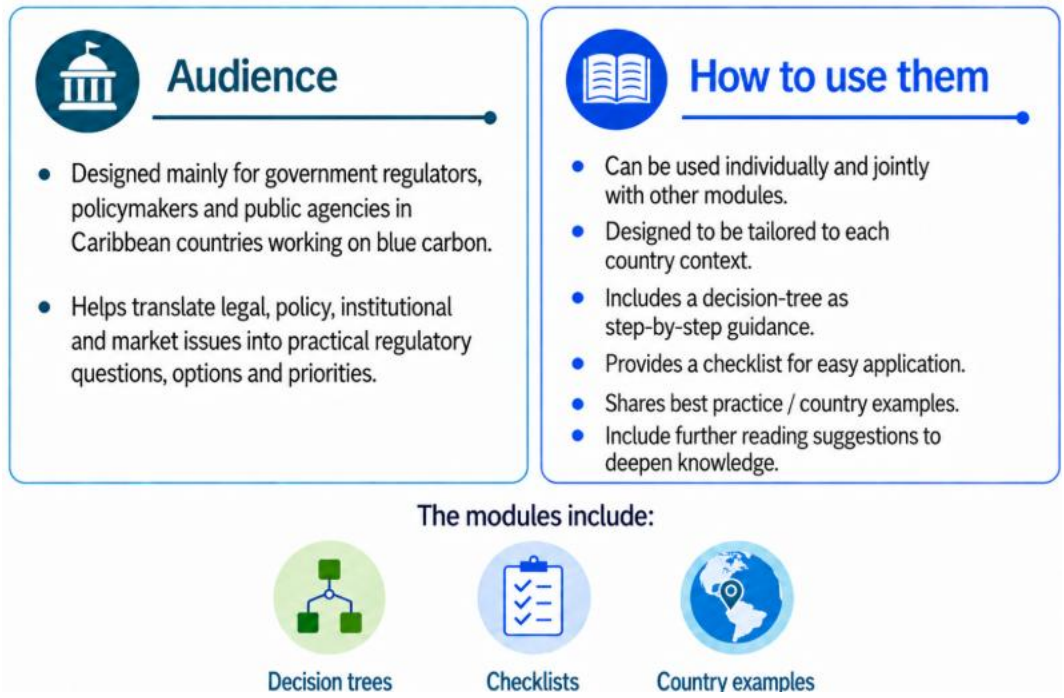
Blue Carbon Toolkit, 2026
Module 1: Carbon Rights

This module is designed to support CARICOM countries in advancing legal, regulatory, and institutional readiness for blue carbon market participation.



Specifically, this **Carbon Rights** module is important for the following blue carbon stakeholders:

Primary audience	Secondary audience
☒ Political Leadership (Cabinet)	☒ IPLCs (incl. women, fishers organizations etc)
☒ Climate and Environment (incl. UNFCCC focal point, etc)	☐ Science, Research and Development (R&D)
☐ Fisheries and Marine Affairs	☐ Civil Society
☒ Attorney General & Legal Affairs	☒ Blue Carbon Project Actors (developers, carbon crediting entities, validators & verificators /VVBs)
☐ Lands and Planning (including Land Surveys)	☐ Markets and Finance (including investors)
☐ Finance / Treasury	☐ Coastal Infrastructure
☐ Gov't responsible for Community, Indigenous People (incl. local Gov't)	☐ Tourism Industry
☒ **Dedicated Regional Bodies (incl.** Caribbean Community Climate Change Centre (CCCCC / 5Cs) and UNFCCC Regional Collaboration Centre (RCC))	

CARBON RIGHTS FOR BLUE CARBON ACTIVITIES: KEY MESSAGES FOR REGULATORS

This toolkit helps governments determine how carbon rights arise in blue carbon ecosystems, who holds them, and how they can be governed to support legal certainty, benefit sharing, and high-integrity blue carbon activities.

WHAT ARE CARBON RIGHTS?

1. Implement
The right to undertake activities that generate emission reductions or removals.

2. Receive
The right to receive the carbon credits issued for those outcomes.

3. Benefit
The right to sell, transfer and benefit from the credits and associated revenues.

Carbon rights are distinct from carbon credits.
Credits are tradable units (1 t CO_2e) issued in registries after independent verification of emission reductions or removals.

WHY DOES IT MATTER?

- Clarity on who holds and can use carbon rights prevents disputes and double counting.
- In blue carbon settings, clear rights help manage overlapping public, customary and resource-use claims.
- Strong governance builds investor and buyer confidence and unlocks finance.
- Clear rights support benefit sharing, Article 6 participation and other climate commitments.

WHERE RIGHTS COME FROM

Carbon rights in blue carbon areas may be established by:

- Interpretation of existing land, coastal, marine, fisheries, forestry and civil-law frameworks
- Specific climate or sectoral legislation expressly recognizing carbon rights

KEY CHALLENGE FOR BC

Overlapping public, customary and resource-use rights in coastal and marine areas.

HOW RIGHTS CAN BE ASSIGNED

Rights can be transferred from the original holder to another party, through:

- Licences, concessions or authorizations
- Contracts or agreements
- Other legal instruments

KEY OPPORTUNITY FOR BC

Use existing instruments to document a clear and lawful transfer.

KEY PRINCIPLES TO UPHOLD

- Transparency and clarity
- Legal certainty
- Environmental integrity
- Respect for tenure and rights
- Benefit sharing and equity
- Accountability and grievance mechanisms

KEY CHALLENGE FOR BC

Protect IPLC tenure, participation of local coastal communities and benefit sharing over long project periods.

WHAT REGULATORS CAN DO

Regulators have more than one pathway to clarify blue carbon rights.

- Soft-law instrument, such as a circular by the Attorney General's Office, confirming carbon rights and their application to blue carbon; and/or
- Hard-law instrument defining carbon rights, including for blue carbon habitats
- Link carbon rights with project / mitigation activity authorization procedures
- Linking carbon rights to benefit sharing, including all affected stakeholders (rightsholders) – in particular IPLCs

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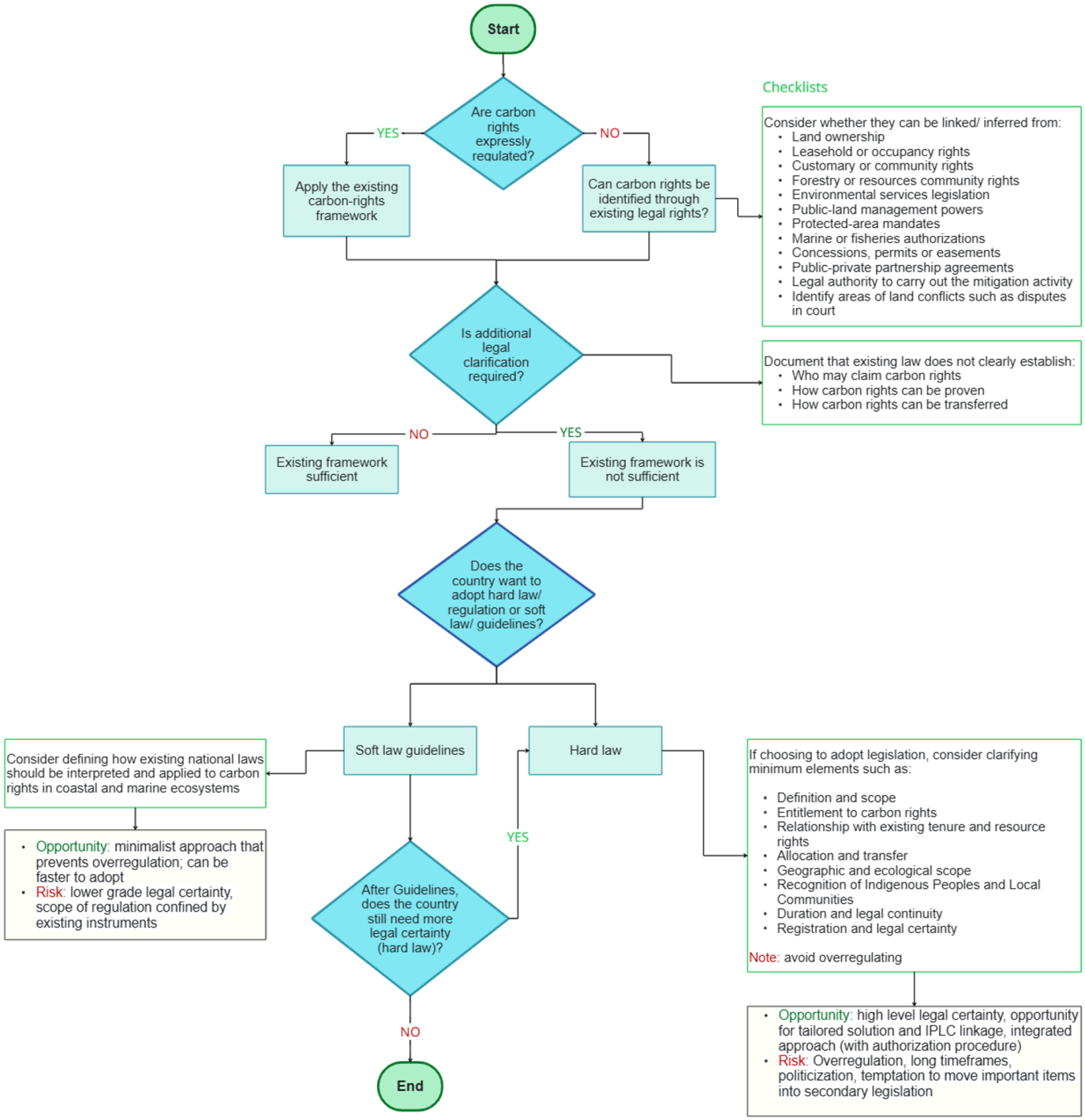
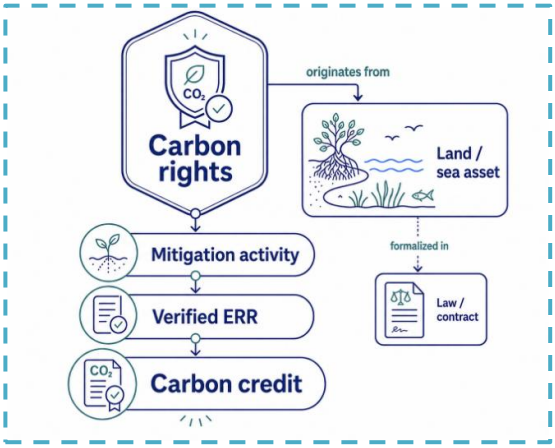
1 Blue Carbon and Carbon Rights - decision-tree for regulators

Start here: The decision tree provides a quick way to identify carbon-rights questions that regulators may need to address, depending on the legal and project context. The rationale behind each decision, key definitions and the role of regulators are explained in further sections, which can be consulted as further guidance is needed.



2 What are carbon rights?

Despite the absence of an internationally agreed definition under public or private law, carbon rights are commonly understood as the rights—arising under statute, regulation, property law, administrative authorization, contract, or a combination thereof—to claim, manage, transfer, or benefit from greenhouse gas emission reductions or removals, including, where applicable, the right to generate and transfer carbon credits.[1] Carbon rights, then, cover three distinct but interconnected legal dimensions: a) the right to implement activities generating emission reductions or removals (ERRs); b) the right to transfer and commercialize the resulting carbon credits; and c) the right to receive and distribute the benefits derived from their generation and use. In simple terms, carbon rights help answer three questions: who can claim the emission reduction or removal, who can receive the carbon credit once it is issued, and who can sell or transfer that credit.[2]



Carbon rights can arise from multiple legitimacy grounds. Often original carbon rights are presumed to be based on ownership or use rights over the asset from which the mitigation activity is developed (e.g., mangrove forest land, seagrass beds) and derived from the interpretation of the existing legal framework (Constitution, natural resources laws, fisheries laws, forestry laws, marine and coastal legal regimes, civil law or judiciary interpretation); on other occasions carbon rights are explicitly defined in climate change or sectoral legislation (e.g. in Belize). Devolved carbon rights are those that are transferred from the original rightsholder, for instance when a public authority issues a licence, concession or approval to a private entity with the right to implement a BC activity in a state-owned mangrove area and when it includes (explicitly or implicitly) the transfer of any carbon right to that entity. [3],[4]

Carbon rights are not the same as carbon credits. Carbon rights are the underlying rights to claim or benefit from the climate outcome. Carbon credits, by contrast, are tradable units issued in a registry. Each credit represents one metric tonne of CO_2e reduced, removed or avoided from a specific climate mitigation – here: blue carbon – activity. The mitigation effort is often referred to as “emission reduction” or “emission removal” or “emission reduction / removal” or “ERR”. Issuance of a carbon credit (from an ERR) requires, in most cases, verification by an independent auditor of the veracity of the ERR against the rules of a carbon standard and recorded. Issuance is made to a carbon registry account.

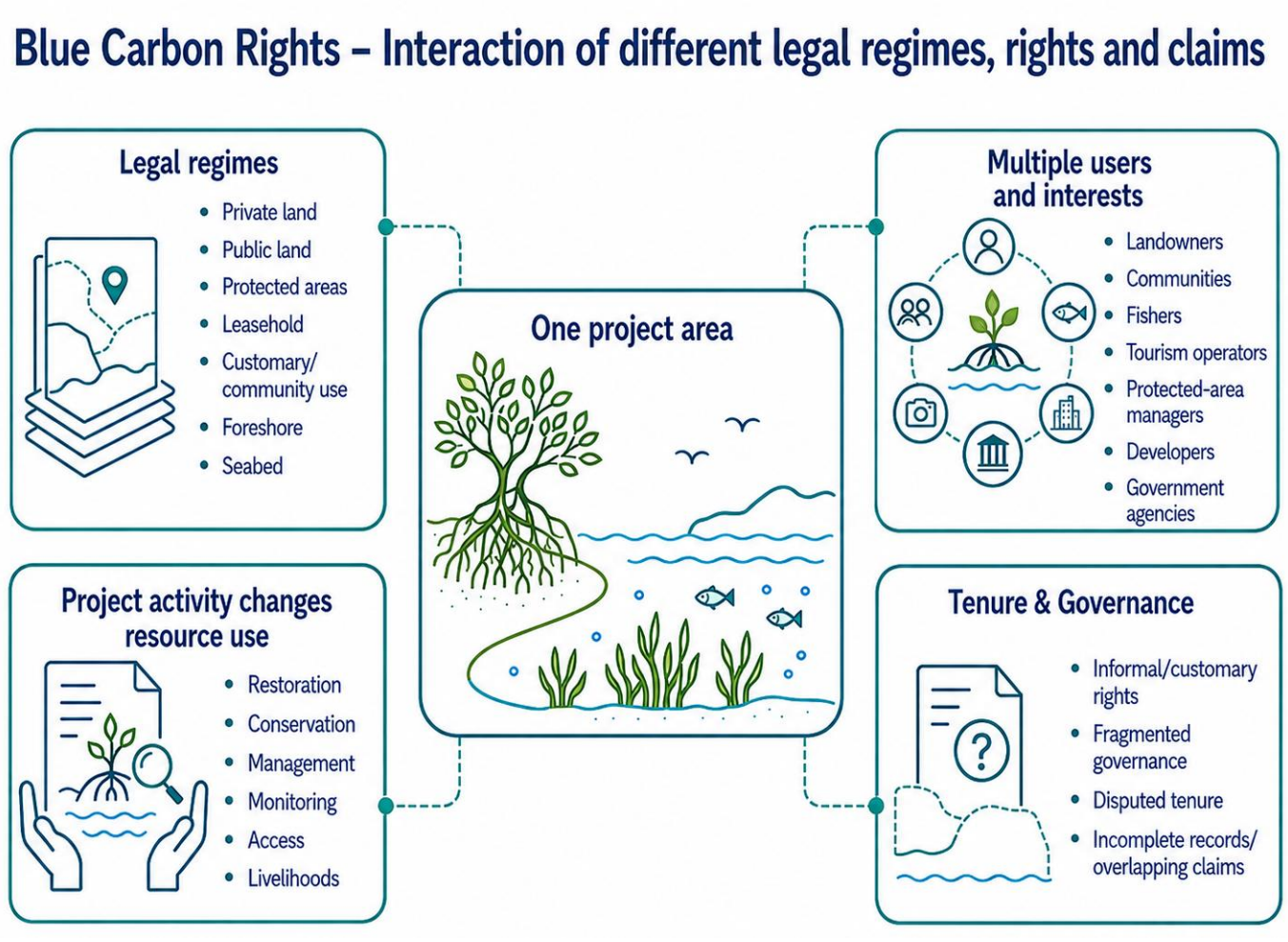
The registration of a carbon credit in a carbon registry generally creates a presumption that the registered account holder is the holder of the credit and is entitled to exercise the rights associated with it. However, the

[1] 2026 World Bank. Legal & regulatory reform toolkit for high-integrity carbon markets. https://openknowledge.worldbank.org/server/api/core/bitstreams/0e85bf42-447a-4a43-b536-1392eca73e1f/content
[2] See further: FAO 2022 at https://www.fao.org/haltingdeforestation/news/detail/Carbon-rights-and-the-importance-of-benefit-sharing/en ; UN REDD Programme at https://www.un-redd.org/glossary/carbon-rights and VCM primer 2023 at https://vcmprimer.org/wp-content/uploads/2023/11/vcm-explained-chapter10.pdf
[3] 2026 World Bank. Legal & regulatory reform toolkit for high-integrity carbon markets. https://openknowledge.worldbank.org/server/api/core/bitstreams/0e85bf42-447a-4a43-b536-1392eca73e1f/content
[4] The legal nature of carbon credits is also an evolving issue. The current market consensus is generally to treat carbon credits as a form of property, often as intangible assets (ref UNIDROIT/ UNCITRAL 2025), although the precise classification will depend on domestic law. See more at 2026 World Bank. Legal & regulatory reform toolkit for high-integrity carbon markets. https://openknowledge.worldbank.org/server/api/core/bitstreams/0e85bf42-447a-4a43-b536-1392eca73e1f/content

legal effect of registration depends on the rules and legal nature of the registry. In some registries, registration constitutes conclusive evidence of ownership, whereas in others it establishes only a presumption of title (*prima facie*), which may be contested upon proof that another person holds a superior legal title.

3 Carbon rights and blue carbon

Carbon rights can be especially difficult to determine in blue carbon projects because they are often linked to tenure and property rights, which are not always easily proven in intertidal coastal areas. Blue carbon ecosystems often sit at the intersection of several legal regimes. They may be subject to overlapping public, private, and customary uses by forest and fishing communities, and they often involve multiple stakeholders, particularly local communities or oil, industrial or tourism companies with rights in coastal areas. Mangroves and salt marshes usually fall on public or private land, protected areas, leasehold land, or customary/community-use areas. Seagrasses are often located in public marine areas, such as the foreshore, seabed, marine protected areas, or fisheries-managed zones. Because of this, more than one person or authority may have a legitimate interest in the same project area. These may include landowners, government agencies, protected-area managers, fishers, local communities, tourism operators, project developers, and other entities.



Tenure arrangements in marine, coastal, and shoreline areas can also be unclear. This is partly because these ecosystems are highly connected, especially in intertidal zones where formal authorities and informal customary practices may overlap. These challenges are often compounded by historical tenure

issues, including unformalized rights and the absence of a clear chain of title.[5] In addition, blue carbon ecosystems are naturally dynamic, and their boundaries can change over time due to erosion, sediment deposition and sea-level rise. Mangroves, salt marshes and seagrasses might expand, diminish or shift location – a natural shift that makes it more difficult to clearly define and maintain tenure borders. This factor should be taken into account when establishing blue carbon projects.

Moreover, blue carbon projects may affect multiple people, especially communities, who may not be formal tenure holders. Indigenous Peoples and Local Communities (IPLCs) may lack formal title, with the risk that they may be disadvantaged or marginalized in respect of carbon rights compared with those holding formally recognized title. There is also the interlinkage – and potentially tension – of rights of use, on the one hand, and project objectives, on the other hand. Mangrove conservation efforts, for instance, may require changes in how people use and interact with these resources[6], for example by restricting mangrove cutting for firewood, which affects local community user rights and may require communities to find alternative solutions. The recognition of carbon rights, in these cases, ensure that project objectives, in their entirety, are firmly agreed with all stakeholders, and all right holders, involved and/or affected.

The issue can be further complicated where land and marine governance systems are weak allowing for substantial and often fast disruption (degradation of blue carbon habitats), where records are incomplete, where decision-making authority is fragmented, or where customary, community, or informal rights are not fully recognized in law or practice (e.g., including where groups claiming unrecognized land rights face discrimination). [7]

Coexistence of Blue Carbon activities with traditional and customary rights

The development of carbon projects should coexist with, rather than displace, the pre-existing traditional and customary rights of IPLCs. Carbon rights, or the authorization to develop a carbon activity, should therefore not be understood as automatically conferring a right to restrict existing access to land and natural resources or their traditional uses by IPLCs. For instance, Brazilian legislation provides a particularly clear illustration of this principle: jurisdictional REDD+ programmes and public or private forest-carbon projects may not establish areas restricting access to or use of land and natural resources, and must respect subsistence hunting, fishing and agriculture; traditional cultural and religious practices; and legally established sustainable activities such as community and family-based timber and non-timber forest management and community-based tourism.



Where implementation of a carbon activity nevertheless affects the exercise of existing traditional or customary rights—for example, by limiting access to resources such as subsistence fishing and shellfish gathering by women in mangrove areas or requiring rights-holders to abstain from activities they would otherwise be entitled to undertake, the affected rights-holders should be appropriately compensated for those restrictions or losses.

Carbon standards, such as VCS[8] currently reflect the same rights-based approach for IPLC: their safeguards go beyond requiring general stakeholder consultation with affected IPLCs and require carbon project developers to identify and understand existing formal and customary land, tenure, access and resource-use

[5] Lawless, S., Cohen, P.J., Dudayev, R. *et al.* Respecting tenure and the bundle of rights in blue carbon guidance. *Nat. Clim. Chang.* (2026). https://doi.org/10.1038/s41558-026-02651-8
[6] VCM Primer. 2023. Chapter 10: How Are Carbon Rights Considered in the Voluntary Carbon Market? https://vcmprimer.org/chapter-10-carbon-rights-in-the-voluntary-carbon-market/
[7] Lawless, S., Cohen, P.J., Dudayev, R. *et al.* Respecting tenure and the bundle of rights in blue carbon guidance. *Nat. Clim. Chang.* (2026). https://doi.org/10.1038/s41558-026-02651-8
[8] VCS Guidance: Right to Operate, Sustainable Development, Stakeholder Engagement, and Safeguards, v5.0, p. 6 and ss.

rights, determine their scope and rights-holders, assess how the proposed carbon activity may affect their exercise, and put in place appropriate measures to avoid, mitigate or compensate adverse impacts, alongside consultation and FPIC where applicable.

4 Identifying Blue Carbon Rights: Why does it matter?

The way carbon rights are defined has practical implications throughout the life cycle of a blue carbon activity. At the project level, legal clarity helps demonstrate that the project proponent has the authority to generate and transfer carbon credits in accordance with applicable carbon standards. At the transaction level, it gives investors and buyers greater confidence that credits have been validly created and can be transferred without competing claims. At the policy level, it facilitates participation in regulated carbon markets and international transfers under Article 6 of the Paris Agreement. Finally, by clearly allocating rights and responsibilities, it supports transparent benefit sharing, credible carbon claims, long-term stewardship, and the overall environmental and social integrity of blue carbon activities.



Carbon standards require clear rights. Usually, carbon standards require the central stakeholder (project proponent) to provide proof of title over the ERR. Evidence usually can be demonstrated through valid proof of ownership, possession, statutory act, concession, lease, permit, management authority, contract, or another valid legal basis.

For example, the Verified Carbon Standard, or VCS, hosted by Verra (the most used carbon standard for blue carbon projects to date) requires project proponents to provide evidence that they have the right to operate the project and the right to claim the resulting emission reductions or removals.[9] Plan Vivo also emphasizes the need to demonstrate secure and stable land/user rights, including formal rights where available and community-recognized rights with dispute-prevention measures.[10]. In the case of programs, ART-TREES Standard mandates the program proponent to prove its legal entitlement to the ERRs generated by the program based on the applicable national or subnational legal framework. It should explain the legal basis for the creation and ownership of ERR rights, how competing claims by stakeholders will be addressed where other entities hold ERR rights, provide evidence of agreements transferring those rights to the program proponent[11].

In practice, the proof over ERRs in blue carbon activities can be shown through three main pathways:

1) ***By reference to the domestic legal regime.*** Rights to ERRs can derive from ad-hoc laws that contain explicit references to carbon rights or indirectly derived from the Constitution, general legislation or judicial case-law.
2) ***By reference to an act of the administration.*** Since blue carbon activities tend to be in state areas, the administration transfers the right over ERRs through permits, authorizations, concession titles and similar legal figures.
3) ***By reference to contractual agreements.*** In many blue carbon projects, the project proponent is not the original holder of the ERR rights. Those rights are therefore transferred from the primary rights holders—such as landowners, resource rights holders or communities—to the project proponent through legally enforceable agreements.

[9] Verra. Accessed June 2026. Verified Carbon Standard - VCS v5.0 (section 3.6.2).
[10] Plan Vivo. Accessed June 2026. https://www.planvivo.org/projects/certify-a-project/pvclimate/pv-climate-eligibility-costs-fees
[11] Microsoft Word - TREES 3.0 Final Version - English, p. 29 and ss.

To be noticed that, generally, carbon standards not only require the proponent to demonstrate proof of title over ERRs but also to identify existing or potential conflicts over land or resource rights, and demonstrate how such conflicts will be prevented, managed or resolved before carbon credits can be issued.



Carbon rights give legal certainty and avoid disputes. If carbon rights are not well-established, another person, community, agency, or company can later challenge the claim and the carbon credits may lose value, be cancelled or significantly delayed due disputes. Clear carbon rights create legal certainty for governments, communities, investors, developers, and buyers.

For governments, carbon rights help to design approval process of a carbon project and create a secure framework for investments. **For communities and local users,** they help clarify who must be consulted, whose consent is required, and who must participate in benefit sharing, therefore reducing trust issues. **For investors and buyers**, carbon rights help confirm that the seller has the legal authority to sell/ transfer the credits, therefore reducing investment risk and boosting confidence.[12]



Carbon rights are important for Article 6 of the Paris Agreement. Article 6 allows countries to cooperate to tackle climate change and to unlock climate finance, including for developing countries. [13] Article 6.2 allows countries to transfer ERRs (mitigation outcomes, in the nomenclature of the Paris Agreement) bilaterally or through other cooperative approaches. The transferred ERRs are usually called internationally transferred mitigation outcomes (ITMOs).

For international transfers (Art. 6.2) to happen with integrity, the host country must *authorize* the use of the mitigation outcome and account for the transfer. This is necessary to avoid double counting, which occurs when the same emission reduction or removal is claimed more than once. For example, double counting could occur if the project developer sells a credit to a foreign buyer, while the host country also counts the same mitigation outcome toward its own nationally determined contribution (NDC). To avoid this, the host country may need to apply a corresponding adjustment (CA), which is an accounting adjustment showing that the mitigation outcome has been transferred and should not also be counted by the host country. This is where carbon rights become important. Before authorizing a transfer, the government needs to know who has the legal right to claim the mitigation outcome, who can request authorization to proceed with the international transfer, who can transfer or sell the credit, and whether affected rights holders and communities have agreed (through proper consultation)[14,15]. In turn, buyer countries participating in Art. 6.2 transactions will request proof of title over the ERR when transferring ITMOs.

For policymakers, the key point is that carbon rights are an essential element to participate in Art. 6.2 transactions. Clear understanding and arrangements on carbon rights help prevent disputes between the project developer, the buyer and seller countries and local rights holders They also support registry decisions,

[12] 2026 World Bank. Legal & regulatory reform toolkit for high-integrity carbon markets. https://openknowledge.worldbank.org/server/api/core/bitstreams/0e85bf42-447a-4a43-b536-1392eca73e1f/content

[13] UNFCCC. N/A. Article 6 of the Paris Agreement. https://unfccc.int/process-and-meetings/the-paris-agreement/article6

[14] Free, Prior and Informed Consent (FPIC) is a recognized human right and process, established under the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which empowers communities to shape development and safeguard their cultural, social, and economic well being. See: https://www.un.org/development/desa/indigenouspeoples/publications/2016/10/free-prior-and-informed-consent-an-indigenous-peoples-right-and-a-good-practice-for-local-communities-fao/

[15] See also: United Nations (UN FAO) guidelines at: https://www.un.org/development/desa/indigenouspeoples/publications/2016/10/free-prior-and-informed-consent-an-indigenous-peoples-right-and-a-good-practice-for-local-communities-fao/

Article 6 authorization procedures, corresponding adjustments, benefit-sharing arrangements and the overall credibility of the country's carbon market system, including investor confidence.[16]



Carbon rights contribute to the integrity of carbon markets by providing legal certainty over who is entitled to generate, hold, transfer, and benefit from carbon credits. They are not, in themselves, a guarantee of environmental integrity—which depends on robust methodologies, additionality, accurate monitoring, reporting and verification (MRV), permanence, leakage management, and measures to prevent double counting. Rather, well-defined carbon rights support these objectives by ensuring that the rights and responsibilities associated with emission reductions or removals are clearly allocated. Clear carbon rights reduce the risk of competing ownership claims over the same emission reductions or removals, thereby strengthening the legal basis for credit issuance and transfer and helping to prevent conflicting transactions or double claiming. They also help identify the legitimate rights holders who should participate in decision-making and benefit-sharing arrangements, thereby supporting compliance with the social safeguards and stakeholder engagement requirements commonly found in blue carbon standards and programmes. In this way, carbon rights reinforce both the credibility and the long-term integrity of blue carbon activities. [see Benefit Sharing module - link].

Carbon rights also help manage **permanence** risks. Blue carbon projects often last for decades but the legal rights supporting the project may have a shorter term. A lease, permit, concession, community agreement, or management agreement may expire before the end of the crediting period. If this happens, the project may lose the legal basis needed to protect the ecosystem, monitor the carbon benefit, or meet long-term obligations. When carbon rights are clear, valid, and lasting long enough to support the full project period, its holder has higher chance of monitoring and maintaining legally the blue carbon project (e.g., less chances for disputes over benefit sharing and control of blue carbon plots).

5 What is the role of regulators for blue carbon rights?

Regulators have various tools at their disposal to clarify, or determine, carbon rights. Broadly, there are two options, a **soft law** and a **hard law option**. To be sure, countries may choose both options, i.e., start with a soft law approach and, over time, move into a hard law environment.

1. **Facilitation (soft law): Government as facilitator of carbon rights, providing legal certainty.** Governments may enhance their role as facilitators in providing legal certainty for blue carbon activities by issuing ***administrative guidelines or manuals*** on how existing national laws should be interpreted and applied to carbon rights in coastal and marine ecosystems. Such guidance can clarify the interaction between carbon rights and land tenure, public ownership and customary and community rights and facilitate understanding on carbon rights to the carbon market investors. Because administrative guides or manuals can be adopted and updated more quickly than legislation, it offers a flexible way of addressing legal uncertainty on carbon rights. It can also serve as an interim measure while more comprehensive legislative reforms are being developed

2. **Rule-making (hard law): Government as rule-maker of carbon rights.** Under this approach, the country adopts a ***law or regulation*** that defines who owns or controls carbon rights, how those rights

[16] 2026 World Bank. Legal & regulatory reform toolkit for high-integrity carbon markets. https://openknowledge.worldbank.org/server/api/core/bitstreams/0e85bf42-447a-4a43-b536-1392eca73e1f/content

are created and how they may be transferred. This can provide strong legal certainty and help investors and buyers understand who can sell or transfer credits. It can also help align carbon rights with registry rules, Article 6 authorization, benefit sharing, safeguards, and project approval requirements. However, it can take time and requires coordination across ministries.

Key elements of a regulatory framework for blue carbon rights

Where a jurisdiction decides to establish a dedicated legal framework for blue carbon rights, the framework should provide sufficient legal certainty to enable investment while remaining compatible with existing systems of land, coastal, marine, and natural resource governance. In particular, regulators may wish to address the following elements:

- **Definition and scope**. Clearly define the concept of carbon rights and distinguish them from other environmental rights or ecosystem services, such as biodiversity credits or water rights. The framework should also clarify whether carbon rights relate to emission reductions or removals, carbon credits, or both.

- **Entitlement to carbon rights.** Clarify who is entitled to hold carbon rights in different blue carbon contexts. This is particularly important where coastal and marine ecosystems are subject to public ownership, customary tenure, concessions, protected area management, or other overlapping legal interests. The framework should identify the legal basis on which carbon rights arise and who may exercise them.

- **Relationship with existing tenure and resource rights**. Clarify how carbon rights interact with existing rights over land, coastal areas, marine resources, fisheries, protected areas, concessions, leases, permits, and management agreements. A dedicated carbon rights regime should complement, rather than conflict with, these existing legal arrangements.

- **Allocation and transfer.** Establish the legal mechanisms through which carbon rights may be allocated, transferred, licensed, or otherwise made available for project development. In blue carbon settings, this may include concessions, permits, public-private partnerships, co-management arrangements, conservation agreements, easements, contractual assignments, or other legal instruments appropriate to the national legal system.

- **Geographic and ecological scope.** Clarify whether all blue carbon ecosystems are eligible for project development or whether certain coastal or marine areas—such as protected areas, ecologically sensitive habitats, or areas subject to competing public uses—are excluded or subject to additional conditions.

- **Recognition of Indigenous Peoples and Local Communities**. Where Indigenous Peoples and Local Communities (IPLCs) hold rights under national law or customary tenure, or where their rights and livelihoods may be affected, the framework should provide appropriate procedural protections. These may include requirements for effective consultation and, where applicable under domestic or international law, Free, Prior and Informed Consent (FPIC), together with clear rules on participation and benefit sharing.

- **Duration and legal continuity**. Carbon rights should remain valid and enforceable for a period sufficient to support the full crediting and permanence obligations of a blue carbon activity. Given the long-time horizons of many blue carbon projects and the need to prove longevity of project operations (e.g., in Verra's VCS: 40+ years), regulators should also clarify the duration of (public) legal

instruments (e.g., the duration of a concession), as well as the legal consequences where the underlying tenure or management arrangement changes during the project – for example, where land is transferred, a concession expires, a permit is revoked, or a coastal management agreement is terminated or amended.

- **Registration and legal certainty.** Where appropriate, regulators may establish procedures for recording or registering carbon rights or the legal instruments from which they derive. Registration can improve transparency, reduce competing claims, facilitate due diligence, and increase confidence among investors, buyers, and regulators

⚠ **That said, governments should avoid overregulating carbon rights.** The risk is high if rules are created and not enforced, new categories of rights are created, or another layer of conflicting rights is put on an already weak system of land and property titles.[17] This legislative "big bang" should mostly be avoided. While dedicated blue carbon or carbon rights legislation may ultimately be appropriate, governments should avoid making comprehensive legislative reform a prerequisite for project development. In blue carbon contexts, sweeping reforms must often reconcile property, coastal and marine law, fisheries, protected areas, environmental regulation, customary tenure, and public trust doctrines—a process that can take years and may ultimately establish only high-level principles while leaving many operational questions to future regulations. Rather than waiting for a comprehensive statutory framework, governments should consider whether existing legal authorities can be complemented by targeted legislation, administrative guidance, model agreements, registry rules, or agency practice to provide legal certainty for project authorization, carbon transactions, and long-term stewardship. Such an incremental approach enables responsible project development, generates practical experience, and helps ensure that future legislation is informed by implementation rather than drafted in the abstract.

What is the role of the Attorney General in respect of guaranteeing carbon rights?



The Attorney General's Office, or similar figures, can have a particularly important role in the development of a national carbon-market framework because carbon rights raise questions that touch public, property, contractual and fiscal law, and not only environmental matters. In particular, the **legal characterization of carbon rights and carbon credits**—whether they are treated as property rights, intangible assets, contractual entitlements, rights linked to land or natural resources, or a distinct statutory entitlement—can have significant consequences for their ownership, transferability, security interests, inheritance and, importantly, tax treatment[18].

The Attorney General's involvement can become even more important where carbon activities take place on **blue carbon state-owned land**, as it is the case of a vast majority of blue carbon areas or involve state-owned natural resources. In such cases, the question is not merely who generates carbon credits, but whether the relevant public authority has the legal power to confer carbon rights, authorize their commercialization, or dispose of the resulting credits and revenues. Depending on the country's public-property and public finance rules, the transfer or sale of carbon credits may require the Attorney General's legal opinion, approval or consent.

[17] VCM Primer. 2023. Chapter 10: How Are Carbon Rights Considered in the Voluntary Carbon Market? https://vcmprimer.org/chapter-10-carbon-rights-in-the-voluntary-carbon-market/

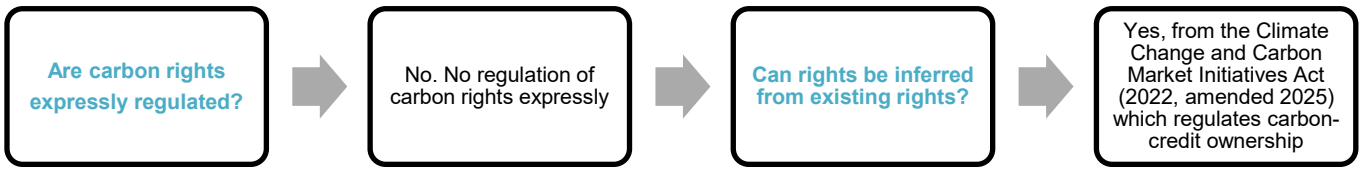
[18] For discussions on the legal nature of carbon credits, see https://www.unidroit.org/wp-content/uploads/2026/06/Study-LXXXVI-W.G.9-Doc.-4-Draft-Principles-and-Commentary-Redline.pdf

6 How do other countries regulate blue carbon rights?

Carbon rights are regulated differently in various countries. For example:



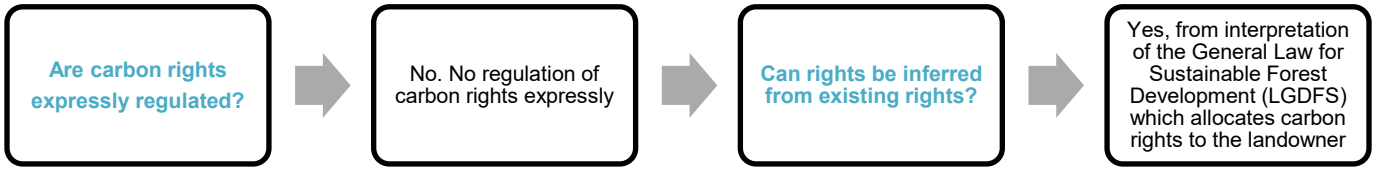
The Bahamas



The Bahamas law defines "Crown land" as including "the seabed" vested in the Crown for the beneficial interest of The Bahamas (i.e., blue carbon, including seagrass resources are publicly owned).[19] Carbon rights are not specifically defined law. However, they are inferred from provisions regulating *carbon credits*. The Climate Change and Carbon Market Initiatives Act (2022, amended 2025) provides that carbon credits generated from activities in internal waters, territorial waters, the exclusive economic zone, seabed, coastal and marine ecosystems, related waters, and forests are deemed "property of The Bahamas".[20] In practice, this means that carbon rights belong originally to the owner of blue carbon assets (the Government) which can transfer these to other stakeholders and carbon buyers.



Mexico



In Mexico, land and waters are originally owned by the Nation, but ownership may be transferred to private parties, 'ejidos' (communal area), communities (including indigenous people), and other recognized landholders.[21] Forest resources – including in mangrove areas – belong to the owners of the land where those resources are located, including ejidos, etc. For voluntary carbon market participation, Mexico's General Law for Sustainable Forest Development (LGDFS)[22] only allows carbon projects from removals (such as afforestation, reforestation and sustainable management) to generate carbon credits (avoidance

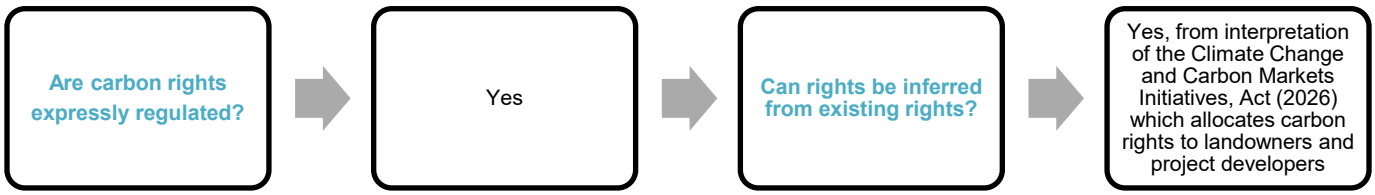
[19] 2014. Bahamas Public Parks and Public Beaches Authority Act. https://faolex.fao.org/docs/pdf/bha144595.pdf
[20] 2022. Climate Change and Carbon Market Initiatives Act. Art.3. https://faolex.fao.org/docs/pdf/bha211771.pdf
[21] Mexico Constitution, art. 27. https://mexico.justia.com/federales/constitucion-politica-de-los-estados-unidos-mexicanos/titulo-primero/capitulo-i/#articulo-27
[22] General Law for Sustainable Forest Development. Available at: https://climate-laws.org/document/general-law-for-sustainable-forest-development_9584

is excluded due to understanding that deforestation is illegal and therefore, emission reductions can only be recognized through a governmental program). Carbon rights are not clearly regulated in Mexico as a standalone legal right. Following the interpretation of the LGDFS, carbon rights are held by the landowner because he/she holds forest resources AND the carbon absorbed by a mitigation activity and incorporated into biomass is considered a product of the forested land.[23]

The San Crisanto mangrove project in Yucatán illustrates this approach. The project was registered under the Climate Action Reserve's Mexico Forest Protocol and is described as the first mangrove offset project registered under the program and the first of its kind in Mexico.[24]



Belize



The recent Climate Change and Carbon Market Initiatives Act (Act No. 13 of 2026) provides the legal framework for climate change governance and regulated participation in carbon markets, including blue carbon activities. The Act introduces provisions on carbon rights and ownership, linking these rights to landholders or project developers (Sec. 3.2), and provides for **Carbon Reduction or Removal Project Agreements** between the Climate Change Department and the relevant landholder or project developer. These agreements establish the terms and conditions for the assignment of carbon rights (Sec. 22.1(b)). Importantly, while the Act allows for the assignment of **land-use rights**, it expressly excludes **land ownership rights** (Sec. 22.1), thereby safeguarding underlying land ownership while enabling carbon project development.

However, the Act does not address the **aggregation of projects or carbon rights across multiple landholders**, leaving some uncertainty as to how these rights would operate in aggregated or jurisdictional approaches involving multiple projects or landholders.

[23] VCMI 2024. Developing Voluntary Carbon Market Projects in Yucatán. https://vcmintegrity.org/wp-content/uploads/2024/11/20241113-Best-Practices-Guide-VCM-Yucatan-FV.pdf
[24] CAR. 2022. "Protecting One of the World's Most Distinctive and Valuable Forests". https://climateactionreserve.org/blog/2022/07/27/protecting-one-of-the-worlds-most-distinctive-and-valuable-forests/

7 Sources for further reading

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