge. Climate change also puts women, the elderly and children in poverty and hunger, leading to chronic malnutrition and even death.

Health hazards also increase due to climate change. Heat waves cause illnesses and leads to high mortality, stagnant water turns becomes breeding ground for dengue and cholera, salinity causes skin diseases, infertility in women, reduces the availability of safe drinking water.

Climate change also causes displacement. Cyclone Sidr in 2007 affected approximately 8.9 million people and displaced over two million individuals. According to the Stern Review Report, 1 in every 7 persons or about 22.8 million people will be displaced by 2050 due to climate change impacts. Loss of land and livelihoods lead to internal displacement because of out-migration. An IPCC study said that a one-meter rise in sea levels could lead to displacement of around 17 million Bangladeshis by 2050.

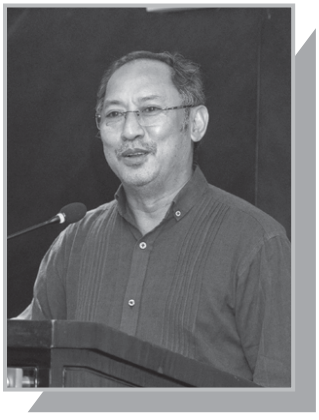
During the last 12 years (from 2010 to 2022), a total of 468 projects have been implemented under Bangladesh Climate Change Trust Fund (BCCTF). Reponses are mostly not demand-driven. Construction of embankments and other protective structures often encroach on agricultural lands or restrict access to fisheries, affecting livelihoods of vulnerable communities.

The country is not lacking in legal frameworks to mitigate the impacts of climate change. The Bangladesh Climate Change Strategy and Action Plan (BCCSAP), launched in 2009, provides a comprehensive framework for climate change adaptation and mitigation. The Bangladesh Climate Change Trust Act of 2010 established the Bangladesh Climate Change Trust (BCCT) as an autonomous body responsible for financing climate change projects. The Disaster Management Act of 2012 provides a legal framework for DRR and emergency response. The Government of Bangladesh has initiated the Climate Change Trust Fund's Community-Based Adaptation project, providing financial support to community-led initiatives. The Renewable Energy Policy of 2008 and subsequent amendments have facilitated private sector investments in renewable energy.

There are also emerging entry points and opportunities for pursuing discussions on climate change and land tenure issues. The National Action Plan acknowledges the need for land tenure security as a foundation for climate resilience and emphasizes involvement of local communities in decision-making processes. Land tenure is a crucial aspect of community-based adaptation; as secure land rights enable communities to make long-term investments in adaptation measures.

REFLECTION ON THE KEYNOTE PRESENTATIONS

Views from an Indigenous Person



Barrister RAJA DEVASISH ROY
Chakma Circle Chief, Chittagong Hill Tracts

Mr. Antonio Quizon has been working for a long time on land rights and has given a very detailed presentation. Ms. Rowshan Jahan Moni has presented a clear picture about Bangladesh, particularly on how climate change affects indigenous communities who mostly live in vulnerable areas. Mr. Ian Fry also had a very rounded discussion on the topic.

In the coastal regions of Bangladesh, the mangrove forests have evaporated and converted into shrimp farming areas. We have heard about these issues from indigenous peoples. A few days ago, we talked with the Chair of the Parliamentary Standing Committee on Ministry of Environment, Forest and Climate Change. We had a discussion on the vulnerability to climate change of Bangladesh and we told him that we want to work closely with the government of Bangladesh. As Mr. Quizon said, the majority of the world's ecosystems is on indigenous land. In Bangladesh for instance, the Sundarbans are mostly populated by IPs.

I was actually in Glasgow talking to IPs on climate change. One of them was an elder of a reindeer association on the Arctic Circle, where they have more than 100 words for ice. Talking to him made me come to a realization that we need to translate indigenous knowledge to something that you can put in the box of scientific knowledge.

As Minister Mannan said, there have been some revisions to the East Bengal State Acquisition and Tenancy Act of 1950. However, the very land law is still not responsive to the needs of the country's indigenous peoples.