

U4 Helpdesk Answer

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Corruption risks in land-based solutions to climate change.

A focus on reforestation and afforestation projects.

“Nature-based” solutions to climate change require the acquisition of large swaths of land for reforestation, afforestation, conservation and renewable energy sources. However, corruption in the land sector is already widespread and this additional demand for land may aggravate pre-existing corruption risks, as well as causing new ones. National governments and project implementers of land-based solutions should therefore implement anti-corruption measures in projects and, most importantly, ensure that they take into account the communities (such as Indigenous Peoples) who may already live on the land.

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Query

The implementation and fulfilment of various pledges of the three Rio Conventions increase demand on land: the “green land rush”. Which corruption challenges exist and or can be anticipated in relation to these land-based solutions? What are the anti-corruption tools that can counteract these challenges?

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MAIN POINTS

- The “green land rush” occurs at a time when there is already pressure on land as a resource due to climate change and population increase. Studies show that the amount of land required to fulfil climate pledges by governments worldwide is equal to land the size of the USA.
- This, along with other pressures, means that land-based solutions may exacerbate the risk of corruption when sequestering land for climate change mitigation purposes.
- These corruption risks include: political corruption and interference, bribery and embezzlement, and fraud.
- Disputes over land rights are particularly concerning given that those most affected by land-based solutions are already marginalised in many countries, including rural communities and Indigenous Peoples. There is a concern that land-based solutions may worsen existing inequalities.
- Potential anti-corruption measures include ensuring transparency, accountability and the participation of affected communities and Indigenous Peoples. People-centred approaches to climate mitigation should be at the heart of land-based solutions and other climate change mitigation solutions.

Background

Human activities which emit greenhouse gases, land use change, modern lifestyles and mass consumption have caused the global surface temperature to rapidly warm; a process referred to as climate change (IPCC 2023). This warming will have an unprecedented impact on the planet, leading to damages to nature and will disproportionately affect the most vulnerable, particularly those living in lower income countries (IPCC 2023).

Recent years have seen an increased urgency to find solutions to the global threat of climate change. International conventions and agreements have been introduced and adopted in an attempt to mitigate its impact and achieve global sustainability ambitions. What are known as the “Rio Conventions” were adopted at the 1992 Earth Summit in Rio de Janeiro, Brazil and aim to address climate change, desertification and biodiversity loss (UNFCCC no date). The Rio Conventions include:

- the United Nations Framework Convention on Climate Change (UNFCCC)
- the Convention on Biological Diversity (CBD)
- and the United Nations Convention to Combat Desertification (UNCCD).

Collectively, these resolutions intend to reduce global warming, its impact, protect current biological diversity and reduce land degradation (UNFCCC no date). They rely on coordinated solutions through protecting land and marine ecosystems, which absorb more than half of man-made carbon emissions (UNFCCC no date).

In addition, the Paris Agreement, a legally binding international treaty on climate change, was later adopted by 196 parties at the UN

Climate Change conference (COP21) in 2015 (UN Climate Change no date a). The goal of the Paris Agreement is to hold the global average temperature below 2°C above pre-industrial levels (UN Climate Change no date a).

Fulfilment of the goals of the Paris Agreement and the Rio Conventions largely depend on nature-based solutions to climate change (UNEP and IUCN 2021). Nature-based solutions include protecting land and marine ecosystems to absorb carbon emissions to support the reduction of global warming (Cook-Patton et al. 2023). These interventions rely on land to capture or reduce greenhouse gases and are also known as “land-based solutions” (Cook-Patton et al. 2023). Land-based solutions therefore include the following:

- **Protection:** land protection can include the conservation of national parks and other wildlife areas. Protection helps to maintain carbon that is stored in natural ecosystems, as well as protecting Indigenous Peoples and other affected communities’ livelihoods and cultures, avoids extreme heat conditions and reduces negative impacts to coastal communities from rising seas and other hazards (Cook-Patton et al. 2023).
- **Management and rehabilitation:** land management in this context involves improving the land and its ecosystem functions through actions such as soil and water conservation, agroforestry, reduced till farming (among others) and serves the twin function of both capturing more carbon and reducing emissions (Critchley et al. 2023)
- **Reforestation and afforestation:** reforestation refers to the replanting of trees on recently deforested land; afforestation refers to converting long-time non-forested land into forest

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(Climate-ADAPT no date). Forests act as a carbon “sink” as they can accumulate carbon in vegetation and soil (Climate-ADAPT no date).

- Bioenergy with carbon capture and storage (BECCS): BECCS involves the burning biomass feedstock (wood, energy crops or solid agricultural and municipal waste) to generate energy (Kuebler 2023). The carbon emissions are then captured and pumped underground to be stored in natural reservoirs (Kuebler 2023). The aim of this is to decarbonise industries which still need to emit carbon, such as iron, steel, aviation, shipping and cement (Kuebler 2023).

Additional pressures on land for climate change mitigation also include the transition to renewable energies such as wind turbines, solar panels and new electricity connections as well as the huge quantities of energy transition minerals needed to achieve this (IEA 2022).

As a result of the conventions, there have been numerous pledges made by national governments which have been translated to policy development and target setting at the national level (IPCC 2023). Many of these rely on nationally determined contributions (NDCs) to the Paris Agreement and are reported on by each country every five years to the UNFCCC secretariat (UN Climate Change no date b). They predominately aim to achieve protection, management and rehabilitation, reforestation and afforestation, and bioenergy production. These require large swathes of land to be either maintained, converted or acquired by national governments worldwide to achieve the aims of their climate pledges.

For example, at the COP26 Climate Summit, 145 countries signed a declaration on forests and land use promising to protect biodiversity, existing forests and other ecosystems (Nasralla

2022). In 2023, European Union (EU) legislation was updated to include boosting carbon removals and promoting sustainable agricultural and forest management as well as land management and rehabilitation (EC no date). National pledges involving land-based solutions include Australia’s climate pledge to BECCS and India’s pledge to expand its forests (University of Melbourne 2022).

While the importance of these land-based solutions to climate change is undoubtable, climate pledges have caused additional pressures on land at a time when land is already a scarce resource (Land Gap Report 2022: 21). “Land grabbing” has been reported in the context of these climate pledges; which is the large-scale acquisition of land by governments or companies which violates human rights of local communities and are not based on free, prior and informed consent of the land-users or based on transparency contracts and/or effective democratic planning (ILC 2011).

In the context of land-based solutions, this phenomenon has been referred to as “climate grabbing” or “green grabbing” (Parola 2020; Fairhead, Leach and Scoones 2012). Furthermore, not only do land-based solutions increase pressure on domestic resources but can also lead to national governments seeking alternative land and resources from foreign sources, often from countries in the Global South (Parola 2020).

Land-based solutions are occurring during a time of scarcity and within a context where land corruption is already a widespread issue (Transparency International no date). This increased pressure on land is therefore likely to exacerbate existing corruption risks. These include bribery during land administration

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processes,¹ extortion for a land title, denial of rights, unaccountable planning and eviction of people from their land without fair compensation, (Transparency International no date), land grabbing, and collusion on larger scale land deals.

Given the importance of land security for the wellbeing and livelihood of people, land governance² is inextricably a human rights issue, particularly for the most vulnerable populations (Kramer et al. 2021). As many land-based solutions take place in lower income countries (often driven by pledges from higher income countries) it is often already marginalised communities who face the brunt of weak land governance.

Green grabbing for land-based solutions such as reforestation projects may lead to sudden changes in land tenure³ when replanting forests, particularly impacting rural and Indigenous Peoples (Davis et al. 2015). If this is not done in a transparent and accountable way these populations risk losing their homes, livelihoods, and cultural heritage without due compensation. Therefore, some argue that the increased demand for land created as a result of the Paris Agreement and the Rio Conventions will only replicate and deepen corruption risks and further entrench pre-existing inequalities (Fairhead, Leach and Scoones 2016).

This Helpdesk Answer discusses an example of one of the nature and land-based solutions, reforestation and afforestation, its implementation and the key actors involved to illustrate how these projects operate. It then identifies the specific characteristics which make reforestation projects particularly vulnerable to corruption risks. Finally, it describes the forms of corruption and proposed anti-corruption measures. It should be noted that, while this paper relies heavily on reforestation and afforestation, many of the corruption risks and anti-corruption measures will be similar for other solutions. The corruption risks involved with appropriating large swathes of land for climate mitigation strategies still affect affected communities in similar ways.

Solutions are taken from different strands of literature, predominately those on land corruption and corruption risks in climate change mitigation. However, there is a gap in the current research that specifically focuses on corruption in nature and land-based solutions to climate change mitigation. Given that this is a large response to global warming, this is an area that requires further research. In addition, the current research is largely dedicated to risks pertaining to pledges made from the UNFCCC, rather than other climate-related conventions. Therefore, further research should analyse corruption risks stemming from the CBD and UNCCD as well as those from the UNFCCC.

¹ Including the different stages such as when registering property, changing land titles, acquiring information, processing cadastral surveys and generating favourable land use plans (Zúñiga 2018).

² Land governance refers to the “rules processes and structures through which decisions are made, implemented, and enforced about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed” (Fricska, Palaer and Wehrmann 2009).

³ Land tenure encompasses property rights and informal relations around natural resource management. There are four categories of tenure systems: open access where access to natural resources is unregulated and open to everyone; state and public property; private property; and common property where a group of resource users share collective ownership over a territory. Many Indigenous and rural communities hold collective ownership over their land. There may also be a mixture of tenure systems in some contexts such as forest areas (Crobera et al. 2021)

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Reforestation and afforestation

Deforestation of the world's tropical forests is responsible for roughly 10% of net global carbon emissions (Parola 2020). The solution to this problem, reforestation and afforestation, rely on the human-induced conversion of land to forested areas with the aim of reducing these emissions (UNFCCC no date).

Financial incentives for designating land for reforestation and afforestation purposes have been created under international programmes such as the Clean Development Mechanism and REDD and REDD+. The Clean Development Mechanism allows a country with a carbon offset project⁴ to implement these in lower income countries, often acquiring land there to do so (UNFCCC no date a). These projects can earn certified emission reduction credits which can then be traded with other countries and/or private companies (UNFCCC no date a). REDD and REDD+, which were established under the Paris Agreement, allows lower income countries to receive results-based payments for emissions reductions when they reduce deforestation (UNFCCC no date b).

Credit markets are the trading systems where carbon credits are bought and sold, with one tradable carbon credit equalling one tonne of carbon dioxide or the equivalent amount of a different greenhouse gas (UNDP 2022). There are two kinds of markets, compliance (where governments have set the mandatory limit on the amount of greenhouse gases, requiring companies to offset emissions through purchasing carbon credits) and voluntary (where companies can choose to buy carbon credits to

increase their environmental credentials) (Dobson 2015).

The primary actor involved in the adoption and implementation of reforestation and afforestation projects are national governments. However, projects such as REDD+ involve a mix of public (such as the World Bank and UN-REDD) and private companies (Dupuy and Williams 2016). Both governments and private companies can purchase land from other countries to “harvest” carbon credits (Hearst 2023).

In REDD+ projects, many states and non-governmental organisations (NGOs) have acquired land to create forest reserves and national parks. A large number of brokers and retail traders have entered the market, purchasing credits directly from the suppliers who implement the projects (Favasuli and Sebastian 2021). Reforestation and afforestation projects have therefore created new “green markets” with new modes and consequences of appropriation, to which some of which are referred to as “green” capitalism (Fairhead, Leach and Scoones 2012).

Indeed, many argue that this “green trading”, whether in offsets or ecosystem services or preservation, is at risk of relying on and reproducing the conventional economic understandings of cheap costs and reinforcing inequalities between lower income and higher income landowners, rural and urban areas, and the lower and higher income economies (Fairhead, Leach and Scoones 2012).

⁴ Carbon offset projects refer to verified activities of environmental conservation, energy efficiency or renewable energy which reduce, avoid or remove greenhouse gas emissions from the atmosphere and

contribute to the mitigation of climate change (Knopfle and Piel 2022).

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For lower income countries in particular, the incentives for the redistribution of land towards investors (albeit with the aim to invest for climate mitigation strategies) may drive policies towards these rather than for income and security for those living in poverty (Fairhead, Leach and Scoones 2012). There is also the concern that carbon offset trading may disincentivise carbon reduction policies that phase out fossil fuels (Lakhani 2023).

In response to risks in REDD+ reforestation projects, a number of safeguards, referred to as the [UNFCCC Safeguards](#) or Cancun Safeguards, were developed. Actions relevant to corruption and interaction with affected communities in the safeguards include:

- “transparent and effective national forest governance structures, taking into account national legislation and sovereignty
- respect for the knowledge and rights of Indigenous Peoples and members of affected communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples
- the full and effective participation of relevant stakeholders, in particular Indigenous Peoples and affected communities, in the actions referred to in paragraphs 70 and 72 of this decision” (REDD+ no date).

Nonetheless, while these safeguards take into account transparency, international obligations on human rights, and participation of Indigenous Peoples and stakeholders, some experts contend that there are still significant accountability gaps in REDD+ projects (Dupuy and Williams 2018).

The following section will assess the characteristics of reforestation and afforestation projects which may make them particularly vulnerable to a number of different corruption risks.

Vulnerabilities to corruption

Weak governance

Many land-based solutions that are proposed in climate pledges, including reforestation and REDD+ projects, are implemented in countries and/or regions with weaker levels of governance. For example, many of the original pilot countries for REDD+ projects ranked low on formal governance indicators, including control of corruption, political equality, rule of law, and efficient public goods provision (Dupuy and Williams 2018: 1). There is therefore a risk that corruption and weak checks and balances in a country (such as the judicial system and/or low levels of press freedom) could increase the likelihood of corruption in projects such as REDD+ from the outset.

Interaction with affected communities

Those living in areas targeted by reforestation and afforestation projects (typically Indigenous People and rural communities) already face marginalisation in many countries. Studies show that Indigenous People (in the majority of countries assessed) live below the poverty line at a far higher rate than the rest of the population (Anderson et al. 2016). Furthermore, there is evidence showing that lower income groups are disproportionately impacted by corruption (Chêne 2010). Therefore, the assumption can be made that reforestation and afforestation projects, which are concentrated primarily in tropical forests many of which are populated by

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Indigenous People, may only further increase corruption risks they already face. This is particularly pertinent given the power asymmetries between these communities and state officials and project implementers.

Indeed, land use is defined as “the ensemble of social relationships between people, in terms of access to land and natural resources it encompasses and the control of this access” (Lavigne Delville 1998). Those who control the access are in the position to potentially exploit those who want access. Given that land as a resource is largely controlled by the state, the interaction between affected communities and public officials is an environment where corruption can occur.

Within the context of land-based solutions to climate change, experts note that new narratives of land are being constructed and forests have become marketised as “carbon sinks” (Fairhead, Leach and Scoones 2012). This has led to governments viewing these swaths of land as not “lived-in” places with the histories and cultures of affected communities but as additional sources of revenue for the state (Fairhead, Leach and Scoones 2012). Land ownership for Indigenous People and rural communities is an already difficult situation; estimates show that Indigenous People manage or hold tenure rights to only 10% of land globally (RRI 2015). Their unstable position with regard to land rights may only become worse with increased demand for land, particularly in forested areas.

Scarcity of land

The [Land Gap Report](#) (2022) reviewed the pledges made related to reforestation, restoration, plantations and BECCS of all countries and quantified them into the land area needed to fulfil these. The report found that 1,184 million hectares of land would be required

to meet the climate commitments that countries have pledged by 2060, which is an area of land larger than the USA (Land Gap Report 2022: 20). This indicates that there is an “over-reliance” on land-based solutions, particularly at a time when global land scarcity is already a critical issue (Land Gap Report 2022: 21).

In addition, Van der Esch et al. (2022) also looked at the pledges aimed at land management and restoration. They found that, for land restoration, at least 115 countries had committed almost 1 billion hectares to land restoration under the UNCCD, CBD and UNFCCC conventions and the Bonn Challenge (van der Esche et al. 2022: 12). This increased need comes as a time when populations are booming, land use for agricultural production is increasing and soil health is declining in many areas (van der Esche et al. 2022).

Moreover, land rights are already a contested issue in many countries. In tropical regions in particular, agricultural frontier expansion, actors – with government interventions at times – have competed to clear the forest to claim land ownership rights (Crobera et al. 2011). This has historically created conflicts with rural populations who have held customary tenure of the land (Crobera et al. 2011). For example, conservation groups working with government agencies such as the National Forestry Authority (NFA) have been managing the forest in Uganda through collaborative forest management associations (Truscott 2023). These conservation groups have had to regulate how affected communities use the forest, who historically used the forest for collecting firewood and traditional medicine (Truscott 2023).

Tenure insecurity

In contexts with high tenure insecurity, land rights are unprotected and can be easily

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bypassed by corrupt actors. Indeed, there is a correlation between a country's levels of corruption in the Corruption Perceptions Index (CPI) and levels of tenure insecurity (Feyertag no date).

Tenure insecurity can lead to communities who have lived on their land for centuries suddenly facing unlawful eviction without fair compensation (Feyertag no date) and further entrenching these groups into poverty. It is estimated that in less than 30% of lower income countries are covered by some form of official land registration, meaning that about 70% of people in lower income countries are outside of a formal register (UN Habitat 2014). However, tenure security does not always safeguard communities against unlawful eviction. While it can help to some extent, in some cases (particularly for marginal groups) eviction can occur even when land ownership is secured.

Lack of transparency

Land administration is often characterised by the poor dissemination of relevant information to the public, meaning it is difficult to know who is responsible for what, and the steps, time and costs required to process transactions related to land management (UN Habitat 2013). Globally, 70% of the world's population has no access to the land registration systems of their countries (GIZ 2019). In Sub-Saharan Africa, only 10% of land is formally documented (GIZ 2019). This lack of public information on administration and ownership of land risks placing officials in "gatekeeping" positions, which in turn may make it easier for them to engage in corrupt practices (UN Habitat 2013: 1).

As a recent example, the company Blue Carbon, chaired by a member of Dubai's ruling royal family, has announced exploratory deals with African states for carbon offsetting revenue, which

gives it the right to manage forest in the areas (Greenfield 2023). So far, the deals reportedly cover a fifth of Zimbabwe, 10% of Liberia, 10% of Zambia, and 8% of Tanzania, with more deals being expected (Greenfield 2023). Concerns have been raised about the agreements due a lack of transparency on the details of the deals (Greenfield 2023). The Guardian has reported that NGOs have raised questions about the implications for communities' land rights and access to the forests as a result of this (Greenfield 2023). While corruption has not been uncovered in these deals, the lack of transparency raises concerns that this could enable corrupt practices.

The Global Data Barometer measures the number of countries that publish open and available data on land use and land tenure. The global average score on land data availability is low, and their team of experts find that there is a global need for more consistent approaches to managing accessibility and data protection in land tenure (Global Data Barometer 2022). In addition, GIZ's (2021) assessment of the role of open data to curb land corruption finds that, despite progress being made in available land governance data, the experts they interviewed indicated that "we still lack reliable and complete data in areas where we need them the most" (GIZ 2021: 27). They note that:

"Cadastres, land registries and asset ownership records are often outdated, incomplete and inaccessible in many countries, especially in the Global South. The data and information sources on land corruption tend to be partial and fragmented, which makes it hard to identify priority areas for interventions and track progress" (GIZ 2021: 27).

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Time and financial pressures

Noting the urgency of climate change mitigation, projects implemented within a short timeframe are generally at a greater risk of corruption. This may result in poorly thought-out plans, a deficit of accountability and oversight, and little time to complete corruption risk assessments. As seen with rapid urbanisation, which has led to unaccountable land management and urban planning in many cities in the Global South (Transparency International no date a), the urgency of climate mitigation measures may also mean that land-based solutions are prone to the similar corruption risks.

Additionally, time and financial pressure for officials and local landowners to achieve project targets may lead to civil servants over-estimating deforestation rates to increase future compensation flows (Whitt 2022). The system operates through the assumption that, the more deforestation that is anticipated, the more credits and money can be made (Whitt 2022). Therefore, this can open the sector to a myriad of corruption and fraud-related risks.

Large amounts of funding

The funding given to projects such as REDD+ entail large fiscal transfers from higher income economies to lower ones, similar to that of foreign aid funding (Dupuy and Williams 2018). Foreign aid in itself has been subject to various scandals over the years, and surveys and qualitative research gathered on the view of people in fragile settings consistently highlight corruption as a key concern (CHS Alliance 2015). Indeed, studies have found that corruption is one of the largest impediments to receiving aid and humanitarian aid often takes place in contexts where corruption is already embedded in social norms (CHS Alliance 2015).

The corruption vulnerabilities in the aid sector are likely to be reflected in projects such as REDD+. In countries where there are few checks and balances there are likely to be cases of corruption, and cronyism and favouritism are likely to occur when distributing the resources (Dupuy and Williams 2018). Additionally, similar corruption risks to that of the natural resource sector may be present in land-based solutions. The management of resources (in both the natural resource sector and land-based solutions) by public officials provides them with a high amount of discretion and monopoly (Dupuy and Williams 2018).

New market actors

Reforestation, afforestation and other land-based solutions have given rise to an array of new market actors who are involved in their implementation. These include consultancy and advice firms advising on the technicalities, companies pinpointing marginal land for investment, consultants specialising in carbon stock measurements needed for REDD+ and carbon offset projects or agents that negotiate land and resource deals with affected communities (Fairhead, Leach and Scoones 2012).

The introduction of these new market actors without robust oversight and regulation may provide further opportunities for corrupt practices. This is particularly pertinent in voluntary carbon markets where the certification processes are primarily organised by corporations, which has raised concerns by experts of corporate capture (Dobson 2015). Furthermore, some of the negotiating carbon agents may be drawn from local elites, which can further exacerbate issues of allegiances, accountability and local politics (Fairhead, Leach and Scoones 2012).

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The associated corruption risks

Political corruption

The acquisition of land for land-based solutions to climate change requires the restructuring of rules and authority in the access, use and management of resources (Fairhead, Leach and Scoones 2012). Land administration and management is primarily controlled by the government. As such, it may be skewed towards the vested interest of politicians in the maintenance of discretionary authority (Shipley 2021) and influence can be traded for favours and decisions to benefit themselves or colleagues. This could be potentially worsened by the financial incentives for these projects and result in land-grabbing. There is a risk that land grabbing in the name of climate change mitigation can strengthen hold on power, therefore also increasing future opportunities for corruption (MacInnes 2012).

For example, while the Tanzanian government voted in favour for the UN Declaration on the Rights of Indigenous People, they have continued to violently displace the Massai people, ignoring their rights to their land (IWIGA 2018). In northern Tanzania, conflict arose between the Ministry of Natural Resources and Tourism and eight Maasai villages (IWIGA 2018). The Ministry had, since 2009, attempted to take the land from the communities for wildlife conservation (IWIGA 2018). Eventually, the Maasai houses were burned down and left more than 350 people homeless (IWIGA 2018). It has been claimed by news reports that these land grabs constitute the deliberate favouring of nature conservation to generate income over the rights of Indigenous People (IWIGA 2018).

Land corruption is reportedly persistent in Uganda, particularly regarding the mismanagement of government-owned land and unfair compensation of project-affected communities (Daily Monitor 2023). Between 2006 and 2010, over 10,000 people were forced from their homes in the districts of Mubende and Kiboga to make way for a reforestation project by a British company, New Forests Company (NFC) (New Vision 2011). NFC signed a deal with Uganda's National Forest Authority to plant forest reserves under the carbon trading programme, leading to people being reportedly evicted, subjected to violence and property with their livestock destroyed (New Vision 2011). Communities were improperly compensated, later given inadequate amount of land to survive, and driven further into poverty (WRM 2021). Despite these violent evictions, the Uganda Investment Authority named NFC an "investor of the year" (WRM 2021). Affected communities have reported that they have been let down by the government in favour of multinational companies such as NFC (WRM 2021).

Cronyism, favouritism and elite capture

Elite capture refers to the process when "resources appropriated to the masses or poorer stakeholders become captured or usurped by politically or economically powerful groups" (Sovacool 2021: 3). Elite capture has troubled reforestation projects, involving both traditional and public authorities and affecting the benefits associated with land use and land access (GIZ 2021: 27). In terms of cronyism and favouritism, land-based projects may result in friends and families of those in power appointed to further consolidate their power at a local level.

A survey by Andersson et al. (2018) of 130 villages in six countries found that wealthier individuals in villages disproportionality captured larger shares of forest benefits available

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to each village, reproducing pre-existing socio-economic inequalities (Andersson et al. 2018). This exemplifies concerns that climate change mitigation projects risk entrenching particular social relations further, including those among already powerful groups (Sovacool 2021).

Bribery, kickbacks and embezzlement

The land sector in general exhibits one of the highest bribery rates among public services and affects one in five people globally (Transparency International no date). Cases have been reported where, for example, one of the key architects of Indonesia's REDD+ project accepted bribes from individuals from a telecommunications company to win favourable treatment in the Ministry of Forestry's budget (Mongabay 2011). This raised concerns that Indonesia's forestry ministry was unable to manage the payments under the REDD+ programme (Mongabay 2011).

Project proponents may offer bribes to the heads of neighbourhood committees to influence their constituents to support the project (Whitt 2022). Duty bearers may also extort local community members for access to land that was not in the original project plan (Whitt 2022).

In Mexico, there have been reports that farmers have been forced to pay *moches* (kickbacks) to public officials in charge of reforestation schemes (MND Staff 2020). Under the reforestation scheme, farmers are paid 5,000 pesos (US\$230) per month to plant and tend trees under the government's *Sembrando Vida* (Sowing Life) programme (MND Staff 2020). However, farmers have claimed they have been forced to make payments from 100 to 200 pesos to the programme's operators under threat of removal from the programme (MND Staff 2020). One of the issues raised was that there was no public call for applications for the programme and the criteria for participants was not transparent,

with this lack of clarity exacerbating problems (MND Staff 2020).

An exemplary case of alleged embezzlement occurred in recent years in the Democratic Republic of Congo (DRC). Mining and logging companies in the DRC are liable to pay a deforestation tax to reforest the areas affected by their activities (Makal 2022). This has led to a large number of local residents being, at times, forced to relocate their villages and find new agricultural land (Makal 2022). Between June and December 2021, the National Forest Fund (FNN) using the funds from the deforestation tax, allocated US \$6 million to tree planting projects (Makal 2022). Two nurseries were opened, and another 100-hectare plot of land was allotted for afforestation (Makal 2022). However, this, along with other projects, has been "minimal" compared to the amount of funding available, and environmentalists and affected communities are questioning where the reforestation taxes are being spent, with potential corruption, embezzlement and financial mismanagement suspected (Makal 2022).

Fraud

There is also the risk of fraudulently over-representing the impact of land-based projects in order to receive funding (Whitt 2022). In the implementation of projects such as REDD+, concerns have been raised over data manipulation that inflates baselines for results (Transparency International 2021).

In 2013, a report by Interpol noted that carbon measurements were being manipulated to claim additional carbon credits (Transparency International 2021). Moreover, from the top 50 emission offset projects, 78% of them were categorised as "likely junk", as the carbon credits they generate were overvalued in their emission reduction benefits (Lakhani 2023). The

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investigation classified projects as “likely junk” if there was no compelling evidence, claims or high risk that it cannot guarantee additional, permanent greenhouse gas cuts among other criteria (Lakhani 2023). Other climate benefits from projects would have happened independently, with or without the voluntary carbon market (Lakhani 2023).

While these fraudulent, or exaggerated claims in the carbon market do not directly create land-related corruption challenges, they do risk creating a market where malpractice is commonplace, which may lead to further risks during the acquisition process of land for reforestation and afforestation interventions.

The Oddar Meanchey REDD+ project in Cambodia claimed to secure land tenure for 13 community forests, which covered 8,000 households throughout the protected area (Flynn 2021). However, the Royal Cambodian Armed Forces (RCAF) were then accused of running forest-clearing operations (Flynn 2021). Deforestation increased, and the RCAF presence led to conflict between affected communities and soldiers trying to clear the land (Flynn 2021). Those running the project were also accused of violating Indigenous Peoples’ rights, noting that the documents were effectively forced on affected communities, many of whom were unable to read or write in the government’s language (Flynn 2021).

Finally, there has been little transparency in the profits from the REDD+ project as Everland, the broker who sells carbon credits generated by the project, estimated that more than US\$5.15 million had been raised as of May 2021, but there has been no public comment on how much of this went to the Ministry of Environment (Flynn 2021). An audit also found that the project developers had not acquired consent from the affected communities before starting implementation (Flynn 2021). An academic based

in Cambodia was interviewed saying that there was no mechanism for the funds to be channelled to the affected communities and that those benefiting from the projects are investors, carbon brokers, governments, consultants and NGOs (Flynn 2021).

Potential anti-corruption measures

By national governments

Adhere to human rights and people-centred standards when implementing land-based solutions

A people-centred approach places people and their environment at the centre of planning, implementation, decisions, monitoring and reporting of projects and, importantly, is informed by each unique cultural context (HRSD no date). As noted by the World Resources Institute (2019):

“People-centred climate action does three things: through an inclusive process, it purposefully identifies and unlocks social and economic benefits, it targets these benefits to further equity, and it ensures a just and well-managed transition away from a high-carbon economy” (WRI 2019).

Costa Rica has ensured a people-centred approach through the participation from affected communities when implementing REDD+ projects. It has since become the first tropical country to reverse deforestation (The World Bank 2022). The country undertook a public consultation to help better understand the

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drivers of deforestation and degradation at the outset of its REDD+ strategy (World Bank 2022). It then implemented its Payments for Environmental Services Programme (PES), which is a financial mechanism where landowners receive direct payments for the environmental services that their lands produce when adopting sustainable land use and forest management techniques, including carbon sequestration, biodiversity protection, water regulation and landscape beauty (UNFCC 2023). As a result, more than 18,000 families including 19 Indigenous People, have reported benefiting from the programme (UNFCC 2023).

Importantly, Indigenous People have for many years fought to protect their ancestral lands and preserve forests. They have demonstrated effective conservation, patrolled, and at times have taken governments and land developers to court to protect the forests (UNEP 2023). Advocating for the Indigenous Peoples' right to protect the forests (and for other conservationist and environmental human rights defenders) is critical to the successful conservation and protection of natural environments (UNEP 2023).

There are a number of relevant international principles that can be translated into national legislation that ensure human rights are upheld and ensure affected communities are consulted. While the state is responsible for providing and strengthening the appropriate mechanisms to protect and fulfil the rights of citizens, third parties (including individuals, private companies, or state actors that are implementing the projects) should then be bound by these instruments to uphold the rights of others (Kramer et al. 2021). As an anti-corruption

mechanism, a rights-based approach along with secure tenure rights for affected communities will clarify the ability of rights holders to own and benefit from land-based solutions (Korwin 2016) and help to prevent elite capture.

The United Nations' (UN) [General comment no.26 on land and economic, social and cultural rights \(2022\)](#) discusses the need for secure and equitable access to the use and control of land for individuals and communities (UN 2022). The note warns that measures to mitigate climate change such as large-scale renewable energy projects or reforestation may inhibit secure and equitable access to land (UN 2022: 2). In attempt to stop this from happening, the UN states that "Indigenous Peoples have the right to have their lands demarcated, and relocation should be allowed only under narrowly defined circumstances and with the prior, free and informed consent⁵ of the groups concerned" (UN 2022: 5).

And, regarding corruption, land administration is one of the areas where corruption is most pervasive and the note recommends that governments should build proper accountability mechanisms, regularly review and monitor policy, legal and organisational frameworks to maintain their effectiveness, and implementing agencies should engage with civil society and the wider public (UN 2022: 15).

the [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests \(VGGT\)](#) promotes the recognition and protection of all forms of tenure, including formal, informal, customary and all legitimate tenure rights (Land Portal no date). These guidelines are voluntary and can be implemented

⁵ Free, prior and informed consent is the exercise of Indigenous Peoples' right to self-determination, working alongside others to identify, co-design and pursue

development pathways that respond to their priorities and aspirations (IFAD 2023)

by national governments, implementing agencies, judicial authorities, local governments, organisations of farmer and small-scale fishers, and of forest users, Indigenous Peoples among others (Land Portal no date). They emphasise the need to design land governance in a way that excludes human rights violations and that:

“States should take measures to promote and protect the security of land tenure, especially with respect to women, and poor and disadvantaged segments of society, through legislation that protects the full and equal right to own land and other property, including the right to inherit” (Kramer et al. 2021).

However, due to the voluntary nature of these guidelines and the lack of profit motive to comply, this means that private companies and other actors may not have enough incentive to adhere to the VGGT.

As an example, Colombia introduced collective land tenure rights for Indigenous People. In the late 1980s and early 1990s, the government gave approximately one quarter of its land area the formal status of indigenous reserves and granted Indigenous People and forest communities with legal recognition and recourse if their rights were violated (New Climate Economy 2018). As a result, large amounts of the Amazon rainforest have been conserved without the need for state intervention (New Climate Economy 2018). It has been calculated that, in carbon terms, securing indigenous tenure of forestland in Colombia has the potential to avoid the equivalent of taking 635,000 cars off the road in the same period (New Climate Economy 2018: 96).

Ensure there is open and accessible data on land administration

Before land is leased for projects (such as REDD+) it is important that land rights should be recognised and transparently registered (Crobera et al. 2011). This ensures there is security on which lands should be exempt from these projects, including indigenous customary lands (Crobera et al. 2011). Additionally, this would help to solve the challenge for affected communities when exercising their rights over land if there is a lack of comprehensive and accessible registries of land tenure rights (Crobera et al. 2011).

GIZ’s study (2021) explores open data, land governance and corruption and through desk-based research and expert interviews. Their assessment on open data found that there is an overwhelming need for improvement in open data as an anti-corruption tool in the land sector (GIZ 2021). Their findings recommend: adopting the use of mixed data licences to ensure individual privacy and security while ensuring transparency; user friendly technologies to increase accessibility; adherence to open data standards; and multi stakeholder participation (GIZ 2021). Moreover, the “open by default” principle to land governance was proposed, reversing the current “closed by default” system (GIZ 2021).

The [Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean](#) (also known as the Escazú Agreement), guarantees the effective implementation of the rights of access to environmental information and public participation in the environmental decision-making processes (UN 2023). Each party should exercise the right of access to environmental information which includes:

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- requesting and receiving information from competent authorities without mentioning any special interest or explaining the reasons for the request
- being informed promptly whether the requested information is in possession or not of the competent authority receiving the request
- and being informed of the right to challenge and appeal when information is not delivered, and of the requirements for exercising this right (UN 2023: 17).

By project implementers

Guarantee free, prior and informed consent

Ensuring there is adequate free, prior and informed consent (FPIC) from affected communities is paramount to ensuring accountability in land-based projects (IFAD 2023). FPIC is the important exercise of Indigenous Peoples' right to self-determination, and means working alongside others to identify, co-design and pursue development pathways that respond to their priorities and aspirations (IFAD 2023). FPIC is a right for Indigenous People recognised in the ILO Indigenous and Tribal Peoples Convention (1989) (Zúñiga 2018).

Not only does this increase the project's chance of success but it also ensures accountability throughout its implementation. FPIC will enhance checks and balances and ensure that these are built into the project design and facilitate meaningful community consultations on the scope of the projects, such as the land required, duration of the projects, purposes and benefits of the project, potential risks, compensation rates and livelihoods restoration. Communities should also be given sufficient time to form an opinion.

As an example, in Vietnam, the Reduced Emissions through Climate-smart Agroforestry (RECAF) project supported the development and certification of deforestation (IFAD 2023). To implement FPIC, the consultant participated in the design mission and developed a report focusing on approaches for enhancing inclusion of ethnic minorities and how to address their concerns throughout the project (IFAD 2023).

Implement complaints and investigations mechanisms

Well-designed complaints mechanisms, whistleblowing systems and grievance redress mechanisms are key components of an accountable project. Internal complaints mechanisms in the form of hotlines and mailboxes can be used as anonymous methods of reporting corruption and other violations, and these should be clearly communicated to the citizens (Zúñiga 2018). It is important that these are available in the local languages and are clearly signposted to communities throughout the project implementation. These should also be made available to those with lower literacy skills and where internet or phone coverage may be low (Zúñiga 2018).

As best practice, complainants should be able to simply outline how the alleged harm they experienced or anticipate is tied to the organisation's activities (Good Policy Paper 2021). Admissibility requirements should not require anything else from the complainants in case they lack the resources (Good Policy Paper 2021). There should be the option for these to be filed prior to project approval so they can be addressed in the early stages (Good Policy Paper 2021). Complainants should be allowed to choose, if the grievance has been found to be eligible, to pursue either problem solving and/or compliance review with a fully informed decision (Good Policy Paper 2021). All costs should be

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covered by the grievance mechanism and protection from retaliation should be ensured (Good Policy Paper 2021).

These channels should be internal to the project and organisation and signposted to external whistleblowing channels and complaints mechanisms (which vary between countries) to make disclosures directly to the relevant authority.

Finally, protection, including physical protection, of those that report corruption should be ensured. Information on how to access protection should be signposted on any whistleblower or complaints mechanism channels. Protections may vary depending on the country, but in some instances, those that report corruption in climate mitigation projects may be eligible for protection as human rights defenders.

Conduct environmental and social impact assessments

Environmental impact assessments (EIAs) are a part of the environmental decision-making process that helps to identify, predict, estimate, mitigate, minimise and communicate to the public the environmental and social consequences of proposed projects (Dupuy and Williams 2017). There are four steps to them that ensure public participation:

- screening: determines the environmental impacts of the project and whether an EIA is needed
- scoping: the extent of the EIA and its terms of reference
- report preparation: collection of data to identify impacts, evaluate alternatives, and propose or design mitigation measures
- report submission and review: report is sent to the project proponent and

relevant authorities (Dupuy and Williams 2017).

A social impact assessment identifies the social change or consequences (positive and negative, intended and unintended) caused by projects (IISD no date). These consequences include changes to people's way of life, their culture, community, political systems, and health and well-being (IISD no date). This is particularly important for Indigenous People as not only do forests provide them with their livelihoods but are also of important cultural significance.

By affected communities

Community-based forest management and reforestation

Collective and communal ownership of the land and private ownership may enable affected communities to implement reforestation and afforestation projects themselves. This therefore ensures the project is informed by local voices from the outset and any associated benefits are given directly to the affected communities.

In Ethiopia, the Sodo Community Managed Reforestation Project is a joint initiative between the Sodo community and World Vision Ethiopia to restore and protect the highlands of Southern Ethiopia (REDD Project Database 2020). The area is owned by five Sodo communities that have secured land-right certificates from the Ethiopian government (REDD Project Database 2020). Revenues from the carbon offsets are owned by the communities and co-operatives have been established to manage the project area (REDD Project Database 2020).

There are various different funding mechanisms for land-based solutions, depending on the location and ownership of the project. As a

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potential anti-corruption measure, e-payment methods could be utilised to alleviate some corruption risks (such as elite capture and embezzlement). Williams et al. (2022) reviewed Vietnam's e-payments programme in its forest sector and found that e-payments may reduce corruption prevalence compared to cash. Vietnam's payments for forest environmental services (PFES) programme involves collection of PFES payments from utility consumers (those who benefit from forest services such as water companies and tourism firms) and then distributing these payments to a Provincial Forest Development and Protection Fund (Williams et al. 2022). These funds are then paid directly to those protecting the forests, predominately plantations, households and local communities (Williams et al. 2022). E-payments were found to have improved accessibility of minorities and enhanced benefit distribution (Williams et al. 2022). However, PFES does not operate in a vacuum, and in the case of Vietnam for the anti-corruption aspect to be fully realised, transparency and improvements in wider forest governance is integral to ensuring anti-corruption success (Williams et al. 2022).

Land observatories

Beyond advocating for land rights and protection of the environment, affected communities to reforestation and afforestation projects can organise themselves through formalised mechanisms to help increase project accountability and transparency. Land observatories are a mechanism which aim to increase transparency on large-scale land deals (which can include reforestation and afforestation projects) that will affect the environment, culture and traditional ways of life of affected communities and/or Indigenous Peoples (COMAID 2021). Land observatories facilitate the participation of local partners through data collection, validation and mapping

(COMAID 2021). They rely on open land data (if available) and help to communicate this information to affected communities as well as supporting these communities to utilise the data to advocate for their rights and negotiate better access to natural resources (COMAID 2021).

As an example, the European Commission through the Joint Research Centre used the land observatory framework when conducting the ReCaREDD (Regional Capacities for REDD+) in Cambodia, Laos and Vietnam (KartECO no date). This project has established a regional forest observatory which compiled all relevant regional data on forestry and REDD+ for knowledge and data sharing (KartECO no date). Its objectives were to:

- understand local, national and regional land-use change dynamics
- provide an avenue for sharing official datasets
- facilitate dialogue between partners
- support coordination between projects
- improve access to technical knowledge resources (KartECO no date).

The output of the project was a database and website to service the relevant countries and contains maps, statistics, GIS layers, reports and scientific papers (KartECO no date). Any interested party from the public then has access to this information and can use it for purposes such as holding project implementers to account or advocating for the rights of affected communities.

Citizen's assemblies

Citizen's assemblies are a mechanism that enables members of the public to be directly consulted on project proposals. Citizen's assemblies have been working on climate change issues in the UK to inform policymakers of levels

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of public concern and public support on specific climate policies (Bryant and Stone 2020). These bodies typically bring together 20 to 150 members of the public to deliberate over a set timeframe to share ideas and write a set of recommendations to share with responsible officials (Bryant and Stone 2020). The citizens are then paid for their involvement (Bryant and Stone 2020). This is a mechanism where citizens can be involved in democratic decision-making processes, sitting between traditional representative democracy and direct democracy (Bryant and Stone 2020).

As an example, the Brent Climate Assembly commissioned by Brent Council gathered 53 local residents to consider the question of “how can we work together to limit climate change and its impact while protecting our environment, our health and our well-being? Consider the council, businesses and organisations, individuals” (Bryant and Stone 2020: 8). Over three weekends, the residents came up with a range of future possible actions, and this was opened up to the wider public to submit their own responses to the question to feed into the process (Bryant and Stone 2020).

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The U4 Anti-Corruption Resource Centre shares research and evidence to help international development actors get sustainable results. The centre is part of Chr. Michelsen Institute (CMI) in Bergen, Norway – a research institute on global development and human rights.

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