ADDRESSING LAND CORRUPTION FOR CLIMATE JUSTICE

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Addressing land corruption for climate justice

Transparency International launched the "Land and Corruption in Sub-Saharan Africa" programme in 2015 to address the prevalence of corrupt practices within systems of land administration and management, known simply as land corruption. Led by Transparency International's Secretariat in Berlin, the programme develops innovative approaches to understanding, tracking and overcoming land corruption, in collaboration with national chapters in Cameroon, Ghana, Kenya, Madagascar, South Africa, Uganda, Zambia and Zimbabwe. This programme is currently funded by the German Federal Ministry for Economic Cooperation and Development (BMZ). For many publications, articles, videos and training resources on the issue, visit:

www.transparency.org/en/projects/land-corruption-sub-saharan-africa

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EXECUTIVE SUMMARY

Land corruption – the prevalence of corrupt practices to claim, register, control or transact land[1] – poses a serious threat to efforts to fight climate change and achieve a fair energy transition.

Land corruption undermines programmes, projects and practices, and contributes to increased carbon emissions and negative climate outcomes. It weakens tenure security and contributes to human rights violations. By channelling funds and resources towards elites, and supporting harmful or poorly managed projects, land corruption also erodes the legitimacy and credibility of the climate agenda, reducing popular support for vital action. Drawing on numerous examples and case studies, this policy paper shows that governments, donors, private actors and civil society in the climate and anti-corruption spaces must tackle land corruption to address climate change and achieve a fair energy transition. It recommends that stakeholders strengthen land rights and land tenure security; increase transparency and good governance; support land anti-corruption activists, and mainstream anti-corruption safeguards in the land and climate sectors.

The impacts of land corruption

Land corruption reinforces inequalities by enabling abuses of power committed by elites, while making already disadvantaged populations – particularly Indigenous Peoples, local communities, women and young people – more vulnerable to eviction and marginalisation. It includes bribery, collusion and conflict of interest in land administration and management, as well as remedy and enforcement mechanisms, and can extend to political corruption and state capture. Often part of wider land-grabbing strategies, including "green grabs" for conservation and renewable energy, land corruption can bypass affected communities' rights, justifying expropriation with claims of public purpose or nature-based climate solutions.

Land corruption in carbon-intensive economies

Corruption is a key enabling factor in the conversion of ecosystems for land-intensive economic activities, such as agriculture, forestry and extraction, which contribute significantly to greenhouse gas (GHG) emissions. Many large land deals occur in the Global South, where illegal logging and land grabs are often enabled by fraud in land records and titling processes.

Stewardship by Indigenous Peoples and local communities is essential to ecosystem protection, but without state recognition of local land rights, communities are vulnerable to eviction and violence. Insecure tenure enables corrupt actors to circumvent land rights or strip protected areas of their status, while free, prior and informed consent (FPIC) processes can be vulnerable to corruption. Agribusiness and the extractive industries often wield both economic and political power, resulting in undue influence over processes and policies related to land and extraction.

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Opportunities for land corruption in the net-zero economy

The rapidly emerging "green" economy offers novel opportunities for corruption, including many projects seeking new rents and climate funding, with little regard for environmental impact or land rights. Private and public actors rely heavily on land-based carbon removal projects to meet net-zero pledges. This creates intense competition for land, encouraging corrupt land grabs in tenure-insecure contexts and resulting in eviction, loss of livelihood, human rights abuses and minimal climate benefit. Corrupt public authorities and elites have frequently used "green" and "nature-based" discourses to justify the misappropriation of lands critical to Indigenous and rural livelihoods. Similarly, carbon entrepreneurs have depicted mitigation projects, including monocultures, as "nature-based", falsely winning stakeholder support, despite controversial impacts on biodiversity, local communities and carbon sequestration.

Land corruption in the energy transition

Renewable energy sources such as solar and wind power and bioenergy require larger areas to produce the same amount of energy as fossil fuels, making effective land governance vital in the energy transition. Yet land corruption and weak governance are undermining fair land distribution and sustainable energy projects. Bribery, influence peddling or collusion can distort selection of renewable energy projects and licence agreements. The transition also puts pressure on natural resources necessary for renewable energy technologies. To meet demand, new mines will need to come into production more quickly, yet accelerating approval processes increases corruption risks. Land corruption may also facilitate illegal mining of transition minerals, often situated near local or Indigenous communities.

The impact of land corruption on climate resilience

Land corruption undermines communities and governments' capacity to implement climate-resilient strategies, such as adopting new livelihoods, protecting ecosystems or developing climate-resilient infrastructure and agriculture. Corruption can hinder sustainable land-use planning, access to land and water, and efforts to implement adaptation measures. It can also undermine land tenure security – further reducing communities' climate resilience by removing their incentives to invest in adaptative capacities. In cities, urban planning corruption can lead to mass evictions – often from informal settlements without security of tenure – through land grabs, gentrification, construction projects and changes in land use.

Conclusion and recommendations

Land corruption has significant negative impacts on the environment, human rights and climate action in three critical areas:

+ **Ineffective climate action:** Land corruption endangers ecosystems, and distorts mitigation and adaptation initiatives, often resulting in ill-designed projects, failed objectives and conflict with communities.

+ **Climate injustices:** Land corruption threatens Indigenous and community land rights, while rewarding powerful elites, exacerbating global inequalities and undermining human rights.

+ **Erosion of climate agenda legitimacy:** By channelling funds and resources towards elites and supporting harmful climate projects, land corruption erodes the credibility of climate action, undermining crucial popular support.

Solutions to land corruption must be adapted to national and regional contexts and standards of governance. This policy paper makes the following recommendations for governments, private actors, civil society and donors to prevent and address land corruption:

1. **Strengthen land rights and land tenure security to reduce vulnerability to corruption.**

+ States must strengthen tenure rights, including communal and customary land rights, to prevent powerful actors from claiming control over land resources.

+ Private and public actors in land deals must proactively identify affected communities and seek their consent throughout the project cycle, applying anti-corruption safeguards to FPIC processes.

2. **Increase transparency and good governance to foster social accountability.**

+ To ensure informed community decision-making and accountability, land investors should disclose documentation related to land deals.

+ States should make information on land tenure and land use, including information on beneficial landowners, available free of charge in open, machine-readable formats.

3. **Support land anti-corruption activists.**

+ States bear the primary responsibility for preventing harm to land defenders and must ensure an adequate national framework to protect them, especially Indigenous Peoples, local communities and women, including accessible judicial and administrative remedy mechanisms as well as legal support.

+ Public and private actors should establish accessible, confidential and responsive internal whistleblowing channels, enabling all stakeholders, including communities, to report wrongdoing in land deals and climate projects.

4. **Mainstream anti-corruption safeguards in the land and climate sectors.**

+ Governments and international institutions must adapt their anti-corruption frameworks to specifically target land corruption and empower law enforcement and anti-corruption institutions to tackle it.

+ Climate action and land institutions should mainstream anti-corruption safeguards, defining clear institutional mandates and processes related to land allocation.

+ Donors and countries implementing climate-related initiatives must identify, prevent and mitigate land corruption risks, and incentivise all stakeholders, including communities, to address corruption throughout the project cycle.

+ Private and public actors must proactively assess land corruption risks in supply and investment chains and take measures to prevent and mitigate them.

INTRODUCTION

Land should be at the heart of the climate agenda. It is a substantial source of carbon emission. The way in which it is used and governed has major implications for countries' contributions to GHG emissions and carbon dioxide removal ambitions.

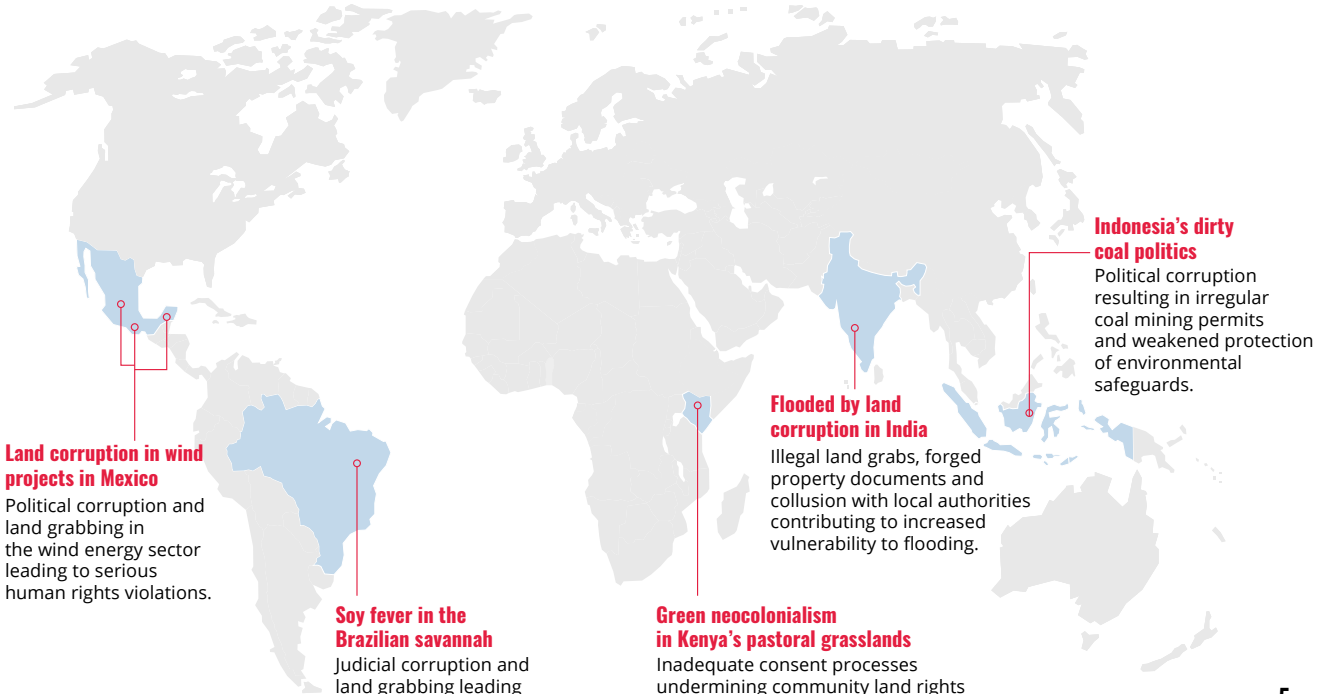
Land is also crucial to adaptation efforts as the climate crisis transforms the relationship between land and people, bringing about tremendous changes in weather conditions, ecosystems and food systems. To achieve a fair transition, it is essential that adaptation policies consider land as well as the people and communities who rely on it for their livelihoods. These policies should ensure that the worldviews, priorities and concerns of those communities are well-integrated.

Land corruption – the prevalence of corrupt practices to claim, register, control or transact land – poses a serious threat to efforts to fight climate change and achieve a fair transition. It not only contributes to carbon emissions but is a result of poor governance and participation in net-zero and adaptation efforts. The outcomes of corruption can also be devastating for communities, particularly land-dependent ones, which are often the most vulnerable to climate change.

This policy paper explores how land corruption contributes to negative climate outcomes, adversely affects programmes, projects and practices developed to tackle climate change or adapt to its effects and undermines the tenure security of people and communities.

First, it shows how land corruption can contribute to an increase in greenhouse gas emissions, particularly in the context of deforestation and the extractive industries. It then looks at how land corruption can distort efforts to achieve land-based mitigation solutions, including protecting forests, installing new renewable energy infrastructure and extracting critical minerals for renewables. The paper also explores how land corruption can make communities less resilient to respond to climate change by undermining their livelihoods and disincentivising investments and adaptive capacities. The final section offers concrete recommendations on how to address land corruption in the fight against climate change.

Map 1: Summary of case studies in this report



DEFINING LAND CORRUPTION AND ITS IMPACTS

Understanding land corruption

Transparency International defines corruption as the abuse of entrusted power for private gain. Land corruption, specifically, has been defined as "the abuse of power to claim, register, control or transact land" for private gain.[2] The forms of corruption that affect land are similar to other sectors and may include bribery, fraud, undue influence and conflicts of interests, among others. However, land corruption can be particularly damaging because it may directly dispossess land-dependent communities of what might be their sole asset and source of livelihood, home and identity. It may also contribute to the exclusion of landless and land-poor people, entrench growing land inequality[3] and contribute to conflicts.

Corruption typically involves a supply side, when a person seeks to claim, register, control or transact land, and a demand side, when a person receives undue benefits in exchange for abusing their power. In cases of land corruption, the demand side is represented by land officials, judges, elected officials, traditional authorities, surveyors and notaries, among others, engaging in both petty and grand corruption.

The power asymmetry that exists between the actors engaging in land corruption and the direct victims of this practice often means that the latter can feel helpless or afraid to seek justice. Frequently, judicial mechanisms and law enforcement agencies are captured or biased in favour of the elites against whom those victims seek remedy, leaving them without resources to obtain redress or protection. In addition, corruption which results in loss of land often requires force to maintain or defend the land grabs. Once land grabbers and complicit authorities have control over the land, they may need to involve other institutions like land administration agencies, security forces or the judiciary to guard the land, repress dissent and formalise the land grab.[4] Consequently, land corruption reinforces inequalities by enabling abuses of power committed by elites, while making already disadvantaged populations – particularly Indigenous Peoples, local communities, women and young people – more vulnerable to eviction and marginalisation.[5]

Key types of land corruption include:

Corruption in land administration and management: Land administration is vulnerable to fraud in land registries and cadastres (such as property boundary records) or false declarations in land-titling processes. These illegal acts often involve bribing or colluding with land administration officers, lawyers, surveyors and notaries.[6] Such practices can lead to unequal treatment in land administration and decisions concerning access to and transfer of land resources. Corruption can similarly affect administrative decisions related to land use and permits in agencies responsible for land-intensive sectors, such as forestry, agriculture, infrastructure, energy or mining. In all these institutions, abuses of power can result not only from bribery and collusion, but also from conflicts of interest when public officials or their relatives have a stake in a decision-making process that involves land.[7] Conflicts of interest may also arise when individuals move from positions in private and non-governmental organisations active in land-intensive sectors to public institutions responsible for designing and enforcing land use and tenure regulations (the "revolving door" phenomenon).

Corruption in remedy and enforcement mechanisms: Bribery and collusion can also bias policing, judicial processes and other remedy mechanisms available to resolve land conflicts, leading to impunity. Law enforcement officers and judges can be bribed to conduct forced evictions, rule in favour of a particular party, or silence whistleblowers and land and environmental defenders.[8]

Political corruption: Elected officials and members of governments can participate in land abuses by approving public land sales and interfering in administrative and judicial processes related to land use or ownership in favour of their own interests or in exchange for kickbacks or campaign financing. Policymaking processes and political decisions can be vulnerable to the undue influence of actors seeking to create loopholes for corrupt practices or gain privileged access to land resources while curtailing the rights of actors competing for access and control over the same territory.[9] Undue influence and other forms of corruption can also distort political decisions related to zoning processes to create or redefine land-use plans.[10]

State capture: State capture occurs when land corruption is not limited to individual misconduct but affects land-related institutions systematically. In this scenario, elite groups can distort decision-making processes related to land use and tenure by shaping the design and implementation of public policies in order to increase their control over land resources or to legalise land grabs. Under state capture, laws and regulations related to land use and ownership can remain unenforced, as the controlling elite group can interfere in public administration and the judiciary to generate intentional omissions in land management. This can lead to impunity for land irregularities and crimes committed by those elites. In all these cases, land management serves private interests while excluding disenfranchised groups and ignoring environmental regulations and safeguards.[11]

Corruption within affected local communities: Indigenous Peoples and other communities that depend on land are not exempt from corruption. Representatives and leaders of such groups can be bribed to provide consent for the development of projects or give up control over community land.[12] In places where land rights are poorly protected, land grabbers can rely on coercive strategies and abusive tactics to evict people from their lands, with or without the support of complicit members of the community. These can range from harassment and the manipulation of information to threats, physical and sexual violence, and even murder.[13] Communities are especially at risk of eviction through corruption when land tenure is insecure (Box 1).

Box 1: Land tenure insecurity and corruption

Tenure insecurity[14] strongly correlates with high scores on Transparency International's *Corruption Perceptions Index*.[15] In contexts where tenure is insecure, land rights have weak protection and can be easily bypassed by corrupt actors. When rules surrounding tenure are unclear and weakly protected, political and community leaders may also have excessive discretionary power, which they can use to cede control over land resources to land grabbers in exchange for personal benefits.[16]

Corrupt actors can strategically undermine the tenure security of groups in already vulnerable situations, such as Indigenous Peoples or women. For instance, corrupt public officials in collusion with land grabbers may ignore land regulations and intentionally abstain from processing land-titling requests. Policymakers may purposely leave gaps in land laws, regulations or information systems to create obstacles and loopholes in the formal recognition and protection of communal and customary tenure. Corrupt government officials can also dismantle land-related agencies or approve budget cuts to impede implementation of land laws that would strengthen tenure security and prevent an administration from delivering its institutional duties.[17]

When land corruption is widespread, land users – especially those in vulnerable situations – often feel less secure in their tenancy, as abuses of power in land processes may result in evictions and land grabs. Land corruption and tenure insecurity are therefore closely related and mutually reinforcing.[18]

Photo: Parilov/Shutterstock

Impacts of corruption on land grabs and exclusion

Land corruption is often part of wider land-grabbing[19] strategies. Land grabbing gained international attention following the worldwide fuel and energy crises of 2008 that led investors, primarily from the Global North, to rush for new land in the Global South. Many of the land acquisitions were marred by allegations of land grabbing.[20] However, land grabbing is now understood as a much broader phenomenon that encompasses a wider spectrum of issues (for instance, land grabs for conservation and renewable energy projects) and different geographies (within the Global North or South, or at national and local scales).[21] In land deals, corruption has been employed to bypass potential "obstacles", including land acquisition regulations or the rights of affected communities.[22]

Land grabbers can rely on legal mechanisms such as expropriation for public use or purpose to justify appropriation of land and bypass land rights. Although expropriation might be necessary to develop public policies and projects, when it is poorly regulated and when actors define the public interest loosely, it can be vulnerable to collusion between public and private interests. Land grabbers can also use corruption to evict communities without fair compensation, or overcome possible obstacles to market-based land deals by bribing or colluding with public officials or communities. In these scenarios, those who claim to represent communities may usurp traditional political structures or ignore the views of groups that have traditionally been discriminated against, including women or minorities.[23]

Land grabbing relies on diverse discursive strategies to legitimise control over seized land and mask corrupt practices. Project proponents and authorities often frame land investments as "necessary for development", or claim that enclosed lands are "vacant", "under-utilised", or that the original landholders – often Indigenous Peoples and other local communities – are degrading the environment. They can also strategically exploit crises to portray land investments as essential to food or energy security.[24] In the context of the climate crisis, corrupt actors can manipulate the urgency of the issue to legitimise and legalise "green" grabs associated with nature-based solutions or the development of renewable energies.

The power dynamics underlying land corruption not only threaten those with precarious access to their land, but also reinforce the exclusion of rural landless and land-poor populations. By dismantling or blocking the adoption of redistributive and restitutive land reforms, elites can protect their control over land resources against rival actors.[25]

LAND CORRUPTION IN CARBON-INTENSIVE ECONOMIES

Land-use changes leading to the conversion and degradation of forests, grasslands and wetlands into pasture, croplands and other land-intensive economic activities significantly contribute to GHG emissions, as the carbon contained in the biomass is released through burning and decomposition. According to the Special Report on Climate Change and Land by the Intergovernmental Panel on Climate Change (IPCC), forestry and land uses were responsible for 11 per cent of net direct human-induced global GHG emissions between 2007 and 2016.[26]

Land corruption has been employed to gain access to land, as well as to bypass land and environmental laws and regulations in agriculture, forestry and the extractive industries. Consequently, it is a key enabling factor of forest conversion, exploitation and other land-use changes necessary for different economic activities.

Land corruption in agriculture and forestry

Large-scale land acquisitions, which have been associated with land grabs and corruption, can harm forests. These forests are often cleared to make space for pastures and cash crops such as soybean, palm oil and rubber.[27] Although large land deals occur in diverse regions across the world, related carbon emissions are concentrated in the tropics. In fact, Africa, Latin America, Southeast Asia and Oceania are responsible for about 90 per cent of carbon emissions caused by reported large-scale land acquisitions since these regions host the largest number of large land deals and tropical areas have the highest carbon density (including carbon stored in both soil and biomass).[28]

Corruption risks in agriculture and forestry

Evidence shows that illegal logging and land grabs in the Amazon Basin, as well as in African and Southeast Asian rainforests, are facilitated by fraud in land records and titling processes.[29] For example, in Papua New Guinea, an investigation by Global Witness detailed how palm oil and logging companies bribed public officials and coerced local communities to gain access to the communities' land in the absence of their free, prior and informed consent.[30] The investigation also suggests that community leaders have received "gifts" from a logging company willing to exploit communal forests.[31]

Other regions are affected by similar patterns. The unlawful transfer of public forests in the Carpathian region to private actors in Ukraine has resulted in their over-exploitation and conversion into cropland. Civil society investigations have provided evidence of local authorities' involvement in providing fraudulent documents to facilitate these transfers. In this case, corrupt local public officials colluded with private companies who provided services (surveying, land management and other technical services) to manipulate ownership and land-use information so that the public officials could privatise public forests and transfer them to themselves or to third parties, in violation of land reclassification rules.[32] This case illustrates how corruption can contribute to changes in the status of forestlands and weaken the protection of these carbon sinks.[33]

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Tenure insecurity, deforestation and violence against land and environmental defenders

The stewardship of Indigenous Peoples and forest communities is essential to the protection of carbon sinks. A global study published in 2014 by the World Resource Institute in 14 countries, covering 68 per cent of all government-recognised community forests in low- and middle-income countries, found a robust correlation between the level of state protection of forest community tenure rights and the reduction of forest loss and associated carbon emissions.[34] This study shows that these populations can only protect forests effectively with sufficient state support and recognition of their land rights. According to the Drawdown Project, if Indigenous rights to land tenure grow to 1.12 billion hectares worldwide by 2050, this could lead to a reduction of up to 12.5 gigatons of CO_2 equivalent emissions.[35] However, there is still far to go. According to the Rights and Resources Initiative, only 521 million hectares (around 15.3 per cent of the world's forestlands) were managed or owned by Indigenous Peoples and other local communities in 2017.[36]

The non-recognition and invisibility of customary and communal tenure arrangements make affected communities more vulnerable to eviction, violence and associated corruption, as they have fewer tools to protect their rights. This is starkly apparent in the Peruvian region of Ucayali, where government failure to recognise community land rights has been an enabling factor for land grabbing. In the Asheninka, Shipibo-Conibo, Kakataibo and Asháninka communities, illegal loggers, drug traffickers and palm oil companies have taken advantage of Indigenous People's tenure insecurity to invade their territory and obtain irregular land permits granted by complicit authorities.[37]

Corruption can also lead to violence against Indigenous Peoples as well as land and environmental activists who seek to protect Indigenous territory and forests against land grabbers and illegal loggers. Yet the perpetrators often enjoy impunity resulting from public authorities' active participation in the criminalisation of land and environmental activists, omissions to investigate and prosecute rights violations, or the acts of violence having been perpetrated by complicit law enforcement officers.[38] For instance, in the Brazilian state of Amazonas, the Office of the Public Prosecutor accused land grabbers of paying bribes to local police officers to evict small customary landholders and forest-dependent communities.[39]

Case Study 1 – Soy fever in the Brazilian savannah[40]

In recent decades, land grabs fuelled by corruption have plagued the Brazilian savannah *(Cerrado)* and the Amazon rainforest[41], driving carbon emissions up in a country where land-use changes and forestry account for around 50 per cent of GHG emissions.[42]

The *Cerrado,* covering the states of Maranhão, Tocantins, Piauí and Bahia, has become the newest frontier in Brazilian agriculture, with the rapid expansion of cash crops such as soybeans and cotton. While local communities have historically struggled for recognition of their land rights in the region, aggressive agricultural expansion has led to a surge of conflicts and deforestation. In one of Brazil's biggest recent land corruption scandals in the municipality of Formosa do Rio Preto in West Bahia, a whistleblower was killed in 2014 after reporting the payment of bribes to a judge who was supporting land grabbers. In 2021, another whistleblower who reported the invasion of his farm by people connected to the same land grab was brutally murdered.

Law enforcement agencies' investigations later showed that the land grab in question involved around 366,000 hectares of land – an area greater than countries such as Mauritius or Luxemburg. The region is characterised by a high level of overlapping land claims and irregularities in land records, alongside many customary landholders and unrecognised community lands. The land grabbers took advantage of this context to use a contested land title with no clear geographical delimitation to claim ownership of the area. To consolidate the land grab, they bribed judges and lawyers to confirm their ownership of the territory and to support them in the resulting judicial processes.

Around 200 farmers suddenly found themselves located on the "property" of land grabbers and were blackmailed into paying extortion fees to avoid being evicted. In 2019, the Office of the General Prosecutor estimated that illicit financial flows generated by the corrupt scheme exceeded 1 billion Brazilian Reals (around US$240 million at that time). Complex money laundering schemes were also developed to conceal the payment of bribes and other illicit financial flows, with the criminal organisation relying on intricate financial and corporate structures, "frontmen" to conceal the true beneficial ownership of bank accounts and other legal structures, and cash payments.

According to a report by the NGO Chain Reaction Research, deforestation within the area of the land grab spiked when the land grabbers obtained confirmation of their ownership through biased rulings by corrupt judges.[43] This made Formosa do Rio Preto the municipality in the *Cerrado* with the largest area deforested over the past 20 years.[44] Land grabbing, human rights violations and deforestation also contaminate global supply chains, as major commodity traders such as Bunge and Cargill, which have bought the soy produced in the municipality, are at high risk of sourcing goods from deforested areas acquired through corrupt means.[45]

Land corruption in the extractive industries

Although land-use changes are mainly driven by the expansion of agriculture, the conversion of forests and other ecosystems can result from the development of extractive projects, including mining, oil and gas. These industries contribute to global GHG emissions by extracting fossil fuels, but also through deforestation and land-use change. The extractive industries have long been plagued by corruption. According to the Organisation for Economic Co-operation and Development (OECD), the sector accounted for the largest share of cases of bribery of foreign officials, with 19 per cent of all cases concluded between 1999 and 2014.[46]

Corruption risks in extractive projects

Although land is not necessarily directly affected by all forms of corruption that occur across the value chain of extractive industries, it is a key component of abuses related to issuing permits for extractive activities. Weak governance may increase the vulnerability of agencies responsible for providing such permits to corruption, particularly in contexts where land tenure is insecure.[47]

In such contexts, private interests can influence decision-making over land allocation for mining through bribery, trading in influence, collusion or elite capture.[48] Actors can use corrupt means to circumvent or ignore affected communities' land rights,[49] or, when land policies are captured by the extractive sector, to strip protected areas of their status. In Brazil, for example, while mining in recognised Indigenous lands is forbidden, illegal miners have aggressively lobbied Congress and the government to legalise mining activities in those lands, sparking a legislative debate on the issue.[50]

Corruption can also open protected areas for exploitation, when government officials collude with private companies to issue unlawful mining concessions, or use their authority to overlook or weaken protective laws and regulations.[51] For example, in Indonesia, the Governor of Southeast Sulawesi was sentenced to 12 years in prison in 2018 for receiving kickbacks for granting mining permits in protected forests.[52]

When extractive companies engage with Indigenous Peoples and other local communities to develop projects on their lands, the consent process is often vulnerable to corruption. Extractive companies can collude with, extort or bribe community leaders to provide consent to access their lands.[53] Those negotiating on behalf of communities may be tempted to agree to deals for their own benefit, rather than that of the community as a whole. The imbalance of power and resources between companies and communities can also lead to highly technical contracts with misleading clauses, resulting in unfair distributions of benefits and liabilities that are not fully understood by the people affected.[54]

Institutional capture by the fossil fuel industry

In many countries, the extractive industries wield both economic and political power, resulting in undue influence and state capture.[55] In such cases, mining and oil companies can influence processes and policies related to the approval of extractive projects. Case Study 2 shows how bribery and state capture were enabling factors in the aggressive expansion of coal mining in Indonesia. In the United States and Australia, extensive lobbying, revolving door mechanisms between political parties, public administrations and lobby groups, and donations to electoral campaigns have been used to influence approval processes for fossil fuel extraction and pipelines, with negative impacts on Indigenous Peoples and other landholders.[56]

The fossil fuel industry has also captured civil society, multilateral organisations [57] and academic institutions.[58] For instance, executives from the oil and gas sector have sat on the board and in advisory bodies of the Nature Conservancy, an environmental NGO. This NGO generated funds by allowing drilling for gas from 1999 onwards on a piece of land in Texas donated to the organisation to protect critically endangered wildlife in the area.[59] Scholars and climate activists have argued that institutions with ties to the fossil fuel industries tend to prioritise market- and land-based mitigation solutions such as carbon markets instead of more aggressive carbon reduction policies such as phasing out fossil fuel use. However, such mitigation solutions can further foster land corruption (see the next chapter on land-based mitigation responses).[60]

Case Study 2 – Indonesia's dirty coal politics[61]

In the Indonesian province of East Kalimantan, hundreds of abandoned water-logged open-pit coal mines where many children have drowned are the marks of the ongoing coal boom that started two decades ago, transforming Indonesia into one of the world's largest coal exporters.[62] However, Indonesia's Corruption Eradication Commission (KPK) found that, as of 2014, around 40 per cent of the almost 11,000 existing mineral and coal mining permits in the country were not fully compliant with existing laws and regulations,[63] hinting at uncontrolled development plagued by corruption. Other reported negative consequences of coal mining have been land grabs, water resource depletion, and air and water pollution, with negative impacts on public health and local food production.[64] As coal rights cover around 10 per cent of the country's territory,[65] including 940,000 hectares of protected areas, extraction has taken a toll on Indonesia's tropical rainforests.[66]

Research and investigations suggest that some local public officials have been eager to make land available for mining projects, expecting to receive undue payments in exchange.[67] For instance, in 2017, the KPK found that Rita Widyasari – the head of East Kalimantan's Kutai Kertanegara district – had received kickbacks and gratuities to approve environmental impact assessments and issue coal mining permits. In July 2018, Widyasari received a 10-year prison sentence for taking 110 billion Indonesian Rupiah (US$7.7 million at that time) in bribes.[68]

Widyasari's case is an example of how the separation between politics and the coal industry has been dangerously blurred in coal-rich provinces. As a result, awarding of coal permits sharply increases before and after elections. Coal companies are known to fund the campaigns of many candidates, who might subsequently be tempted to use their influence to facilitate the issue of permits.[69] Civil society has also accused many local and national politicians and former military officers of conflict of interest because they have a stake in coal companies, and some have even been involved in illegal land acquisitions.[70] In 2020, the adoption of the "Minerba Bill" amendment to the Mining Law sparked a wave of popular protests. Pushed by politicians with close ties with the industry, the amendment downgraded environmental and social safeguards while easing the expropriation of land used by farmers and Indigenous Peoples.[71]

The negative effects of Indonesia's coal industry on the climate are twofold. While burning coal produces significantly more GHG emissions than any other source of energy,[72] coal mining also emits carbon through forest clearing. Coal extraction often goes hand-in-hand with palm oil plantations and logging, which thrive on similar patronage politics and have incrementally degraded Indonesia's forests, soils and water resources while encroaching on the land of rural communities and Indigenous Peoples.[73]

OPPORTUNITIES FOR LAND CORRUPTION IN THE NET-ZERO ECONOMY

The window of opportunity to limit global warming to 1.5°C and maintain a pathway to climate-resilient development is rapidly closing,[74] making drastic reduction of GHG emissions a more pressing issue than ever. Although current efforts to mitigate climate change are still insufficient, a "green" economy is rapidly emerging, with new opportunities for legitimate businesses – but also for rent-seeking behaviours. Public and private actors are eager to portray themselves as climate-friendly to gain public support and access new markets and climate funds. However, when poorly implemented or marred by corruption, climate mitigation projects such as renewable energies and carbon credits can have dire consequences for land-dependent communities.

In this "green" economy, land has become increasingly commodified and vulnerable to speculation.[75] In many cases, green projects are an attempt to obtain new rents and capture climate funds, with little regard for their actual climate impacts or the land rights of affected communities. Corruption has been an enabling factor for accessing large swathes of land, resulting in the eviction of communities under the cover of a green discourse. This misappropriation of land resources for green ends – also known as "green grabbing"[76] – undermines climate change mitigation efforts in a period when time is running out.

Land corruption in nature- and land-based mitigation responses

In recent decades, land-based mitigation responses (Box 2) have received increasing attention as a potential solution to GHG emissions. As some of these responses rely on natural processes to remove carbon and can deliver further social and environmental benefits, they can be categorised as "nature-based solutions". However, nature-based mitigation solutions go beyond simply absorbing carbon. According to the International Union for Conservation of Nature (IUCN), such solutions must also have a positive impact on biodiversity, empower affected communities and rely on transparent and inclusive processes, among other criteria.[77]

Photo: Tarcisio Schnaider/Shutterstock

Box 2: Main types of land-based mitigation responses[78]

Ecosystem protection: Protecting ecosystems such as forests, mangroves, grasslands and peatlands that act as powerful carbon sinks from degradation or conversion can prevent further carbon emissions. Programmes such as the UN's **"Reducing Emissions from Deforestation and Forest Degradation (REDD+)"** invest significant resources in forest protection, particularly in the tropics.

Ecosystem restoration: Degraded ecosystems can be restored to remove carbon. Reforestation seeks to regenerate forests in areas that historically contained pristine ecosystems and is one of the most common forms of restoration. Its components range from planting trees to allowing natural forest recuperation.

Ecosystem management: The sustainable management of ecosystems that support human activities can improve carbon absorption. Examples include sustainable forestry (also included in the REDD+ umbrella), integrated cultivation of trees in agricultural lands **(agroforestry)**, and agricultural practices that increase carbon stocks in soils **(conservation agriculture)**.

Afforestation: Planting trees in areas that did not historically contain forests, including grasslands, savannahs or wetlands, is another land-based mitigation response. As afforestation often involves converting natural ecosystems into tree monocultures, it can harm biodiversity and livelihoods, despite contributing to climate change mitigation. It is therefore not frequently considered a nature-based solution.

Bioenergy: Energy can be generated by growing, processing and burning biomass such as wood, sugar cane or corn. **Bioenergy** can be coupled with **carbon capture and storage** technologies to prevent carbon emissions from being released into the atmosphere when consumed. According to the IUCN, such mitigation strategies require large swathes of land and are likely to have negative consequences on biodiversity, livelihoods and food production. They therefore do not qualify as nature-based solutions.

Land-based mitigation responses have had a prominent role in global climate efforts, and have been at the heart of carbon-offsetting initiatives.[79] With the multiplication of net-zero pledges, private and public actors have relied heavily on carbon-offsetting strategies, and therefore land-based carbon removal projects, creating new competition for land resources.

The Land Gap Report published in 2022 found that about 1.2 billion hectares – roughly the area of all global croplands – would be needed for the implementation of carbon removal projects to meet all governments' net-zero commitments.[80] Private actors have similarly put land resources under pressure by relying excessively on carbon-offsetting strategies instead of reducing their own emissions. In 2021, Oxfam reported that the net-zero commitments of just four major oil companies would require a land area of between 50 and 70 million hectares, or twice the size of the UK, to meet their offsetting goals by 2050.[81] Accommodating all carbon removal pledges would require reallocating land on a massive scale on a planet where competition for land resources is fierce and already bringing about exclusion, rights violations and environmental degradation.

As land-based mitigation solutions have created a new demand for already scarce land resources, opportunities have emerged for corrupt actors to grab land in tenure-insecure contexts. Poorly designed carbon projects without safeguards to protect communities and prevent corruption can result in eviction, loss of livelihood and human rights abuses. When land ownership is unclear and carbon markets are poorly regulated, so-called "carbon cowboys" – unscrupulous entrepreneurs seeking quick profits through carbon markets – can usurp, often through corrupt means, communities' rights to issue and sell carbon credits from their land.[82]

Efforts to strengthen land rights and prevent associated corruption in land-based mitigation responses are often insufficient. For instance, although tenure security has been identified as fundamental for the success of REDD+ initiatives in most countries, few readiness strategies have included concrete measures to address this issue.[83] In this new competition for land, poorly protected land rights, significant power imbalances and a sudden large influx of money with few integrity safeguards create fertile ground for corruption and green grabs. Documented corruption cases demonstrate how opportunistic actors can consequently grab land resources and violate rights to make profits from land-based mitigation and carbon-offsetting projects with questionable effectiveness.

Corruption risks in land-based carbon projects

In tenure-insecure contexts, land-based mitigation responses are particularly vulnerable to corruption at different stages. Corrupt actors can seek to influence strategies and policies for the development of frameworks that **will set the rules** for REDD+ and other forms of land-based carbon sequestration, to obtain undue advantages through different approaches:

+ The regulation of carbon rights[84] is vulnerable to corruption. Elite groups can capture this process, for instance, by asserting state ownership or private rights over customary or community rights.[85]

+ To prevent Indigenous Peoples and other local communities from benefitting from carbon rights, corrupt actors may seek to unduly influence the design and implementation of tenure policies. They may curtail the recognition of customary and communal tenure rights or undermine the capacities and budget of land agencies responsible for granting titles and other documents to those communities.[86]

+ In some countries where state authorities and donors have made efforts to strengthen tenure security for the implementation of REDD+ strategies, national and local elites have been able to capture those processes to define what is a legitimate claim to land ownership and use. This means tenure reforms strengthen land claims of already powerful groups, providing legitimacy to land grabs and associated corrupt practices.[87]

+ Agribusiness operators, logging companies and other private actors involved in land-intensive activities can bribe or influence public officials to ensure that land of interest is not allocated for carbon sequestration.[88]

Corruption can also affect the implementation of carbon projects. When tenure security is weak or when land-based carbon projects are poorly regulated, unscrupulous actors can exploit these vulnerabilities to grab land and capture carbon rights through different corrupt means:

+ Actors can bribe public officials to obtain carbon rights associated with public lands or to overlook competing communal or customary land rights.[89]

+ Corrupt actors can also use bribery in land administration to obtain irregular land titles to use in an upcoming carbon sequestration project.[90]

+ Actors can bribe, coerce or manipulate community leaders and representatives to allow control of community lands.[91] Reports from diverse countries including Peru[92] and Papua New Guinea[93] have shown how "carbon cowboys" made deals with communities to access land resources for carbon-offsetting projects, with misleading clauses and little return for local people.[94] Communities that lack the necessary understanding of carbon markets are particularly vulnerable to such abuses.[95]

+ In tenure-insecure contexts, when rights holders are not easily identified, impostors can fraudulently claim ownership over a piece of land to profit from carbon credits. Even when communities with carbon rights are clearly identified, individuals can fraudulently claim to represent their people and strike carbon deals without the consent of the broader group.[96]

Distorting green discourse for private gain

The way carbon projects are framed at local and national levels may determine the likelihood of corruption. Misappropriation of land for carbon projects has frequently been portrayed as necessary to fight climate change and protect the environment against local communities who are supposedly degrading the environment and, thereby, carbon sinks. In this way, complicit public authorities and elites have distorted "green" and "nature-based" discourses, using them to justify the appropriation

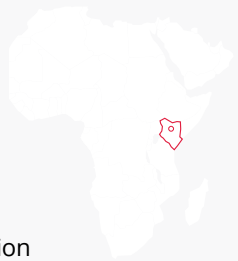
Photo: oneinchpunch/Shutterstock

and enclosure of lands critical to the livelihoods of Indigenous Peoples and other rural populations.[97] Similarly, carbon entrepreneurs have depicted wide-ranging projects, including tree and crop monocultures, as "nature-based" mitigation solutions, despite controversial impacts on biodiversity and local communities, and questionable results in terms of carbon sequestration.

For example, in the Philippines, the transition to a low-carbon economy was strategically employed to justify the conversion of grasslands into palm oil and rubber plantations and croplands for biofuel production. Converted land was categorised as "idle", "unoccupied" or "unproductive", with the people living off it accused of degrading the environment.[98]

In Cambodia, environmental discourse was similarly used by a carbon project developer as well as Cambodian and Korean government officials to legitimise an acacia tree plantation developed with the support of the government of South Korea that excluded local communities and resulted in clear-cutting forests as "reforestation". Project proponents claimed that it protected the forest against degradation from local communities' practices of shifting cultivation, despite scientific evidence of the contrary.[99]

Such contexts in which green grabs are positively reframed are ripe for land corruption, as stakeholders who usually act as powerful anti-corruption checks can easily be misled into believing the goodwill of the project developers. For instance, the climate community and international donors channelled millions of dollars to the Northern Kenyan Rangelands Carbon Project, before allegations of serious land abuses emerged (see Case Study 3).[100]



Case Study 3 – Green neocolonialism in Kenya's pastoral grassland[101]

In 2004, historically disenfranchised pastoralist communities in Northern Kenya's savannah experienced a new cycle of marginalisation when the conservation organisation Northern Rangelands Trust (NRT) established "community-managed" conservancies, which led to community land rights violations. In 2013, NRT earmarked 14 of the conservancies they had established for what it advertised as "the world's largest soil carbon removal project", covering an area of 1.9 million hectares[102] and inhabited by more than 100,000 people, including the Samburu, Maasai, Borana and Rendille Indigenous Peoples.[103] The project aimed to remove carbon by replacing traditional grazing practices, assumed – without robust evidence – to be degrading the environment, with planned rotational grazing.[104]

A 2023 report by Survival International reveals that several issues were flagged during the carbon credit validation and verification processes to approve the project to trade carbon credits in the voluntary carbon market. These processes were overseen by Verra, a non-profit organisation that acts as the main global certifier for carbon credits. Issues identified included multiple violations of the FPIC of communities living on the land. NRT started the FPIC process years after project implementation began, and failed to prove in the validation and verification processes that communities were effectively informed about the project and its impacts. The report also found no robust evidence that those selected to participate in the consultation process had the mandate to represent their communities.[105] Despite these concerns, Verra approved the project in 2020. The carbon credits were then used to offset the emissions of global corporations including Netflix and Meta.[106] Verra only suspended the project when Survival International published its investigation in 2023.[107]

Indigenous Peoples have also accused NRT of taking advantage of tenure insecurity and using its influence to obstruct the registration of community land[108] to its own advantage.[109] Survival International's report revealed that the creation of boards for managing the conservancies side-lined customary political structures, forming parallel decision-making bodies under the influence of NRT.[110] The report also suggested that NRT leveraged the allocation of benefits generated by carbon credits to increase its control over the conservancies and prioritise its goals.[111]

A report by the Oakland Institute found that NRT has militarised the region by hiring armed rangers to enforce conservancy regulations and intervene in violent ethnic conflicts. Collected testimonies suggest that on occasion, NRT sided with specific ethnic groups when they allowed the Trust to control access to strategic areas.[112] Conflicts of interest have also blurred the separation between the government and NRT, as people holding leadership positions at NRT were appointed to the decision-making bodies of two of the main Kenyan environmental agencies (Kenya Wildlife Service and Kenya Forest Service) and vice-versa. These agencies and NRT have been accused of extrajudicial executions and abduction, as well as depriving pastoralist communities of access to ancestral grazing areas. The allegations were made by multiple sources including elders' associations from the Isiolo and Samburu communities, the Borana Council of Elders and civil society organizations. However, there has been no federal investigation conducted to date.[113]

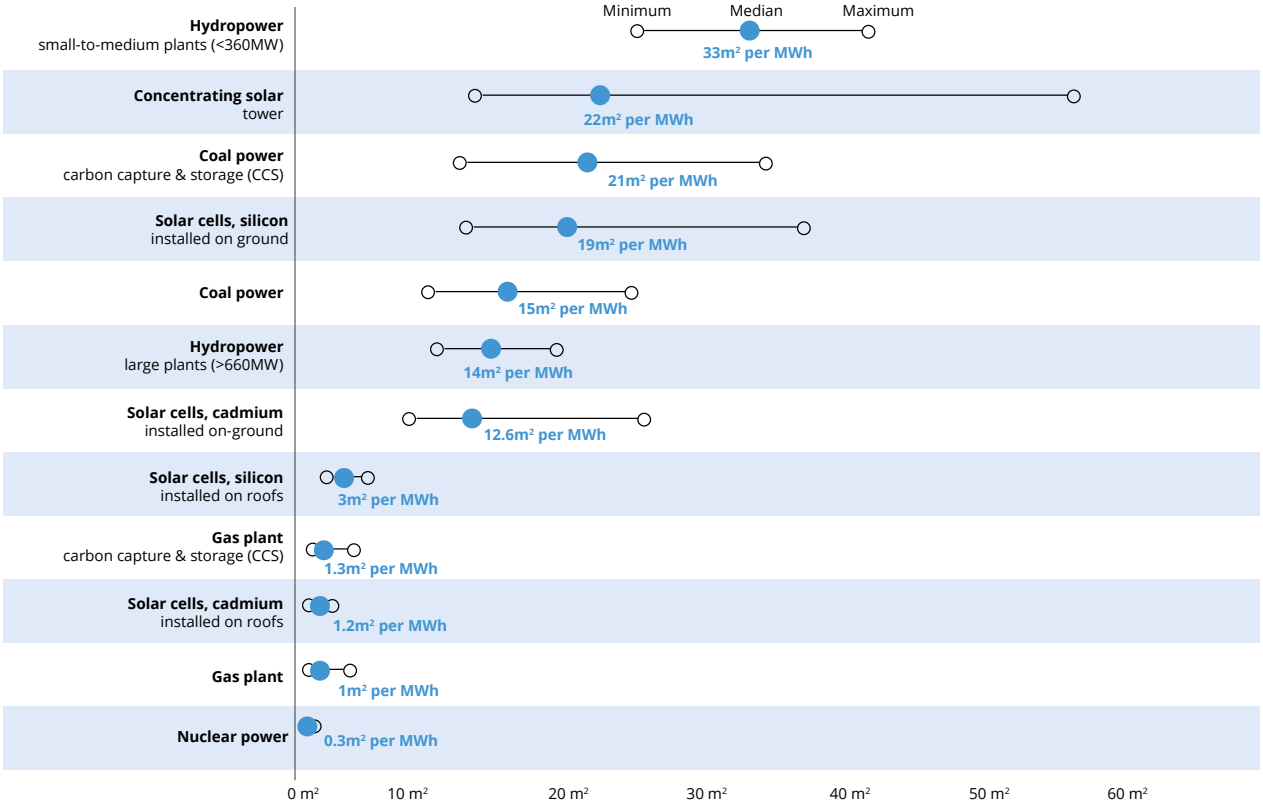
The carbon project has dispossessed Indigenous Peoples of economically and culturally significant lands and disrupted customary political structures. The imposition of grazing routes by the carbon project has restricted pastoralists' mobility, which is vital in order to adapt to droughts and rainfall variability, reducing the climate resilience of thousands of people. Affected communities have urged international donors to cease funding NRT and filed a petition in court, arguing that the conservancies violated FPIC regulations and should therefore be ruled unlawful.[114] The case illustrates how big polluters' efforts to outsource carbon emissions reduction through voluntary carbon markets can lead to land abuses – particularly against Indigenous Peoples and other rural populations with insecure tenure in the Global South who contribute very little to the climate crisis.

Land corruption in the energy transition

Transitioning to renewable energy is essential for tackling climate change. Despite progress in recent years, 80 per cent of global energy demand is still met by fossil fuels and there are substantial and real challenges to transforming our energy systems. One such challenge is the availability of land, as intermittent renewables, such as solar and wind power, require larger areas or structures to produce or store the same amount of energy as fossil fuels.[115]

While there are widely varying estimates of the amount of land needed for renewable energy projects to meet Paris Agreement goals (see Figure 1), the IPCC 5th Assessment Report (AR5) estimated in 2014 that between 500 million and 3 billion hectares of land would be needed to grow the biomass required to keep global warming below 2°C. In stark contrast, globally cultivated cropland today only covers 1.5 billion hectares.[116]

Figure 1: Estimates of area needed for each source of energy



Land use is based on life-cycle assessment; this means it does not only account for the land of the energy plant itself but also land used for the mining of materials used for its construction, fuel inputs, decommissioning and the handling of waste.

Source: UNECE (2021). For the full graph, visit: https://ourworldindata.org/land-use-per-energy-source.

The centrality of land for renewable energy highlights the importance of effective land governance in the energy transition. Unfortunately, weak governance and land corruption impose substantial costs on affected communities, reducing the sustainability of energy projects by undermining the fair distribution of land.

Corruption risks in renewable energy projects

Land corruption poses a clear threat to the energy transition. For instance, bribery, influence peddling or collusion can influence the selection of project developers, benefitting companies engaged in corrupt practices rather than those with the greatest expertise or most competitive proposals. The content of licence agreements can also be subject to corruption when determining the area of exploitation and environmental concerns and regulations as well as reporting and control commitments. Notably, in Denmark, a world leader in wind energy deployment, wind companies have falsified data on the noise and environmental impact of wind farms to secure construction approvals and pay below market rates for compensation.[117] In Colombia, wind companies have reported the need to pay bribes to access the necessary approvals and permits.[118]

Climate change mitigation instruments have been used to justify the expansion of interchangeable "flex" crops for biofuel production. Globally, land grabbing, forced displacement, loss of livelihoods and environmental degradation have been reported in several large-scale biofuel projects. In eastern Zimbabwe, one of the biggest ethanol projects in Africa, the Green Fuel project, has been marred by reports of land grabbing, displacement of communities without compensation and the pollution of local water sources with toxic waste. An investigative report also indicates that women may have been victims of "sextortion" by Green Fuel company employees when trying to access land.[119]

Land grabbing in carbon capture and storage technologies

Another mitigation strategy related to bioenergy is "Bioenergy with Carbon Capture and Storage" (BECCS).[120] This is seen as a crucial tool in achieving net-negative emissions, as it removes more carbon dioxide from the atmosphere than it emits when generating energy, potentially helping to counteract global warming and reduce atmospheric GHG levels. However, BECCS also faces challenges related to land use, resource availability and the permanence of carbon storage, leaving its long-term viability and sustainability still subject to ongoing research and development.

Despite this, the US government has been heavily subsiding carbon capture and storage (CCS) technologies in bioenergy and other industries to the tune of billions of dollars. In the Midwestern United States, large biofuels producers are developing projects to store carbon dioxide released by ethanol and fertiliser processing plants through pipelines that link these facilities to regions suitable for underground carbon sequestration, such as North Dakota and Illinois. However, these technologies require a significant amount of land, not only for carbon sequestration but also to transport carbon dioxide through thousands of kilometres of pipes. Carbon storage companies have been accused of seeking to use "eminent domain" – a legal mechanism to expropriate private property for public purposes – to evict landowners.[121] Local farmers have questioned whether these projects are really serving the public interest, and claimed that the main beneficiaries are the companies that use these technologies as a quick fix to reduce their carbon footprint and greenwash controversial businesses.[122]

The oil and gas industry is also betting on CCS to continue business as usual. Thanks to the US subsidies, land leases to oil companies for carbon storage are booming in states such as Texas and Louisiana, in spite of a lack of clarity around the associated liabilities and the ownership of underground "pore spaces" where carbon dioxide can be injected.[123] Geologists and environmentalists have also raised concerns over the lack of evidence regarding the environmental and health impacts of such technologies.[124] The opportunities and uncertainties highlighted in this section are creating an environment that is vulnerable to corruption, a concern given the likelihood that the use of these technologies will continue to grow.

Transition minerals, corruption and illegal mining

The energy transition also puts pressure on natural resources necessary for renewable energy technologies. Projections from the International Energy Agency (IEA) on the need for transition minerals suggest that demand for minerals to produce solar panels, wind turbines and electric vehicles will increase fourfold by 2040. By this date, demand for some minerals may even reach 30 times the current levels.[125]

Photo: Luisensaldana/Shutterstock

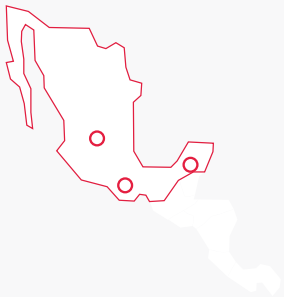
To meet incoming demand for transition minerals, new mines will need to come into production much faster than the current industry average of 16 years. Accelerating mining approval processes means more corruption risks. This is particularly concerning given that the mining sector is especially vulnerable to corruption due to its technical complexity.[126]

Land corruption related to transition minerals may facilitate illegal mining of these minerals, particularly in countries with weak governance and enforcement mechanisms. Criminal groups or individuals may engage in unauthorised mining activities to extract minerals such as coltan, cobalt or rare earth elements.[127]

As an example, a Global Witness investigation discovered that in an effort to clean up its mining industry, China outsourced its production of rare earth metals to its neighbour, Myanmar, where mining activities are illegal. Militias controlling areas rich in rare earths grant illegal permissions to Chinese companies to mine land confiscated through the armed conflicts occurring in Kachin state. Heavy rare earth mining has expanded so quickly that the region has become the world's largest source of rare earths within just a few years. However, the processes used to extract the minerals are highly polluting, ravaging landscapes and poisoning waterways.[128]

As more than half of energy transition mineral and metal resources are located on or near local communities or Indigenous Populations,[129] corrupt practices can create and exacerbate conflicts, as powerful actors may exploit their influence to override local concerns or circumvent regulations protecting the rights of affected communities. Abusive strategies, such as torture or violence, have been documented in related land grabs and procurement processes.[130]

The Mogalakwena in South Africa is the world's largest open-pit platinum mine, with over 117 million ounces of reserves.[131] Although Anglo Platinum holds mining rights over a large area, it does not own the surface rights, which belong to the Mapela and Langa traditional authorities and are held in trust by the state on the authorities' behalf. Many communities live on land within or immediately adjacent to the mining rights area. An investigation by the South African Human Rights Commission found that mining activity in the area led to forceful displacement; denial of access to water, sanitation and electricity; air and water pollution; disruption to food security; and loss of cultural heritage through the removal of grave sites.[132]



Case Study 4 – Land corruption in wind projects in Mexico[133,134,135,136]

In the regions of Oaxaca, Yucatán and Puebla, wind projects built on Indigenous lands have been characterised by land grabbing and conflicts over land tenure, fuelled by collusion between local elites and multinational firms. Companies with the backing of well-connected individuals or institutions have frequently been awarded wind project contracts in decisions that often prioritise vested interests over the most sustainable and socially responsible solutions.

Bribery has significantly influenced the implementation of wind farms across these three regions. For example, media reports indicate that local politicians and authorities in Oaxaca received bribes and private companies forged land titles with the help of complicit notaries to facilitate the implementation of the wind projects, compromising the integrity of the project approval process and hindering a transparent and equitable energy transition.[137]

The prevalence of corruption in the wind energy sector not only undermines genuine development, but also perpetuates inequalities and conflicts over land tenure. Indigenous communities and local populations are disproportionately impacted, as their rights and traditions are disregarded in favour of corrupt elites and multinational companies' vested interests. For instance, the wind farm La Ventosa, owned by the Spanish multinational energy company, Iberdrola, pays only US$10 per month to thousands of Oaxacans who leased their land for this project.[138]

Within communities, conflicts and divisions have emerged, as some see economic potential in wind energy, while others regard it as a challenge to their way of life and cultural identity. Amid these discussions, the lack of authentic consultation, participation and consent amplifies tensions, with affected communities reporting that they feel marginalised and unheard. Environmental considerations also come into play. In contrast to the perception of wind projects as providing green, sustainable energy, people whose livelihoods rely on land have expressed deep concerns about habitat disturbance, water usage and the effects on local flora and fauna.

There are also reports of serious human rights violations related to the licensing or construction of wind farms in the Valles Centrales, Mixteca and Sierra Sur regions of Oaxaca, including kidnappings and murders.[139] Wind energy development has led to the dispossession of community land, sacred sites and cultural traditions, facilitated by private security services. There is an urgent need for more equitable and inclusive approaches to renewable energy projects that prioritise the rights and aspirations of Indigenous Peoples.

THE IMPACT OF LAND CORRUPTION ON CLIMATE RESILIENCE

Land corruption can undermine the capacity of communities and governments to respond to the impact of climate change effectively. When corrupt actors manipulate land records, engage in fraudulent transactions, bribe land management officials or collude with private entities, it can result in unsustainable land-use patterns and undermine adaptative strategies at the community level. This section shows how land abuses and inadequate land-use planning compromise governments and communities' ability to implement climate-resilient strategies such as adopting new sources of livelihood, protecting natural ecosystems, managing coastal areas or developing climate-resilient infrastructure and agricultural practices.

Impact on global and local climate change effects

Land corruption can exacerbate the negative social and environmental effects of climate change. In Brazil, in addition to changes related to global climate change, local rainfall patterns are impacted by deforestation associated with land grabbing and corruption. A growing body of evidence suggests that forest conversion reduces evapotranspiration, rainfall and agricultural yields,[140] amplifying the effects of global climate change on precipitation in the region. Cases from Cambodia show that reforestation projects based on tree monoculture can also disturb water flows in regions vulnerable to droughts and floods, while denying local communities access to land they need to use as a complementary livelihood and adaptive strategy, particularly when the projects are poorly managed.[141]

Impact on community-level adaptative strategies

Land corruption can represent an additional obstacle to communities seeking to adapt to climate change. Corruption can undermine land tenure security, hinder sustainable land-use planning and jeopardise efforts to implement adaptation measures.

As shown throughout this report, land grabs associated with corruption often encroach on the territories of local communities, Indigenous Peoples and rural populations. In turn, tenure insecurity reduces the climate resilience of affected communities, as they lack incentive to invest in adaptive capacities. These situations impose substantial costs on communities, exacerbating gender disparities, disrupting livelihoods and eroding social cohesion. Marginalised groups tend to be particularly vulnerable to corruption when institutions fail to uphold their rights, meaning there is little risk for those who violate these rights or implement policies that undermine marginalised people's interests.[142] For instance, in Colombia, farmers without secure land tenure who face drought cannot adapt by temporarily migrating for fear of losing their land. Yet they also lack incentive to make investments to improve their access to water.[143]

Extortive practices to access lands that are a source of livelihoods can also hinder adaptative capacities. In Bangladesh, one of the world's most climate-vulnerable countries, rising sea levels and storm surges have resulted in the salination of agricultural fields in coastal areas.[144] Many people have turned to alternative livelihoods in mangrove forests as an adaptive strategy. However, these forest-dependent people often fall prey to public officials charging bribes for access permits or to extortion by mafias. Women may even be victims of "sextortion" when they cannot afford to pay a bribe.[145]

A report from the Heinrich Boll Foundation illustrates how green grabs driven by the development of renewable energies and other "green" projects in

Photo: Marcos Casiano/Shutterstock

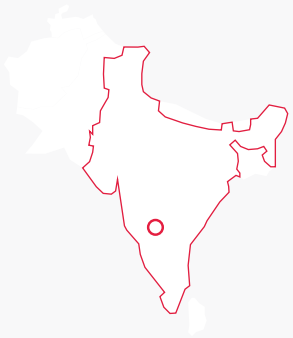
Norway, Morocco and Mexico demonstrate a lack of effort to engage with pastoral communities affected by those projects, which hinders their access to land and water. While mobility has historically been a strategy that pastoral communities have used for adaptation to climate fluctuations and uncertainty, green grabs driven by the development of renewable energies have undermined this capacity to move.[146]

However, renewable energies are not the only threat to pastoralists' land rights and mobility. In Senegal, developers also grab drylands and wetlands for biofuel or reforestation projects, with similar effects on pastoralist communities' climate resilience.[147]

Impact on the climate resilience of urban spaces

In cities, corruption in urban planning can lead to the eviction of large numbers of people. This occurs through various means, including land grabs, gentrification, construction projects, changes in land use and inadequate compensation. Those who suffer such abuses are often tenure-insecure people, and there is a disproportionate effect on women, children and migrants.[148] Fair, secure tenure is critical for the adaptation of cities to the effects of climate change, as it incentivises investment in more climate-resilient houses and infrastructure. Sound urban planning, tenure security and affordable housing can prevent citizens from having to live in informal settlements, which are often in areas vulnerable to floods, landslides and other hazards.[149]

Additionally, wetlands and other water-catchment areas surrounding cities are often converted into concrete by aggressive urban development projects mired in corruption.[150] For instance, collusion and fraud in land titles enabled land grabs in the floodplains, wetlands and canals surrounding Dhaka, the capital of Bangladesh.[151] Complicit authorities have often contributed to or turned a blind eye to these abuses. Peri-urban populations have been forcibly evicted by gangs working for land grabbers through threats, physical and sexual violence, murder and legal harassment. The conversion of those water-catchment areas has decreased Dhaka's capacity to deal with floods, which are made more frequent and intense by climate change.



Case Study 5 – Flooded by land corruption[152]

Land corruption in Bengaluru, India has had a lasting impact on the city, undermining its climate resilience in profound ways. In 2022, the city experienced devastating floods due to heavy rainfalls that are becoming more frequent, intense and unpredictable as a result of climate change.[153] According to a report by *The Washington Post*, various corrupt practices in the city, including illegal land grabs and collusion to bypass environmental regulations, have contributed to the city's vulnerability to the downpours. These practices have often involved real estate developers, landowners and individuals colluding with corrupt government officials to gain control of land for urban development purposes.[154]

One significant impact of land corruption has been the conversion of canals, wetlands and other green spaces into real estate projects, and the encroachment onto water bodies and lakes through corrupt practices.[155] Watchdogs have claimed that government officials have colluded with "real estate mafias" and bypassed urban and environmental regulations to issue clearance for projects encroaching on wetlands, while ensuring impunity for the land grabbers.[156] For instance, the president of a contractors' association alleged in a TV interview in 2022 that urban planning officers asked for bribes from real estate developers to facilitate illegal land conversions, manipulate land records and ignore irregularities.[157] Also in 2022, the president of another contractors' association accused a state Cabinet minister of allegedly demanding bribes from contractors, although these allegations were denied.[158]

While poorer and less connected groups are subject to the demolition of their homes for encroachment, powerful real estate elites can maintain irregular projects with impunity.[159] Anti-corruption activists have long protested government inaction against encroachments, fraud in land records and complicit authorities.[160]

The development of illegally acquired lands and irregular settlements without drainage systems has deprived the city of vital water-catchment areas, disrupting its hydrological systems. According to experts, the area of water bodies in Bengaluru decreased by 79 per cent between 1973 and 2013.[161] Corruption has contributed to unsustainable urban development in flood-prone areas, environmental degradation and inadequate infrastructure, undermining the city's climate resilience and increasing its vulnerability to flooding.

CONCLUSION

This policy brief evidences how corruption affects carbon-intensive economic activities while distorting climate mitigation and adaptation efforts (see Figure 2).

As a result, the impact of corruption on the environment and human rights has significant implications for the credibility and effectiveness of climate action, undermining its effectiveness, justice and legitimacy. The report underscores three critical findings:

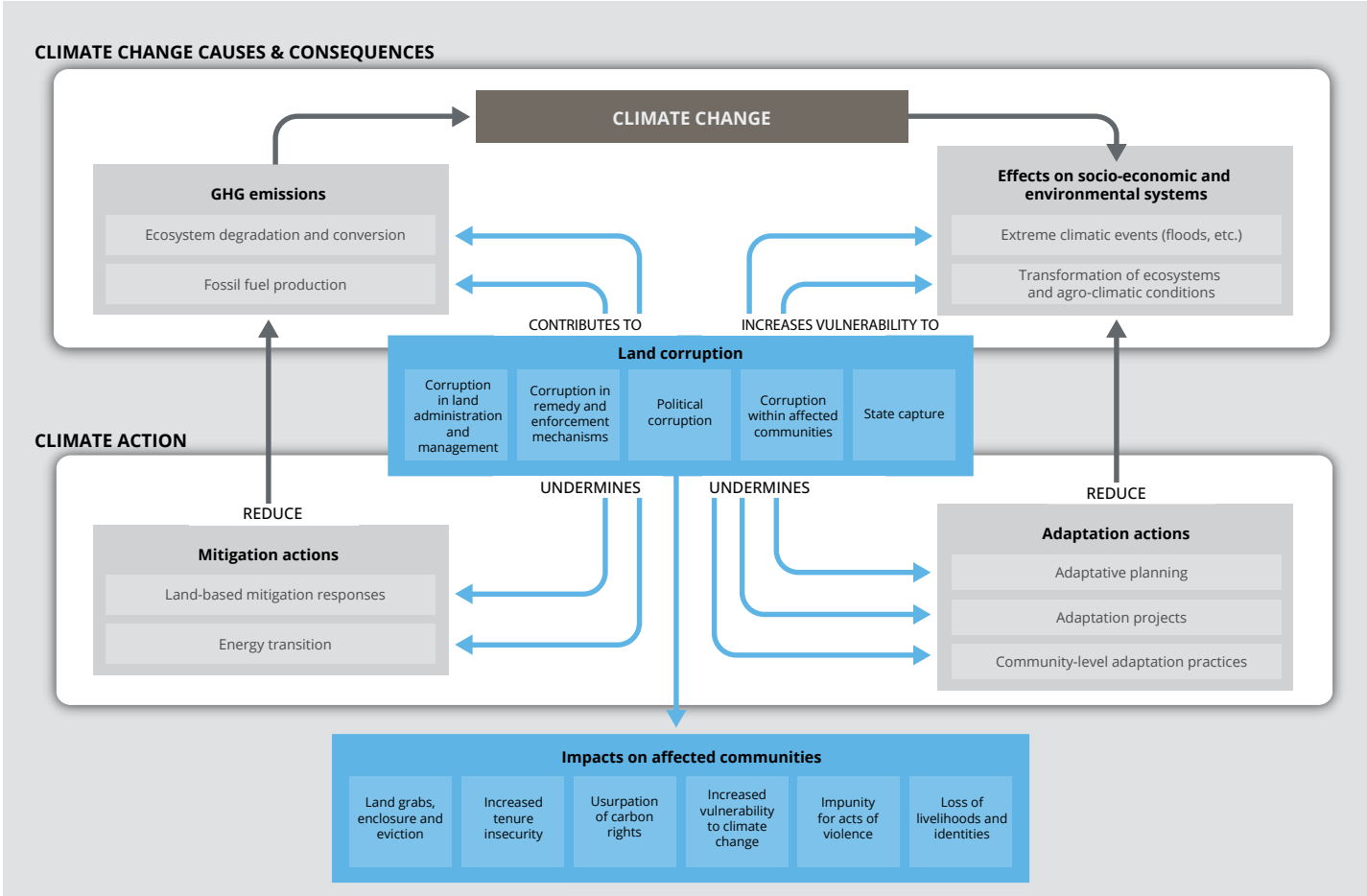
1. **Ineffectiveness of climate action:** Unchecked land corruption poses a significant threat to climate action efforts to achieve carbon neutrality. It endangers forests and other ecosystems, putting them at risk of being converted into cash crops, pasture and extractive projects. Furthermore, land corruption distorts mitigation and adaptation initiatives, often resulting in ill-designed projects that cannot achieve their stated objectives, as well as conflict with communities.

2. **Climate injustices:** Land corruption in mitigation and adaptation efforts perpetuates climate injustices. It rewards powerful elites while further disenfranchising populations in already vulnerable situations. For instance, although Indigenous Peoples and other local communities are often praised for forest stewardship, their land rights are threatened by corruption in the development of renewable energies, the extraction of critical minerals or nature-based solutions. These injustices are exacerbated by global inequalities, as land corruption frequently occurs in projects located in the Global South on the land of populations who experience marginalisation and suffer from land tenure insecurity, such as women, Indigenous Peoples, and other communal and customary landholders. Meanwhile, the investors and proponents of climate projects are often actors from the international elite, in particular from the Global North. Wealthy companies and individuals with significant carbon footprints can shift the burden of reducing carbon emissions onto disadvantaged communities through carbon-offsetting mechanisms, with dire human rights consequences when land corruption is involved.

3. **Erosion of climate agenda legitimacy:** Land corruption not only undermines the effectiveness and fairness of climate action but can also erode its legitimacy and credibility. Corruption can result in ineffective and harmful climate projects, while channelling funds and land resources towards elites, causing popular support for such policies to collapse. This is particularly concerning as the current responses to the climate crisis are largely insufficient, requiring states, companies and citizens to dedicate greater efforts and resources to this issue.

Photo: AJP/Shutterstock

Figure 2: Summary graph on the relationship between land corruption and climate change



RECOMMENDATIONS

There is no one-size-fits-all solution to tackle land corruption, as governance varies widely between national and regional contexts. The great diversity of relationships between peoples and their land needs to be respected in responses to land corruption. Consequently, solutions must be adapted to local realities to prevent and mitigate the risk of land corruption. This can be guided by different approaches:

1. **Strengthen land rights and land tenure security to reduce vulnerability to corruption**
2. **Increase transparency and good governance to foster social accountability**
3. **Support anti-corruption land activists**
4. **Mainstream anti-corruption safeguards in the land and climate sectors**

All stakeholders have complementary responsibilities to ensure that the following recommendations are effectively implemented.

+ **States** have the primary responsibility to adopt and enforce regulations that effectively tackle land corruption.
+ **Private actors** must proactively ensure that their supply and investment chains respect local and national regulations, comply with their obligations and integrate voluntary steps to ensure that land deals and climate projects are not tarnished by corruption.
+ **Civil society organisations** must hold states that fail to deliver accountable by identifying loopholes and opportunities for corruption, and pressuring public and private actors to act. They can also provide support and a platform for communities affected by land corruption.
+ **Donors** should abstain from investing in projects that fail to adopt anti-corruption safeguards and which may therefore be involved in land abuses.

This report broadly suggests the following approaches and recommended best practices for these actors:

1. Strengthen land rights and land tenure security to reduce vulnerability to corruption

Strengthen land tenure security – When land rights are not protected, people are vulnerable to corruption, as powerful actors can take advantage of land tenure insecurity to claim control over land resources.[162] States must therefore strengthen tenure rights, including recognition of communal and customary land rights. Land-titling processes are important to improve tenure security but are often too slow or inadequate.[163] At minimum, rights should be documented and included in official maps and cadastres to prevent those areas from being classified as "vacant"[164] and therefore available for investment. Social participation in the identification, demarcation and registration of land rights is crucial to ensure that public policies respond to the needs of all land users, and prevent elite capture and land grabs.[165]

Good practice example: The Indonesian Community Mapping Network

In Indonesia, many rural communities and Indigenous Peoples lack land titles and are absent from official maps. To address the government's unwillingness to recognise key land rights, the Indonesian Community Mapping Network, a consortium of NGOs and grassroots organisations, has provided support to those communities to map their own land. By 2022, the network had identified more than 26 million hectares of Indigenous and rural communities' territories, providing alternative maps to support these people's land claims.[166]

Respect FPIC – Private and public actors involved in land deals, including for climate projects, must proactively identify affected communities and seek their consent at all stages of the project cycle. Safeguarding consent is an effective preventive tool to ensure that land deals respect all rightsholders and are not captured by powerful private interests through corruption. States should require land investors to provide all the necessary information, including project specifications and social and environmental impact assessments, in accessible forms and local languages, enabling affected communities to make informed decisions. Communities should also have the autonomy to determine which institution and people have the mandate to represent them, and the right to withhold or withdraw their consent at any stage of a project. Anti-corruption safeguards should also be applied to FPIC processes. For instance, representatives should disclose their assets before and after the consultation process and stakeholders should implement a confidential whistleblowing mechanism.[167]

2. Increase transparency and good governance to foster social accountability

Disclose land deal documents and related contracts – To ensure that affected communities can make informed decisions and that civil society and the media can hold public and private actors accountable, land investors should disclose documentation related to land deals, including contracts, licences, agreements with affected communities, and risk and impact assessments. The land community has advocated for the precautionary principle of "if in doubt, disclose", seeking to establish transparency as the rule.[168] Governments should require private actors to disclose land acquisitions in other jurisdictions, including for climate projects.[169]

Promote land record digitalisation and disclosure – States should make information on land tenure, including customary and communal rights as well as land use, available free of charge in open, machine-readable formats, including details on beneficial landowners.[170] Land transactions should also be traceable in order to allow monitoring of the privatisation of public lands and other land deals. The "open by default" principle must guide open land-data policies. To facilitate social accountability, digital land records should be user-friendly, interoperable with other data sources, and disclosed in formats and languages accessible to all land users. Those who have historically experienced marginalisation, such as Indigenous Peoples, local communities and women, should also be involved in the process of opening and digitalising data to ensure that it responds to their needs. States should carry out human rights assessments to monitor the impacts of digitalisation strategies on vulnerable populations.[171]

Resource: Towards Transparency in Land Ownership

Transparency in the beneficial owners of land is crucial to foster social accountability and fight land corruption. To incentivise and facilitate efforts to promote beneficial ownership transparency in the land sector, Transparency International has published a research framework for assessing a country's regulation of beneficial ownership in large-scale land holdings, Towards Transparency in Land Ownership.

3. Support anti-corruption land activists

Protect and support land and environmental defenders – Land and environmental defenders play a fundamental role in protecting the environment and land rights, but are highly vulnerable to violence. States bear the primary responsibility of preventing harm to defenders and must ensure an adequate and effectively enforced national framework to protect defenders, especially Indigenous Peoples, local communities and women. Judicial and administrative remedy mechanisms must also be accessible to land and environmental defenders. To mitigate asymmetries of power, states should make legal support available to land and environmental defenders in judicial processes or when dealing with private actors, including in FPIC processes. Governments and civil society can also provide support and build technical and legal capacities to empower defenders and help them to protect their rights.[172]

Good practice example: Providing technical support to land and environmental defenders

In Senegal, communities suffering from a 10,000-hectare land grab, made possible by a complicit land administration officer, sued the Moroccan investor and obtained cancellation of the land deal. The successful lawsuit resulted from the efforts of a large coalition, uniting affected communities, farmers' unions and allied academics, which hired a lawyer and built a strong case. Researchers provided technical support and training to mobilise existing spatial information and create maps to evidence how the land deal violated previous land allocation decisions, as well as existing customary land rights.[173]

Provide effective whistleblowing channels – Donors, project implementors, public agencies and private companies should establish accessible, safe and responsive internal whistleblowing channels to report wrongdoing in land deals and climate projects so that complaints can be addressed in a safe and timely manner. Channels should be available not only to employees but also to all other external stakeholders, such as affected communities or business partners.

Resource: Guidelines on internal whistleblowing systems

Establishing truly effective whistleblowing mechanisms can be a difficult task. To help private and public actors address this challenge, Transparency International has developed guidance for establishing robust and safe internal channels to report wrongdoing: Internal Whistleblowing Systems: Best Practice Principles for Public and Private Organisations.

Good practice example: Building whistleblowing mechanisms into climate funds

Through its Independent Integrity Unit (IIU), the Green Climate Fund (GCF) has created a solid whistleblowing system. The mechanism was developed via a participatory process that involved civil society, including anti-corruption activists, Indigenous Peoples and women's organisations. This inclusive and thoughtful approach ensures that up-to-date standards are considered and that channels to report potential wrongdoing are safe, inclusive and accessible for all stakeholders.

4. Mainstream anti-corruption safeguards in the land and climate sectors

Mobilise anti-corruption frameworks to fight land corruption – Over the past decades, governments and international institutions have made considerable efforts to develop anti-corruption frameworks. These frameworks must be adapted and employed to specifically target land corruption. For instance, international anti-corruption and anti-money laundering agencies, such as the United Nations Office on Drugs and Crime and the Financial Action Task Force, have invested resources to tackle environmental crimes, but those efforts have little emphasis on land corruption. At the national level, law enforcement and anti-corruption institutions must also have a specific mandate and resources to investigate and prosecute land corruption as well as abuses related to land and environmental defenders.[174] Internal and external auditing processes of private and public actors must also take land corruption risks into consideration.

Good practice example: Mobilising anti-corruption institutions to fight land abuses

Amid growing understanding in Brazil that corruption is an enabling factor in land grabbing, deforestation and associated human rights abuses, the National Strategy Against Corruption and Money Laundering – the main forum gathering public institutions in the fight against corruption – has decided to address the issue. In 2023, it created a working group to diagnose fraud and corruption risks associated with land grabbing and propose measures to strengthen control mechanisms and transparency in land records and cadastres.[175]

Include anti-corruption safeguards in land policies – Anti-corruption safeguards should be mainstreamed in institutions responsible for climate action and land administration and management, to ensure they are adapted to the specific risks within those sectors.[176] Measures should include the regulation of conflicts of interest and revolving doors as well as the establishment of clear criteria for top-level appointments, among other integrity safeguards. Integrity frameworks should clearly define institutional mandates and processes related to land allocation and make these transparent in order to prevent abuses resulting from exaggerated discretionary power.[177]

Good practice example: Including anti-corruption safeguards in land policies

Land acquisitions made possible by corrupt officials who directly or indirectly interfere in a transaction have been explicitly made illegal in the land policies of various countries, including Kenya, Lesotho and Tanzania. Under these legal frameworks, any transaction affected by such corrupt conduct is considered void.[178]

Integrate safeguards against land corruption in climate-related initiatives – Donors and countries implementing climate-related initiatives such as REDD+, renewable energy programmes or adaptation projects must ensure that land corruption risks are identified, prevented and mitigated. Project plans should incentivise all stakeholders to address land corruption throughout the project cycle. Auditing, validation and certification processes in carbon-offsetting initiatives should assess land corruption risks more thoroughly. Stakeholders should also design climate projects to deliver direct benefits to affected communities, so that communities themselves are incentivised to scrutinise corruption risks in the project.[179]

Adopt human rights, environmental and anti-corruption due diligence – As recommended by the UN High Commissioner for Human Rights, "adopting anti-corruption compliance procedures can be seen to be part of human rights due diligence".[180] Private and public actors must proactively assess their exposure to land corruption and environmental and human rights risks across their supply and investment chains, including through their business partners and subsidiaries. Based on this assessment, these actors should take appropriate measures to prevent and mitigate identified risks. When dealing with business partners who acquire land, private actors should conduct due diligence to ensure the land was not made available through corrupt means.

Although implementation of all these recommendations is necessary to uproot corruption in the land sector, they may be insufficient in contexts where corruption is widespread and undermines the foundations of democracy. Effective rule of law, checks and balances, free and fair elections and other pillars of democratic states are all preconditions crucial to ensure the effectiveness of efforts against land corruption. Such structural factors are beyond the scope of this report, but should be part of cross-sectoral assessments to combat corruption.

Tackling land corruption is crucial to ensure that climate solutions work effectively and that people are at their centre. We hope that this document stimulates debate and encourages governments, donors, private actors and civil society in both the climate and anti-corruption fields to mobilise efforts to understand land corruption and better address it. Such efforts are vital to protect the integrity and the effectiveness of the mitigation and adaptation efforts needed to address the climate crisis.

Photo: Rich Carey/Shutterstock

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