

*Environmental Democracy in Carbon Projects?: Ensuring Justice and Equitable Benefit-Sharing  
for Sustainability*

# **Environmental Democracy in Carbon Projects?: Ensuring Justice and Equitable Benefit-Sharing for Sustainability**

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**Kariuki Muigua**

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**Kariuki Muigua\***

**Abstract**

*This paper critically examines how the ideal of environmental democracy can be achieved in carbon projects. The paper argues that carbon projects play a key role towards fostering sustainability by strengthening climate action. However, despite their vital role in climate action and Sustainable Development, the paper notes that carbon projects raise environmental democracy concerns. The paper discusses some of the major concerns in carbon projects and their impact on environmental democracy. In light of such challenges, the paper explores how environmental democracy can be integrated in carbon projects by ensuring justice and equitable benefit-sharing.*

**1.0 Introduction**

Fostering environmental democracy is a key ideal for both people and planet. The idea of environmental democracy is grounded in the understanding that meaningful participation by the public is critical to ensuring that decisions related to the environment and natural resources adequately and equitably address the interests of all citizens towards sound environmental governance and Sustainable Development<sup>1</sup>. It has been argued that rather than setting a standard for what determines good environmental outcomes, environmental democracy sets a standard for how environmental decisions should be made towards ensuring sustainability<sup>2</sup>. Environmental democracy covers three

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<sup>1</sup> Worker. J., & Ratte. S., 'What Does Environmental Democracy Look Like?' Available at <https://www.wri.org/insights/what-does-environmental-democracy-look> (Accessed on 16/08/2025)

<sup>2</sup> Center for International Environmental Law., 'Environmental Democracy & Access Rights' Available at <https://www.ciel.org/issue/environmental-democracy-access-rights/> (Accessed on 16/08/2025)

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fundamental rights and obligations in respect of the environment<sup>3</sup>. These include the ability for people to freely access environmental information<sup>4</sup>; to participate meaningfully in decision-making relating to the environment<sup>5</sup>; and to seek enforcement of environmental laws or compensation in respect of environmental harms<sup>6</sup>.

The core tenets of environmental democracy are set out under principle 10 of the *Rio Declaration on Environment and Development*<sup>7</sup> which stipulates as follows:

*'Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided (emphasis added)*<sup>8</sup>.

The Rio Declaration therefore captures the core tenets of environmental democracy which are: *public participation; access to information, and access to justice* in environmental matters (emphasis added).

Ensuring environmental democracy is vital in the quest towards sustainability. It has been argued that increased participation of all people in environmental decision-making and strong environmental rule of law are crucial to delivering action on climate change,

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<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup> United Nations General Assembly., 'Report of the United Nations Conference on Environment and Development: Rio Declaration on Environment and Development.' A/CONF. 151/26 (Vol.1)

<sup>8</sup> Ibid, Principle 10

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pollution and biodiversity loss among other environmental challenges<sup>9</sup>. Strengthening democratic processes through enhanced access to information, meaningful involvement of the public in environmental decision-making processes, and access to adequate remedies is vital in bolstering environmental governance and addressing global environmental challenges including the triple planetary crisis of climate change, pollution, and biodiversity loss<sup>10</sup>. For example, access to environmental information empowers citizens and incentivises them to participate in environmental decision and policy-making processes in an informed manner<sup>11</sup>. Further, public participation can improve the quality of decision-making by providing decision-makers with additional, unique information on local conditions in the context of social, environmental and economic decision making<sup>12</sup>. In addition, strengthening access to justice in environmental matters provides the foundation for realising the tenets of environmental democracy since it facilitates the public's ability to enforce their right to participate, to be informed, and to hold regulators and polluters accountable for environmental harm<sup>13</sup>. Promoting environmental democracy is therefore key towards sustainability.

This paper critically examines how the ideal of environmental democracy can be achieved in carbon projects. The paper argues that carbon projects play a key role towards fostering sustainability by strengthening climate action. However, despite their vital role in climate action and Sustainable Development, the paper notes that carbon projects raise environmental democracy concerns. The paper discusses some of the major concerns in carbon projects and their impact on environmental democracy. In light of such

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<sup>9</sup> Environmental Democracy., Available at <https://www.wfd.org/environmental-democracy> (Accessed on 16/08/2025)

<sup>10</sup> WFD's approach to environmental democracy., Available at [https://www.wfd.org/sites/default/files/2021-11/Global-environmental-crises-a-democratic-response\\_WFD\\_2020-updated.pdf](https://www.wfd.org/sites/default/files/2021-11/Global-environmental-crises-a-democratic-response_WFD_2020-updated.pdf) (Accessed on 16/08/2025)

<sup>11</sup> United Nations Environment Programme., 'Principle 10' Available at <https://www.unep.org/civil-society-engagement/partnerships/principle-10> (Accessed on 16/08/2025)

<sup>12</sup> Cerezo. L, & Garcia. G., 'Lay Knowledge and Public Participation in Technological and Environmental Policy.' Available at <https://scholar.lib.vt.edu/ejournals/SPT/v2n1/pdf/CEREZO.PDF> (Accessed on 16/08/2025)

<sup>13</sup> United Nations Environment Programme., 'Principle 10' Op Cit

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challenges, the paper explores how environmental democracy can be integrated in carbon projects by ensuring justice and equitable benefit-sharing.

### **2.0 Impact of Carbon Projects on Environmental Democracy**

Carbon projects are being implemented globally towards strengthening climate action. Carbon projects or climate projects have been described as environmental projects that reduce and mitigate the negative effects of greenhouse gas emissions<sup>14</sup>. Carbon projects reduce, avoid, or remove greenhouse gas emissions from the atmosphere with the aim of confronting climate change<sup>15</sup>. Carbon projects achieve the goal of reducing, avoiding and removing greenhouse gases from the atmosphere through various initiatives such as the generation of renewable energy, afforestation, reforestation, protection of carbon sinks and the use of new technologies such as direct air capture<sup>16</sup>.

It has been argued that carbon projects are crucial for both people and planet<sup>17</sup>. For example, carbon projects can unlock investments in renewable energy, green and clean technologies, sustainable agriculture, ecosystem restoration and biodiversity conservation while creating green jobs and tackling poverty<sup>18</sup>. They have been described as an effective tool that can enable countries to confront climate change and transition to low-carbon economies in a cost-effective way<sup>19</sup>. In addition to confronting climate

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<sup>14</sup> Frequently asked Questions about The Northern Kenya Rangeland Carbon Project., Available at <https://www.nrt-kenya.org/carbon-project-faq#:~:text=Carbon%20offset%20projects%20are%20environmental,traditional%20and%20contemporary%20grazing%20methods>. (Accessed on 17/08/2025)

<sup>15</sup> Carbon Offset Projects., Available at [https://www.climatepartner.com/en/knowledge/glossary/carbon-offset-projects#:~:text=What%20are%20carbon%20offset%20projects,Verified%20Carbon%20Standard%20\(VCS\)](https://www.climatepartner.com/en/knowledge/glossary/carbon-offset-projects#:~:text=What%20are%20carbon%20offset%20projects,Verified%20Carbon%20Standard%20(VCS)) (Accessed on 17/08/2025)

<sup>16</sup> Ibid

<sup>17</sup> UN-REDD Programme., 'Africa's green wealth: unlocking the potential of carbon markets' Available at <https://www.un-redd.org/post/africas-green-wealth-unlocking-potential-carbon-markets> (Accessed on 17/08/2025)

<sup>18</sup> Ibid

<sup>19</sup> United Nations Development Programme., 'Carbon Justice for All: How Carbon Markets Can Advance Equitable Climate Action Globally' Available at <https://www.undp.org/africa/blog/carbon-justice-all-how-carbon-markets-can-advance-equitable-climate-action-globally> (Accessed on 17/08/2025)

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change, carbon projects also support livelihoods for local communities while also conserving biodiversity and restoring critical ecosystems including forests<sup>20</sup>. It has been observed that many carbon projects are located in developing countries and have an important impact on poor communities, creating jobs and improving health, infrastructure and education through the use of carbon revenue for the benefits of communities<sup>21</sup>.

Carbon projects are therefore an effective tool in the fight against climate change. They can strengthen climate action while also providing other benefits for people and planet including job creation, economic growth, biodiversity conservation and ecosystem restoration<sup>22</sup>. Despite playing a fundamental role towards sustainability, carbon projects can undermine environmental democracy. For example, in some cases, investors have been accused of failing to obtain the Free, Prior and Informed Consent (FPIC) of indigenous peoples and local communities before establishing carbon projects leading to land and human rights disputes<sup>23</sup>. This undermines the core tenets of environmental democracy including access to information and participation in environmental decision making processes. Carbon projects are also often clouded with transparency and accountability concerns<sup>24</sup>. There have instances of misleading information and greenwashing claims due to lack of consistency and universal standards in carbon

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<sup>20</sup> Why are Carbon Projects Important?., Available at <https://www.conservation.org/projects/why-are-carbon-projects-important> (Accessed on 17/08/2025)

<sup>21</sup> World Bank Group., 'Stories From the Field - A Look at World Bank Carbon Finance Projects in Africa' Available at <https://www.worldbank.org/en/topic/climatechange/publication/projects-reducing-emissions-earning-carbon-credits-africa> (Accessed on 17/08/2025)

<sup>22</sup> Ibid

<sup>23</sup> Indigenous land disputes cloud Kenya's carbon market ambitions., Available at <https://www.climatechangenews.com/2025/05/15/indigenous-land-disputes-cloud-kenyas-carbon-market-ambitions/> (Accessed on 17/08/2025)

<sup>24</sup> ESG., 'Understanding the Challenges and Risks of Carbon Accounting: Implications for Organizations' Available at <https://empoweredsystems.com/blog/understanding-the-challenges-and-risks-of-carbon-accounting-implications-for-organizations/#:~:text=Carbon%20accounting%20practices%20lack%20a,between%20organizations%20or%20across%20industries> (Accessed on 17/08/2025)

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accounting<sup>25</sup>. Lack of transparency and accountability in carbon projects undermines access to information which is a core tenet of environmental democracy<sup>26</sup>.

Carbon projects can also raise access to justice concerns. Carbon projects have often fueled disputes between investors and indigenous peoples and local communities. Violation of indigenous land rights and environmental conservation concerns have led to carbon disputes involving investors and local communities<sup>27</sup>. Without the availability of effective and appropriate channels, indigenous peoples and local communities cannot exercise their rights in carbon projects thus undermining access to justice which is necessary in the environmental justice discourse<sup>28</sup>. It has also been argued that poor governance and corruption in carbon projects has led to misappropriation and mismanagement of funds undermining the tenets of environmental democracy including equitable benefit-sharing with local communities<sup>29</sup>.

From the foregoing, it emerges that despite their appropriateness, carbon projects can undermine environmental democracy. It has been argued that if not carefully designed and implemented, carbon projects can disrupt the social fabric of host communities by enforcing or re-enforcing social inequality and ethnic tensions, negatively impacting livelihoods prospects, and undermining political stability especially when communities feel left out of such projects<sup>30</sup>. Some carbon projects have been accused of being anti-democratic, human rights-impairing schemes that allow the already rich to profit at the expense of the poor<sup>31</sup>. For instance, it has been argued that corporations utilise carbon

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<sup>25</sup> Ibid

<sup>26</sup> Ibid

<sup>27</sup> Indigenous land disputes cloud Kenya's carbon market ambitions., Op Cit

<sup>28</sup> Ibid

<sup>29</sup> Schmid. D.V., 'Are forest carbon projects in Africa green but mean?: A mixed-method analysis' Available at <https://www.tandfonline.com/doi/full/10.1080/17565529.2022.2054400#abstract> (Accessed on 17/08/2025)

<sup>30</sup> Ibid

<sup>31</sup> Takacs, D., 'Forest Carbon Offsets and International Law: A Deep Equity Legal Analysis' Available at <https://www.ielrc.org/content/a1002.pdf> (Accessed on 17/08/2025)

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projects to generate profits from schemes that are supposedly meant to save the planet<sup>32</sup>. Poorly planned and implemented carbon projects especially in the Global South have negatively impacted human rights especially those of indigenous peoples leading to loss of ancestral lands with severe impacts on livelihoods and environmental conservation<sup>33</sup>. In light of the foregoing concerns, it is imperative to foster environmental democracy in carbon projects for sustainability.

### **3.0 Fostering Environmental Democracy in Carbon Projects**

It is imperative to foster environmental democracy in carbon projects. These projects have immense potential to deliver benefits for both people and planet including effective climate action, biodiversity conservation, job creation and economic growth<sup>34</sup>. Despite their potential benefits, carbon projects can also undermine the fundamental elements of environmental democracy including access to information, public participation and access to justice. It is therefore necessary to ensure environmental democracy in carbon projects.

In order to promote environmental democracy in carbon projects, there is need for enhanced access to information and public participation by all stakeholders including indigenous peoples and local communities<sup>35</sup>. Fostering access to information and participation by all stakeholders is key towards building effective and equitable carbon projects towards environmental and climate justice<sup>36</sup>. It has been argued that effective carbon projects require meaningful public participation, people-centred decision-making and access to information<sup>37</sup>. Fostering access to information ensures that citizens are

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<sup>32</sup> Ibid

<sup>33</sup> Ibid

<sup>34</sup> World Bank Group., 'Stories From the Field - A Look at World Bank Carbon Finance Projects in Africa' Op Cit

<sup>35</sup> Democratising Access to Voluntary Carbon Markets: The CAVEX Story., Available at <https://fsdafrica.org/democratising-access-to-voluntary-carbon-markets-the-cavex-story/> (Accessed on 17/08/2025)

<sup>36</sup> Ibid

<sup>37</sup> Gough. C., & Mander. S., 'CCS industrial clusters: Building a social license to operate' *International Journal of Greenhouse Gas Control*, Volume 119, 2022

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aware of the advantages and potential disadvantages of carbon projects in order to make meaningful decisions<sup>38</sup>. Further, public participation ensures that carbon projects are effectively implemented by granting governments and investors ‘social license to operate’ (Emphasis added)<sup>39</sup>. It is therefore necessary to foster access to information and public participation in carbon projects including through promoting the right to FPIC in order to achieve environmental democracy<sup>40</sup>. It has been argued that recognizing the right of indigenous peoples and local communities to be treated as the owners and managers of their customary territory, FPIC guarantees them a decisive voice at every stage of development planning and implementation for projects that affect them<sup>41</sup>. Fostering FPIC is therefore key towards achieving environmental democracy in carbon projects including through access to information and public participation<sup>42</sup>.

In addition, there is need to foster access to justice in carbon projects in order to promote environmental democracy. Disputes including those involving investors and local communities can undermine the long-term viability of carbon projects thus hindering effective climate action<sup>43</sup>. Ensuring justice is key in realising environmental democracy by enabling affected individuals and communities to uphold their rights including indigenous land rights<sup>44</sup>. Litigation has been identified as an effective tool in dealing with key issues in carbon projects such as human rights including the land rights of indigenous peoples and local communities, and issues on climate disclosures and greenwashing

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<sup>38</sup> Ibid

<sup>39</sup> Ibid

<sup>40</sup> Free, Prior, and Informed Consent in REDD+, Available at [https://redd.unfccc.int/uploads/2\\_74\\_redd\\_20130710\\_recoftc\\_free\\_2C\\_prior\\_2C\\_and\\_informed\\_consent\\_in\\_reddplus.pdf](https://redd.unfccc.int/uploads/2_74_redd_20130710_recoftc_free_2C_prior_2C_and_informed_consent_in_reddplus.pdf) (Accessed on 17/08/2025)

<sup>41</sup> Ibid

<sup>42</sup> Ibid

<sup>43</sup> Chen. B., Yuan. K., & Wen. X., ‘The Legal Governance of the Carbon Market: Challenges and Application of Private Law in China’ Available at <https://www.tandfonline.com/doi/full/10.1080/17583004.2023.2288591> (Accessed on 17/08/2025)

<sup>44</sup> Indigenous land disputes cloud Kenya’s carbon market ambitions., Op Cit

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claims<sup>45</sup>. Alternative Dispute Resolution (ADR) processes are also appropriate in ensuring justice in carbon projects for environmental democracy. For example, arbitration provides parties with several advantages including flexibility, expertise, neutrality of forum, transnational applicability and enforcement of outcomes towards addressing the legal, technical, scientific and global issues at stake in carbon projects<sup>46</sup>. Other ADR processes such as negotiation and mediation can also ensure justice in carbon projects since they focus on collaboration<sup>47</sup>. Negotiation and mediation can therefore help investors to ensure the participation of local communities in carbon projects thus minimising disputes while also preserving and strengthening relationships<sup>48</sup>.

It is also imperative to ensure equitable benefit-sharing in carbon projects for environmental democracy. Equitable benefit-sharing in carbon projects fosters transparency, accountability, and fairness<sup>49</sup>. It ensures that the monetary and non-monetary benefits from carbon projects are enjoyed by all stakeholders including landowners and local communities who contribute significantly to the success of these projects<sup>50</sup>. It has been argued that equitable benefit-sharing can enable developing countries to achieve carbon neutrality, create Sustainable Development opportunities, and contribute to the global fight against climate change<sup>51</sup>. It is therefore imperative to

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<sup>45</sup> United Nations Environment Programme., 'Climate litigation more than doubles in five years, now a key tool in delivering climate justice' Available at <https://www.unep.org/news-and-stories/press-release/climate-litigation-more-doubles-five-years-now-key-tool-delivering> (Accessed on 17/08/2025)

<sup>46</sup> Darne. A., 'International Carbon Disputes - How can they be resolved through Arbitration?' Available at <https://www.pslchambers.com/article/international-carbon-disputes-how-can-they-be-resolved-through-arbitration/#:~:text=Arbitration%20has%20played%20a%20vital,issues%20be%20resolved%20through%20ADR> (Accessed on 17/08/2025)

<sup>47</sup> Mediating Climate Change Disputes: Navigating Scope 3 Effects and International Law Implementation in Energy Transition Projects., Available at <https://civilmediation.org/mediating-climate-change-disputes/> (Accessed on 17/08/2025)

<sup>48</sup> Ibid

<sup>49</sup> Rethinking benefit sharing in African carbon projects., Available at <https://fsdafrica.org/publication/rethinking-benefit-sharing-in-african-carbon-projects/> (Accessed on 17/08/2025)

<sup>50</sup> Ibid

<sup>51</sup> Ibid

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develop and implement equitable benefit-sharing regimes that prioritise the rights and interests of all stakeholders including indigenous peoples and local communities towards environmental democracy in carbon projects.

### **4.0 Conclusion**

Carbon projects can foster Sustainable Development through effective climate action, job creation, poverty reduction and economic growth. However, these projects can also undermine environmental democracy. It is therefore necessary to integrate the tenets of environmental democracy in carbon projects through enhanced access to information and public participation by fostering the right to FPIC<sup>52</sup>; fostering access to justice in carbon projects through court processes and ADR<sup>53</sup>; and ensuring equitable benefit-sharing in carbon projects<sup>54</sup>. Fostering environmental democracy in carbon projects is therefore achievable towards sustainability.

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<sup>52</sup> Free, Prior, and Informed Consent in REDD+., Op Cit

<sup>53</sup> Darne. A., 'International Carbon Disputes – How can they be resolved through Arbitration?., Op Cit

<sup>54</sup> Rethinking benefit sharing in African carbon projects., Op Cit

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