

DISCUSSION
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**ADOPTING A HUMAN RIGHTS
BASED APPROACH TO
BIODIVERSITY & CLIMATE ACTION**



SwedBio
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**Soka Gakkai
International**
Action for Peace

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Cover image

Visit to Chingaza National Natural Park, Colombia during the Regional Dialogue and Learning Mission on the Integration of Biodiversity and Climate change at the National Level of Colombia. Photo credit: Tristan Tyrrell

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This publication should be considered as a basis for dialogue, and we welcome feedback from you as a reader. We have the intention to develop a series of publications on this topic during 2024.

KEY MESSAGES

A human rights-based approach (HRBA) is essential to address the complexities of biodiversity and climate challenges, recognising that these challenges have disproportionate impacts on people living in vulnerable situations.

There are several key opportunities to guide more ambitious national actions that address climate change and biodiversity loss in an integrated manner, reduce harm, as well as ensure fairness and justice for all. These opportunities are present in policy processes such as the final round of the Intergovernmental Consultations on Nature-based Solutions under the UN Environment Programme (UNEP) auspices, the negotiations of the Biodiversity and Climate Change agenda resuming under the Convention on Biological Diversity (CBD) during the 25th meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA 25), and the forthcoming climate and biodiversity Conference of the Parties - UNFCCC COP28 and CBD COP16.

The diverse case studies in this publication demonstrate how adopting a HRBA for climate and biodiversity action can lead to more successful and sustainable outcomes in achieving the goal of living in harmony with nature.

Key messages for implementation

- **Strengthen the enabling environment** and enhance the capacity and accountability of duty bearers.
- **Enhance the meaningful participation** of and engagement with communities and people disproportionately impacted by biodiversity loss and climate change, and promote their leadership in interventions to ensure positive and sustainable outcomes for both people and the ecosystems on which they depend.
- **Emphasise the need to strengthen environmental and social safeguards**, to ensure the respect, protection, promotion and fulfilment of human rights, including the right to a healthy environment, while addressing the power inequalities that generate abuse of human rights and enhancing access to justice.
- **Underscore the need to respect Free, Prior and Informed Consent**, and/or other consent mechanisms of Indigenous Peoples and local communities.
- **Facilitate the integration and/or revitalisation of traditional and indigenous knowledge** and management systems, which have effectively safeguarded the biodiversity of the area.
- **Recognise the context-specific nature of challenges.**
- **Identify power, political, and gender dynamics that affect biodiversity and climate action**, and promote ways to identify previously invisible impacts and address differentiated needs as well as conflicting rights and interests.
- **Foster adaptive capacity**, facilitating, and valuing communities' ability to monitor and address future environmental issues.

Key messages for relevant international policy processes

- **Integrate a HRBA when clarifying the standards and criteria for implementation** of Nature-based Solutions (NbS) in the context of the **Intergovernmental Consultations on NbS**.
- **Recognise the impacts of climate change and biodiversity loss on human rights** in the context of the negotiations of the Biodiversity and Climate Change agenda under the **CBD SBSTTA 25**. Integrate the need to adopt a HRBA when considering Ecosystem-based Approaches and NbS, recognise rights holders, including Indigenous Peoples and local communities, women and girls, children and youth, people with disabilities among others.
- **Ensure that the Global Stocktake process calls for integrated climate and biodiversity actions and policies, implemented through a HRBA** In the context of **COP28**.

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LIST OF ABBREVIATIONS AND ACRONYMS

ABN	African Biodiversity Network
AIPP	Asia Indigenous Peoples Pact
BES-Net	Biodiversity and Ecosystem Services Network
BFM	Biodiversity Financing Mechanism
BHCDO	Barnes Hill Community Development Organisations
CBD	Convention on Biological Diversity
CF	Community Forest
COP	Conference of the Parties
CSO	Civil society organisations
DIHR	Danish Institute for Human Rights
EbA	Ecosystem-based Adaptation
EbM	Ecosystem-based Mitigation
Eco-DRR	Ecosystem-based Disaster Risk Reduction
FAO	Food and Agriculture Organization of the United Nations
FEBA	Friends of Ecosystem-based Adaptation
FPIC	Free, Prior and Informed Consent
FPP	Forest Peoples Programme
GRABE-Benin	Groupe De Recherche et d'Action pour le Bien-être au Bénin
HRBA	Human rights-based approach
IACHR	Inter-American Commission on Human Rights
ICE	Institute for Culture and Ecology
IITC	International Indian Treaty Council
ILC	International Land Coalition
ILK	Indigenous and Local Knowledge
INFOE	Institute für Ökologie und Aktions-Ethnologie
IPC	International Planning Committee for Food Sovereignty
IPCC AR6	Intergovernmental Panel on Climate Change Sixth Assessment Report
ISD	Institute for Sustainable Development
IWGIA	International Work Group for Indigenous Affairs
Kaw	Customary lands of the Indigenous Karen People in Kaw Thay Gu, Kawthoolei, Myanmar
KBA	Key Biodiversity Areas
KFD	Kawthoolei Forestry Department
KMBGF	Kunming-Montreal Global Biodiversity Framework
KNU	Karen National Union
KNU-CLC	KNU Central Land Committee
KPA	Consortium for Agrarian Reform
LVC	La Via Campesina
MEB	Multiple Evidence Base
NAP	National Adaptation Plans
NbS	Nature-based Solutions
NBSAP	National Biodiversity Strategies and Action Plan
NDC	Nationally Determined Contributions

NEA	National Ecosystem Assessment
OHCHR	Office of the High Commissioner for Human Rights
REFACOF	Le Réseau des femmes Africaines pour la gestion Communautaire des Forêts, African Women's Network for Community Management of Forests
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SDG	Sustainable Development Goals
SSF	Small-scale Fisheries
UNA	Urban Natural Assets for Africa
UNFCCC	UN Climate Change Conference
UNEP	UN Environment Programme
WALHI	Wahana Lingkungan Hidup Indonesia, Indonesian Forum for the Environment
WCIP	World Conference on Indigenous Peoples
WFF	World Forum of Fish Harvesters and Fish Workers
WFFP	World Forum of Fisher People

INTRODUCTION

The functioning of human societies and ecosystems are interdependent with the state of climate and biodiversity. This has led to increased efforts to address biodiversity loss and climate change in a synergistic manner. For instance, initiatives at the international policy level foster synergies between processes to formulate and implement climate National Adaptation Plans (NAPs) and National Biodiversity Strategy and Action Plans (NBSAPs).¹ In the wake of humanity facing a planetary crisis and the recent adoption of the human right to a clean, healthy and sustainable environment, the recognition of the links between human rights, climate change and biodiversity loss has gained significant traction.

The Paris Agreement and the Kunming-Montreal Global Biodiversity Framework recognise the importance of respecting, protecting, and fulfilling human rights. The latter especially recognises that its implementation requires a human rights-based approach (HRBA). This is in line with the findings of the IPBES and IPCC that highlight the importance of adopting a HRBA to biodiversity conservation and actions to address climate change in their latest reports.² What does a HRBA to biodiversity and climate action mean in practice? How can it be operationalised?

There are several upcoming opportunities to guide more ambitious national actions at the international policy level, such as the final round of the Intergovernmental Consultations on Nature-based Solutions under the UN Environment Programme (UNEP) auspices, the negotiations of the Biodiversity and Climate Change agenda that are resuming under the Convention on Biological Diversity (CBD) during the 25th meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA 25), and the forthcoming climate and biodiversity Conference of the Parties (COP) – UNFCCC COP28 and CBD COP16. In this context, this publication aims to increase awareness and better understand the link between human rights and actions that simultaneously address biodiversity loss and climate change. We refer to a comprehensive understanding of biodiversity and climate action, including specific policies such as Ecosystem-based Approaches and Nature-based Solutions (NbS), as well as initiatives across governance levels from locally-led to international efforts that consider both challenges in an integrated manner. The publication covers three sections:

Section 1 lays the foundation for linking human rights and actions that seek to address biodiversity loss and climate change. It outlines the key elements of a HRBA and highlights how a HRBA can help improve existing guidelines, criteria and standards in the context of NbS and/or Ecosystem-based Approaches;

Section 2 presents cases of HRBA practices, methodologies, and tools for duty bearers and rights holders in climate and biodiversity action; and

Section 3 concludes our current findings and provides some recommendations for ways forward to adopt a HRBA.

We view a human rights-based approach as essential to address the complexities of biodiversity and climate challenges, recognising that the impacts of climate change and biodiversity loss disproportionately affect people living in vulnerable situations. A HRBA holds significant potential to lead to more successful and sustainable outcomes in achieving the goal of living in harmony with nature. To this end, we hope this publication can contribute to filling knowledge gaps related to adopting a HRBA and can serve as an inspiration for a wide range of actors to improve the implementation of biodiversity and climate action on the ground.

1. UNFCCC, CBD, IISD, GIZ, UNEP & SwedBio. (2022). [Promoting Synergies Between Climate Change Adaptation and Biodiversity Through the National Adaptation Plan \(NAP\) and National Biodiversity Strategy and Action Plan Processes \(NBSAP\)](#). United Nations Climate Change Secretariat. Bonn.

2. IPBES. (2022). [Assessment Report on The Diverse Values and Valuation of Nature, Summary for Policymakers](#); IPCC. (2022). Working Group II Contribution to the IPCC Sixth Assessment Report on Climate Change Impacts, Adaptation and Vulnerability, Summary for Policymakers, para D.2.1.

SECTION 1: THE VITAL LINKS TO HUMAN RIGHTS IN CLIMATE CHANGE & BIODIVERSITY LOSS

“Climate change is a direct driver that is increasingly exacerbating the impact of other drivers on nature and human well-being”³

The issues of climate change and biodiversity are deeply interconnected. This is evident in both the aggravating impact of climate change on biodiversity as well as accelerated biodiversity losses that reduce our resilience and nature’s ability to buffer communities from the impacts of climate change. Biodiversity loss and ecosystem damage are key risks to climate resilience and this will unfortunately continue to escalate, as concluded by the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC AR6).⁴ Safeguarding biodiversity and ecosystems is therefore fundamental. A worsening biodiversity crisis is inevitable if the climate situation is not urgently addressed.

The links between biodiversity loss and climate change are increasingly being recognised, resulting in efforts to implement ecosystem-based mitigation and adaptation activities that address both crises in a mutually beneficial way. However, such efforts must also take into account other drivers of biodiversity loss, such as invasive species, changes in land and sea use, pollution and direct exploitation of natural resources,⁵ especially related to issues of colonial expansion and a long history of unjust and unsustainable use of resources.

The impacts of biodiversity loss and climate change on human rights are also increasingly being recognised. As emphasised by the UN Special Rapporteur on human rights and the environment, the climate change-driven accelerated loss of biodiversity will continue to undermine the full enjoyment of human rights.⁶ This is very likely to further accentuate inequality and marginalisation of the most vulnerable sectors of society. Biodiversity loss directly impacts fundamental human rights such as the right to food, water, and livelihood. In many cases, it also severely impacts peoples’ culture, knowledge, belief systems, and spiritual values. Moreover, it is increasingly being recognised that centring human rights and adopting rights-based approaches in the area of biodiversity and climate change has the potential to lead to better and more sustainable outcomes for nature and people.⁷

What is a human rights-based approach to climate change and biodiversity loss?

A human rights-based approach aims to ensure that policies, governance, and actions actively seek ways to support and promote human rights in their design, implementation, and monitoring.⁸ The approach recognises that actions, policies, and projects have different impacts on people, and seeks to consider these impacts, addressing their root causes, to ensure the effective enjoyment of human rights for all. Importantly, adopting a HRBA for biodiversity and climate action should include steps to identify power dynamics, inequalities, discrimination, as well as provide for transparency and strong accountability through monitoring, evaluation, and reporting. In essence, a HRBA recentres people in climate and biodiversity policy and actions.

Guided by principles of universality, indivisibility, equality, non-discrimination, participation, and accountability, a HRBA aims to promote equity, acknowledge, and address historical wrongs, and empower people. A HRBA particularly aims to safeguard people living in vulnerable situations, including

3. IPBES. (2019). [Summary for policymakers of the global assessment report on biodiversity and ecosystem services.](#)

4. IPCC. (2023). [AR6 Synthesis Report: Climate Change.](#) Working Group II, Summary for policymakers.

5. IPBES. (2019). [Summary for policymakers of the global assessment report on biodiversity and ecosystem services.](#)

6. [Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment](#), UN General Assembly, 2017.

7. OHCHR. (2021). [Frequently Asked Questions on Human Rights and Climate Change.](#) New York and Geneva; IPCC. (2022). Working Group II Contribution to the IPCC Sixth Assessment Report on Climate Change Impacts, Adaptation and Vulnerability, Summary for Policymakers, para D.2.1; IPBES. (2022). [Assessment Report on The Diverse Values and Valuation of Nature.](#) Summary for Policymakers.

8. UN SDG. (n.d.). [Human Rights-Based Approach.](#)

women, youth, Indigenous Peoples and local communities to govern, manage, and sustainably use their land and resources.

Accountability is essential to adopting a HRBA, which entails identifying duty bearers and rights holders, as well as acknowledging the different responsibilities and obligations of each actor. All human beings are rights-holders within a human rights framework, as enunciated in the Universal Declaration of Human Rights. Rights-holders are individuals and/or social groups entitled to the same rights regardless of race, sex, nationality, ethnicity, language, religion, property or any other status. Critical rights holders in the context of biodiversity loss and climate change include Indigenous Peoples, local communities, women, children, youth, and persons with disabilities.

Actions addressing climate change and biodiversity loss should be consistent with human rights standards and principles. Rights holders must have the capacity to exercise their rights, hold the duty-bearers accountable, seek effective remedies, and be the primary beneficiaries of any redress and/or actions targeted at realising their rights. Moreover, those who have contributed the least to climate change and biodiversity loss are often disproportionately affected by the impacts and tend to bear a significant burden of its impacts.⁹ Therefore, it beckons to apply a HRBA to protect those who are particularly vulnerable to the impacts of climate change and biodiversity loss.

BOX 1. KEY RIGHTS HOLDERS

Indigenous Peoples and local communities

Over a third of critically important intact forest landscapes are located on Indigenous Peoples' lands,¹⁰ with over a third of currently identified Key Biodiversity Areas (KBAs) found within those lands.¹¹ Indigenous Peoples are important rights holders in the context of biodiversity due to their intricate relationship with nature, rooted in their cultural and spiritual practices as well as knowledge systems. It is imperative to recognise their individual and collective human rights, including their right to Free, Prior, and Informed Consent (FPIC). The collective rights include customary rights to traditional lands, territories and resources, and traditional knowledge. Recognising the rights of Indigenous Peoples and local communities to lands, territories and resources, ensuring their meaningful involvement in designing and implementing responses to the biodiversity and climate crises and integrating their proposals into policy processes is essential to grounding a HRBA to climate and biodiversity action.

Women and girls

Women, including Indigenous women, are key stakeholders both as users and protectors of nature and biodiversity. They are disproportionately impacted by climate change and are underrepresented in the development and implementation of strategies, policies and responses related to biodiversity loss and climate change. Realising the rights of women and girls is key for climate and biodiversity action. A gender-responsive approach can help in addressing the root causes of vulnerability by transforming power relations shaped by unequal patriarchal and discriminatory norms and practices. Such an approach can facilitate overcoming barriers to the visibility and voice of women and girls, and thus result in a better recognition of the importance of tailored approaches to address the differentiated needs of actors in a system.¹²

Youth

The increasing impacts of biodiversity loss and climate change over time means that young people and future generations will be left with unpredictable, erratic, and dangerous environmental contexts. Youth are valuable partners in research and development, decision-making and planning, implementation and monitoring through their unique ideas, energy, and determination. Their engagement makes for better, stronger, and more sustainable decisions and implementation in an increasingly unpredictable world.¹³ Effective mechanisms are needed to accommodate shared views on topical socio-economic and environmental dialogues to empower active youth citizens and future leaders.¹⁴

9. OHCHR. (2021). [Frequently Asked Questions on Human Rights and Climate Change](#). New York and Geneva

10. Fa, J. E., et al (2020). [Importance of Indigenous Peoples' lands for the conservation of Intact Forest Landscapes](#). *Frontiers in Ecology and the Environment*.

11. WWF et. al. (2021). [The State of Indigenous Peoples' and Local Communities' Lands and Territories](#). Gland, Switzerland.

12. See for instance Carthy, A., & Landesman, T. (2023). [Beyond inclusion: a queer response to climate justice](#). IIED, London.

13. YOUNGO. (2023). [YOUNGO official Children and Youth](#) Constituency of the UNFCCC.

14. ICLEI. (2022). [Inclusive Practices for Nature](#).

Duty-bearers are entities that have obligations and responsibilities to uphold human rights. States are primary duty-bearers under international and regional human rights frameworks. Nonetheless, non-State actors, including businesses, aid agencies, multilateral donors, community organisations, and civil society organisations, also have responsibilities as clarified by various UN human rights bodies.¹⁵ States have a tripartite duty to respect, protect, and fulfil all human rights¹⁶ including those relating to biodiversity and climate change. This means that they must ensure they do not violate human rights and should refrain from actions that could harm human rights. They have a duty to prevent violations of human rights by non-State actors within their jurisdiction. Furthermore, they must create enabling conditions for the fulfilment of human rights, including providing access to justice, information, and participation, and protecting environmental and human rights defenders. Non-State actors, such as businesses, have a responsibility to conduct due diligence to identify, prevent, mitigate, and account for the negative impacts of their activities on both people and the environment. Due diligence involves assessing environmental and human rights impacts, taking action based on the findings, monitoring responses, and communicating how impacts are addressed.¹⁷

The duties of both States and non-state actors to respect human rights are fundamental to a HRBA and its minimum common denominator. Duty bearers may also need assistance to build their capacity, allocate resources, and develop the political will to fulfil their human rights commitments.¹⁸

In terms of resources, the Office of the High Commissioner for Human Rights (OHCHR), as the leading United Nations entity in the field of human rights, has been developing various publications on the intersection of human rights and the environment, including climate change and biodiversity loss, as well as laying out the related states obligations. Their recent publications specifically provide guidance for states on how to integrate a HRBA in climate and biodiversity related policies, such as NBSAPs and Nationally Determined Contributions (NDCs) (see Box 2). The UN Environment Programme (UNEP) has also recently launched a report outlining key elements of a HRBA to ecosystem-based adaptation. The UN system as well as various development cooperation agencies, such as Sida¹⁹, have been adopting a HRBA in their operations, including those related to environment, climate, and biodiversity. However, the actual implementation of a HRBA remains challenging as it also relates to political will and the need for capacity development.

BOX 2. EXAMPLES OF TOOLS AND GUIDANCE TO IMPLEMENT A HRBA TO CLIMATE AND BIODIVERSITY ACTION

(a) [OHCHR Integrating human rights in National Biodiversity Strategies and Action Plans](#)²⁰
(March 2022, working draft)

This report highlights the importance of a Human Rights-Based Approach to biodiversity conservation and sustainable use. It outlines **how biodiversity loss impacts human rights** and provides guidance on **how to integrate human rights into National Biodiversity Strategies and Action Plans**. Guidance is also provided for States as duty bearers to facilitate public participation, access to information, and access to justice, as well as address human rights obligations.

(b) [OHCHR, CIEL & GIZ Integrating Human Rights in Nationally Determined Contributions \(NDCs\) Toolkit for Practitioners](#)²¹ (November 2022)

This toolkit provides guidance on **how to integrate human rights in NDCs**, specifically in: 1) Ensuring inclusive public participation based on national human rights obligations in the planning process; 2) Incorporating human rights-informed domestic planning into NDC preparation and international reporting; and 3) Reflecting and upholding states' human rights obligations in NDC implementation, monitoring, and evaluation, with support from national human rights institutions and mechanisms. It also addresses gender mainstreaming, Indigenous Peoples' rights, traditional knowledge, land tenure, community-based natural resource management, and just transitions within NDCs.

15. OHCHR. (2021). [Frequently Asked Questions on Human Rights and Climate Change](#). New York and Geneva

16. To respect a human right means refraining from interfering with the enjoyment of the right. To protect a right means to prevent other parties from interfering with the enjoyment of rights. To fulfil a right means to take active steps to put in place, laws, policies, institutions and procedures, including the allocation of resources, to enable people to enjoy their rights.

17. OHCHR. (2011). [Guiding Principles on Business and Human Rights](#).

18. UNFPA. (n.d.). [The Human Rights-based Approach](#).

19. Sida. (2023). Sida, [Human Rights-based Approach, Climate Change, Environment and Biodiversity](#).

20. OHCHR. (2022). [Integrating Human Rights in NBSAPs](#).

21. OHCHR. 2022. [Integrating Human Rights in Nationally Determined Contributions](#)

(c) [UNEP Adopting a Human Rights-based Approach to Ecosystem-based Adaptation](#)²² (2023) With lessons learned from UNEP’s programming, the report highlights key aspects of a HRBA to ecosystem-based adaptation including **addressing root causes of vulnerability, enhancing human rights in participation and information access, recognising power dynamics, bolstering environmental and social safeguards, valuing local knowledge, strengthening capacities, and implementing adaptive management** to prevent maladaptation and human rights violations.

The role of HRBA in ecosystem-based approaches and nature-based solutions

The Kunming-Montreal Global Biodiversity Framework (KMGBF) includes Ecosystem-based approaches and Nature-based Solutions in Target 8 and 11. Ecosystem-based approaches and NbS are defined in Box 3.

BOX 3. DEFINITIONS

Ecosystem-based Adaptation (EbA): The use of biodiversity and ecosystem services as part of an overall adaptation strategy to help people adapt to the adverse effects of climate change. EbA aims to maintain and increase the resilience and reduce the vulnerability of ecosystems and people in the face of the adverse effects of climate change.²³

Ecosystem-based Mitigation (EbM): EbM can be inferred as management of ecosystems to counteract anthropogenic climate change, in particular by reducing greenhouse gas emissions and improving sinks and reservoirs of greenhouse gases.²⁴ However, it must be noted that EbM has yet to be officially defined under the CBD.

Ecosystem-based Disaster Risk Reduction (Eco-DRR): Sustainable management, conservation and restoration of ecosystems to reduce disaster risk, with the aim of achieving sustainable and resilient development.²⁵

Nature-based Solutions (NbS): Actions to protect, conserve, restore, sustainably use and manage natural or modified terrestrial, freshwater, coastal and marine ecosystems which address social, economic and environmental challenges effectively and adaptively, while simultaneously providing human well-being, ecosystem services, resilience and biodiversity benefits. The definition also recognises that NbS respect social and environmental safeguards, in line with the three “Rio conventions”, including such safeguards for local communities and Indigenous Peoples.²⁶

Despite the multilaterally agreed definition of NbS, there are still lingering concerns about NbS as an approach, which includes significant risks of greenwashing and other perverse outcomes relating to infringements of human rights.²⁷ A precautionary approach should be taken, particularly in regard to the market-based mechanism of NbS. Some methods referred to, including carbon- and biodiversity-offsets, are controversial as they may deprioritise the need to mitigate by reducing both carbon

22. UNEP. (2022). [Adopting human rights based approach in ecosystem based adaptation](#).

23. Secretariat of the Convention on Biological Diversity. (2009). [Connecting biodiversity and climate change mitigation and adaptation: Report of the second ad hoc technical expert group on biodiversity and climate change. Technical Series No. 41](#). Montreal, Canada.

24. Epple, C., Garcia Rangel, S., Jenkins, M., & Guth, M. (2016). [Managing ecosystems in the context of climate change mitigation: A review of current knowledge and recommendations to support ecosystem-based mitigation actions that look beyond terrestrial forests. Technical Series No.86](#). Secretariat of the Convention on Biological Diversity, Montreal, Canada.

25. SCBD. (2016). [Managing ecosystems in the context of climate change mitigation: A review of current knowledge and recommendations to support ecosystem-based mitigation actions that look beyond terrestrial forests](#). Secretariat of the Convention on Biological Diversity, Montreal, Canada.

26. UNEP. (2022). UNEP/EA.5/Res.5 [Nature-based solutions for supporting sustainable development](#).

27. See for instance, Forest Peoples Programme. (n.d.). [Re-thinking nature-based solutions: seeking transformative change through culture and rights](#); Schneider, V. (2021). [Are nature-based solutions the silver bullet for social & environmental crises?](#)

emissions at the source and threats to biodiversity.²⁸ Such market-based mechanisms may overlook fair and equitable benefit sharing, as well as violate the rights of people living in and around the targeted sites for NbS. For instance, the imprudent protection of land and natural resources, including through exclusionary practices, can physically and economically displace women, youth, children, Indigenous Peoples, local communities, and contribute to the erosion of cultural and spiritual practices, knowledge and livelihoods of individuals and communities that are often tied to their territories. There is a need to clarify what would (and would not) qualify as NbS, to avoid potential severe effects or unintended consequences from poor design and implementation.²⁹

Both ecosystem-based approaches³⁰ and NbS³¹, as defined under the CBD and the UNEA resolution respectively, must be implemented in line with the principles of ecosystem approach³² that recognise the rights and interests of Indigenous Peoples and local communities and consider indigenous and local knowledge. Moreover, the KMGBF also explicitly recognises that “the implementation of the framework should follow a human rights-based approach respecting, protecting, promoting and fulfilling human rights and acknowledges the human right to a clean, healthy and sustainable environment”.³³

EXISTING GUIDANCE FOR ECOSYSTEM-BASED APPROACHES AND NATURE-BASED SOLUTIONS

Certain guidance, standards, and criteria for ecosystem-based approaches and NbS were developed by the CBD, IUCN and NbS initiative at Oxford University (see Box 4), which is widely used. While these guidelines use an integrated approach that considers social, ecological, and economic perspectives and have included to a certain extent some references to safeguards and respect for human rights, they are either voluntary or have yet to be agreed through a multilateral process.

In response to the UNEA resolution 5/5 on Nature-based Solutions for supporting sustainable development, a series of intergovernmental consultations is currently taking place, which aims to assess existing and discuss potential new proposal, criteria, standards and guidelines to address divergences, with a view to achieving a common understanding for the implementation of NbS. There is a need for improved and clear guidelines, standards or criteria for NbS that address the root causes of inequality and vulnerability, supported by strong environmental and social safeguards to ensure that implementation of biodiversity and climate action respects, protects, and fulfils human rights.

28. WWF. (2020). [WHAT ARE NATURE-BASED SOLUTIONS AND HOW CAN THEY HELP US ADDRESS THE CLIMATE CRISIS?](#)

29. The ENACT Partnership, hosted by IUCN, works to accelerate collective global efforts to address climate change, land and ecosystem degradation, and biodiversity loss through high-integrity Nature-based Solutions. However, the definition of a “high integrity NbS” is yet to be clarified.

30. CBD Decision X/33

31. UNEA Resolution 5/5

32. CBD. (2007). [Ecosystem Approach](#).

33. CBD. (2022). [COP15: Final text of Kunming-Montreal Global Biodiversity Framework | Convention on Biological Diversity](#). Section C.

BOX 4. CURRENT GUIDANCE RELATED TO ECOSYSTEM-BASED APPROACHES AND NBS

The Voluntary Guidelines for the Design and Effective Implementation of Ecosystem-based Approaches to Climate Change Adaptation and Disaster Risk Reduction and Supplementary Information under the CBD³⁴

The voluntary guidelines defined principles and safeguards to avoid unintended negative consequences of the design and implementation of ecosystem-based approaches, covering a broad range of issues including resilience, adaptive capacity, inclusivity and equity, consideration of multiple scales, as well as effectiveness and efficiency. However, these guidelines are voluntary and do not include climate change mitigation actions where there tend to be significant challenges to land rights, benefit-sharing, and how participation is understood.

Criteria for Ecosystem-based Adaptation (EbA) by the Friends of Ecosystem-based Adaptation (FEBA)³⁵

The criteria were developed to sharpen understanding among practitioners and policymakers of what qualifies as EbA. They are structured around the CBD definition for EbA, and include criteria such as reducing social and environmental vulnerabilities as well as generating societal benefits. These criteria help determine whether a proposed activity is an EbA and guide practitioners to avoid maladaptation. While these criteria use an integrated approach that considers societal benefits and supports equitable governance, further emphasis is needed on access and land rights.

IUCN Global Standard for Nature-based Solutions - 1st edition³⁶

As NbS enters the policy processes, there is a need for greater clarity and precision of what the concept entails and what is required for it to be deployed successfully, ensuring that the application of NbS is consistent, effective, sustainable, and adaptable. The standard suggested by IUCN consists of eight criteria that consider social, ecological, and economic criteria for NbS to address societal challenges, result in a net gain to biodiversity and ecosystem integrity, and be economically viable.

NBSi Oxford³⁷

The guideline, developed by the Nature-based Solutions Initiative, at Oxford University, outlines four evidence-based guides to deliver successful and sustainable NbS with long-term benefits for people and nature. It calls for NbS to be designed, implemented, managed and monitored by or in partnership with Indigenous Peoples and local communities through a process that fully respects and champions local rights and knowledge, and generates local benefits.

34. [CBD Technical Series 93](#)

35. FEBA. (2017). [EbA Criteria](#).

36. IUCN (2020). [Global Standard for Nature-based Solutions. A user-friendly framework for the verification, design and scaling up of NbS](#). First edition. Gland, Switzerland: IUCN.

37. Nature-based Solutions Initiative. (2020). [Nature-based Solutions to Climate Change](#).

KEY ELEMENTS OF A HRBA FOR ECOSYSTEM-BASED APPROACHES AND NATURE-BASED SOLUTIONS

Resources from OHCHR³⁸ and UNEP³⁹, as well as reports from the UN Special Rapporteurs⁴⁰, highlight concrete elements of what constitutes a HRBA in the context of biodiversity and climate action, including specifically for the implementation of ecosystem-based approaches and/or NbS:

- **Strengthen the procedural human rights of participation; access to information, and access to justice**, including by providing effective public participation in relevant environmental decision-making and by protecting the rights of freedom of expression and association as well as respecting the free, prior and informed consent (FPIC)⁴¹
- Engage in knowledge co-production and **value culture and local and indigenous knowledge systems**, including specifically by respecting FPIC and other consent mechanisms
- Strengthen the enabling environment and **enhance the capacity and accountability of the duty-bearers**⁴²
- **Identify power, political and gender dynamics** that affect biodiversity and climate action
- **Strengthen environmental and social safeguards, to ensure the respect, protection, promotion and fulfilment of human rights**, including Indigenous Peoples and local communities, women and youth.
- **Engage Indigenous Peoples and local communities in monitoring, reporting and evaluation**, as they play a critical role in monitoring the impacts of climate change on ecosystems and species



Visit to Chingaza National Natural Park, Colombia during the Regional Dialogue and Learning Mission on the Integration of Biodiversity and Climate change at the National Level of Colombia. Photo credit: Tristan Tyrrell

38. See for instance: OHCHR. (n.d.). [OHCHR Information Note: Applying a Human Rights-Based Approach to Climate Change Negotiations, Policies and Measures](#); OHCHR. (2022). [Advancing a Human Rights-Based Approach to the Climate Negotiations; Integrating Human Rights in National Biodiversity Adaptation Plans and Strategies](#).

39. See for instance: UNEP. (2023). [UNEP Adopting a Human Rights-based Approach to Ecosystem-based Adaptation: A Contribution to Sustainable Development](#)

40. See for instance: OHCHR. (2021). [Human rights-based approaches to conserving biodiversity: Equitable, effective and imperative](#)

41. The Free, Prior and Informed Consent (FPIC) of Indigenous Peoples, and enabling their active and meaningful engagement - in the context of the CBD, Parties have agreed that FPIC means, inter alia: a) lack of pressure, intimidation, manipulation, or coercion in decision-making; consent or approval being sought in advance or authorization; b) the provision of relevant information and c) the right not to grant consent or approval ([CBD/COP/DEC/XIII/18](#))

42. The duty bearers in this context encompass states and institutions responsible for respecting, protecting and fulfilling rights.

SECTION 2: ADOPTING A HUMAN RIGHTS-BASED APPROACH

This section provides examples of actions in the form of practices, methodologies and tools, that seek to address biodiversity loss and climate change, illustrating how various actors integrate a HRBA into their work on biodiversity and climate change.

The practices, tools, and methodologies presented focus on selected elements of a HRBA (Figure 1), including procedural rights such as **access to information, meaningful participation, and access to justice**. Procedural rights are a cornerstone of a HRBA to biodiversity and climate change because they empower individuals and communities, promote transparency and accountability, and contribute to more equitable, sustainable, and effective environmental policies and actions. The case studies also highlight how **actions are locally-adapted and locally-led**, which is another key aspect of adopting a HRBA. In addition, given the significant impacts of businesses on the environment, we provide an outline of **human rights-based financing** and the roles and responsibilities of businesses in integrating and adopting a HRBA into their operations.

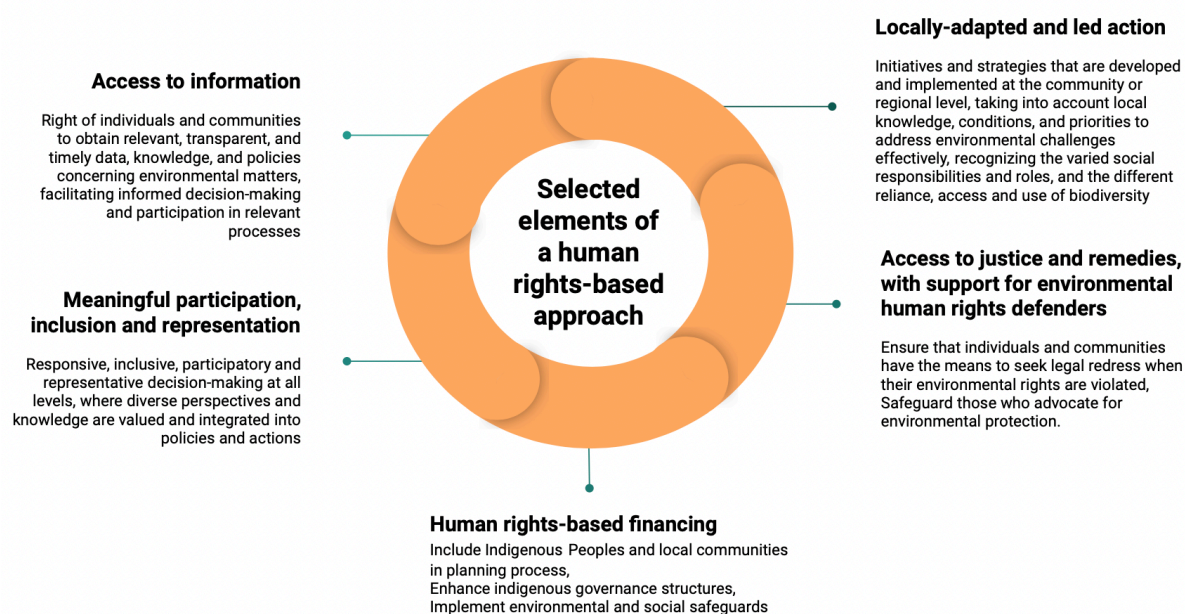


Figure 1. Integrating a human rights-based approach to biodiversity and climate actions. Source: own.

Real world examples on how to implement HRBA

The case studies were selected based on a review of existing climate and biodiversity actions, as well as with input from contributing authors who have expertise working with HRBA in policy processes. Each case study emphasises a particular HRBA element as outlined in Figure 1. A case study can also represent several elements simultaneously as the elements are interlinked and not mutually exclusive. Moreover, the case studies also include other important aspects of a HRBA such as identifying power, political, and gender dynamics that affect biodiversity and climate action, engaging in knowledge co-production and valuing culture as well as Indigenous and local knowledge systems. The case studies also demonstrate how meaningful involvement of and establishing leadership for Indigenous Peoples, local communities, women and youth are more likely to have positive outcomes for both people and the ecosystems on which they depend. These case studies range from locally-led to international initiatives and demonstrate a diversity in world regions (Figure 2).

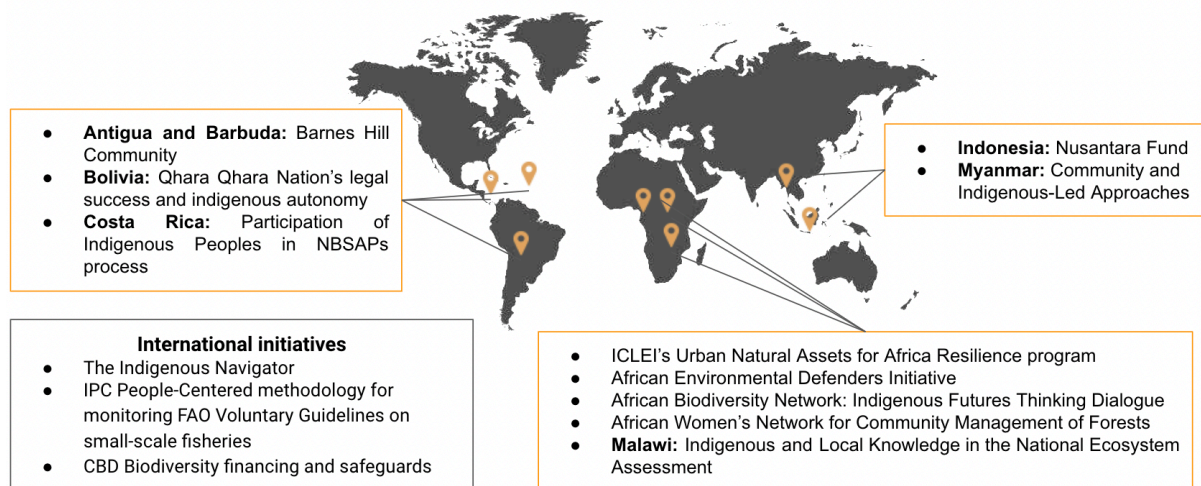


Figure 2. Case studies implementing a human rights-based approach to biodiversity and climate action.

ACCESS TO INFORMATION

All people have the right to access information in a timely and appropriate manner. International frameworks such as the KMGBF, Paris Agreement, Escazu Agreement and Aarhus Convention (see section on roles and responsibilities of business for more details on the latter two) recognise the need to ensure access to information based on the best available science, data, and variety of knowledge systems for all actors. This is important for capacity building, transparency, full and effective participation including in decision-making processes that affect their lives and their environment. Timely and comprehensive information further empowers individuals, communities, and organisations, to make informed decisions, engage in dialogue, and hold governments and corporations accountable for their actions.

In the context of climate and biodiversity, access to information includes data on environmental changes, policy decisions, and potential impacts on communities and ecosystems. Challenges in ensuring access to information are identified for both providers and recipients. From the provider's perspective, challenges identified often relate to the lack of knowledge of duty bearers on how to effectively and meaningfully provide information to affected communities, e.g., often due to a lack of knowledge on the local context and power analyses. Such challenges permeate to the recipient, resulting in gaps in information provided to communities, particularly those living in vulnerable situations, disaggregation of data, and limited resources for data collection and dissemination.

The Indigenous Navigator (case study 1) introduces a case of enabling access to information as it raises awareness of indigenous communities about their rights and ability to claim those rights; as well as mobilising their own information on the implementation of Indigenous Peoples rights to guide their self-determined governance and development strategies.

CASE STUDY 1. THE INDIGENOUS NAVIGATOR^{43,44,45}

The Indigenous Navigator is a framework and set of tools for and by Indigenous Peoples to systematically monitor the level of recognition and implementation of their rights. It is a collaborative initiative realised with the support of the European Union by a Steering Committee of five partner including Asia Indigenous Peoples Pact (AIPP), Danish Institute for Human Rights (DIHR), Forest Peoples Programme (FPP), Tebtebba Foundation, and The International Work Group for Indigenous Affairs (IWGIA).

43. Indigenous Navigator. (n.d.). [What is the Indigenous Navigator?](#)

44. IWGIA. (2023). [The Indigenous World 2023](#).

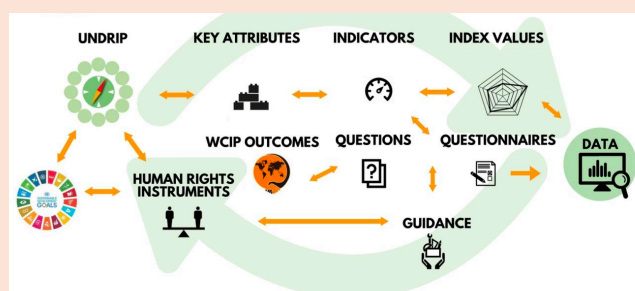
45. Indigenous Navigator. (n.d.). [Explore and use our community-based monitoring tools](#)

The Indigenous Navigator monitors the implementation of: The UN Declaration on the Rights of Indigenous Peoples; Core human rights conventions as they pertain to Indigenous Peoples; Essential aspects of the Sustainable Development Goals; Outcomes of the World Conference on Indigenous Peoples. The initiative covers several countries including Bangladesh, Cambodia, Nepal, Philippines, Bolivia, Colombia, Peru, Suriname, Cameroon, Kenya, Tanzania, Japan, Brazil, Argentina, Finland, Norway, and Sweden.

The Indigenous Navigator enables access to quality data that can be fed into existing human rights and sustainable development monitoring processes at local, national, regional and international levels. **The tools facilitate indigenous communities' own generation of quality data on their situation and simultaneously enhance awareness of their rights.**

The Indigenous Navigator Initiative has developed several tools to gather and support the compilation of data to monitor the implementation of Indigenous Peoples' rights. This includes:

- [A Tools database and comparative matrix](#) that illustrates how UNDRIP articles are directly linked to other international human rights and labour standard instruments, which makes it possible to track provisions of the UNDRIP to other human rights instruments.



Monitoring framework and key tools of the Indigenous Navigator. Photo credit: Indigenous Navigator.

- [Two comprehensive questionnaires](#) translate the indicators into simple questions that indigenous communities and organisations can use to collect qualitative and quantitative data on their human rights situation.
- [Indigenous Navigator Index](#): The Indigenous Navigator Community Index and the Indigenous Navigator National Index are tools that serve to rank countries' performance with regard to recognising and implementing Indigenous Peoples' rights.
- [Indicators framework](#): The indicators serve to detect gaps in implementation, hold duty-bearers accountable, and devise implementation strategies. The indicators can also be used to measure essential aspects of the Sustainable Development Goals (SDGs) as well as the commitments made by States at the 2014 World Conference on Indigenous Peoples (WCIP).

The case study on the Food and Agriculture Organization of the United Nations (FAO) Voluntary guidelines (case study 2) demonstrates the agencies, expertise, knowledge, and experience of communities in monitoring the state of the small-scale fisheries (SSF), specifically on issues regarding SSF policies implementation, civil society organisations' (CSOs) participation, regional processes relevant for SSF, human rights, and work conditions.

CASE STUDY 2. THE INTERNATIONAL PLANNING COMMITTEE FOR FOOD SOVEREIGNTY (IPC) PEOPLE-CENTERED METHODOLOGY FOR MONITORING THE IMPLEMENTATION OF THE FAO VOLUNTARY GUIDELINES ON SMALL-SCALE FISHERIES^{46,47,48}

The International Planning Committee for Food Sovereignty (IPC) is an articulated space representing 6000 grassroots organisations and social movements of Indigenous Peoples and small-scale food producers. Their working group on fisheries consists of The World Forum of Fish Harvesters and Fish Workers (WFF), the World Forum of Fisher People (WFFP), the International

46. IPC. (n.d.). <https://www.foodsovereignty.org/people-centred-methodoogy-ssf/>

47. Blue Economy Tribunal. (n.d). [International People's Tribunal on the impacts from the blue economy.](#)

48. Authors' organisation (SwedBio) engagement in the process through collaborative partnership with IPC, particularly with the Fisheries Working Group

Indian Treaty Council (IITC), La Via Campesina (LVC) and represents small-scale fishing communities worldwide, fishermen, women, and Indigenous Peoples.

The ***Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication*** (i.e., The SSF Guidelines) are the first international instrument dedicated to small-scale fisheries. These guidelines are a milestone as decision-makers from around the world recognised that SSF merited recognition and attention. The guidelines were developed by small-scale fishers and fish workers and other contributors, including from government and civil society, providing a strong voice to fishers and fish workers in a manner that was long overdue and were adopted unanimously by the UN FAO's Committee on Fisheries in 2014. The SSF guidelines usher in a new phase in recognising and taking action to protect fishing communities. They are developed with a human rights-based approach and enable a fundamental roadmap to secure sustainable small-scale fishing, encompassing all activities along the value chain, and fishing communities, to help eradicate hunger and poverty with sustainable fishing.

FAO assesses the guidelines' implementation from the perspective of the government. Due to the HRBA of the SSF Guidelines, implementation is also assessed from bottom-up, based on the perspectives of the rights holders. During the First Small Scale Fisheries Summit, which took place from the 2nd to the 4th of September 2023 in Rome (Italy), the IPC Working Group on Fisheries and the SSF-GSF Advisory Group presented a methodology for a People-Centred assessment⁴⁹ of the implementation of the SSF guidelines. The People-Centered assessment of the Implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries" preliminary report was developed using the SSF People-Centered Methodology and substantive information provided by SSF organisations and Indigenous Peoples from 21 countries. During 2023, additional in-depth regional assessments will take place in Asia, Africa and Latin America.

The SSF People-Centered methodology aims to 'take back' voluntary guidelines to the community: assess from the community and with the community the progress of the SSF Guidelines implementation and examine the human rights violations of small-scale fisher people all over the world. It also aims to be a guide for local communities to gather relevant information on the status of the SSF people with respect to the human rights principles endorsed by the SSF Voluntary Guidelines.

The monitoring will serve to gather relevant information on the state of the SSF regarding the implementation of SSF policies, CSOs' participation, regional processes relevant to SSF as well as the human rights and working conditions. It will be based on disaggregated data, considering specifically the conditions of youth, gender, and Indigenous Peoples.

MEANINGFUL PARTICIPATION, INCLUSION AND REPRESENTATION

The UN Secretary General has stated that *"Participation in public affairs is a fundamental human right and an underutilised tool for better policy making. It deepens our understanding of issues and helps identify better solutions. It ensures that concerns are heard, reducing social tension and preventing violence. It leads to a greater sense of ownership, allowing effective implementation. It can be the difference between progress and disarray"*.⁵⁰

Meaningful participation ensures that individuals and communities affected by climate change and biodiversity loss have a voice in decision-making processes. Furthermore, meaningful participation also entails for communities' views and knowledge to be recognised as equally valid, useful and complementary to their scientific counterparts for informing the design, planning, implementation as well as monitoring and evaluation of climate and biodiversity action. It goes beyond token involvement and seeks to recognise that the views and knowledge of all stakeholders are valuable and should be treated as such.

49. The methodology built on the experience of the Indian Ocean People's Tribunals on Blue Economy pushing for a major focus on SSF Guidelines rather than Blue Economy.

50. OHCHR. (2020). [Right to participation matters more than ever: UN Secretary-General](#).

Meaningful participation also fosters inclusivity while respecting FPIC, empowers marginalised groups, and promotes accountability. In the context of environmental policies, meaningful participation entails actively involving affected parties in the whole project life cycle of the interventions for representative decision-making at all levels. Moreover, addressing power imbalances in decision-making processes is needed to ensure meaningful participation.

All four case studies displayed in this section highlight the involvement of Indigenous Peoples, local communities, women, and youth groups, as well as address the power dynamics in decision-making.

The first case study is on the Human and Gender Rights-based Approach for Climate Resilience by the Urban Natural Assets for Africa program at ICLEI (case study 3). The case study exemplifies how a human rights-based approach participatory mechanism can enable dialogue between duty bearers and rights holders to articulate challenges, co-developing strategies and solutions, break down power imbalances, and foster accountability.

CASE STUDY 3. CREATING A FRAMEWORK TO ADOPT A HUMAN AND GENDER RIGHTS-BASED APPROACH FOR CLIMATE RESILIENCE⁵¹

ICLEI's [Urban Natural Assets for Africa \(UNA\) Resilience](#) program aims to improve human well-being, alleviate poverty, and enhance climate resilience in African cities by integrating nature-based solutions into government land-use planning at all levels. The program conducts learning labs as a space for co-production and exchange of learning and knowledge. UNA recognises **people as key actors rather than just recipients in the process of development**. Broad-based participatory mechanisms are used both as processes and goals, involving a wide range of stakeholders in the Learning Labs.

The following strategies were used to integrate a human and gender rights-based approach in UNA's learning labs:

- a. *Vernacularising human rights:* To ground an understanding of the relevance of human rights in African societies, participants were exposed to indigenous folktales, which exemplified that 'human rights are inherent to all individuals by virtue of being human' and that these rights have always been intrinsic to societies. Localised proverbs that persistently reflect attitudes and customs perpetuating gender inequality were analysed to facilitate a profound discussion on the subject of gender rights within the African context. UNA employed simple and easily understandable language to expound upon global, regional and national human rights conventions, such as the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights, and local constitutions. They placed particular emphasis on clarifying key human rights principles while highlighting the importance of striking a balance between rights and responsibilities.
- b. *Building agency of communities to demand accountability:* UNA aids in building community agency to foster effective accountability systems through innovative activities that enable constructive dialogue between duty bearers and rights holders to understand roles and responsibilities of both parties in preserving and managing urban natural assets. UNA reinforces the connection between developmental context and human rights, ensuring that human rights principles are deeply integrated into its approach. The learning labs are platforms that enable co-production of knowledge while creating an environment to unpack and foster discourse between duty bearers and rights holders on aspects that hinder the realisation of rights, specifically those that relate to access to urban natural assets, their management and fostering nature's contribution to people.
- c. *Diverse representation matters:* UNA ensured a diverse array of voices with varied perspectives from traditional leaders and youth. This inclusivity extends to embracing indigenous knowledge systems by actively involving traditional leaders who bring valuable insights from their indigenous backgrounds. Youth participation at the local scale is integrally linked to substantive human rights, for example, the universal right to a safe, healthy and clean environment and the right to meaningful engagement and participation.

51. ICLEI. (n.d.). [Urban Natural Assets for Africa: Resilience & Restoration for Life](#)

- d. *Addressing power dynamics*: UNA fostered an environment where active participation, open sharing of viewpoints, and mutual learning are strongly encouraged. This was accomplished through dynamic facilitation techniques, including interactive games and strategic discussion sessions that engaged all participants. The use of participatory group activities, such as photowalk, allows each individual to provide distinct perspectives that rebalance power dynamics within decision-making processes.
- e. *Empowering gender rights*: Activities were employed to dissect the ways in which attitudes and norms fuel gender discrimination and impact the ownership and control of natural resources. One such activity tasked participants with assigning various genders traditionally presumed to manage different types of natural assets. This exercise ignited discussions regarding gender and access to natural resources, thereby delving deeper into gender stereotypes and cultural norms that reinforce unequal access to these assets, ultimately obstructing the complete realisation of human and gender rights.

The UNA programme recognises people as key actors rather than just recipients in the process of development.



UNA Learning Labs where participants sketched urban infrastructure and human rights associated with them. Photo credit: ICLEI.

Broad-based **participatory** mechanisms are used both as processes and goals, involving a wide range of stakeholders. UNA aids in building community agency to foster effective **accountability** systems through innovative activities that enable constructive dialogue between duty bearers and rights holders to understand roles and responsibilities of both parties in preserving and managing urban natural assets. By involving a diverse range of stakeholders and **being cognisant to ensure balanced gender representation and participation**, UNA **centres the voices** of individuals, especially marginalised groups in articulating challenges and co-developing strategies and solutions which addresses and breaks down power imbalances. UNA prioritises the **identification, elevation, and empowerment of vulnerable groups** within communities by providing marginalised groups with a platform to express their perspectives and actively contribute to discussions regarding the preservation, accessibility, and management of urban natural assets.

The following case study on participation of Indigenous Peoples in NBSAPs process in Costa Rica presented the role of duty bearers, including through its regulatory framework, to ensure full and effective participation of Indigenous Peoples, women, elders, youth, and local communities in the development of the national biodiversity policies, and respect their rights, ownership and control over their knowledge, views and practices (case study 4).

CASE STUDY 4. PARTICIPATION OF INDIGENOUS PEOPLES IN NBSAPS PROCESS IN COSTA RICA⁵²

The Costa Rica's Biodiversity Law No. 7788 of 1998 embraces the three objectives of the CBD - namely the conservation of biological diversity; the sustainable use of the components of biological diversity; and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources - and explicitly includes the participation of Indigenous Peoples. With the support of the Ministry of Environment and Energy, the National Commission for Biodiversity Management and the

52. Local Biodiversity Outlooks. (2021). [Indigenous peoples participate in NBSAP processes in Costa Rica.](#)

National Indigenous Board of Costa Rica, the development of the NBSAPs in the country ensured participation of youths, adults, elderly women and men, and leaders from many community organisations, including traditional authorities and integrated indigenous development associations.

In accordance with the stipulated law, the development of the national biodiversity policy and the second national biodiversity strategies included cultural, environmental, economic and agricultural issues. In addition, territorial, regional, and national workshops were held, with contributions and recommendations based on different indigenous “cosmovision”. The results of the participatory processes were returned to Indigenous Peoples during specific territorial and regional workshops, respecting the ownership and control over their knowledge, views and practices.

The participatory process enabled Indigenous Peoples to contribute and provide recommendations for the national biodiversity policy. The policy’s vision includes Indigenous Peoples explicitly. Similarly, indigenous recommendations for guidelines, actions and 57 programme and project proposals were provided for the second national biodiversity strategy. In addition, 13 proposals were prioritised and government institutions that could potentially be responsible for their implementation were identified.



A Térraba leader at a NBSAP workshop in Costa Rica.
Photo Credit: Alejandra Loría Martínez, Focal Point for Article 8(j), Costa Rica

The second national biodiversity strategy consists of 98 goals. Indigenous proposals contributed to 38 of those goals, which address, among other issues: use and management of biodiversity; governance of protected areas; traditional knowledge; indigenous participation; benefit-sharing and strengthening of indigenous economies through the development of tourism; payments for environmental services; and the marketing of agricultural products. Dialogues with public institutions have now started for the implementation of these goals. In particular, work on Goal 63 has been progressing, with regard to the productive and economic development of indigenous territories through tourism activities related to biodiversity. Important discussions and proposals related to *sui generis* community rights and traditional knowledge have also taken place.

The National Biodiversity Policy 2015-2030 of Costa Rica which was made official in 2015 established a path forward to the improved conservation and sustainable use of biodiversity, including the fair and equitable sharing of the benefits arising from the utilisation of resources.

The following KESAN indigenous-led case study demonstrates the practical implementation of a HRBA and FPIC, centred around local agency, can effectively contribute to addressing climate change and biodiversity loss (case study 5). The case study shows how the Community Forest (CF) and the revitalised communally managed customary lands (Kaw), in conjunction with the revitalisation of traditional knowledge and management systems, have effectively safeguarded the biodiversity of the area. Promoting awareness, securing land rights, and enhancing governance empower local communities to serve as stewards of their natural resources and territories.

CASE STUDY 5. BEYOND PARTICIPATION: THE EFFICACY OF COMMUNITY AND INDIGENOUS-LED APPROACHES IN TACKLING BIODIVERSITY LOSS AND CLIMATE CHANGE IN KAW THAY GU, KAWTHOOLEI, MYANMAR^{53,54,55,56}

KESAN is a community based civil society organisation that works in Kawthoolei, in southeastern Burma. Kawthoolei is the homeland of Indigenous Karen people, a population who has been

53. KESAN Channel. (2017). [The Kheshorter: Indigenous Karen's Community Forest](#)

54. KESAN. (n.d.). [Forests and Indigenous Karen People](#).

55. UNDRIP (2007). [United Nations Declaration on the Rights of Indigenous Peoples](#).

56. KESAN. (n.d.). [Karen Environmental and Social Action Network](#); Paul, A., Röth, R., & Moo, S. S. B. (2021). Relational ontology and more-than-human agency in Indigenous Karen conservation practice. *Pacific Conservation Biology*, 27(4), 376-390

historically oppressed and continues to be persecuted by the Myanmar military's current despotic regime. Indigenous Karen communities face multiple threats with climate change increasingly causing disruptions, and investment projects without an FPIC process such as mining, roads, and mega dams threatening the environmental integrity of their territories. KESAN works to strengthen Karen communities' ability to maintain sustainable livelihoods and ways of life, while protecting Kawthoolei's wildlife and biodiversity. KESAN's approach is based on the principles of democratisation-from-below and FPIC.

Natural resource governance and conservation in Kaw Thay Gu

Kaw Thay Ghu is a group of 13 Indigenous Sgaw Karen villages inhabited by over 2,500 people in the mountains and high valleys of northern Kawthoolei, in Luthaw township, Mutraw District (Hpapun), Karen State. Due to isolation imposed by decades of armed conflict, these villages lack vehicle road access to either Thailand or central Burma. Most villagers practise subsistence upland swidden farming. They also rely on hunting and gathering from the forests and streams for food, medicines, and building materials.

The communities of Kaw Thay Ghu have rejuvenated their governance systems, a response to decades of conflict and displacement. They have established a 14,606 acre community forest (CF) called Khesthorter, revitalised communally managed customary lands (*Kaw*), fish conservation zones, developed holistic and integrated watershed management, preserved herbal medicine forests, documented their biodiversity with community-led and women-led research that combines indigenous wisdom with scientific methods, and strengthened their livelihoods and food sovereignty through rice banks designed to guarantee food security within their communities during times of crisis.

In strengthening their land rights, these communities have employed GPS technology to map their territories with the support of KESAN and in collaboration with the Karen National Union's (KNU - the government of Kawthoolei), Kawthoolei Forestry Department (KFD) and KNU Central Land Committee (CLC), establishing formal *Kaw* committees and transforming customary protocols into regulatory codes.

More than a decade prior to the official designation of the Khesthorter forest as a CF within Kaw Thay Gu, the initiative to systematically restore the forest was already in process with a series of research endeavours aimed at studying forest biodiversity. The biodiversity research, particularly on endangered *hoolock* gibbons, revealed that there has been significant deforestation. The community then started to develop rules and regulations rooted in ancestral taboos. Many Karen communities have ancestral teachings about the use and care of natural resources which are passed on generationally and maintain a sustainable and reciprocal relationship of use and care with the environment. Other crucial activities were undertaken to lay the groundwork, including capacity building, awareness campaigns, and forest monitoring involving women and youth. Within a *Kaw*, Indigenous Karen communities designate various land categories, including residential areas, graveyards, watersheds, ritual forests, forested regions, wildlife protection zones, community forests, fish conservation ponds, and more. Each of these categories is governed by traditional rules and practices.

Bringing community voices into policy making - a dual approach

While the Khesthorter CF was registered under the Karen National Union (KNU) in 2014, and *Kaw* lands received official certification in 2022, there are a total of 213 CF's in Kawthoolei which have received formal recognition, and 328 *Kaw*, five of which have received formal certification thus far. KESAN plays a vital role in bridging the connection between the KNU and local communities, bolstering grassroots governance systems that inform inclusive policy development with the KNU, whilst also providing technical assistance to KNU departments. Some of these policies have included the Kawthoolei Land Policy, the KNU Forest Policy, the KNU Mining Policy, the KNU Development Project Review Policy, and the KNU Agriculture Policy, while also working to ensure that community members are aware of these policies and their rights under them. The KNU has now formally recognised the effectiveness of the *Kaw* system in environmental governance, leading to the establishment of a formal process to officially recognise and issue certificates for *Kaw*.

As a result of ensuring the voices of communities are heard by policy makers over the years, the KNU acknowledges the rights of landholders, safeguarding both individual and collective land ownership,

and employs language related to indigeneity, including ancestral domains and UNDRIP. The process of obtaining *Kaw* certification involved a series of consultations and community-level awareness campaigns, as well as strengthening customary land management systems and documenting resources and knowledge to establish a robust evidentiary foundation. In KNU administration areas, communities customary authorities jointly manage their lands with the KNU as reflected in the KNU Land Policy. Notably, these formalised regulations don't replace the Indigenous land protocols and relationships. Instead, they protect sacred sites and formalise these protocols.

Locally-led human rights-based approach

UNDRIP emphasises Indigenous Peoples' right to self-determination, granting them autonomy in political, economic, social, and cultural development. This highlights **the need to go beyond HRBA's participatory principles, as self-determination involves leadership, not just participation.**

In the context of *Kaw Thay Gu* and other Karen communities, KESAN considers that HRBA goes beyond participation, recognising Indigenous Karen communities as both rights-holders and agents of their own development. **A meaningful FPIC process, led by Indigenous Karen people, is crucial for positive human rights and environmental outcomes.** Effective FPIC considers not just "what" is proposed but also the "how," "when," and "by whom". Vital factors consist of discussion duration, culturally appropriate information sharing, and inclusive community involvement, including women, elders, and youth.

In the FPIC process, shortcuts may be attempted. Effective strategies for both human rights and biodiversity conservation must extend beyond a simple 'yes' or 'no' decision to interventions proposed by an organisation or government. **Communities should take a leadership role in their development, with civil society supporting through organising adequate consultations, capacity building, information sharing, financial support, technical expertise, resources, networking, and advocacy.**

As reflected in its title, the following case study focuses on the integration of views and knowledge of the Indigenous Peoples and local communities into the National Ecosystem Assessment development process in Malawi, with strict adherence to the principles of FPIC (case study 6).

CASE STUDY 6. WEAVING INDIGENOUS AND LOCAL KNOWLEDGE IN THE SCOPING PROCESS OF THE NATIONAL ECOSYSTEM ASSESSMENT OF MALAWI^{57,58}

Malawi is one of the countries in sub-Saharan Africa that is highly affected by climate change. Unsustainable human activities contribute to environmental degradation and result in devastating climate shocks such as erratic rainfall, floods, and prolonged dry spells. Indigenous Peoples and local communities are largely dependent on ecosystem services for their livelihoods, lifestyles, and well-being. The increasing severity and frequency of climate change impacts threatens the integrity of biodiversity and ecosystem services, as well as risks the survival and livelihoods of the communities.

Under the Biodiversity and Ecosystem Services Network (BES-Net) framework, the Government of Malawi formally adopted the Multiple Evidence Base (MEB) approach to develop the Malawi National Ecosystem Assessment (NEA), recognising the crucial roles that Indigenous Peoples and local communities play, as rights holders and Indigenous and local knowledge (ILK) holders, in understanding and managing the country's rich biodiversity and ecosystem services. In 2021, Malawi NEA team established their ILK Working Group and embarked on a journey to weave local knowledge for ecosystem governance using a MEB approach. This initiative spans across Malawi including the Central Region (Salima and Lilongwe districts); Southern Region (Nsanje, Mulanje, and Zomba districts); and Northern Region (Mzimba, Rumphi, and Nkhata Bay districts).

During the scoping stage of the assessment, regional framing workshops took place, engaging with

57. BES-Net. (n.d.). [Weaving Indigenous and Local Knowledge in the scoping process of the National Ecosystem Assessment of Malawi](#)

58. Malawi's National Ecosystem Assessment Scoping Report. (2023). Developed by the Lilongwe University of Agriculture and Natural Resources (LUANAR) and Environmental Affairs Department.

knowledge holders from the three administrative regions, strictly adhering to FPIC principles. The workshops introduced the assessment to ILK holders and potential contributors of the assessment, and identified ILK policy questions to be addressed by the assessment.

To ensure the participation of elders and women, more localised meetings in eight districts were arranged through household dialogues and explorative expeditions in potential ILK sites in 2022. The household dialogues with elders helped to understand traditional management systems of natural ecosystems, interlinkages between culture and biodiversity, and current prevailing challenges. It was discovered that historically, ecosystems were managed through traditional rules and regulations, including religious belief and strong cultural practices, that were enforced by the traditional chiefs, referred to as traditional authority.



*A focus group discussion with women near Mtsinja shrine, Lilongwe District.
Photo credit: Malawi National Ecosystem Assessment project team.*

However, the trivialisation of community bylaws over statutory regulations led to the loss of traditional management systems. However, co-management of natural resources through harmonising community bylaws and statutory rules, in addition to meaningful engagement of communities as rights holders, could spur sustainable use and conservation of natural resources. In addition, separate focus group discussions were held with women to ensure their meaningful engagement while respecting cultural dynamics. Women often gave a detailed outlook of intergenerational knowledge transfer practices, especially among young girls.

These activities helped to identify ILK themes that could be addressed by the NEA, including:

- interlinkages between cultural practices and biodiversity conservation;
- co-management of natural resources;
- traditional early warning systems for disasters;
- community intergenerational knowledge transfer practices;
- drivers of loss of ILK and traditional practices and implications on biodiversity conservation;
- multiple values of nature of local communities.

While most ILK remains undocumented and is consequently inaccessible, the NEA process **recognised that Indigenous Peoples and local communities are key practitioners in the conservation of biodiversity and ecosystem services**, holding important information that can support a better understanding of sustainable use and management of biodiversity and ecosystem services. The process **ensures the application of FPIC principles throughout, guaranteeing full respect for community-based ways of knowing** and maintaining community control over research and its products. By doing so, **it enhances Indigenous Peoples and local communities' capacity to apply their knowledge and participate in the biodiversity and ecosystem services related decision making process through inclusion** of their ILK in the NEA process.

Such efforts catalyse and support local-level research and dialogue that mobilise knowledge to inform assessments. They demonstrate how **the links between knowledge, respect, and collaboration can be formed from local to national levels, with significance also for global biodiversity processes** such as IPBES, where mobilising local level research is among the Platform's objectives.

Following the scoping activities, the Malawi NEA team compiled the scoping report that will guide the next phase (expert evaluation) of the assessment. The NEA scoping report articulated that ILK is under threat. Measures suggested to promote, revive, and sustain ILK include: (a) promoting and facilitating community-to-community experience and knowledge sharing, including cultural exchange; (b) creating awareness among children, youth and political leaders on the importance of ILK; and (c) establishing effective mechanisms to enable the smooth intergenerational transfer of ILK and associated practices and systems. The documentation will be disseminated targeting key stakeholder

groups from policy, science, and practice sectors, including Indigenous Peoples and local communities. The NEA team will enrich ILK information further through planned community feedback sessions to communicate the findings of the scoping report. Additional data to be collected will provide in-depth information for the evaluation stage of the assessment.

The case studies demonstrate how HRBA is adopted to ensure meaningful participation with emphasis on FPIC, and highlight some experience on autonomous FPIC protocols. A report published by the Institute für Ökologie und Aktions-Ethnologie (INFOE) on FPIC protocols as Instruments of autonomy, laying foundations for rights-based engagement⁵⁹ introduces FPIC Protocols as developed by Indigenous Peoples and offers an in-depth perspective into how FPIC is context based.

The report is a response to the on-going practice of how FPIC has often fallen short, as it has been separated from broader indigenous rights like self-governance and territorial control, with external actors retaining control. Instead of protecting rights, FPIC has sometimes been misused to coercively legitimise projects in indigenous lands. Through this report, indigenous communities have developed their own autonomous FPIC protocols to define how consultations should occur and how FPIC should be obtained, reflecting their unique contexts and priorities. These protocols, emerging from various countries, play a critical role in ensuring that consultation processes respect indigenous rights. The report specifically focuses on the protocol of Juruna in Brazil, the protocols of the Embera Chamí and of the Afro-Colombian Communities of northern Cauca in Colombia and the draft protocol of the Wampis in Peru.

Such experiences with autonomous FPIC Protocols demonstrate Indigenous Peoples and local communities' potential to contribute to tackling critical shortcomings in practice around consultation and consent. They can open spaces for reflection and dialogue among and between Indigenous Peoples and local communities, without the pressures that accompany consultation processes, and contribute to addressing the significant power imbalances that generally occur between the affected communities and the external actors proposing projects of economic interest to the State.

ACCESS TO JUSTICE AND SUPPORT FOR ENVIRONMENTAL HUMAN RIGHTS DEFENDERS

Access to justice and effective remedies enable individuals and communities to seek legal redress in the event of a right's violation. In the Framework Principles on human rights and the environment, former UN Special Rapporteur on human rights and the environment John Knox clarifies that "To provide for effective remedies, States should ensure that individuals have access to judicial and administrative procedures that meet basic requirements, including that the procedures: (a) are impartial, independent, affordable, transparent and fair; (b) review claims in a timely manner; (c) have the necessary expertise and resources; (d) incorporate a right of appeal to a higher body; and (e) issue binding decisions, including for interim measures, compensation, restitution and reparation, as necessary to provide effective remedies for violations."⁶⁰ In brief, it entails meeting the needs of persons or groups in vulnerable situations by establishing support mechanisms such as free technical and legal assistance. Affected individuals and communities need to be compensated for their losses with actions taken to deter future social and environmental harms.

Environmental human rights defenders play a crucial role in raising awareness and advocating for change. At the same time, Recent reports have consistently affirmed the rise of a "global crisis" of indiscriminate attacks against environmental and human rights defenders, especially Indigenous Peoples and women. They often face dire threats, harassment, and violence. Approximately 200 environmental human rights defenders are killed annually⁶¹. The ever-increasing incidents of attacks

59. Doyle, C., Whitmore, A., & Tugendhat, H. (2019). (eds), [Free Prior Informed Consent Protocols as Instruments of Autonomy: Laying Foundations for Rights based Engagement](#). (Infoe, ENIP).

60. UN Doc A/HRC/37/59 (2018) Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, [Framework Principles on Human Rights and the Environment](#), Framework Principle 10.

61. Zeng, Y., Twang, F. & Carrasco, L.R. Threats to land and environmental defenders in nature's last strongholds. *Ambio* 51, 269–279 (2022).

against environmental defenders is proof of the need to protect defenders who, individually or with others, risk their lives in the struggle for their lands and natural resources.

Upholding the rights of environmental human rights defenders is essential for safeguarding environmental justice, especially in the face of accelerated climate change and biodiversity loss where both are issues of justice. Adequate and effective measures are needed to recognise, protect, and promote all the rights of human rights defenders in environmental matters, including their right to life, personal integrity, freedom of opinion and expression, peaceful assembly and association, and free movement, as well as their ability to exercise their access rights.

The following case study is on African Environmental Defenders Initiative, where non-State duty bearers provide legal empowerment and assistance to African environmental defenders, and support managing the significant risks that come along with the nature of the environmental defenders' work (case study 7).

CASE STUDY 7. AFRICAN ENVIRONMENTAL DEFENDERS INITIATIVE⁶²

In 2019, the African Environmental Defenders Initiative was instituted by Natural Justice on Human Rights Day. The initiative's objective is to enhance respect for the work of African Environmental Defenders and advocate for and secure their human rights. It aims to minimise or manage the risks faced by Defenders in Africa by offering support to enhance their resilience in terms of protection against threats. The African Environmental Defenders is a Natural Justice Initiative which is supported by the International Land Coalition (ILC), the ICCA Consortium and the African Activists for Climate Justice coalition partners.



Photo credit: [Natural Justice](#).

African Environmental Defenders play an important role in protecting their lands and ecosystems from unsustainable industrial development, logging and extractive projects. But, the nature of their work can expose them to significant risks. Throughout the world, there are ever-increasing incidents of attacks against environmental defenders. Some activities under the initiative include:

- Legal empowerment of Defenders to know and use the law to assert their rights.
- Legal and litigation support to Defenders through the African Environmental Lawyers Network.
- Provision of training to Defenders, including digital and physical security training, as well the provision of psycho-social support.
- Increasing the awareness of African Defenders on an international level.
- Local, national, and regional advocacy for the protection of Defenders.
- Capacity-development and support to Defenders through various networks.
- Participation in various Defender-focused networks, including the Defending Land and Environmental Defenders Coalition.

Initially, this fund targeted members of the International Land Coalition who faced threats and harassment due to their work as environmental defenders. In 2021, Natural Justice and its partners expanded the fund, with the result that they can now provide funding to a wider array of environmental defenders; including non-ILC members and targeting defenders in a number of countries on the African continent that are experiencing extractive and other industry development.

The next case from the Qhara Qhara nations in Bolivia shows an example of a local agency and the strength of a social movement to claim their rights according to the country's constitution and

62. African Environmental Defenders. (n.d). [African Environmental Defenders](#).

demanding respect for indigenous autonomy, ancestral territory and traditional indigenous justice systems (case study 8). While the case presented is a response to the encroaching extractive activities, and not to specific action in addressing climate change and biodiversity loss, the process is still relevant to show in this context, particularly in creating favourable conditions in protecting collective rights.

CASE STUDY 8. QHARA QHARA NATION'S LEGAL SUCCESS AND INDIGENOUS AUTONOMY^{63,64,65,66}

In Bolivia, the indigenous Qhara Qhara nation, located in the Potosí and Chuquisaca departments, has been fighting for more than two decades for the legal recognition of their collective rights to their ancestral territory. Underlying the land grab in this indigenous communities is the imposing unbridled extractivism of natural resources that not only will contribute destruction of biodiversity and ecosystem, but will also result in the displacement of local populations, threatening the very survival of native communities and cultures

In November 2020, and after years of legal and social struggle, the Jatun Ayllu Yura was the first region of the Qhara Qhara nation to achieve indigenous autonomous status. This was approved by an internal consultation based on their own norms and procedures.

In March 2020, the Qhara Qhara nation leaders, former authorities and representatives of the Indigenous Justice Tribunal presented their case at the 175th Inter-American Commission on Human Rights (IACHR) public hearing. Indigenous representatives reported on violations of their rights to their territories and collective property, a lack of respect for their traditional forms of collective organisation, and the legal action they had taken to defend their rights.

The IACHR acknowledged the human rights violations of Indigenous Peoples and expressed concerns over the discrimination they have faced from the Bolivian state over the last two decades. The case taken to the IACHR was one of a number of legal battles fought by the Qhara Qhara to achieve their recognition, including the modification of the Autonomy Law. This law stipulated that self-determination can only be granted by means of a double referendum. The Qhara Qhara argued, however, that this law contradicted their cultural norms and procedures, thereby violating their rights. The Qhara Qhara won the modification of the Autonomy Law and consequently approved the statute of indigenous autonomy of the Jatun Ayllu Yura in November 2020, following their traditional processes. The Autonomy Law enables communities to uphold their right to self-determination, self-governance and the right to free, prior and informed consent.

This legal success is a testament to the native nations and Indigenous Peoples of Bolivia's efforts in their struggle for land and for their right to self-determination, autonomy and restitution of their political authorities and ways of life. While the success may create more favourable conditions for other indigenous groups that are seeking to protect their collective rights. As the fight to protect their indigenous rights continues, so do the threats and repression faced by the communities, leaders and former authorities of the Qhara Qhara nation.

LOCALLY-ADAPTED AND -LED ACTION

Local communities and Indigenous Peoples are often the first to experience environmental impacts of biodiversity loss and climate change. Simultaneously, they can also be contributors to local resilience and regional and global mitigation efforts. There is growing evidence that locally-adapted and locally-led biodiversity and climate action, such as NbS, through the involvement of Indigenous Peoples, local communities, women and youth throughout the life cycle of the interventions are more likely to have positive and sustainable outcomes for both people and the ecosystems on which they depend⁶⁷.

63. CAFOD. (2021). [Protecting our common home: Land and environmental human rights defenders in Latin America.](#)

64. Chávez, F. (2019). [An Indigenous Nation Battles for Land and Justice in Bolivia.](#) Inter Press Service.

65. IWIGIA. (2021). [The Indigenous World 2021: The Inter-American Human Rights System \(IAHRS\)](#)

66. UNITAS. (2020). [Jatun Ayllu Yura approves its statute and becomes the first indigenous autonomy of Potosí,](#) Sumando Voces (n.d). [20 years of struggle: The contribution of the Qhara Qhara to the realization of indigenous autonomies.](#)

67. Hajjar, R., Oldekop, J.A., Cronkleton, P. *et al.* (2021). A global analysis of the social and environmental outcomes of community forests. *Nat Sustain* 4, 216–224.

For NbS and/or ecosystem-based approaches to be successful, collaboration between governments and grassroots communities is essential. Their involvement is crucial due to their social responsibilities and roles, and differential reliance, access and use of biodiversity. Moreover, establishing their leadership roles in such actions can stimulate the contemporary inclusion of ILK⁶⁸ and, importantly, create the potential for Indigenous Peoples and local communities to foster adaptive capacity, facilitating their ability to address future environmental issues, and likely to result in more effective biodiversity and climate interventions. This can be enabled through the establishment of empowering policy and legal frameworks and fostering communication and respect by Governing authorities. While capacity building in specific cases and contexts may be needed, the term capacity building must be used vigilantly. Such a deficit-based approach to biodiversity and climate actions undermines local agency, choice and context-specific knowledge that can be mobilised to strengthen biodiversity and climate actions.⁶⁹

The following three cases demonstrate how locally-led or adapted actions to address biodiversity loss and climate change lead to sustainable outcomes, respect for human rights and positive results for the ecosystems, while addressing power dynamics and fostering the empowerment of groups in vulnerable situations.

Case study 9 presents an example of how a community took charge and led efforts in restoring a water reservoir in Antigua and Barbuda, after being affected by the impacts of climate change. The initiative did not only address the issue of water scarcity, but also revived biodiversity in the area and positively impacted the livelihood of local communities, demonstrating the transformative effect of a locally-led action.

CASE STUDY 9. ADDRESSING DROUGHT THROUGH REVIVAL OF A HISTORIC RESERVOIR ^{70,71,72}

Barnes Hill Community, Antigua and Barbuda

A four-year drought led to serious impacts on human health, plants and animals of the Barnes Hill community, on the island of Antigua and Barbuda. The community reservoir which was built in the 1890s, as a response to the Vulnerability and Risk Assessment done by the British Government, and intended to provide villages with fresh water in times of drought was no longer in operation. The abandoned reservoir was lying in ruins and covered over by large trees.

During this long period of drought, the village nurse documented illnesses at the clinic that were directly related to a lack of water for basic needs. The drought and need for water brought the people together to seek solutions, resulting in the formation of the Barnes Hill Community Development Organisations (BHCCDO). The community organisation was led by the community nurse, Ms. Eline Davis, who led the community's efforts to restore the reservoir facility and to declare the area as a new heritage site with green spaces and historical trails.



Sharing information on plants near the Barnes Hill community reservoir, Antigua and Barbuda. Credit: Timothy Payne.

The community-led action initially focused on restoring the reservoir. Since the project began the

68. ILK holders hold unique, salient and credible ecological, environmental, and societal expertise, much of this knowledge is being eroded as Indigenous Peoples and local communities are experiencing irreparable damage to their languages, knowledge systems and livelihoods due to the intersecting impacts of biodiversity loss and climate change. The dearth of ILK in biodiversity and climate action will drastically limit the effectiveness and ensuing credibility of the action.

69. Seddon, N., et al. (2021). Getting the message right on nature-based solutions to climate change. *Global change biology*, 27(8), 1518-1546

70. Local Biodiversity Outlooks. (2020). [Addressing drought through revival of a historic reservoir: Barnes Hill Community, Antigua and Barbuda.](#)

71. CPAG. (2021). [The Barnes Hill Community Reservoir: Restoration and Work Towards Establishing an OECM](#)

72. UN DESA. (n.d). [Water solutions and synergies at local community level positively impact SDG's, Climate targets the Biodiversity Target 3 on OECM's and land restoration agendas.](#)

villagers have cleared out the mud and debris that had accumulated in the reservoir over many years, and have controlled invasive species, including coralita vines. Most of the original structure for the reservoir was still present, and villagers repaired the walls and other features, and added a new roof. There is also a plan to build a second reservoir, because the community has grown significantly since the original reservoir was built and it is no longer enough to supply the whole community during severe droughts. This expansion has been made possible because of the gift of land, as the site has grown from two to seven acres.

The effective management of this site rests on **strong partnerships based on the passion, commitment and connectedness of the actors involved**. This initiative has motivated other community groups to mount actions and find community solutions, based on **respect for the local biodiversity and heritage and a vision of living in harmony with the natural environment**.

Throughout the process of developing different aspects of the Nature Park, efforts have been made to integrate various elements in line with the principles outlined in the Escazu Agreement. The **bottom-up approach to community conservation and management of its natural resources** is fueled by collective voluntary actions driven by passion, determination and commitment. The MEPA Trust and the Ministry of Tourism-Sustainable Development Unit work closely and consistently with the BHCDO ongoing mentoring capacities.

The BHCDO is also working more broadly to develop the area as a heritage site, with green space and historical trails. The vision is to revive and restore the community's culture, environment and identity, and to build new sources of sustainable livelihoods, especially for women, through community-based tourism. The BHCDO park has developed into a green recreational public space where visitors and locals can experience local culture, food and art. Schoolchildren across the island have also been using the site for education and knowledge learning.

The area that was once a waste dump and covered with invasive bush, has now been transformed with a wide variety of different flowers and an abundance of plants grown for herbs, food, medicine, and drinks. Many birds visiting the area contribute to pollination and the village once known as the 'sugar apple capital' of Antigua is regaining its name through the reforestation of native trees. Tree planting has been a hallmark of the park. A BHCDO champion collects local seeds and has taken on the responsibility to sow, produce, and care for many local varieties of plants planted in the park. Life, health, and ecosystems are being restored. These transformations have an impact on people and on nature. Moreover, a natural resource inventory is ongoing. Archival information is being matched with features found on the site, and older members of the community are sharing their knowledge and experiences with youth to better connect them with the past. The BHCDO has written to the Cabinet proposing the creation of a new cultural and heritage site, which would provide legal protection for the site continue to be managed by the community.

The following case study derived from the experience of the African Biodiversity Network (ABN) in conducting the Indigenous Futures Thinking Dialogue, where three communities across Benin, Kenya and Ethiopia led to a community-centered process to address the local impacts of climate change, biodiversity loss, conflict and socio-political change (case study 10). While done locally, the results of the dialogue can serve as valuable information for policy and decision-making across scales.

CASE STUDY 10. AFRICAN BIODIVERSITY NETWORK - INDIGENOUS FUTURES THINKING DIALOGUE⁷³

Indigenous and local knowledge embodies the wisdom gathered over centuries by communities living with and governing biodiversity in their everyday realities. This knowledge also guides them in envisioning their futures and navigating through unforeseen events and disruptions, such as the local impacts of climate breakdown and biodiversity loss, conflicts and socio-political change.

The Indigenous futures thinking dialogue process, done as a collaboration between the African Biodiversity Network (ABN), Institute for Sustainable Development (ISD) in Ethiopia, Institute for

73. SwedBio. (2021). [Indigenous futures thinking](#).

Culture and Ecology (ICE) in Kenya, Groupe De Recherche et d'Action pour le Bien-être au Bénin (GRABE-Benin) in Benin and SwedBio, supported communities in strengthening their plans and visions for their future, based on their earlier experiences of community dialogues, eco-cultural mapping and calendars. As part of this dialogue, community walking workshops took place in three communities across Benin, Kenya and Ethiopia. Elders, women, men, and youth from the communities of Boru Selassie in Dessie, Ethiopia; Kivaa in Eastern Kenya; and Kotan-Segbe in Sado – Avrankou, Benin were actively engaged in the local dialogue.

The dialogue was a community-centered process to address challenges and develop visions for the future of the community based on their own knowledge, experiences and methods. Eco-cultural mapping and calendars are participatory tools for Indigenous futures thinking that connect past, present, and future. They aim to reveal the deep geography, cultural vision and meaning of a territory, while building a collectively agreed vision of the relations of different elements that interact in the territory over time.



The Indigenous Futures Thinking Dialogue also aimed to bridge across **different knowledge systems** from Indigenous Peoples, local communities, academia, government, community-based organisations, women and youth groups. Activities undertaken during the dialogue were geared towards communities' confidence and solutions to coping with emerging issues and challenges such as Covid-19,

locust outbreaks and climate change.
The biocultural calendar for Tharaka Nithi, Kenya.
Photo credit: P. Malmer.

The dialogue identified the many challenges faced by the three communities: the erosion of Indigenous and local knowledge, loss of knowledge, weakened customary governance and culture, disconnect between the youth and the elders and between people and their places and histories. The dialogues allowed for communities to discuss what they wanted to keep, what needs to change, and innovations and pathways forward to realise change. At the core of the discussions in the three communities was the conservation or restoration of critical ecosystems, revitalisation of customary governance and the potential for strengthening customary law, conflict resolution mechanisms and ceremonies to address the challenges they are experiencing. Story-telling, cultural practices, ceremonies and rituals are embedded components of enacting visions of the future. Discussions also focused on **intergenerational knowledge transfer and re-connecting youth to their traditions, values and culture**. The dialogues also discussed **the rights of Indigenous Peoples over their lands, territories and resources, rights to continue their customary sustainable practices, and their right to self-determination**. The experiences included examples of partnership and collaboration with local authorities and actors.

The last case study in this section presents the endeavours to shape land and forest tenure policies and practices to support gender equity by the African Women's Network for Community Management of Forests (REFACOF), by strengthening women's networks and advocating to shape policies and practices for gender equity in relation to land and forest tenure (case study 11). Such a local women-led initiative will not only address women's interests but also secure women's rights in forestry and natural resource management which ultimately will benefit broad community well-being.

CASE STUDY 11. AFRICAN WOMEN'S NETWORK FOR COMMUNITY MANAGEMENT OF FORESTS (REFACOF)⁷⁴

Cameroon

This project is a community-led effort that incorporates a HRBA, with a strong focus on gender inclusion and mangrove restoration to address environmental challenges and promote sustainable livelihoods. The project site is located along the Cameroonian coast in the Ocean division, with a river

74. REFACOF (n.d.). [Strategic Axes](#); REFACOF. (n.d.). [EMPOWERING AFRICAN WOMEN TO INFLUENCE REDD+](#)

called "Londji" that flows into the Atlantic Ocean. Londji 1 is known as a 'fishing village' due to fishing being the primary socio-economic activity. The population of Londji 1 is approximately 800 people, including Indigenous Batanga, Mabea, and Bakoko people.

Supported by the Ministry of Environment and Cameroon Ecology since 2011-2012, the women of Londji 1 have been actively involved in mangrove restoration and conservation efforts. They have adopted improved stoves to reduce pressure on the mangrove and eco-sanitary toilets to reduce sea pollution. The vulnerability of the environment, exacerbated by climate change, has motivated the community to restore mangroves, which are vital for their livelihoods. Over the years, the women of Londji 1 have regenerated at least ten hectares of mangroves and planted a minimum of 1,000,000 mangrove seedlings along the Cameroonian coast.

The project has included information campaigns, community mapping, beneficiary selection, and on-ground activities. The project is implemented with a HRBA, emphasising the rights of women and girls and capacity building. Information and awareness sessions have improved women's understanding of biodiversity and its links with gender and climate change. Approximately 80 women and girls were trained in mangrove reforestation techniques, and the degraded areas were mapped using geographic information systems. The reforestation efforts have also supported the reproduction of endangered aquatic species, combat climate change, and prevent land erosion. Fishing, the primary activity, ensures food security and income, further supporting livelihoods. The project has led to further inclusion of gender in Cameroonian biodiversity policies. Some challenges persist including the lack of funding which leads to less than half of the annual workplan to be implemented, and the limited access to national-level decision making processes.

Togo

Togo's forests play ecological roles and contribute significantly to the national economy. These forests face progressive degradation due to various factors, impacting agriculture, food security, and livelihoods. Women, among the poorest, are disproportionately affected, having less access to natural resources. Women in Pagala-Gare (Blitta Prefecture) and Agouegan (Lacs Prefecture) have organised into groups to create community planting and agricultural products for consumption and commercialization.

In 2020, REFACOF received funding to support seven local women's groups. 150 women were trained in nursery plant production, reforestation, and agroforestry. Agroforestry not only restores forest cover but also ensures food security and empowers women through income generation activities. The women received income-generating equipment (gari and tapioca production, coconut oil production, and fish smoking). Two nurseries have produced approximately 57,000 seedlings of 14 tree species for restoration. Reforestation and agroforestry activities have been carried out on land provided by local authorities and purchased by women's groups.

This locally led project adopts a HRBA as it enables beneficiaries to enjoy their right to a clean, healthy, and sustainable environment, their right to food, and health. The reforestation and agroforestry activities contribute to air purification, climate change mitigation, and provide benefits to the community. Food crops ensure food security and serve as a source of income to meet vital needs. REFACOF has been supporting locally led biodiversity and climate action that build resilience through rights-based and gender-responsive approaches:

- Involving men at the local and national level, especially traditional leaders; ensuring culturally appropriate understanding of 'gender';
- Building capacity of actors, partners, stakeholders, women and Indigenous Peoples through information-sharing, sensitization, education, and communication;
- Creating alliances and networks of gender-sensitive people working on projects; building strong networks of women's organisations, with technical know-how;
- Developing gender-sensitive criteria and indicators, and identifying baselines prior to trainings and awareness activities;
- Participating in forest and land reform processes and advocating for more gender-sensitive reform processes; and
- Ensuring gender monitoring and evaluation of the activities, projects, and programs.

FUNDING WITH PURPOSE THROUGH HRBA

To ensure successful interventions addressing biodiversity loss and climate change, funders and practitioners, including the implementing agencies under national governments, must work together with Indigenous Peoples and local communities living in and around areas of intervention, promoting their human rights, economic security and wellbeing.⁷⁵ Nevertheless, findings demonstrate that financial support for Indigenous Peoples and local communities, particularly related to tenure and forest management, has not improved between 2011 to 2020, at an annual average of USD 270 million, and still lagging far behind in scaling up the role of Indigenous Peoples and local communities and promoting their rights.⁷⁶

While scaling up funding to address the planetary crises is urgent, existing mechanisms have also been proven challenging in many terms including their accessibility and predictability as well as concerns over potential social and environmental problems. Such problems can be exemplified by the potential perverse impacts of financing mechanisms on biodiversity and its effects on the rights and livelihood of Indigenous Peoples and local communities.⁷⁷ Moreover, control of finance and decision-making is still dominated by a top-down approach, and often fails to support local actors to be active agents of change.⁷⁸

Standard-setting bodies such as governments, multilateral organisations, reporting frameworks, and multi-stakeholder platforms have increased efforts over the past decade seeking to create an enabling environment for rights-respecting financing. Where public or private funders, including development finance institutions, may cause, contribute to, or be linked to negative impacts on people and nature, they should uphold their human rights responsibilities by adopting and embedding relevant policies across the whole of their activities, conducting ongoing due diligence, and playing an active role in access to remedy.⁷⁹

The report of the UN Special Rapporteur on the Rights of Indigenous Peoples provides recommendations both for national governments and donors on how to enhance the rights of communities in climate finance. The main recommendations encompass⁸⁰: 1) the assurance for Indigenous Peoples and local communities' inclusion in the planning process; 2) compliance with the principles of FPIC; 3) enhancement of indigenous governance structures; 4) provision of capacity building; 5) implementation of environmental and social safeguards; 6) ensure funding accessibility for Indigenous Peoples; 7) improve monitoring and access to grievance mechanisms.

In response to the above recommendations, this section presents two case studies that underscore the requirement of local-led actions grounded on local, intergenerational, indigenous, traditional and cultural knowledge for more sustainable and equitable outcomes.

The first case study presents an analytical work proposing guidelines and safeguards for biodiversity financing, signalling the importance of the role of diverse stakeholders in scaling up financing for biodiversity to bring socio-ecological benefits (case study 12).

75. CWIS. (2021). [Falling Short: Donor Funding for Indigenous Peoples and Local Communities to Secure Tenure Rights and Manage Forests in Tropical Countries \(2011-2020\)](#)

76. Ibid.

77. Ituarte-Lima, C., Schultz, M., Hahn, McDermott, C., and Cornell, S. (2014). [Biodiversity financing and safeguards: lessons learned and proposed guidelines](#). Stockholm: SwedBio/ Stockholm Resilience Centre at Stockholm University, Information Document UNEP/CBD/COP/12/INF/27 for the 12th Conference of the Parties of the Convention on Biological Diversity in Pyeongchang Korea.

78. IIED and SIDA. (2022). [Money where it matters for people, nature and climate](#)

79. OHCHR. (2021). [Taking stock of investor implementation of the UN Guiding Principles on Business and Human Rights](#).

80. [A/HRC/36/46](#)

The development of Biodiversity Financing Mechanisms (BFM) is seen as a key element contributing to the achievement of the three goals of the Convention on Biological Diversity. However, concerns exist over potential social and environmental problems, and hence the need to stress the importance of safeguards as prerequisites for reaching the CBD objectives. SwedBio, in collaboration with the Stockholm Resilience Centre and the University of Oxford, developed a policy paper that underlines the imperative of safeguards that aims to support equitable biodiversity and ecosystem governance including the participation and rights' recognition of local right-holders. This more holistic approach to safeguards views their operationalisation as a dynamic process grounded in particular local level realities and linked to national and international processes.

The policy analysis, informed by inputs from various actors and Parties to the CBD proposes guidelines for safeguards to provide advice on how Parties and other actors can make more informed decisions on choosing, designing and implementing mechanisms for financing biodiversity in a way that fosters the achievement of the three interdependent CBD objectives with both environmental and social dimensions.

The process of developing and implementing effective safeguards across different BFMs, supported by guidelines that adopt a rights/responsibilities-based approach and consider ethical values, can contribute to improving equity and trust relationships between different groups of stakeholders, inter alia in relationships of governments with local and indigenous communities. A rights/responsibilities-based approach to safeguards distinguishes between substantive safeguards (e.g., land, tenure and knowledge-related rights) and procedural safeguards (e.g., participation, transparency, and accountability) and recognises that both are necessary and interdependent. Consistency of safeguards across national and international institutions can contribute to fostering biodiversity equitable governance.

Proposed voluntary guidelines

Biodiversity underpins local livelihoods and resilience

GUIDELINE 1. The underpinning role of biodiversity and ecosystem functions for local livelihoods and resilience, as well as biodiversity's intrinsic values, shall be recognised in the design and implementation of Financing Mechanisms.

People's rights, access to resources and livelihoods

GUIDELINE 2. Rights and duties in financing mechanisms should be defined in a fair and equitable manner, with the effective participation of all actors concerned and with the prior informed consent of Indigenous Peoples and local communities in projects that may have consequences for their rights, as recognised in some national legislation, or free prior informed consent as recognised in other national legislation and the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP).

Local and country-driven/specific processes linked to the international level

GUIDELINE 3. Safeguards in financing mechanisms for biodiversity should be grounded in local realities and supported by country-driven and specific processes, and should make use of existing relevant international legal and policy frameworks, and observe, at a minimum, internationally agreed commitments regarding sustainable use of biological diversity and livelihoods, inter alia, under the CBD, UNFCCC, international human rights treaties, and UNDRIP.

Governance, institutional frameworks and accountability

GUIDELINE 4.- Appropriate institutional frameworks, transparency, accountability, and compliance mechanisms with enforceable rights and responsibilities, constitute prerequisites for safeguards in financing biodiversity to function properly.

81. Ituarte-Lima, C., Schultz, M., Hahn, McDermott, C., and Cornell, S. (2014). [Biodiversity financing and safeguards: lessons learned and proposed guidelines](#). Stockholm: SwedBio/ Stockholm Resilience Centre at Stockholm University, Information Document UNEP/CBD/COP/12/INF/27 for the 12th Conference of the Parties of the Convention on Biological Diversity in Pyeongchang Korea.

82. Ibid.

This policy report was well received in CBD negotiations and in the final COP12 Decision on resource mobilisation and became an information document for the CBD COP12. The main findings of this policy report formed the voluntary guidelines for safeguards in Biodiversity Financing Mechanisms, which was adopted under the section “Strategy for resource mobilisation” of Decision XII/3 and respective Annex III. This signals that diverse stakeholders have a role to play in scaling up financing for biodiversity that effectively brings about socio-ecological benefits.

The second case study showcases the mobilisation of finance and resources for locally-led action where finance and decision-making power is shifted to the local level, supporting and promoting local priorities, interests, solutions, and implementation, while respecting human rights (case study box m). The support helped the local communities to obtain recognition and security to manage their lands, by being granted social forestry permits. Given the novelty of the Nusantara fund, we are still yet to see how this mechanism will be a trailblazer in transforming finance to rights holders. However, early testimonials from the recipient communities expressed the significance and benefits of managing their land for the preservation of the ecosystem and climate through ecological recovery and increased biodiversity, which consequently contribute to better security of their livelihoods. And thus, attracted people who left the village to work in the city to return to their communities, giving a hopeful view for their future.

CASE STUDY 13. NUSANTARA FUND^{83,84,85}

Indigenous Peoples and local communities are on the front lines and the largest contributor to preserving nature including forest and biocultural diversity worldwide, including in Indonesia. However, Indigenous Peoples and local communities are increasingly threatened by the weak protection and recognition of the governments, not least the administrative hurdles to managing these territories due to bureaucratic measures. Moreover, the expropriation of these areas has increased due to investment-focused regulations.

On May 8th, 2023, the Nusantara Fund was launched out of the necessity to support efforts and initiatives done by the Indigenous Peoples and local communities in protecting and managing their lands, territories and resources, contributing directly to emission reduction related to deforestation and forest degradation while improving local economies. It serves as a direct funding mechanism for Indigenous Peoples and local communities in Indonesia to scale up mitigation to the climate crises.

The initiative is in operation and managed by WALHI (The Indonesian Forum for the Environment/FoE Indonesia, the country’s largest environmental group), AMAN (an organisation representing 20 million Indonesians and 2,449 communities) and KPA (Consortium for Agrarian Reform - Indonesia’s largest agrarian reform movement/people-based organisation). It was launched with US\$3 million in initial support from a group of international philanthropies and aims at establishing strong support for Indigenous Peoples and local communities’ initiative to protect and manage their land territories and resources to increase contribution in reducing emissions related to deforestation and forest degradation, increase carbon stocks and improve people’s quality of life.

This funding mechanism provides assistance for Indigenous Peoples and local communities to prevent seizures of their territories caused by social-environmental regulations. **A consent mechanism was already applied during the development and design stage of the fund**, by conducting a series of consultations to get consent from member communities or regional and local organisations under each of the three managing organisations. The trust fund has four main missions:

1. Promote and implement a simple yet strong direct financial support for Indigenous Peoples and local communities’ initiatives
2. Develop and empower resources of individuals/groups of Indigenous Peoples and local communities in Indonesia

83. Nusantara Fund. (n.d.). [A DIRECT FUNDING MECHANISM FOR INDIGENOUS PEOPLES AND LOCAL COMMUNITIES IN INDONESIA](#).

84. WALHI. (2023). [Nusantara Fund: Direct Funding to Indigenous Peoples and Local Communities to Scale Up Climate Crises Mitigation](#).

85. Ford Foundation. (2023). [Representing Millions of Indigenous Peoples and Local Communities, Indonesian Organisations Join Movement to Deliver Funds Directly to Traditional Communities Worldwide](#)

3. Build and strengthen the collective economic, social and political strength of Indigenous Peoples and local communities in Indonesia
4. Urge and restore the role of the state to recognise and protect Indigenous Peoples and local communities' rights and knowledge in managing the environment, agrarian and natural resources

Its operation is guided by the following principles:

1. Implementation of a "People-Based" principle, which includes **protecting, recognising, and restoring Indigenous Peoples and local communities' territory and resources**. The fund is implemented in an **inclusive manner, prioritising women, youth, and communities in areas experiencing emergency situations and a lack of support**.
2. **Accountability and transparency** with simple access to the fund and provision of the needed assistance and capacity building.
3. **Equality in managing the fund**, carried out by AMAN, KPA, and WALHI as well as the funding recipients.
4. Diversity and equality by **upholding the customary system of cultural diversity and local rules, ensuring access for benefits sharing for all**.
5. Respect for human rights by ensuring orientation towards the **protection, promotion and fulfilment of the basic freedoms and human rights** of Indigenous Peoples as well as the human rights contained in the international human rights treaties, both as individuals and as a group.
6. Agrarian sovereignty by making sure that **planning and implementation of activities must ensure the full ownership and control of agrarian resources by Indigenous Peoples and local communities in adherence with the principles of justice, gender equality, ecology, and participation for common prosperity**.

In governing the new fund, representatives of the three organisations will serve on an advisory board with trusted members of the Indigenous and local communities. Decisions about which projects to fund will be guided by a desire to protect, promote and respect human rights, while adhering to customary rules. This initiative must be implemented on the basis of trust as Indigenous Peoples and local communities have high integrity and direct field experience.

Outlining business roles and responsibilities

Articulating the relationship between the environment, human rights, and business remains one of the central issues of the 21st century as humanity faces the triple planetary crises. While the inherent interlinkages between human rights and the environment are increasingly recognised and reinforced by international agreements and frameworks such as the [Framework Principles on Human Rights and the Environment](#), the contribution of business remains more ambiguous.

Given the significant footprint of business activities on the climate, environment, and ecosystems, business actors including companies and investors play a pivotal role in achieving net zero emissions and contributing towards climate-resilient development, the global pathway to net zero emissions,⁸⁶ and universal efforts to halt and reverse nature loss. Environmentally sustainable and responsible business practices are fundamental for the planetary health and full enjoyment of the globally recognised human right to a healthy environment for all people.⁸⁷ At the same time, misconduct and unsustainable business practices are known to have severe negative impacts on people and the planet. Globally, there are numerous examples of large-scale infrastructure projects, extractive industries, commercial agriculture, and manufacturing that have caused, contributed to, or were linked to significant environmental damage, in the process undermining the human rights of affected communities.^{88,89} Business actors' efforts to tackle the triple planetary crisis should address pre-existing inequalities and violations of human rights.

86. SwedWatch. (2021). [Time for climate leadership in carbon-free export finance – An opportunity for Sweden](#).

87. UN Resolution 76/300, <https://undocs.org/en/A/RES/76/300>

88. See for example, SwedWatch. (2018). [To the last drop](#).

89. SwedWatch. (2021). [UP IN SMOKE Human rights and environmental impacts of export credits to coal. The case of South Africa](#).

Box 5 presents a range of international human rights and environmental frameworks that explicitly recognise the role of duty bearers, including business actors, and outline subsequent obligations. By conducting their business in line with these rights-based international agreements and frameworks, business actors can play a crucial role in promoting sustainable patterns of production and consumption within planetary boundaries, and progressively increasing positive impacts on people and planet.

BOX 5. LEGAL AGREEMENTS RELEVANT TO THE ROLES AND RESPONSIBILITIES OF BUSINESSES

Right to a clean, healthy, and sustainable environment in relation to the roles and responsibilities of business actors

The adoption of [UN Resolution 76/300 on The Human Right to a Clean, Healthy and Sustainable Environment](#) increases the impetus to hold business actors to account for any neglect of their substantive and procedural obligations related to the environment and human rights. The resolution explicitly recalls the [UN Guiding Principles on Business and Human Rights](#) ‘which underscore **the responsibility of all business enterprises to respect human rights**⁹⁰ and additionally explicitly notes the [Framework Principles on Human Rights and the Environment](#). As duty bearers, **business actors have substantive obligations to implement human rights and environmental due diligence and identify, prevent, mitigate, and - crucially - remediate environmental harm that threaten fundamental human rights**. Business actors are further called upon to respect the rights to life, liberty and security of all environmental human rights defenders. Moreover, they are under procedural obligations to provide information and allow public participation, with a particular focus on those in vulnerable situations.⁹¹

In June 2023, the UN Working Group on the issue of human rights and transnational corporations and other business enterprises published an [Information Note on Climate Change and the Guiding Principles on Business and Human Rights](#), which explains how the UN Guiding Principles on Business and Human Rights can assist States, business enterprises and other actors to **integrate climate change actual and potential impacts with other human rights related impacts caused by, contributed to or linked with business activities**. The Working Group considers responsibilities of business enterprises under the Guiding Principles to respect human rights and not to cause, contribute to or be directly linked to human rights impacts arising from business activities, to include the responsibility to act in regard to actual and potential impacts related to climate change. The Information Note subsequently calls on business enterprises to act responsibly and not promote unsustainable consumption, undertake greenwashing or seek to have undue corporate influence in the political and regulatory sphere in this area.

Aarhus Convention and Escazú Agreement

The [Aarhus Convention](#) (1998) and the [Escazú Agreement](#) (2018) define regional standards on public access to information, meaningful participation in environmental matters and securing access to justice and timely remedies for individuals and groups, including those affected by business operations.⁹² The [UN ECLAC Escazú Agreement](#), the world’s first regional environmental treaty, seeks to **contribute to the protection of the intergenerational right to a healthy environment through ensuring access to environmental information – including information in possession of private entities**, public participation in environmental decisions, and access to justice in environmental matters. The [UNECE Aarhus Convention](#) recognises **the role the private sector can play in environmental protection and stipulates that citizens should have access to environmental information – including information kept by privatised bodies -, the right to participate in environmental decision-making, and the right to access to justice if their rights are violated**.^[8] By outlining procedural human rights obligations, the regional agreements add normative tools to facilitate the engagement of States with the business and human rights agenda,

90. SwedWatch. (2022). [Safeguarding the Right to a Healthy Environment – the Roles of States and Business Actors](#)

91. SwedWatch. (2022). [Safeguarding the Right to a Healthy Environment – the Roles of States and Business Actors](#)

92. UNECE. (n.d.). [The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters](#).

provide a catalyst for responsible business conduct and offer the opportunity to make companies more responsible for their impact on the environment.⁹³

Kunming-Montreal Global Biodiversity Framework

The [Kunming-Montreal Global Biodiversity Framework](#) (GBF) attributes a distinct role to behavioural changes of business actors in the universal efforts to halt and reverse nature loss. The 23 targets of the GBF adopted in 2022 entail considerable impacts on prevalent industry and business practices and explicitly recognise the critical role of business actors in increasing positive impacts on biodiversity and the environment. For instance, Target 15 notably requires large and transnational companies and financial institutions to monitor, assess, and transparently disclose their risks, dependencies, and impacts on biodiversity through their operations, value chains, and portfolios.⁹⁴ Meanwhile, Target 22 echoes procedural obligations outlined in the Aarhus Convention and Escazú Agreement by stipulating the participation of Indigenous People and local community in decision-making and is thus particularly relevant to business actors whose value chains involve lands and waters under stewardship of Indigenous Peoples. By highlighting interlinkages between business practices and planetary boundaries and firmly integrating environmental sustainability and respect for human rights, the GBF provides an additional normative tool for rights holders calling for responsible and sustainable business conduct.

93. OHCHR. (2020). [Peru: UN experts urge ratification of landmark Escazú Agreement to promote responsible business conduct](#)

94. CBD. (2022). [COP15: Final text of Kunming-Montreal Global Biodiversity Framework | Convention on Biological Diversity](#)

SECTION 3: CONCLUSION AND PATHWAYS FORWARD

Adopting a HRBA when implementing climate and biodiversity action is one of the most strategic and effective means to conserve and sustainably manage biodiversity and ecosystem while addressing the climate crisis. This is supported by scientific findings such as the IPBES report on “the Diverse Values and Valuation of Nature” that recognises actions following a human rights-based approach lead to more sustainable outcomes and support transformative change⁹⁵ and the IPCC AR6 WGII report that emphasises risks from climate change can be reduced through rights-based approaches that focus on capacity building, meaningful participation of people in vulnerable situations, and their access to key resources, including financing, to reduce risk and adapt.⁹⁶

Duty bearers play a major role in strengthening the procedural human rights of participation; access to information, and access to justice. While several challenges are still faced in implementing a HRBA, the case studies in Section 2 of this publication demonstrate various strategies for addressing such challenges. Adopting a HRBA in biodiversity and climate actions holds significant potential to secure multiple benefits across society as a HRBA helps to:

- Strengthen the **enabling environment** and enhance the capacity and **accountability** of the duty bearers.
- **Enhance the meaningful participation of and engagement with communities and people disproportionately impacted** by biodiversity loss and climate change, and **promote their leadership** in interventions to ensure positive and sustainable outcomes for both people and the ecosystems on which they depend.
- Emphasise the need to strengthen environmental and social safeguards, to **ensure the respect, protection, promotion and fulfilment of human rights**, including the right to a healthy environment, while **addressing the power inequalities** that generate abuse of human rights and enhancing **access to justice**.
- Underscore the **need to respect the Free, Prior and Informed Consent, and/or other consent mechanisms** of Indigenous Peoples and local communities.
- **Facilitate the integration and/or revitalisation of traditional and indigenous knowledge and management systems**, which have effectively safeguarded the biodiversity of the area.
- **Recognise the context-specific nature of challenges**.
- **Identify power, political, and gender dynamics** that affect biodiversity and climate action, and promote ways to identify previously invisible impacts and address differentiated needs as well as conflicting rights and interests transparently. It enables dialogue between duty bearers and rights holders to articulate challenges, co-develop strategies and solutions, breaks down power imbalances, and promotes accountability.
- **Foster adaptive capacity**, facilitating and valuing communities’ ability to monitor and address future environmental issues, and are likely to result in more effective biodiversity and climate interventions.

Furthermore, there are several opportunities in international policy processes to guide more ambitious national actions to address climate change and biodiversity loss in an integrated manner, reduce harm, and ensure fairness and justice for all. These include:

- In the context of the **Intergovernmental Consultations on Nature-based Solutions, integrate a HRBA when clarifying the standards and criteria for implementation**.
- In the context of the negotiations of the Biodiversity and Climate Change agenda under the CBD **SBSTTA 25, recognise the impacts of climate change and biodiversity loss on human rights**, integrate the need to adopt a HRBA when considering Ecosystem-based Approaches and NbS, recognise rights holders, including Indigenous Peoples and local communities, women and girls, children, and youth, people with disabilities among others.
- In the context of **COP28**, ensure that the **Global Stocktake process calls for integrated climate and biodiversity actions and policies, implemented through a HRBA**.

95. IPBES. (2022). [Assessment Report on The Diverse Values and Valuation of Nature, Summary for Policymakers](#).

96. IPCC. (2022). Working Group II Contribution to the IPCC Sixth Assessment Report on Climate Change Impacts, Adaptation and Vulnerability, Summary for Policymakers, para D.2.1.

From a financing and justice perspective, it is important to consider:

- Developing funding models for projects with and by Indigenous Peoples, local communities, and CSOs that can be taken up by international funds
- Developing guidance for donors on how to determine if a climate or biodiversity action project assesses elements of a human rights-based approach on the ground in the planning phase
- Establishing and implementing effective grievance and redress mechanisms for projects that work with Indigenous Peoples and local communities especially, with the assurance that these mechanisms function well and are accessible.