Making a Case for Climate Responsive Land Administration

LANDSTACK

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Global commitments to climate action

Nationally Determined Contributions (NDCs)
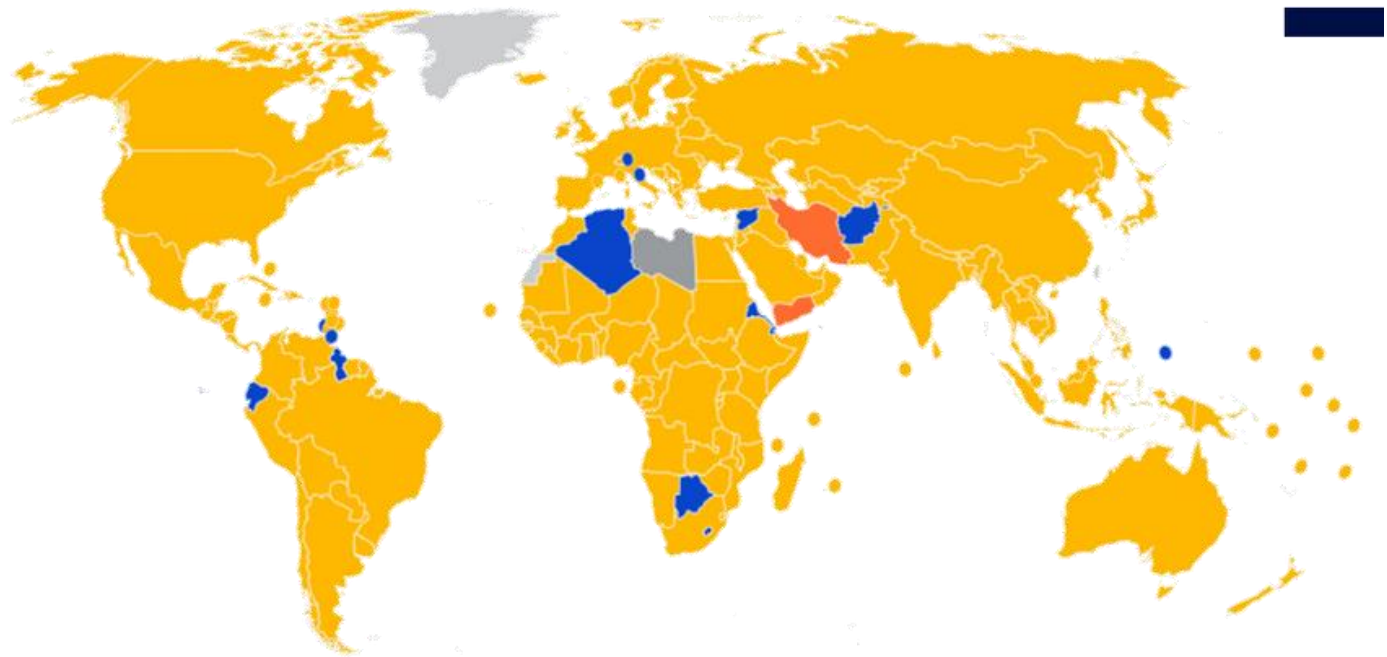
Legend:
- New/updated NDCs (179 parties)
- Only First NDC (16 parties)
- Only INDC (2 parties)
- No document submitted (1 party)

LAND ADMINISTRATION: GLOBAL SOUTH

Present Design is more aligned around Economic Growth, through land markets, while also aspiring to meet SDGs

Limited attention to Community Well-Being, less adapted to global south tenure contexts

Less aligned with local socio-ecological system realities

Unclear preparedness for Climate Action & Resilience

Policy Reforms/Social Justice/Redistribution

Institutional Restructuring/ Legal Reforms

Technology led Innovations in Land Adminstration

Formalisation and Documentation of Land Titles

LINEAR SHIFT & TECH-SAVVINESS OF LAND ADMINISTRATION

LAND ADMIN & CLIMATE REALITIES ARGUMENTS

1. Linearity Limitation?

Formalisation → Land Titling → Tenure Security

2. Formalisation Limits & Digital Risks?

There are empirical evidences & theories that shows formalisation alone is not enough to improve tenure security and achieve outcomes

1 billion hectares

3. Land for Climate Resilience

1 billion hectares of land is required in mitigating the climate change. Heavy demand of land already causing conflict, stressing & questioning land admin

4. IPLC Land Gov as Climate Soln?

65% of the world's total land area is managed by iIPLC using customary or community-based tenure systems, demonstrating effective climate solutions
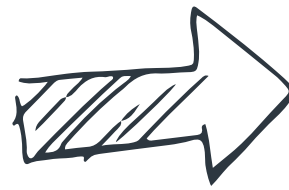
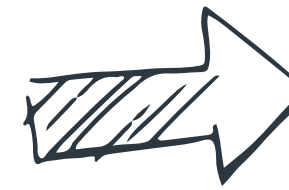# 1. IS LINEARITY ENOUGH?

01 → **02** → **03**

Formalisation

(Through Digitisation)
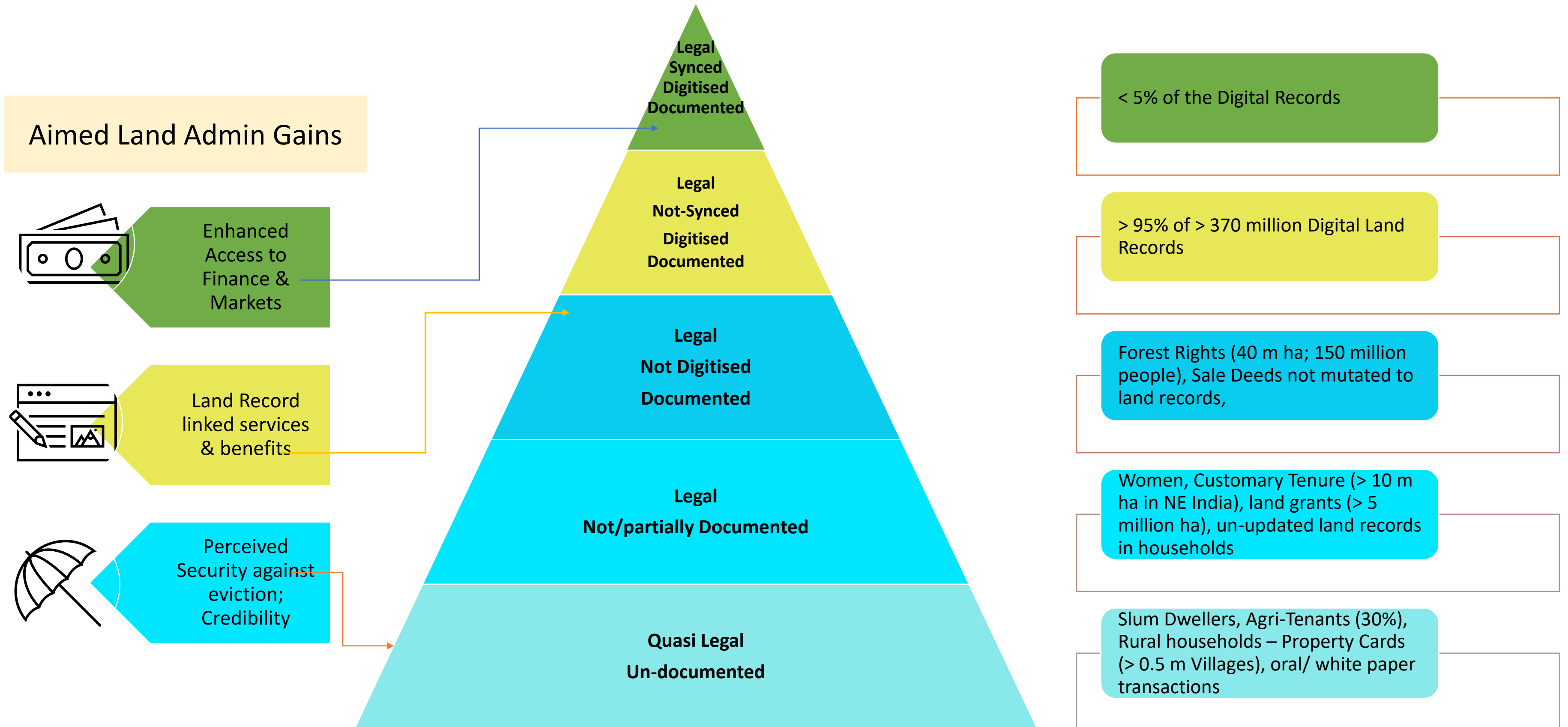
Land Titling

(Conclusive Titling)

Tenure Security

(Individual-ownership)

Centralised digital formalisation is just one way of ensuring tenure security, addressing only some development solutions

1.2 EXCLUDED REALITIES FOR BoTP in CONTEMPORARY LAND ADMIN MODEL (INDIA)

Aimed Land Admin Gains

Enhanced Access to Finance & Markets

Land Record linked services & benefits

Perceived Security against eviction; Credibility

Legal Synced Digitised Documented

Legal Not-Synced Digitised Documented

Legal Not Digitised Documented

Legal Not/partially Documented

Quasi Legal Un-documented

< 5% of the Digital Records

> 95% of > 370 million Digital Land Records

Forest Rights (40 m ha; 150 million people), Sale Deeds not mutated to land records,

Women, Customary Tenure (> 10 m ha in NE India), land grants (> 5 million ha), un-updated land records in households

Slum Dwellers, Agri-Tenants (30%), Rural households – Property Cards (> 0.5 m Villages), oral/ white paper transactions

1.3 RISK WITH TECH LED FORMALISATION

Output and Impact Risk

Digitally differential Access, difficulty to correct, tendency to revert Informality.

Access to digital record remains poor, Gender Column not included yet, Limited access & use by Marginalised

Low to No Asset financialization of intermediary documents, also because of oriental land relations, exclusion of tenants and women farmers

Landstack-FLAME study

Process Risk

Exclusion of digitally divided and marginalized to achieve scale and speed (Ex. SVAMITVA & DILRMP)

Low awareness & participation in the survey process and about what and how of digitised interface/process

Landstack-FLAME study

Visibility Risk

Easy to Alienate & Green Grab

Ease of business of Green/Carbon & digitally smart intermediary to grab IPLC and farmlands – Jhrakhand case (ILDC Keynote)

1.4 FORMALISATON/DIGITALISATION AND LOCAL REALITIES

- Only about 8.3 million hectares out of nearly 33 million hectares of land inhabited by Afro-descendant peoples across Latin America & Caribbean, are officially titled– Yet forest cover is high across all forms of their land – about 80% across non-titled, titled & demarcated

  – RRI, PCN, OTEC &CONAQ, 2024

- Various forms of Tenure (other than self-ownership) as well as lack of formalization (lack of name in the document or no document) also provide tenure security, in many countries, in global south; "traditional systems of property rights may be more meaningful than legal documentation"

  – PRIndex. 2024

- Penchant for Accuracy Vs Practicality of Approximation in boundary and area as survey digitizes; making local people (IPLC) understanding map is more imp

2. OTHER PARADIGMS AROUND TENURE SECURITY, THAT ALSO TRIGGERS STEWARDSHIP

Legal geography

Caroline etal (2023) Legal geography is an interdisciplinary that focuses on the intersections and co-constitution between law and space and place: that is, how law and legal processes produce space/place, and how particular places in turn influence law

Credibility Thesis

Peter Ho etal (2024) credibility revolves around maintaining congruence between the function of institutions. Institutions perpetuate themselves with path dependency. Institutions tend to change when functional congruence is disregarded.

Political Theory of Access

A Theory of Access (Ribot and Peluso 2003). emerges within power structures and has to do with the abilities of actors to benefit from 'things. Ribot and Peluso placed differential relations among actors, and the 'things' they want to benefit from and control.
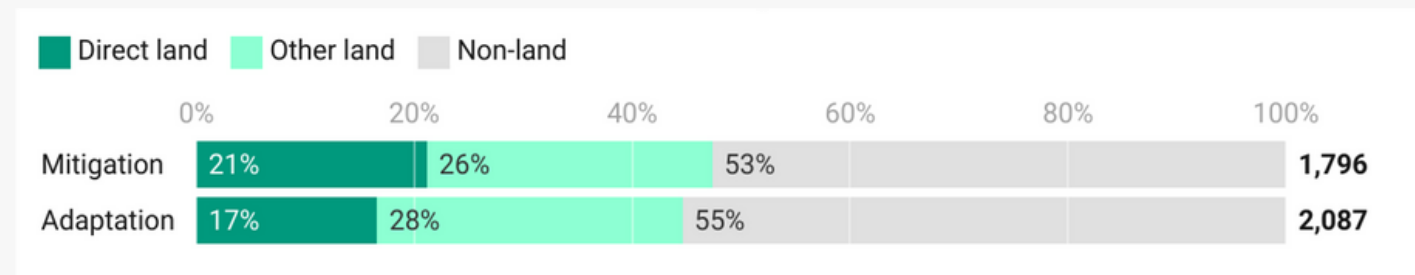
Psychological Ownership

Pierce etal (2003) psychological ownership is cognitive-affective construct reflecting a person's awareness, and beliefs about what she owns. It bonds individuals to their possessions, helps them define and makes them see possessions as a part of their identity
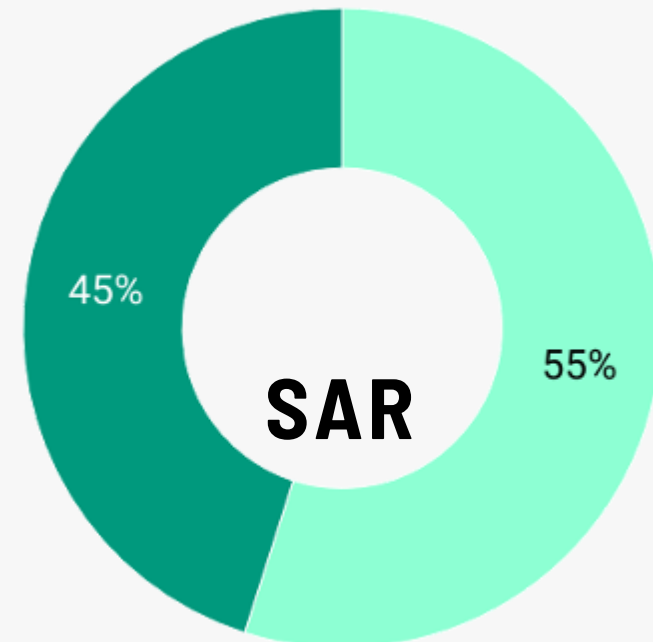
3. LAND REQUIREMENT FOR CLIMATE RESILIENCE

Land is critical for meeting the Paris Goals

## Seismic Shift in Land Use to meet Climate Goals | GREEN GRAB

Legend: ■ Direct land ■ Other land □ Non-land

	0%	20%	40%	60%	80%	100%	
Mitigation	21%	26%	53%				1,796
Adaptation	17%	28%	55%				2,087

Almost 1 in 2* climate actions relate to land


45% 55%

SAR

SAR

Total land actions: 1054

*47% of mitigation actions and 45% of adaptation actions

≥40% of all land-related actions are direct land actions

Direct land action

80
60
40
20

Direct land actions as a share of all land actions
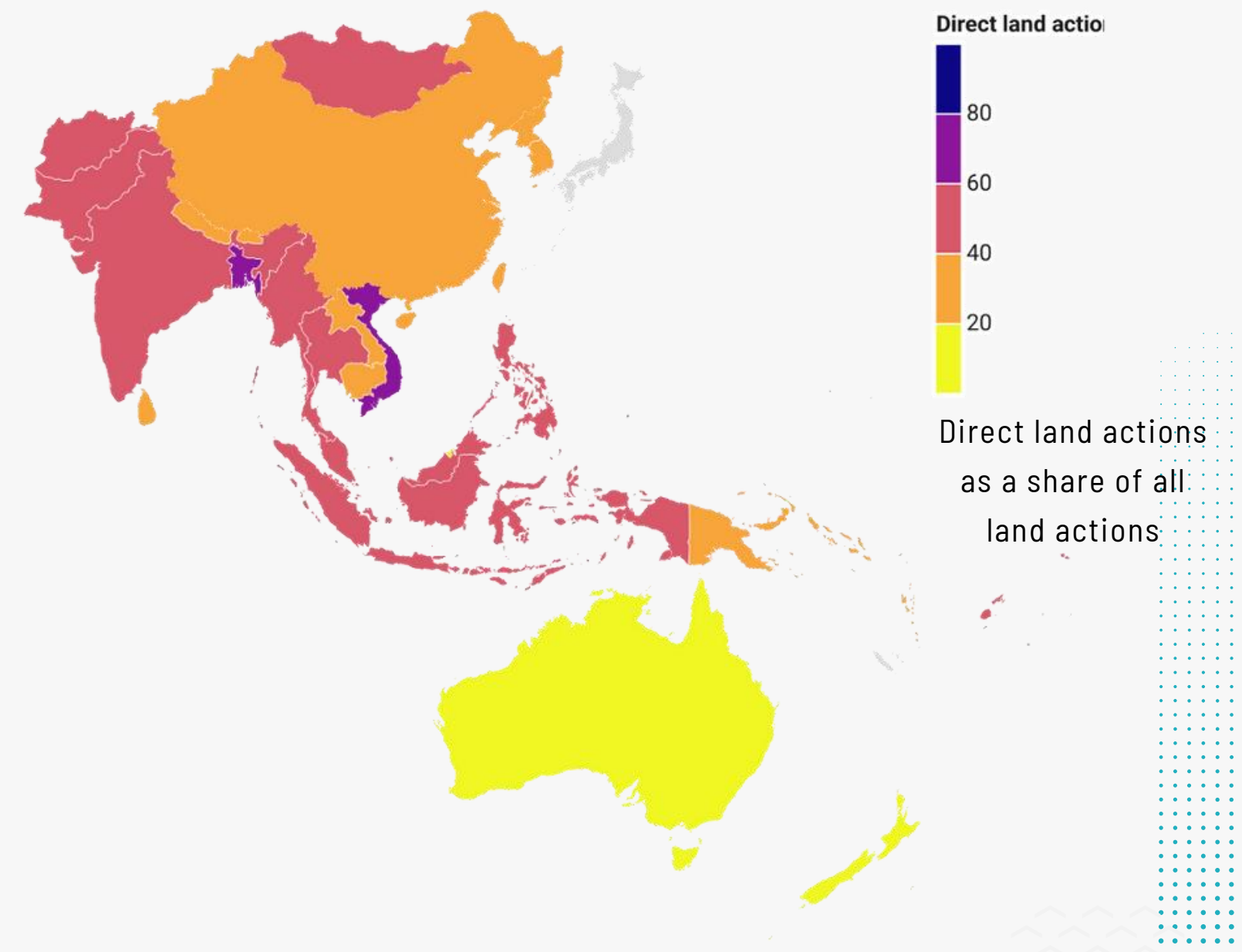
3.1 Climate Actions will reallocate and/or change how millions use or access land and how these lands are administered

Reallocation more of Govt Land (de facto Non-forest Commons) as Waste Land, where Land Admin has so far Least Focus

Heading

0.0% - 2.0%
2.0% - 5.0%
5.0% - 10.0%
10.0% - 20.0%
20.0% - 50.0%
> 50.0%
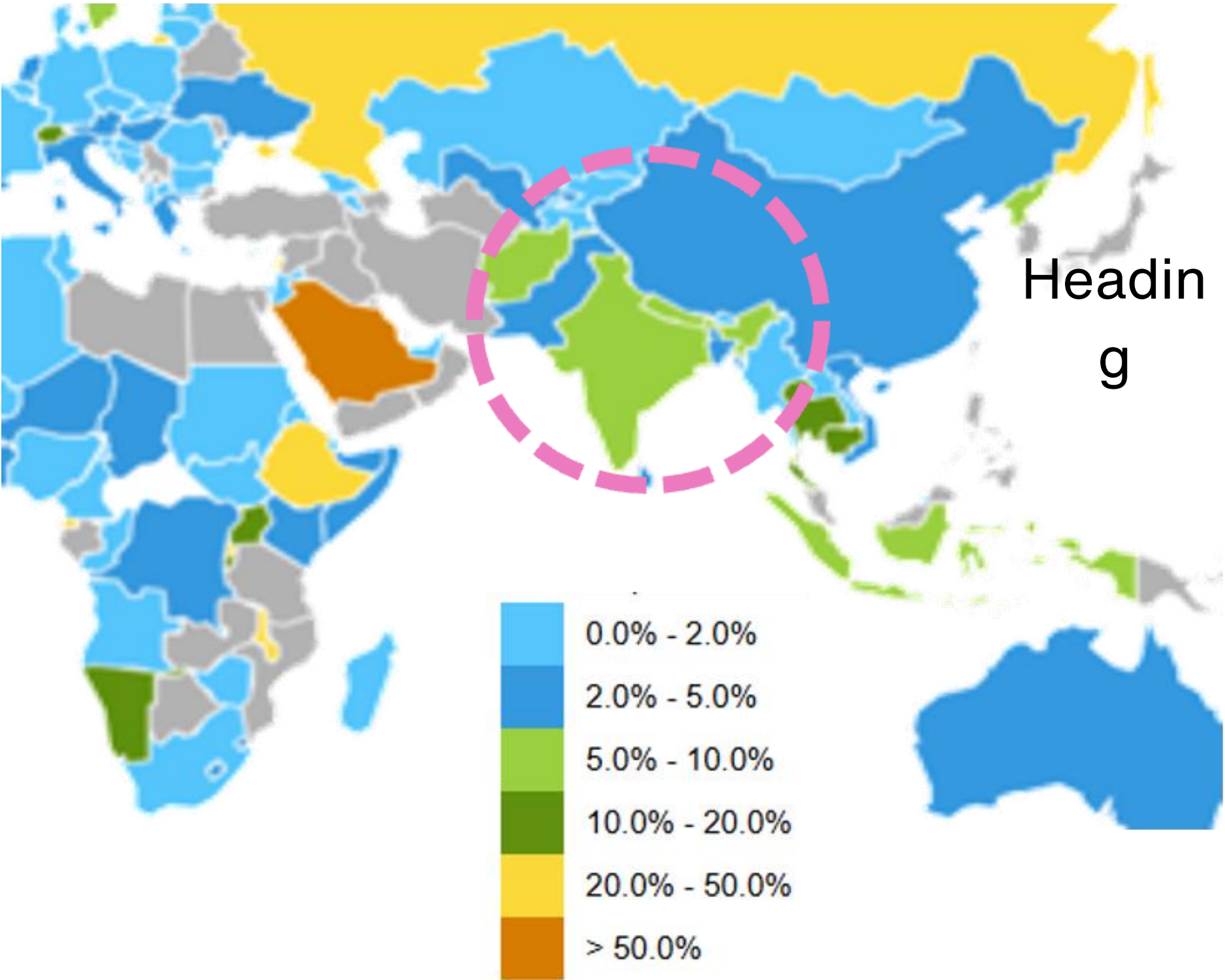
In India, 42.6 million hectares (Mha), equivalent to 13% of the total land area, is required to support six key climate actions.

Approx 5 to 6 percent of India's landmass required to unlock its RE potential with Solar and Wind Power, while an additional 2.5 percent for green hydrogen production CEEW (2024).

Left screen:

Land Conflict Watch

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Filter Cases

State/Union Territory
Select State

Sector
Select Sector

Sub-Sector
Select Subsector

Laws Involved
Select Legislations

Type of Land
Common

+ More Filters

Clear Filters

388
Ongoing Conflicts Reported

2,810,942
People Affected

2,909,870ha
Land Area Affected (hectares)

₹568,721
Investment Affected (In Crores)

Manipur
Nungba
Noney
Rongmei Nagas demand modification of Noney district's territory in Manipur
Sarup Sinha
Sector
Land Use

Maharashtra
Shirsule
Ahmednagar
Locals oppose tree felling for Jal Jeevan Mission Project in Ahmednagar; Bombay HC orders stay
Maitreya Prithwiraj Ghorpade
Sector
Infrastructure

Madhya Pradesh
Pachmarhi
Narmadapuram
Pachmarhi airstrip expansion taken up sans environmental clearances, NGT halts project
Avani Mishra
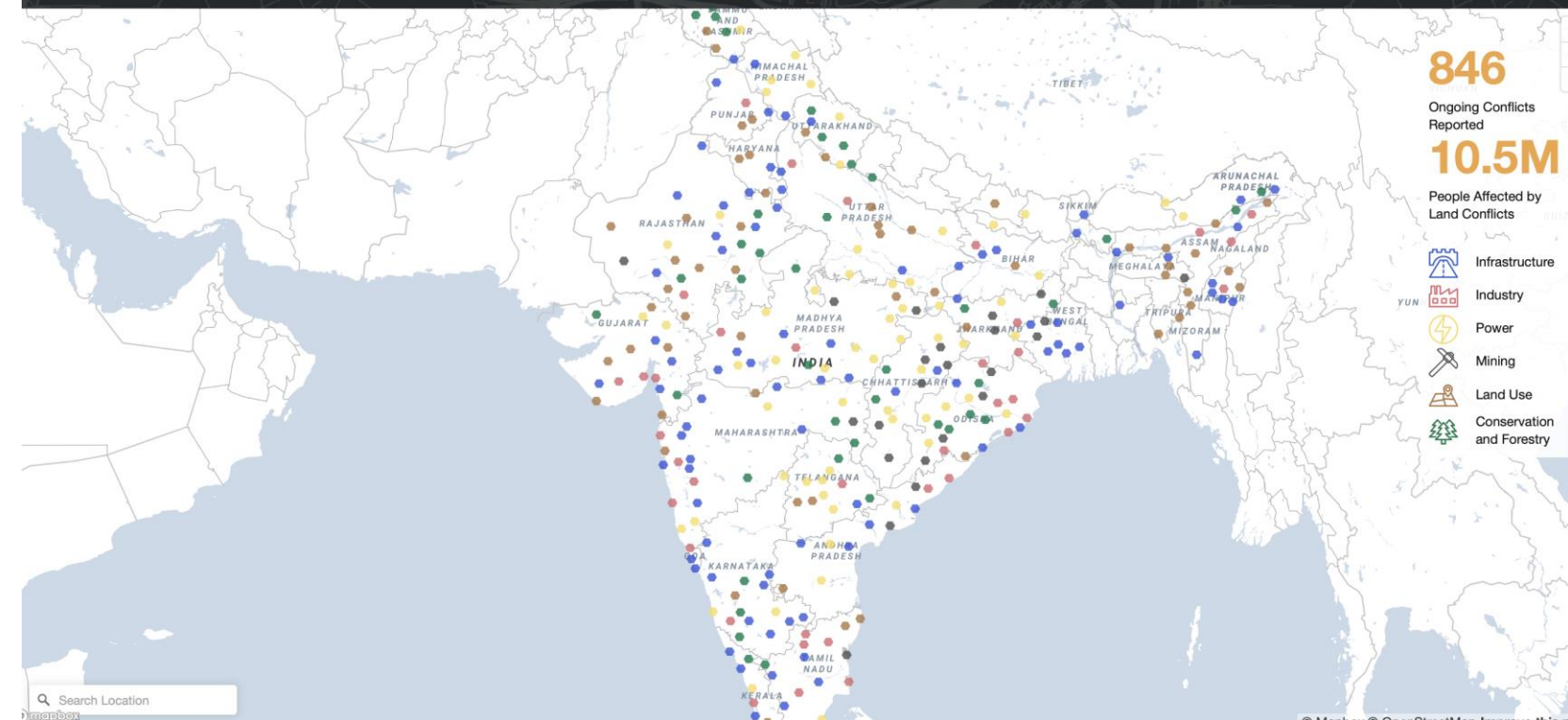Sector
Infrastructure

Right screen:

Land Conflict Watch

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846
Ongoing Conflicts Reported

10.5M
People Affected by Land Conflicts

Infrastructure
Industry
Power
Mining
Land Use
Conservation and Forestry

Search Location

© Mapbox © OpenStreetMap Improve this map

4. IPLC TENURE & CLIMATE SOLUTION

65% of the world's total land area is managed by IPLC on community-based tenure systems

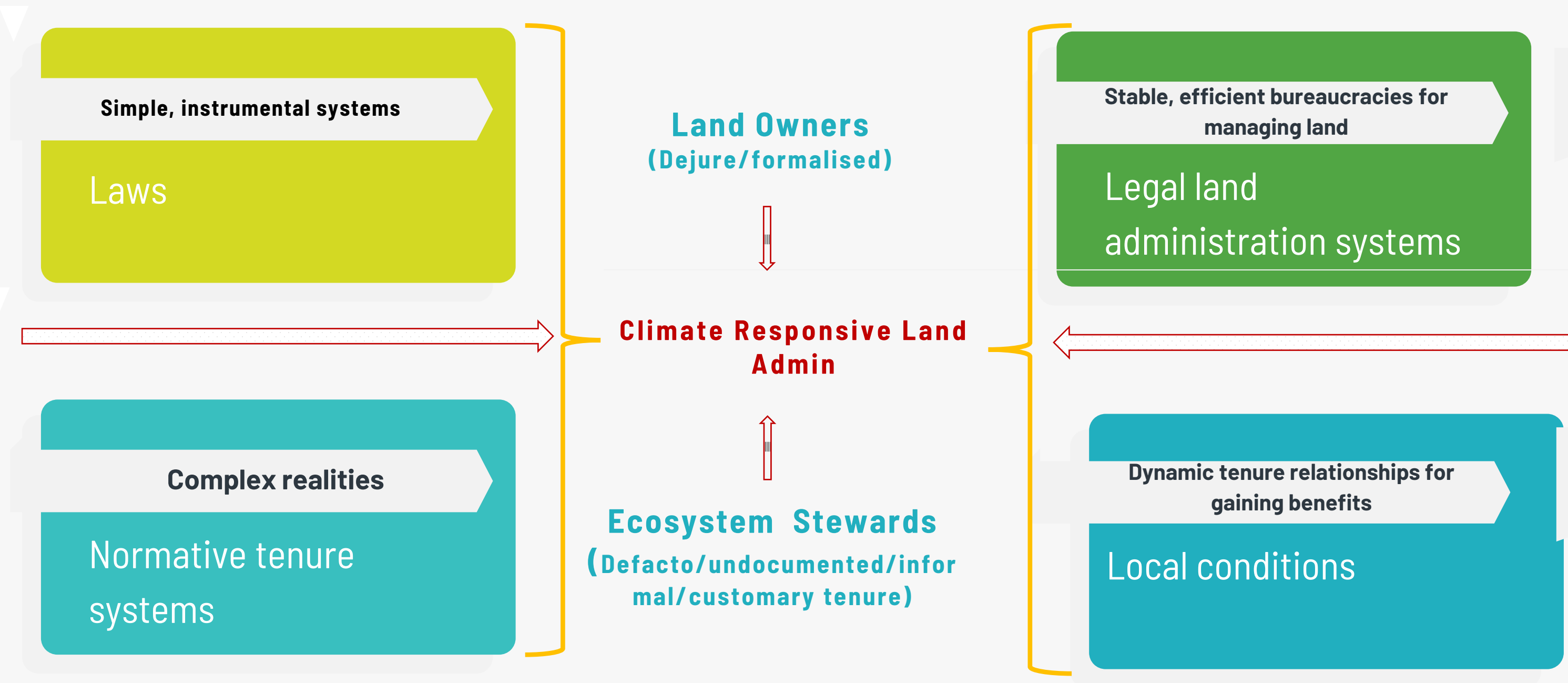**17% of the total carbon stored in more than half of the forests (in 64 countries) around the world is managed by local communities.**

They conserve forest, biodiversity & agroecological landscapes, often without formal tenure systems & digitized pathways

The Interconnectedness of Indigenous Communities and Customary Land Tenure

The contribution of IPLCs in addressing Climate Change

But how is their land admin is Climate Responsive remains less understood

However, formalizing their tenure through digitization, continues to be argued

CLIMATE RESPONSIVE LAND ADMINISTRATION :
Individual Landownership backed by Tech & formalization OR Community Stewardship adapting Complex realities with a flexible dynamic, normative tenure ?

Simple, instrumental systems

Laws

Land Owners
(Dejure/formalised)

Stable, efficient bureaucracies for managing land

Legal land administration systems

Climate Responsive Land Admin

Complex realities

Normative tenure systems

Ecosystem Stewards
(Defacto/undocumented/informal/customary tenure)

Dynamic tenure relationships for gaining benefits

Local conditions

CLIMATE IMPERATIVES BEFORE LAND ADMIN?

Can Community tenure a good Climate Solution, with its adaptive link to local Socio-Ecological Systems?

Does Tenure Continuum options build better land relations & stewardship

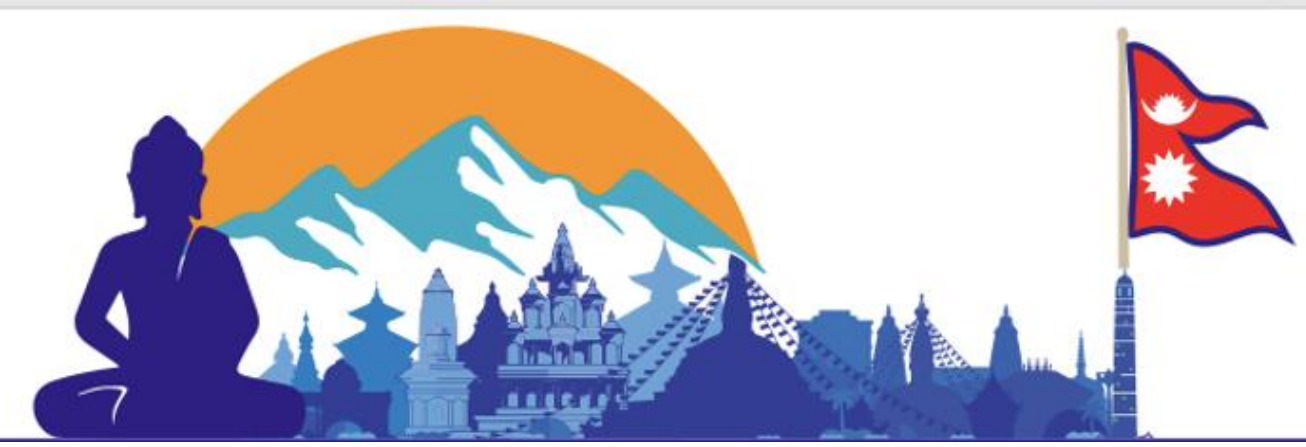Does Legal Pluralism, based on local context, provide better resilience?

Can a decentralised, locally adaptive fit for people approach be good land admin?

How can these points be integrated into land administration to create a climate-responsive system, rather than solely relying on technology-driven formalization?