



COMMUNITY LAND SUMMIT

PROTECTING THE COMMONS FOR
A SHARED FUTURE



COMMUNITY LAND SUMMIT-2024

4TH EDITION

Declaration Communiqué

Summit Overview

The 4th Edition of the Community Land Summit (CLS) 2024, co-convened by IMPACT Kenya, and PARAN Alliance in collaboration with other partners, is held under the theme “Enhancing Indigenous peoples' collective bargaining power towards carbon markets” with a focus on Sustainable Development Goals (SDGs) 13 on Climate Action, and 10 towards Reduced Inequalities, emphasizing on indigenous peoples' collective bargaining power towards carbon markets. The CLS 2024 builds on the success of 3 consecutive annual Community Land Summits initiated in 2021 by IMPACT Kenya in collaboration with other partners.



We, 400 representatives of Indigenous Peoples (IPs), pastoralist communities, hunter-gatherers, Civil Society Organizations, National Governments (including representatives of the Kenya National Land Commission, the Ministry of Lands, Public Works, Housing and Urban Development (MLPWHUD), the State Department of ASALs,...), the County Governments (Samburu, Laikipia, Isiolo, Turkana, Baringo, Marsabit, Narok, Kajiado, Tana River, Taita Taveta, West Pokot, Garissa, Mandera), private sector, researchers and academia, the media, the youth and Persons with Disability (PWD); and other developmental actors from East and Horn of Africa Countries – Kenya, Uganda, Tanzania, Democratic Republic of Congo (DRC), Rwanda, and Ethiopia; participated in the 4th Edition of Community Land Summit 2024 held on 13 – 16 November 2024 at Kisimani Eco Resort and Spa in Isiolo County, Kenya. We shared our experiences, lessons learnt challenges, opportunities and aspirations regarding contemporary issues affecting indigenous people’s lands and territories, particularly carbon markets and the need for collective bargaining; effectively analyzing the existing carbon market legislations, benefit sharing modalities, and the role of women and minority groups in carbon market initiatives; do make this declaration:

Preamble

- ◆ Indigenous Peoples have collective rights to own, use, access, develop, control lands, territories, resources, they have traditionally owned, occupied, otherwise used or acquired, in their pursuit of self-determination.
- ◆ Carbon offset projects hold the potential to contribute to climate goals - the Kyoto Protocol and Paris Agreement; often centered around nature-based solutions.
- ◆ We recognize and affirm the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007) that enshrines among others our rights to land and territories, and meaningful participation in decisions that affect our lives.
- ◆ We affirm our ancestral role in the conservation of our land and nature, and continued commitment to have functional and robust ecosystems for sustainable livelihoods for future generations, and biodiversity conservation anchored on IPs cosmviews.
- ◆ We emphasize the importance of our visibility, equity, representation, and meaningful participation in policy decisions that impact on our collective and individual rights, lands, territories, and resources including our livelihoods and conservation efforts.
- ◆ We celebrate our indigenous knowledge, and cultural diversity that leverage and connect our shared efforts and advance the relationship between people, land, and nature, as a core principle for livelihood development, conservation, and sustainable development, grounded in intergenerational wisdom.



- ❖ Land tenure security is a critical ingredient for rangeland management and pastoralism development. The increased interest by government and private entities on land mostly owned by IPs pose a threat to land tenure security, lives, livelihoods, and biodiversity conservation.
- ❖ Our governments as a longstanding signatory of the Universal Declaration of Human Rights, the African Charter of Human and Peoples Rights, International Covenant on Civil and Political Rights (ICCPR 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR 1976); gender equality and Free Prior and Informed Consent (FPIC).
- ❖ Carbon markets and the sale of carbon credits can help countries and companies meet ambitious international greenhouse gas emissions reduction targets. They can also channel much-needed finance to low- and middle-income countries and facilitate investments in climate mitigation.
- ❖ Carbon credits generated from Indigenous Peoples land and territories present both opportunities and challenges to achieve equitable and inclusive climate action.
- ❖ Diverse actors have a role to play to promote and secure just and fair IPs benefit from carbon offset projects: governments, project developers, validation and verification bodies, and technical service providers.



Concerns

- ◆ The exponential growth of carbon markets in East Africa posing risks, particularly for Indigenous and Local communities residing on their lands and territories,
- ◆ Despite the prospects to reduce emissions and promote sustainable practices, carbon offset raise concerns regarding their foundational motivation to cut down emissions, effectiveness, fairness, and potential negative impacts such as violation of IPs/Human Rights.
 - Greenwashing Concerns: Without sufficient transparency, there is a risk presenting projects as environmentally friendly without evidence to support such claims. This undermines the credibility of carbon markets as a tool for climate action.





- ❖ Lack of secure land and territorial rights for IPs continue to pose risks of alienation of IPs land and territories by governments, local and international investors, without Free Prior and Informed Consent (FPIC) contrary to international laws.
- ❖ Slow progress and lack of commitment by national and sub-national governments in facilitating documentation and registration of IPs land, territories, slow pace in resolving land related disputes including boundary disputes; and few deployments of land administration officers such as Land Registrars constraining access of their services needed to support the process of land registration at County Level, with some communities covering over 500Km to access the registrar's office.
- ❖ Slow progress and lack of commitment by national and sub-national governments in facilitating documentation and registration of IPs land, territories, slow pace in resolving land related disputes including boundary disputes; and few deployments of land administration officers such as Land Registrars constraining access of their services needed to support the process of land registration at County Level, with some communities covering over 500Km to access the registrar's office.
- ❖ Failure by governments and private investors to embrace and enforce the implementation of the principle of Free Prior and Informed Consent (FPIC) in acquisition of IPs land, disregarding their rights to decision making, negotiation for benefit sharing, fair valuation, and compensation in a timely manner.

- ◆ Lack of sex disaggregated data on IPs social and economic aspects needed to inform their needs and potential opportunities hinders development and implementation of gender responsive policies and programs on pastoralism, livelihoods, conservation, and carbon related initiatives.
- ◆ Limited knowledge and understanding of what carbon credits/ markets, relevant local and international policies and laws by most IPs create space for manipulation.
- ◆ Information and documentation around carbon credits is not translated in accessible languages that Indigenous communities can understand, hence often excluded.
- ◆ Indigenous Peoples are frequently viewed solely as beneficiaries in climate initiatives including carbon offset projects, rather than as key stakeholders with direct roles, responsibilities, and rights that must be secured.
- ◆ Inequitable Distribution of Benefits: Secrecy and lack of transparency in carbon markets result in an unequal distribution of benefits



- ◆ Most investors and their supporting agents have failed to pursue meaningful consultations, uphold FPIC, ensure benefit sharing, and maintain transparency by making the contracts open and accessible to communities.
 - The lack of transparency may lead to an inequitable distribution of benefits undermining the rights and participation of IPs and exacerbating power imbalances in decision-making processes.
 - Often investors disregard existing community traditional land governance structure.




❖ Lack of clear accountability and Grievance Redress Mechanism – that can be trusted by IPs – with power imbalances hindering the ability of communities to negotiate fair terms and assert their rights when those rights are violated. This leads to injustices, leaving Indigenous communities vulnerable to exploitation and further marginalization.

- Concern about the effectiveness of grievance redress mechanisms at multiple levels, including within projects, standard certification bodies, and those adopted by the UNFCCC under Article 6.4. UNDRIP Article 18 and 27. ILO convention No, 169 article 6,7, and 15


❖ Communities face risk of displacement due to lack of adequate safeguards. Risk of human rights violation when confronted with forced displacement or other negative consequences, without adequate mechanisms for redress and accountability.



We Commit :




Proactively conserve, protect and restore our land and territories for sustainable access to ecosystem services needed to secure our livelihoods and conservation of biodiversity.



Welcome carbon credits initiatives that promote meaningful community participations, respect FPIC, transparency in benefit sharing with clear safeguards and accountability mechanisms – with more information and awareness for IPs on what carbon market and credits entail, opportunities, and risks to local communities such as improved livelihoods for women, men, and the youth.



Engage and support development of regional, national and sub-national/local efforts towards development and harmonization of legal frameworks/policies that address our rights to land and territories, and related benefits arising from our land and territories including carbon offset projects with clear safeguards, respect for FPIC, and benefit sharing mechanisms.



Strengthen the capacity of IPs and local communities land governance structures to better manage our land and territories, engage investors in carbon markets to advance the rights of IPs and local communities.



Strengthen our internal coordination as IPs and local communities in East Africa for collective action and bargaining power in response to carbon projects.



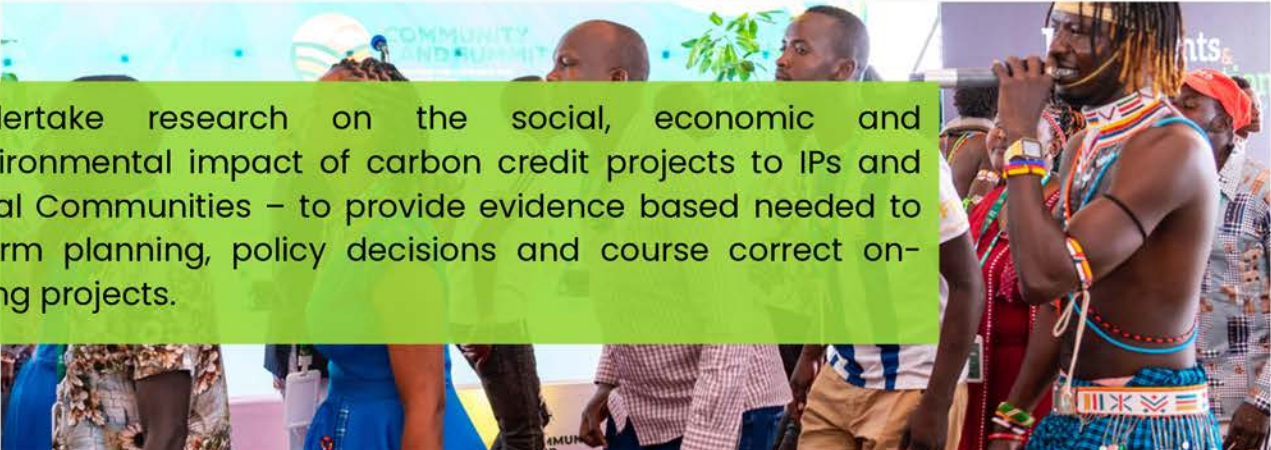
Document and share our indigenous knowledge, lived experiences regarding carbon projects, lessons learnt and best practices across the region and internally.




Advocate for IPs and local communities' rights as enshrined in UNDRIP, other global, regional and national instruments.



Advocate for the ratification and localization of the Convention Concerning Indigenous and Tribal Peoples in Independent Countries (No. 169) of the International Labour Organization (ILO) by governments as this provides for IPs land rights.



Undertake research on the social, economic and environmental impact of carbon credit projects to IPs and Local Communities – to provide evidence based needed to inform planning, policy decisions and course correct on-going projects.



Use the Community Land Rights Manual for Community Land Committees (CLMCs) jointly developed by Ministry of Lands, National Land Commission, Namati, KWCA, IMPACT Kenya and other partners, and launched by Hon. Kello Hersama, Permanent Secretary in Ministry of ASALs, witnessed by NLC, and summit delegates.



Call on Governments and Development Partners to :



Establish policy and regulatory frameworks/, review, and implement regulations on carbon projects that promote and advance equitable and inclusive IPs rights to land, territories, and natural resources in line with national, regional, and international commitments.

Fast track the ratification of the Convention Concerning Indigenous and Tribal Peoples in Independent Countries (No. 169) of the International Labour Organization (ILO) that provides for IPs land rights.

Ensure land-based investments for carbon removal respect the access and tenure rights of Indigenous Peoples and local communities, including the rights of Indigenous women.

Document and register all IPs land and territories for legal recognition of their tenure rights as an enabling condition for sustainable investments including in carbon market.

Promote the use and support AJS to fast-track land dispute resolution including boundaries and other disputes.

Enforce the application and respect for Free, Prior and Informed Consent as ruled once and for all by the African Court of Justice in June 2022 as applying to IPs, to all land and water dependent local communities and applied in all proposals which affect local lands, waters, and resources.

Embrace and enforce meaningful consultation, fair and just compensation, and benefit sharing, and safeguards that takes into account the right value of IPs land and its bundle of rights to avoid commodification of land.

Ensure participatory social, environmental, and human rights impact assessments are necessary for informed consent and to negotiate fair and equitable benefit sharing arrangements (IP women, elders, youth and persons with disabilities, understand any potential impacts on their human rights, including land, territorial and livelihood rights, culture and ways of life as a result of credits being issued for carbon).

Promote and enforce transparency and accountability mechanism – that advance community participation and involvement in the governance of carbon projects including project audits.

Ensure development of grievance redress mechanisms that are robust and culturally appropriate, suitable for addressing specific considerations related to Indigenous peoples in line with international standards.



Promote and support efforts that enhance Indigenous Peoples' capacity to protect their land, and territories, develop self-determined plans and priorities including through legal recognition of their land rights, land use planning and management practices that protect and conserve nature and biodiversity for livelihood development and sustainability.

Deliberately promote and facilitate projects that advance equity and inclusion in carbon project design, implementation, management and benefit sharing to ensure women, youth, persons with disability and others are not left behind.

National and County governments to dedicate adequate finances resources to strengthen legal and technical capacity to facilitate development and implementation of inclusive and responsive carbon projects including in capacity strengthening of government officers, county and other stakeholders; and dissemination of legal instruments/information to communities.

Undertake research on the social, economic and environmental impact of carbon credit projects to IPs and Local Communities – to inform policy decisions.



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