

Stocktake Report: Climate Justice in the Implementation of Ecosystem-based Adaptation

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List of Abbreviations

Aarhus Convention	UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters
AF	Adaptation Fund
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
COP	Conference of the Parties
CBD	Convention on Biological Diversity
CBF	Caribbean Biodiversity Fund
CEDAW	Committee on the Elimination of Discrimination against Women
CEPAL	Comisión Económica para América Latina y el Caribe
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CIEL	Center for International Environmental Law
CSOs	Civil society organisations
DEA	Department for Environmental Affairs
DFFE	Department of Forestry, Fisheries and the Environment
DRR	Disaster risk reduction
EbA	Ecosystem-based adaptation
ENIP	Europäische Netzwerk für Indigene Völker
ESMF	Environmental and Social Management Framework
ESMS	Environmental and Social Management System
ELAN	Ecosystem and Livelihoods Adaptation Network
ESP	Environmental and Social Policy
ESS	Environmental and Social Safeguards
ESSF	Environmental and Social Sustainability Framework
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
GBF	Kunming-Montreal Global Biodiversity Framework
GGA	Global Goal on Adaptation
GCF	Green Climate Fund
GEF	Global Environment Facility
GI-ESCR	Global Initiative for Economic, Social and Cultural Rights
GIHR	German Institute for Human Rights
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
Global Project	GIZ Global Project on Mainstreaming Ecosystem-based Adaptation
HBRA	Human rights-based approach
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IIED	International Institute for Environment and Development
IKI	International Climate Initiative
ILC	International Land Coalition
ILO	International Labour Organisation
INFOE	Institut für Ökologie und Aktions-Ethnologie
INGO	International non-governmental organisation
IPs	Indigenous Peoples
IPRI	Indigenous Peoples Rights International
IPBES	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
IPCC	Intergovernmental Panel on Climate Change
IPP	Indigenous Peoples Policy
IUCN	International Union for Conservation of Nature
IWGIA	International Work Group for Indigenous Affairs
LCs	Local communities
LDN	Land Degradation Neutrality
M&E	Monitoring & evaluation
NAP	National Adaptation Plan
NbS	Nature-based Solutions
NBSAP	National Biodiversity Strategy and Action Plan
NDC	Nationally Determined Contribution
NGO	Non-governmental organisation
ODA	Official development aid
OHCHR	Office of the United Nations High Commissioner for Human Rights
Profonanpe	Peruvian Trust Fund for National Parks and Protected Areas
REDD+	Reducing emissions from deforestation and forest degradation
SAGE	Site-level Assessment for Governance and Equity
SANBI	South African National Biodiversity Institute
SEI	Stockholm Environment Institute
TMG	Töpfer Müller Gaßner Think Tank for Sustainability
UNCCD	United Nations Convention to Combat Desertification
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UN-ECLAC	United Nations Economic Commission for Latin America and the Caribbean
UNEA	United Nations Environment Assembly
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNOHR	UN Human Rights Office
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure
WWF	World Wide Fund for Nature

Table of Contents

- 1. Introduction..... 4**
- 2. Defining the topic..... 5**
 - 2.1 Background: Why work on climate justice in EbA?.....5
 - 2.2 Defining justice-based EbA.....6
 - 2.2.1 EbA as part of NbS and its links to climate justice6
 - 2.2.2 Understanding climate justice for EbA.....7
 - 2.2.3 Defining justice-based EbA.....8
- 3. The international context 9**
 - 3.1 International declarations and frameworks.....9
 - 3.1.1 Convention on Biological Diversity (CBD)9
 - 3.1.2 United Nations Framework Convention on Climate Change (UNFCCC).....11
 - 3.1.3 United Nations Convention to Combat Desertification (UNCCD).....12
 - 3.1.4 United Nations human rights treaties13
 - 3.1.5 Other international frameworks15
 - 3.1.6 Regional frameworks.....15
 - 3.2 Existing standards and quality criteria15
 - 3.2.1 IUCN Global Standard for NbS.....15
 - 3.2.2 Standards and quality criteria for EbA.....15
 - 3.3 Safeguards of international funds, bilateral donors and implementing organisations.....16
 - 3.3.1 International climate funds16
 - 3.3.2 Multilateral development banks and donors.....17
 - 3.3.3 Implementing agencies and institutions18
- 4. Justice-related challenges in EbA implementation..... 20**
 - 4.1 Implementation challenges of EbA.....20
 - 4.2 Documentation of justice-related challenges21
 - 4.2.1 Biodiversity conservation.....21
 - 4.2.2 Land tenure and climate change.....22
 - 4.2.3 IPs and national climate change policies22
 - 4.2.4 Human rights impacts of climate change projects.....22
- 5. Research and conceptual work to enhance climate justice..... 23**
 - 5.1 Research by international organisations23
 - 5.2 Regional and national initiatives25
- 6. Considerations for further work 26**
- Literature 28**
- Imprint 37**

1. Introduction

The **Global Project on Mainstreaming Ecosystem-based Adaptation (EbA)** of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) commissioned this stocktake as part of its overall work on climate justice in EbA. The information presented here was collected through a **literature review**. The objective is to frame the topic of climate justice in EbA, capture main developments in international frameworks, summarise key challenges documented and reported during the workshop series on climate justice, and identify entry points and strategies that different actors have described and employed in addressing this topic.

Please Note

This document is a collection containing summaries of publicly available documents; as such, it provides a pool of knowledge for working on climate justice in EbA. The stocktake does not claim to be complete but rather should be considered a working document for interested parties to use and complement.



2. Defining the topic

2.1 Background: Why work on climate justice in EbA?

Following the German Ministry for Environment and other actors, the IKI-funded Global Project on Mainstreaming EbA (hereafter referred to as the Global Project) considers EbA to be part of the umbrella concept of Nature-based Solutions (NbS), which has gained momentum over the last few years. Within this broader category, EbA serves as a NbS for climate change adaptation. However, despite several high-profile initiatives (e.g., on forests) announced during the international climate negotiations in Glasgow in November 2021, the term NbS was replaced with the phrase ‘protecting, conserving and restoring nature’ in the Glasgow Climate Pact from 13 November 2021 (Gerretsen, 2021). The reasons for this change included reluctance to embrace the term NbS, expressed by a significant number of civil society organisations (CSOs), grassroots movements, international non-governmental organisations (INGOs) and even some countries, such as Bolivia, Argentina and Brazil.

Criticisms of NbS included the following:

- > Too much emphasis on benefiting humans, whilst ignoring the intrinsic value of nature, which must be recognised and promoted in its own right (Qi et al., 2021).
- > Strong focus on mitigation as a means to reduce or compensate for greenhouse gas emissions by planting and protecting trees (Schneider, 2021).
- > Negative impacts on the rights of Indigenous Peoples (IPs) and local communities (LCs). Land use rights disputes and displacement issues have had an (unintended) negative impact on the implementation of NbS projects by not only public and private sector actors but also INGOs, such as the World Wide Fund for Nature (WWF) (Schneider, 2021).
- > The large amounts of resources that NbS has attracted, with most going to large organisations and little to no funding reaching local actors directly.

Climate justice first emerged as a **topic in the international climate policy arena** in 2001, as a result of the Environmental Justice and Climate Change Initiative, which was founded during the Climate Justice Summit held as part of the Sixth Conference of the Parties (COP) of the United Nations Framework Convention on Climate Change (UNFCCC) in The Hague in 2001. The initiative laid out 10 climate justice principles, known as the Bali Principles, which focused on slowing emissions, protecting vulnerable communities, ensuring a just transition, including community participation, acting in the face of uncertainty and assuring intergenerational justice. The World People’s Conference on Climate Change and the Rights of Mother Earth, held in Cochabamba, Bolivia, in 2010, formulated the ‘Universal Declaration of the Rights of Mother Earth’, which considered climate justice to be not only an issue of ecosystem disruption but also one of inequity and injustice experienced by vulnerable human communities (Schlosberg and Collins, 2014).

Most recently, the **Working Group II report of the Intergovernmental Panel on Climate Change (IPCC) on impacts, adaptation and vulnerability related to climate change** included equity and justice for the first time as one of the core concepts for adaptation, along with risk framing, vulnerability, exposure, resilience and transformation. Climate justice played a similarly important role during the **UNFCCC COP 27**, hosted by Egypt in November 2022, where it was a topic of many discussions and side events (e.g., a side event on ‘*climate justice and human rights at COP27 and beyond*’, hosted by Germany). The prominent topic of *Loss & Damage* and the decision to establish a Loss & Damage Finance Facility also represented a step forward for justice-related issues on the international climate agenda. Climate justice is thus a core concern of international debate, which needs further attention, especially regarding mechanisms to ensure the implementation of such principles.

2.2 Defining justice-based EbA

2.2.1 EbA as part of NbS and its links to climate justice

According to the Convention on Biodiversity (CBD), ‘ecosystem-based adaptation is the use of biodiversity and ecosystem services as part of an overall adaptation strategy to help people to adapt to the adverse effects of climate change’ (CBD, 2009).

As such, EbA can be understood as a NbS for adaptation. In the international context, **there are several definitions of NbS that show a linkage to justice-related issues.**

- > The most recent definition comes from the **United Nations Environment Assembly (UNEA)** of the United Nations Environment Programme (UNEP). In its draft resolution, the UNEA notes that ‘nature-based solutions are actions to protect, sustainably manage, and restore natural or modified ecosystems, which address societal challenges effectively and adaptively, simultaneously providing human well-being, ecosystem resilience and biodiversity benefits’. The resolution also stresses that the challenges NbS can address are interlinked, including social and economic development, in addition to mentioning the specific safeguards that need to be followed. NbS are thus ‘designed to address

major societal challenges, such as biodiversity loss, climate change, land degradation, food security, disaster risks, urban development, water security, as well as social and economic development, human health and a large range of ecosystem services, while applying social and environmental safeguards, building on existing relevant safeguards, including those under the Rio Conventions’ (UNEA, 2021).

- > The definition offered by the International Union for Conservation of Nature (**IUCN**) emphasises in its NbS principles the recognition of traditional knowledge, governance and participation of local and Indigenous communities. These follow several other principles, including that NbS ‘are determined by site-specific natural and cultural contexts that include traditional local and scientific knowledge’ (principle iii) and ‘produce societal benefits in a fair and equitable way in a manner that promotes transparency and broad participation’ (principle iv). The IUCN Global Standard for NbS also includes a **criterion on governance** (‘NbS are based on inclusive, transparent and empowering governance processes’), which explicitly mentions grievance resolution mechanisms, participation and involvement of affected stakeholders, amongst others (IUCN, 2016a; IUCN, 2020).

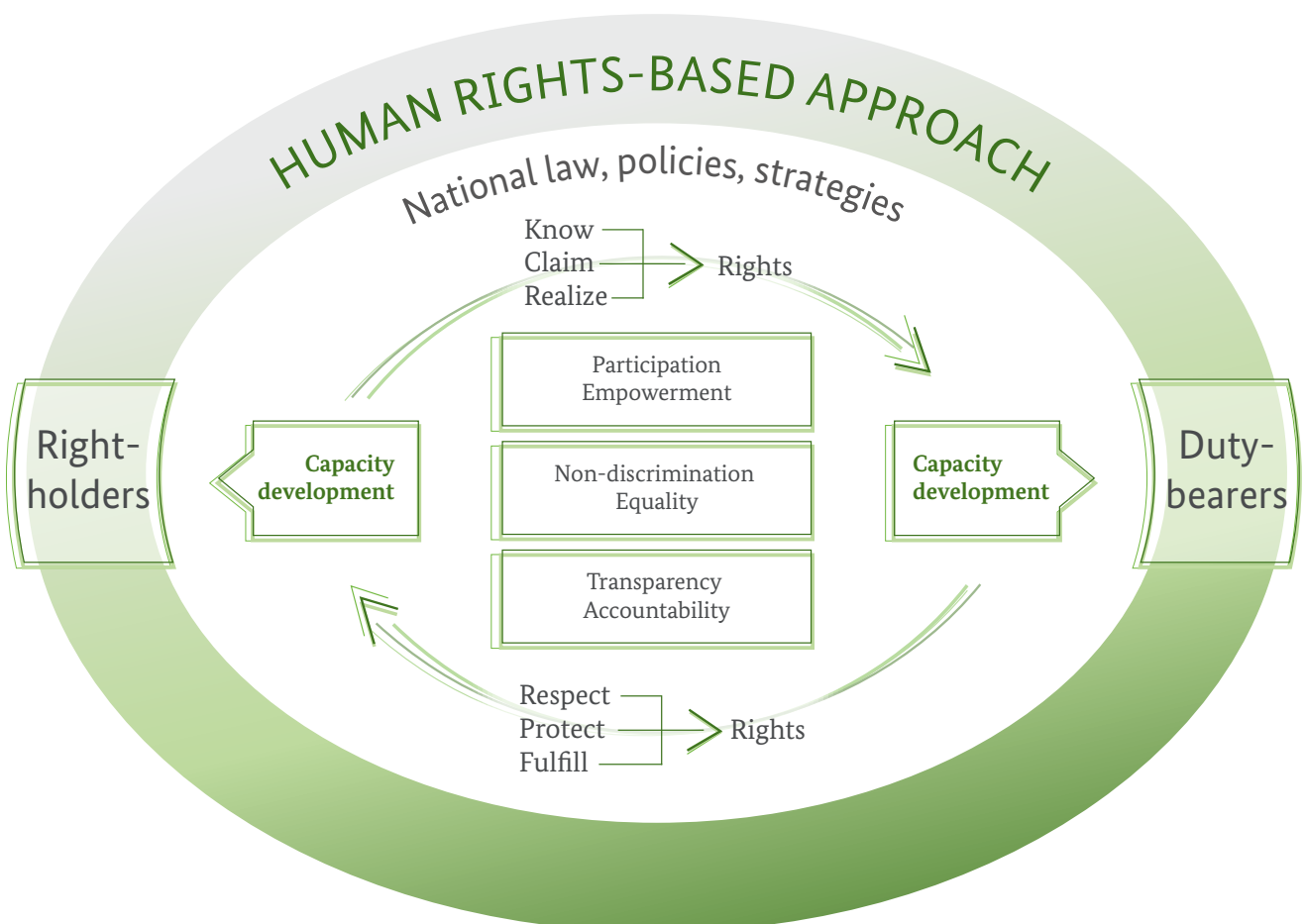


Figure 1: Model of the human rights approach (GIZ, 2014, page 12).

2.2.2 Understanding climate justice for EbA

→ Distinguishing between justice and rights

Human rights and rights-based approaches form an integral part of climate justice. **Human rights** are defined as ‘an entitlement that is defined in law. Law includes not only “hard law” that is legally binding under international and/or national law, but also “soft law” that is not legally binding per se but has strong moral force in certain contexts. In law, every defined right also imposes a duty on others (whether a person, group of people, organisation or state). Rights and duties specify how key actors, especially state actors, must and must not act in certain situations’ (Franks et al., 2018, p. 5).

A **human rights-based approach (HBRA)** recognises that unequal power relations and social exclusion deny people their human rights and often keep them in poverty. A human rights focus helps understand the position of women or ethnic minorities and the barriers that prevent them from gaining more power. The **key objective** of a HBRA is to support right-holders in claiming their rights and state actors as duty-bearers in fulfilling their human rights obligations, based on the recognition of human rights principles, such as non-discrimination and equality, participation and empowerment, and transparency and accountability (see Figure 1). Important elements of a HBRA are (1) capacity development of right-holders to claim their rights and duty-bearers to fulfil their obligations; (2) systematic orientation towards and reference to human rights and reference documents, including human rights education and awareness raising related to the specific sector or area of work; (3) adherence to and promotion of human rights principles: non-discrimination and equality of opportunity, participation and empowerment, and transparency and accountability (GIZ, 2014).

→ Climate justice and climate change adaptation

Going beyond a rights-based approach, with its focus on human rights principles and procedures, climate justice serves as a lens for examining climate change as a social, ethical and legal issue and not only an environmental one. Climate justice thus covers topics such as equality, human rights, collective rights, intergenerational justice and the historical responsibilities for climate change due to carbon emissions (Aliozi, 2021).

The **IPCC Sixth Assessment Report of Working Group II**, in its Summary for Policy Makers, offers the following definitions:

- > **Justice** ‘is concerned with setting out the moral or legal principles of fairness and equity in the way people are treated, often based on the ethics and values of society’.
- > **Social justice** ‘comprises just or fair relations within society that seek to address the distribution of wealth, access to resources, opportunity and support according to principles of justice and fairness’.
- > **Climate justice** ‘comprises justice that links development and human rights to achieve a rights-based approach to addressing climate change’ (IPCC, 2022, p. 35).

IPCC highlights the role of climate justice as an enabling factor and precondition for successful adaptation processes and projects. The report stresses the importance of **equity and justice** for:

- > **Inclusive governance** in adaptation planning and implementation, because this leads to more effective and sustainable adaptation outcomes
- > **Integrated and inclusive system-oriented solutions**, because they reduce risks and enable climate-resilient development

IPCC highlights that climate justice principles are recognised internationally as essential aspects of climate change adaptation. The question it does not address, however, is **how to ensure that climate justice is taken into consideration in the design and implementation of adaptation projects**.

The IPCC report also distinguishes between distributional, procedural and recognition justice. These categories can be found in the scientific literature, which defines as follows the **three dimensions of environmental justice** that form the framework of **climate justice** (Kaufman et al., 2021):

- > **Recognition justice** is about recognising social differences. Often, women, IPs, deprived households, youth and elderly people are not seen as stakeholders possessing valuable knowledge and rights that need to be respected. They lack access to or are deprived of information, do not understand the information and potential consequences of decisions, and cannot participate in decisions due to external barriers (economic situation, language barriers and social status).
- > **Procedural justice** is about fairness in decision-making. The availability of information to all participants is a precondition for procedural justice, as this helps ensure transparency, effective participation and informed consent. In this context, participation depends on the extent to which different opinions, suggestions and concerns are considered in decision-making. Additionally, conflicting interests are to be solved by independent grievance mechanisms, which ensure that all stakeholders have access to legal and transparent procedures and mechanisms.
- > **Distributive justice** describes fair allocation of the burdens and benefits of environmental approaches (e.g., EbA) that need to be considered. Burdens and benefits in the provision and use of ecosystem services can vary spatially (e.g., upstream versus downstream, coast and hinterland or rural versus urban), socially and economically (e.g., men versus women, farmers versus urban settlers or rich versus poor) as well as temporally (older versus younger generations). These factors need to be considered in decision-making (see procedural justice) and addressed (e.g., through compensation mechanisms).

2.2.3 Defining justice-based EbA

In its 2022 definition of justice-based EbA, the GIZ Global Project highlighted that it should follow the view of IPCC and build on the recognition and implementation of human rights principles and procedures. Such an approach can support equitable, transparent and fair outcomes for all stakeholders. All three justice dimensions – recognition justice, procedural justice and distributive justice – need to be considered in EbA. According to this definition, **justice-based EbA**:

- > *'Accounts for the specific rights of people of all genders, cultures, classes and ages, including Indigenous Peoples and traditional communities, as part of international and national human rights'*
- > *'Is based on approaches that are non-discriminatory, transparent, accountable, meaningfully participatory and inclusive in their design and execution'*
- > *'Ensures equitable and fair climate change legislation, policies, action plans and projects'* (GIZ, 2022a).

This definition, which was **endorsed by the Friends of EbA (FEBA) network**, should guide the planning and implementation of EbA projects that follow a justice-based approach.



3. The international context

The international context can enable or hinder the implementation of justice-based EbA on the ground. Particularly important are the international conventions and other frameworks as well as the safeguard systems that international funding institutions have put in place. This chapter presents a non-exhaustive overview of key documents.

3.1 International declarations and frameworks

Because climate justice in EbA functions at the intersection of climate change, biodiversity and human rights, it is influenced by international conventions and declarations in all three of these fields, which are listed below according to their relevance for justice-based EbA.

3.1.1 Convention on Biological Diversity (CBD)

The CBD process focuses on Indigenous and traditional knowledge in biodiversity conservation. It has a long history of aiming to base natural resource management on this knowledge and to actively involve Indigenous and local communities in the development of biodiversity conservation projects.

→ Malawi Principles for the Ecosystem Approach

The 12 Malawi Principles, developed in 1998, assert that ecosystem management is a societal choice and presents dilemmas involving the different objectives of stakeholders within an area (e.g., LCs and central authorities), at a spatial level (between a managed area and outside areas), and in temporal terms (between current and future gains). Ecosystem management thus needs to include all forms of relevant information, including Indigenous and local knowledge (CBD, 1998).

→ Fifth CBD COP Decision V/6 2000

The COP decision on **ecosystem approaches and principles** in 2000 stresses the importance of an ecosystem approach for activities within the Convention's thematic areas. The decision lays out the **principles of the ecosystem approach**, listed as follows, which form the basis for enhancing justice within the CBD:

- > Focus on the functional relationships and processes within ecosystems.
- > Enhance benefit sharing.
- > Use adaptive management practices.
- > Carry out management actions at the scale appropriate for the issue being addressed, with decentralisation to the lowest level, as appropriate.
- > Ensure intersectoral cooperation.

The decision also encourages countries to promote regional cooperation in applying an ecosystem approach across national borders (CBD, 2000).

→ Nagoya Protocol (2010) on Access and Benefit Sharing

The Nagoya Protocol is an international treaty that builds on and supports implementation of the CBD. It regulates the **governance of biodiversity** through fair and equitable sharing of benefits arising from the utilisation of genetic resources. The Nagoya Protocol addresses **IPs and LCs rights** in several ways:

- > It combines the **recognition of traditional knowledge** concerning genetic resources with **provisions on access, benefit sharing and compliance**. It also acknowledges that Indigenous and local communities have the established right to grant access to genetic resources.
- > Access and benefit sharing require these communities' **prior informed consent** together with fair and equitable benefit sharing, taking into account customary laws and procedures as well as customary use and exchange of genetic resources.
- > A specific tool used to promote and protect traditional knowledge involves the development of **community protocols** as minimum requirements for **mutually agreed terms and model contractual clauses** concerning access to traditional knowledge associated with genetic resources and benefit sharing (CBD, 2011).

→ National Biodiversity Strategy and Action Plan (NBSAP)

A NBSAP or equivalent instrument is mandatory to ensure conservation of biodiversity and the sustainable use of related resources. The CBD does not set out a rigid form or manner in which countries must develop their NBSAPs. An analysis made by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2022 shows that countries have used *'a diversity of forms and methodologies according to their national circumstances. Although they may vary in form, all NBSAPs are required to be developed through an in-country consultative process, and contain the vision, mission, principles, objectives, action areas, priorities, policies and projects of the Party geared towards fulfilment of the Convention's objectives'*. The CBD Secretariat provides training and guidance to foster a participatory approach, but there are no strict rules that integrate a human rights-based approach into development of the NBSAP (OHCHR, 2022, p. 19).

→ Global Biodiversity Framework (GBF)

The Post-2020 Global Biodiversity Framework, which was adopted at COP 15 in December 2022, strongly emphasises justice issues, containing the following passages on principles and approaches that should guide implementation (CBD, 2022):

Preamble:

4. *'To implement the Kunming-Montreal Global Biodiversity Framework, and, in particular, to enable participation at all levels of government, with a view to fostering the full and effective contributions of women, youth, indigenous peoples and local communities, civil society organisations, the private and financial sectors, and stakeholders from all other sectors.'*
6. *'Parties and other Governments will ensure that the rights of indigenous peoples and local communities are respected and given effect to in the implementation of the Kunming-Montreal Global Biodiversity Framework.'*

Section C on the consideration for implementation:

8. *'The framework acknowledges the important roles and contributions of indigenous peoples and local communities as custodians of biodiversity and partners in its conservation, restoration and sustainable use. The framework's implementation must ensure that the rights, knowledge, including traditional knowledge associated with biodiversity, innovations, worldviews, values and practices of indigenous peoples and local communities are respected, documented, and preserved with their free, prior and informed consent, including through their full and effective participation in decision-making, in accordance with relevant national legislation, international instruments, including the United Nations Declaration on the Rights of indigenous peoples, and human rights law. In this regard, nothing in this framework may be construed as diminishing or extinguishing the rights that indigenous peoples currently have or may acquire in the future.'*

22. *'Implementation of the framework requires transformative, innovative and transdisciplinary education, formal and informal, at all levels, including science-policy interface studies and lifelong learning processes, recognizing diverse world views, values and knowledge systems of indigenous peoples and local communities.'*

The framework also has specific **targets** that refer to justice aspects:

- > **Target 1:** *'Ensure that all areas are under participatory, integrated and biodiversity inclusive spatial planning and/or effective management processes addressing land and sea use change, to bring the loss of areas of high biodiversity importance, including ecosystems of high ecological integrity, close to zero by 2030, while respecting the rights of indigenous peoples and local communities.'*
- > **Target 19 on financial resources:** (f) *'Enhancing the role of collective actions, including by indigenous peoples and local communities, Mother Earth centric actions and non-market-based approaches including community based natural resource management and civil society cooperation and solidarity aimed at the conservation of biodiversity.'*
(g) *'Enhancing the effectiveness, efficiency and transparency of resource provision and use.'*
- > **Target 21:** *'Ensure that the best available data, information and knowledge are accessible to decision makers, practitioners and the public to guide effective and equitable governance, integrated and participatory management of biodiversity, and to strengthen communication, awareness-raising, education, monitoring, research and knowledge management and, also in this context, traditional knowledge, innovations, practices and technologies of indigenous peoples and local communities should only be accessed with their free, prior and informed consent, in accordance with national legislation.'*
- > **Target 22:** *'Ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by indigenous peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by women and girls, children and youth, and persons with disabilities and ensure the full protection of environmental human rights defenders.'*

> **Target 23:** *‘Ensure gender equality in the implementation of the framework through a gender-responsive approach where all women and girls have equal opportunity and capacity to contribute to the three objectives of the Convention, including by recognizing their equal rights and access to land and natural resources and their full, equitable, meaningful and informed participation and leadership at all levels of action, engagement, policy and decision-making related to biodiversity’.*

→ **Monitoring framework for the GBF**

The CBD is also developing global indicators to monitor implementation of the GBF. This includes indicators for target 1, which addresses land. There are three types of indicators:

- > **Headline indicators** to capture the overall scope of the goals and targets of the post-2020 GBF. These indicators can be used for tracking progress at the national as well as regional and global levels.
- > **Component indicators** for monitoring each component of each goal and target of the post-2020 GBF at the national level as well as for tracking regional and global progress.
- > **Complementary indicators** for thematic or in-depth analysis of each goal and target. These highly specific indicators are less relevant for the majority of countries that have significant methodological or data collection gaps.

An **open-ended working group** is working on the different indicators, including the target 1 indicator on land (CBD, 2021).

→ **Voluntary guidelines for ecosystem-based approaches to climate change adaptation and disaster risk reduction (DRR)**

These guidelines are based on principles intended to integrate elements of EbA and Eco-DRR practice and to serve as high-level standards for the guidance of planning and implementation. The guidelines are divided according to several themes, such as building resilience and enhancing adaptive capacity, inclusivity and equity, consideration of multiple scales, and effectiveness and efficiency. Safeguards are defined as *‘social and environmental measures to avoid unintended consequences of EbA and Eco-DRR to people, ecosystems and biodiversity’* (CBD, 2019, p. 43). The safeguards also facilitate transparency throughout all stages of planning and implementation and promote the realisation of benefits. The first safeguard considers the importance of environmental and social impact assessments and states that EbA and Eco-DRR should be based on environmental impact assessments (including social and cultural assessments) conducted at the earliest stage of project design with robust monitoring and evaluation systems (CBD, 2019).

3.1.2 United Nations Framework Convention on Climate Change (UNFCCC)

In the international climate change negotiations, the international framework provides weaker protection for the rights of IPs and LCs. These are recognised in general as well as under Article 7 on climate change adaptation and in related work streams, but the recognition and inclusion of LCs and IPs are still a subject of ongoing discussion.

→ **Paris Agreement:**

In the 2015 Paris Agreement, the **preamble** sets out a framework with references to human rights and explicitly mentions IPs and LCs as actors to be included in climate action. In the agreement, the parties to the UNFCCC acknowledge that since *‘climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of Indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity’* (UNFCCC, 2015, p. 1).

Article 7 on adaptation emphasises that adaptation should be based on a participatory approach and on the traditional knowledge of IPs and LCs. Article 7.5 calls for parties to *‘acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate’* (UNFCCC, 2015, p. 6).

→ **National climate policies: Nationally Determined Contributions (NDCs) and National Adaptation Plans (NAPs)**

For the **NDCs**, there are no technical guidelines with specific requirements for countries. Recent analysis of NDCs finds some references to IPs and LCs.

- > On the **process of elaborating the NDCs**, an analysis conducted by the UNFCCC concludes that there are often formal arrangements for consulting various stakeholders, including the general public, LCs, IPs, private entities, business and trade associations, CSOs, youth associations, women’s associations, regional development partners, academia and research communities. Governments state that these consultation and engagement processes are conducted in an inclusive and participatory manner (UNFCCC, 2021). This picture is confirmed by an analysis of the role of

IPs and LCs in five NDCs from Latin America. This analysis found some form of consultation with or involvement of IPs and LCs during the NDC processes, though the extent and effectiveness of this participation is unclear (Forest Declaration, 2022).

- > To a lesser degree, NDCs mention **the specific role of IPs and LCs** and indicate how they should be strengthened through the planned activities. Some countries describe the role of IPs and LCs in the context of their NDCs, including the situation and consideration of the rights of IPs at the national level, such as legal and consultative arrangements for protecting their rights. The NDCs focus more widely on the particular vulnerabilities of IPs relating to their intrinsic relationship with forests and ecosystems as well as incidence of poverty. Some NDCs also highlight the benefits of drawing on Indigenous knowledge, particularly for adaptation, as well as the importance of combining traditional and modern practices. Some NDCs further aim to benefit IPs by, for example, enhancing access to finance and technology, building capacity for leadership and negotiations, generating payments for ecosystem services and providing development opportunities (UNFCCC, 2021).

NAP technical guidelines give some general recommendations on LCs:

- > NAPs should be based on and guided by the best available science as well as **traditional and Indigenous knowledge**, where appropriate, and should also apply gender-sensitive approaches.
- > Implementation strategies should take into account the need to protect and **preserve cultural values and systems** through the conservation of Indigenous species as well as the preservation of cultural heritage sites.
- > **LCs** should be included amongst the stakeholders involved in elaborating NAPs (though no reference is made to IPs).

→ **Global Goal on Adaptation (GGA)**

Under the Paris Agreement, the GGA aims for increased effort to enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change. In 2021, the COP held in Glasgow launched a 2-year Glasgow–Sharm el-Sheikh work programme on the GGA. Its progress is meant to be assessed under the Paris Agreement’s Global Stocktake in 2023 (UNFCCC, n.d.a).

→ **Local communities and Indigenous Peoples’ Platform**

In 2017, the UNFCCC created a local communities and Indigenous Peoples’ Platform for knowledge exchange, capacity building and enhancing the ‘integration of diverse knowledge systems, practices and innovations in designing and implementing international and national actions,

programmes and policies in a manner that respects and promotes the rights and interests of local communities and indigenous peoples’ (UNFCCC, n.d.b). Based on the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the preamble of the Paris Agreement, the platform organises dialogue events, and presents good practices and case studies for successful participation of IPs and LCs (UNFCCC, n.d.b).

3.1.3 United Nations Convention to Combat Desertification (UNCCD)

The United Nations Convention to Combat Desertification (UNCCD) contains several articles that refer to LCs and their participation:

- > Article 3: ‘*Decisions on the design and implementation of programmes to combat desertification and/or mitigate the effects of drought are taken with the participation of populations and local communities and an enabling environment is created at higher levels to facilitate action at national and local levels.*’
- > Article 5(d): ‘*Promotion of awareness and facilitation of the participation of local populations, particularly women and youth, with the support of nongovernmental organisations, in efforts to combat desertification and mitigate the effects of drought.*’
- > Article 10: ‘*National action programmes should specify the respective roles of government, local communities and land users and the resources available and needed.*’
- > Article 10(e): ‘*Promotion of policies and strengthening of institutional frameworks which develop cooperation and coordination between the donor community, governments at all levels, local populations and community groups, and facilitation of access by local populations to information and technology.*’
- > Article 10(f): ‘*Providing for effective participation at the local, national and regional levels of non-governmental organisations and local populations, both women and men, particularly resource users, including farmers and pastoralists and their representative organisations, in policy planning, decision-making, and implementation and review of national action programmes.*’
- > Article 19: ‘*Capacity building, education and public awareness through the full participation at all levels of local people, particularly at the local level, especially women and youth, with the cooperation of non-governmental and local organisations.*’ (UNCCD, 1994).

To ensure that the Convention is implemented effectively, parties to the UNCCD have the obligation of elaborating NAPs to combat desertification and mitigate the effects of drought. These plans should be based on the participation of affected populations and LCs. They should also be supported by organs, funds and programmes of the United Nations system together with other relevant intergovernmental organisations, academic institutions, the scientific community and NGOs (Articles 9 and 10). All countries are required to submit reports to the COP and Committee for the Review of the Implementation of the Convention on the measures they have taken to implement the UNCCD (Article 26) (UNCCD, 1994).

→ Strategic frameworks

A 10-year strategic plan and framework was launched for the years **2008–2018** to enhance implementation of the UNCCD; it includes reference to local knowledge in its **outcome 3 on science, technology and knowledge sharing**. Outcome 3.5 covers ‘effective knowledge-sharing systems, including traditional knowledge’, which should be made available at the global, regional, subregional and national levels to support policymakers and end users. This support should include the identification and sharing of best practices and success stories (UNCCD, 2008a). The Secretariat also published a report with the UN Special Rapporteur on the Right to Food on how to integrate a human rights-based approach into UNCCD implementation, including the strategic plan (UNCCD, 2008b).

In 2017, parties agreed on a new **strategic framework for 2018–2030**. Its strategic objective 3 is to mitigate, adapt to and manage the effects of drought, thus enhancing **resilience of vulnerable populations and ecosystems**. The preamble stresses the importance of gender equality for sustainable development and the need to enhance women’s participation in decision-making but makes no reference to human rights, IPs or the inclusion of local and traditional knowledge (UNCCD, 2017).

→ Land Degradation Neutrality Initiative

The Land Degradation Neutrality Initiative, launched by the G20 in 2020, refers specifically to the promotion of **integrated, sustainable and resilient land and landscape management**. This involves the use of EbA and NbS approaches, and the empowerment of IPs and LCs (including women, youth and smallholders) in land management. Furthermore, to maintain and enhance ecosystem functionality, the initiative calls for secure land tenure as well as property and land-use rights in accordance with national legislation together with support for sustainable land and water management policies and sustainable agricultural practices, including traditional practices. The UNCCD refers explicitly to the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) developed by the Food and Agriculture Organization of the United Nations (FAO) for implementation of the target (UNCCD, n.d.).

3.1.4 United Nations human rights treaties

The Human Rights system of the United Nations provides the basis for enhancing the rights of IPs and LCs in the context of EbA. International treaties and organisations refer to the rights of marginalised populations, Indigenous groups and women to be more involved in the design of climate change adaptation and disaster risk management policies and projects. To this end, the organisations demand that these groups be given access to information and empowered to use it accordingly. Furthermore, the organisations emphasise the rights of IPs and LCs to use ancestral lands and natural resources and to decide on their use.

→ Human rights conventions and declarations

International Covenant on Civil and Political Rights (ICCPR)

The Human Rights Committee stresses the vulnerability of certain groups in the document ‘Concluding Observations on Cabo Verde’. It notes that the development of all projects concerning sustainable development and resilience to climate change should include the meaningful and informed participation of all populations (para. 18) (Reeh, 2021; OHCHR, 2015).

International Covenant on Economic, Social and Cultural Rights (ICESCR)

The UN Committee on Economic, Social and Cultural Rights (CESCR) in its [General Comment No. 25](#) stresses the ‘right to enjoy the benefits of scientific progress and its applications’. This comment underlines the need for states to ‘ensure that people have access to basic education and skills necessary for the comprehension and application of scientific knowledge’ and to ‘promote accurate scientific information’ (CIEL & GI-ESCR, 2022a, p. 4; CESCR, 2020).

In its draft [General Comment No. 26](#), published in 2021, the CESCR also mentions the nexus between land and climate change, including climate change impacts on access to land, and refers to the extraterritorial obligations of states for impacts caused in the context of climate and energy policies (CIEL & GI-ESCR, 2022a; CESCR, 2021).

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

The UNDRIP affirms that ‘Indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such’ (UN, 2007, p. 2). The declaration contains 46 articles defining the rights of IPs. Article 41 refers specifically to development cooperation, which must follow the declaration and ensure the participation of IPs on issues that affect them by establishing specific procedures for free, prior and informed consent or FPIC (UN, 2007).

United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

The UN Declaration on the Rights of Peasants, adopted in 2018, recognises that the vulnerability of peasants and rural workers results mainly from their reliance on and special connection to land that other groups do not have. Hence the need for an acknowledged right to that land to protect peasants and rural workers from loss of access and the consequent loss of their livelihoods, leaving them vulnerable to abuses of their other human rights. Article 17 on **the right to land and other natural resources** cites ‘expropriation of land, forced evictions and displacements’ as some of the main reasons for the vulnerability of peasants and other rural workers and for discrimination against them. This article also underlines the need for national governments to address land tenure systems and agrarian reforms. It is one of the most controversial articles in this declaration, raising the question of whether it applies only to IPs. Yet, the article aims to expand the rights currently granted for IPs to peasants and other rural workers (UN, 2018).

Resolution on the human right to a clean and healthy environment

The resolution adopted by the Human Rights Council (HRC) in 2021 confirms that the right to a clean, healthy and sustainable environment is a human right and is important for the functioning of other human rights. These include the right to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to housing, to safe drinking water and sanitation, and to participation in cultural life, for present and future generations. The resolution refers specifically to the inclusion of LCs in the implementation of human rights (HRC, 2021).

169 International Labour Organisation (ILO) Convention

The ILO Convention No. 169 on the Protection of the Rights of Indigenous Peoples guarantees IPs the right to preserve their cultural identity and to **participate in national decision-making processes as well as to land and resources** (ILO, 1989).

→ Human rights committees

Committee on the Elimination of Discrimination against Women (CEDAW)

The committee focuses on the **participation of women** in climate and disaster risk reduction processes, programmes and policymaking. This recalls the gender-related dimensions of disaster risk reduction in the context of climate change, as elaborated in CEDAW’s General Recommendation No. 37 (CIEL & GI-ESCR, 2022a; CEDAW, 2018).

Committee on the Elimination of Racial Discrimination (CERD)

The committee affirms in its General Recommendation No. 23 on the Rights of Indigenous Peoples the ‘rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources’. This recommendation also highlights the obligation of states to ‘take steps to return those lands and territories where [indigenous peoples] have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent’ (CIEL & GI-ESCR, 2022a; CERD, 1997).

The committee addressed climate change explicitly for the first time in 2019, when it adopted two climate-related recommendations to the governments of El Salvador and Mexico. Highlighting the impact of climate change on IPs’ rights and lands, the committee recommended steps to ensure their **participation** in climate policymaking (CIEL & GI-ESCR, 2022a).

→ Special rapporteurs:

Within the UN system, two special rapporteurs (i.e., independent human rights experts) have been appointed to report or advise on human rights in relation to thematic or country-specific topics, including issues linked to climate justice.

- > **The report of the Special Rapporteur on the Rights of Indigenous Peoples**, prepared in 2017, focuses on climate change and climate finance. The report covers the rights affected by climate change and related policies, such as self-determination; the right to development; FPIC and the right to participation; land rights; the rights to health, food, water and an adequate standard of living; and cultural rights. The report also provides recommendations both for national states as well as international funds and donors on how to enhance the rights of communities in climate finance. States should, amongst other measures, include IPs in planning, comply with the principles of FPIC, enhance Indigenous governance structures and provide capacity building. Donors and funds should, amongst other steps, implement safeguards, make funding accessible to IPs and improve monitoring as well as access to grievance mechanisms (HRC, 2017).
- > The position of the **Special Rapporteur on Climate Change** was created in 2021, with a mandate to (a) ‘*identify existing challenges in efforts to promote and protect human rights while addressing the adverse effects of climate change*’, (b) ‘*synthesize knowledge, including indigenous and local traditional knowledge, and identify good practices, strategies and policies that address how human rights are integrated into climate change policies and how these efforts contribute to the promotion and protection of all human rights and poverty alleviation*’, and (c) ‘*promote and exchange views on*

lessons learned and best practices on human rights-based, gender-responsive, age-sensitive, disability-inclusive and risk-informed approaches to climate change adaptation and mitigation policies' (OHCHR, n.d.).

3.1.5 Other international frameworks

Other international frameworks described below are also relevant to climate justice in EbA.

→ United Nations Economic Commission for Europe (UNECE) Aarhus Convention

The UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), signed in 1998, includes several relevant provisions. The public needs to be aware of the procedures for participation in environmental decision-making, have free access to them and know how to use them. The convention further stresses the roles that individual citizens, NGOs and the private sector can play in environmental protection. It also promotes environmental education to enhance understanding of the environment and sustainable development, and to encourage public participation in relevant decisions. Finally, to help protect the right of every person to a healthy environment, the convention requires national governments to guarantee the rights of access to information, public participation in decision-making and access to justice in environmental matters (UNECE, 1998).

→ FAO Voluntary Guidelines on the Responsible Governance of Tenure (VGGT)

The VGGT is one of the few international documents that expressly mentions the linkages of land tenure rights to climate change (Section 23), natural disasters (Section 24) and conflict (Section 25) (FAO, 2022). The provisions on climate change include the following, amongst others:

- > **Section 23.1:** *'States should ensure that the legitimate tenure rights to land, fisheries and forests of all individuals, communities or peoples likely to be affected, with an emphasis on farmers, small-scale food producers, and vulnerable and marginalised people, are respected and protected by laws, policies, strategies and actions with the aim to prevent and respond to the effects of climate change consistent with their respective obligations, as applicable, in terms of relevant climate change framework agreements'.*
- > **23.3:** *'States should facilitate the participation, consistent with the principles of consultation and participation of these Guidelines, of all individuals, communities or peoples, with an emphasis on farmers, small-scale food producers, and vulnerable and marginalised people, who hold legitimate tenure rights, in the negotiations and implementation of mitigation and adaptation programmes'.*

3.1.6 Regional frameworks

Described below is one example of various regional frameworks related to justice issues (e.g., on the right to information).

→ United Nations Economic Commission for Latin America and the Caribbean (UN-ECLAC) Escazú Agreement

This agreement is an international treaty signed in 2018 by 25 Latin American and Caribbean nations concerning rights of access to information about the environment, public participation in environmental decision-making, environmental justice, and a healthy and sustainable environment for current and future generations (CEPAL, n.d.).

3.2 Existing standards and quality criteria

Different organisations have formulated standards for NbS in general and EbA in particular. These standards also include the justice aspects highlighted below.

3.2.1 IUCN Global Standard for NbS

The Global Standard lays out several **principles**, including that NbS 'are determined by site-specific natural and cultural contexts that include traditional local and scientific knowledge' (principle iii) and 'produce societal benefits in a fair and equitable way in a manner that promotes transparency and broad participation' (principle iv). The Global Standard also provides **criteria**, such as, 'NbS are based on inclusive, transparent and empowering governance processes', including grievance resolution mechanisms, participation and involvement of affected stakeholders, amongst others. The main criteria focus on a **rights-based approach aimed at empowering LCs** rather than 'only' avoiding and compensating for adverse social and environmental effects (IUCN, 2016a; IUCN, 2020).

3.2.2 Standards and quality criteria for EbA

FEBA has defined qualification criteria and quality standards for the design, implementation and evaluation of EbA measures (Bertram et al., 2017). On this basis, **FEBA** has elaborated quality criteria for EbA, including criterion no. 5, 'Supports equitable governance and enhances capacities' (e.g., consideration of gender balance and empowerment as well as the status of Indigenous and local knowledge and institutions).

South Africa provides a national-level example of EbA guidelines, which were developed by the country's Department of Forestry, Fisheries and the Environment or DFFE (formerly the Department for Environmental Affairs or DEA) and the South African National Biodiversity Institute (SANBI). These guidelines aim to prevent and mitigate negative outcomes that may result from inappropriate EbA implementation. There are 11 **safeguards**, of which the following are most relevant to climate justice: Projects need to (5) promote fair and equitable access to benefits, (6) promote active participation of LCs, (7) respect the rights of LCs, (10) promote transparent governance, and (11) consider appropriate Indigenous and local knowledge, where available, in addition to robust science (DEA and SANBI, 2017).

3.3 Safeguards of international funds, bilateral donors and implementing organisations

Safeguards may be defined as 'social and environmental measures to avoid unintended consequences of EbA and Eco-DRR to people, ecosystems and biodiversity' (CBD, 2019, p. 43). Safeguards play an important role in ensuring that projects funded by international and national donors and funds adhere to the policies and regulations of different institutions. This section summarises the safeguard systems of the main international climate and biodiversity funds, and gives examples from multilateral development banks, bilateral donors and implementing organisations.

3.3.1 International climate funds

→ Global Environment Facility (GEF)

The GEF Policy on Environmental and Social Safeguards (ESS) sets out these minimum requirements, amongst others:

- > **Restrictions on land use and involuntary resettlements:** Where '*viable and feasible alternatives do not exist*', projects should minimise, manage or compensate for negative impacts from restrictions on land use and involuntary resettlement. This should happen through '*meaningful consultations*', giving particular attention to any '*disadvantaged or vulnerable individuals or groups*' affected (GEF, 2019a, p. 21).
- > **IPs:** Agencies should develop the '*necessary policies, procedures, systems and capabilities to ensure that the Free, Prior and Informed Consent (FPIC)*' is adhered to in case of relocation or impacts on land or cultural heritage (GEF, 2019a, p. 23).

- > **Cultural heritage:** This includes consultation with qualified experts, local people and other stakeholders (GEF, 2019a, p. 25).

The GEF further relies on the World Bank as its trustee with regard to ESS. GEF has a **conflict resolution officer**, who plays a facilitating role in processing complaints filed for GEF-funded projects. Complaints may be submitted through a local or country-level dispute resolution system, a GEF partner agency or the GEF Resolution Commissioner. GEF also has policies on gender, stakeholder engagement and fiduciary standards, to which all projects must adhere (GEF, 2019a; GEF, 2019b).

→ Adaptation Fund (AF)

The AF initially elaborated its **Environmental and Social Policy (ESP)** in 2013 and updated it in 2016. Under **principles**, the policy states that all funded projects should enhance access and equity and 'shall avoid any disproportionate' negative impacts on marginalised and vulnerable groups. These include various social groups (women and girls, children, the elderly, people living with disabilities, and people living with HIV/AIDS) as well as IPs, tribal groups and displaced people or refugees. The policy also states that projects should promote gender equality and must adhere to international human rights treaties, in particular the UN Declaration on the Rights of Indigenous Peoples. The ESP further requires implementing agencies to establish a grievance mechanism for projects that should involve stakeholder consultations (whether these are pre-existing, national, local, or institution- or project-specific). In addition, the AF can be contacted for grievances¹. It also gives concrete guidance to implementing entities on ESS, emphasising the aspects to which they must pay particular attention (AF, 2016a, 2016b).

The Fund's **Gender Policy and Gender Action Plan** was updated in March 2021. It integrates key principles of the ESP, especially those on access and equity, on consideration of marginalised and vulnerable groups and on human rights. The plan considers gender equality and women's empowerment to be essential for achieving the AF's goal and indicates that this should be based on an intersectional analysis that addresses gender-related differences in vulnerability, including systemic barriers and root causes. The Gender Action Plan sets targets for the AF and aims to help it move beyond a focus only on gender safeguards and prevention of gendered harm to pro-active promotion of gender equality through adaptation. The plan formulates specific goals, measures and indicators for the AF's progress on gender (AF, 2021).

1 Grievances are complaints that can be filed to a donor or a fund in case that a project has caused or may potentially harm communities or individuals.

The AF also has procedures that allow for **external input in the review of project applications**. Through its [website](#), the AF publishes all projects under review and includes all documents elaborated by project applicants, with the aim of inviting and collecting public feedback from NGOs, local stakeholders and other communities. The AF Secretariat can spot potential impacts on LCs when reviewing project proposals and can request more information from accredited entities during revision of the proposals (AF, n.d.).

→ Green Climate Fund (GCF)

The GCF has the most elaborate ESS system of all the international funds. The ESS not only include safeguard measures to ‘do no harm’ but also aim to improve environmental and social outcomes, whilst generating accessible and inclusive co-benefits to the environment and communities (including women and girls as well as IPs) that depend on it. The ESS set out several key principles:

- > **IPs:** GCF-funded projects ‘will avoid’ negative impacts on IPs. Where this is not possible, the project must minimise or mitigate the impacts and/or compensate those affected ‘appropriately and equitably’. The GCF also expects projects to ‘respect and preserve indigenous culture’, including the ‘rights to lands, territories, resources, knowledge systems, and traditional livelihoods and practices’. Projects should support the ‘full and effective participation of indigenous peoples’, including women and girls, throughout the entire project cycle. In doing so, they should be guided by the rights and responsibilities set forth in UNDRIP, with particular emphasis on the right to FPIC as a requirement for projects working with IPs.
- > **Human rights:** GCF requires that projects be designed and implemented so as to ‘promote, protect and fulfil universal respect for, and observance of, human rights for all recognised by the United Nations’. This includes robust environmental and social due diligence to avoid or not increase human rights violations.

Each accredited entity is expected to **implement the ESS** according to its own ESS. As a result, these entities differ in how well they integrate and address justice issues beyond GCF guidelines. GCF gives special consideration to the risk of displacement, involuntary resettlement and IPs. Accredited entities also need to establish **grievance mechanisms for their projects**, in addition to GCF’s **Independent Redress Mechanism**². In 2022, GCF worked on revising the ESS. One weakness observed is the lack of clear procedures to implement and follow up on the ESS with accredited entities, especially in the private sector (GCF, 2019a; GCF, 2021).

The GCF **gender policy**, which was elaborated in 2016 and updated in 2019, aims to mainstream gender in all fund activities. The policy requires projects to conduct a gender and social assessment in the project development phase, examining the gender equality situation in the project area, relevant gender issues in the proposed project, and opportunities to bring about positive change for both women and men. On this basis, projects must submit a **gender and social inclusion plan** (GCF, 2019b).

The GCF also has a specific **Indigenous Peoples Policy (IPP)** for projects involving or affecting IPs. When this is the case, projects need to:

- > Develop and implement FPIC.
- > Respect and enhance the rights of IPs to their lands, territories and resources.
- > Recognise key international human rights and principles, such as the UNDRIP, ILO Convention No. 169, ICESCR, and ICERD.
- > Respect and recognise traditional knowledge and livelihood systems.
- > Facilitate access to GCF resources for IPs.
- > Respect systems of self-governance (GCF, 2019c).

3.3.2 Multilateral development banks and donors

→ World Bank

The World Bank’s **Environmental and Social Framework (ESF)**, created in 2017, aims to advance the Bank’s mission of poverty reduction and sustainable development by ensuring that project development fully respects the dignity, human rights, economies and cultures of ‘Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities’. For all projects that are proposed for Bank financing and affect IPs, the Bank requires borrowers to engage in a FPIC process with affected communities. In general, projects should promote development benefits and opportunities for these groups in an ‘accessible, culturally appropriate and inclusive’ manner. And when potential adverse effects are identified, projects are to avoid, minimise, mitigate or compensate for these. Involuntary resettlement should be avoided, where feasible, or minimised, based on an exploration of all viable alternative project designs. Displaced persons should receive assistance to improve their livelihoods and standards of living or at least restore them, in real terms, to pre-displacement levels or to levels prevailing prior to project implementation, whichever

2 A redress mechanism provides a formalised way for a donor or fund to receive, assess and resolve feedback, grievances or complaints from communities or individuals.

is higher. The ESF lays out different procedures to implement the framework. This can include a regional or sectoral Environmental and Social Management Framework (ESMF), an Indigenous Peoples plan or other action plans (World Bank, 2017).

→ **Caribbean Biodiversity Fund (CBF)**

The Caribbean Biodiversity Fund (CBF) has an ESS policy with a clear commitment to human rights, precautionary principles to avoid risks for IPs and LCs as well as to ecosystems. An exclusion list prevents funding of activities that bring high risks (CBF, n.d.).

→ **International Climate Initiative (IKI)**

The German donor IKI has elaborated a **safeguards system** that must be applied from 2022 onwards. **Core elements of the safeguards system are:**

- > **Safeguards standards:** These are the environmental and social standards that projects must meet. The IKI applies the ESS standards of the GCF, which currently uses the [IFC Performance Standards on Environmental and Social Sustainability](#).
- > **Safeguards policy:** This document sets out principles and procedures to ensure environmental and social standards.
- > **Exclusion criteria:** These include a variety of activities not funded by the IKI, as they are either too risky to ensure compliance with environmental and social standards or are not ethically justifiable.
- > **Complaint mechanism:** The [IKI Independent Complaint Mechanism](#), which provides for external monitoring, enables persons adversely affected by project activities to report any breach of environmental and social standards (IKI, n.d.).

3.3.3 Implementing agencies and institutions

Implementation agencies have also started to introduce and strengthen their safeguards systems over the years. Included below are the larger organisations and INGOs that implement EbA projects.

→ **United Nations Development Programme (UNDP)**

UNDP's **Social and Environmental Standards** were updated in 2019 (coming into force in 2021) to include these and other changes:

- > **Cultural heritage:** Stronger provisions for community participation, confidentiality and restricted access as well as for the use of cultural heritage together with new provisions for additional measures dealing with various types of cultural heritage
- > **Displacement and resettlement:** Added emphasis on ensuring that any resettlement activities provide sufficient resources to improve livelihoods, added exceptions where the standards do not apply, and stronger provisions for assessment as well as monitoring and completion
- > **IPs:** Stronger provisions for engagement, assessment, appropriate benefits and IPs plans (UNDP, 2019, p. 3).

→ **United Nations Environment Programme (UNEP)**

UNEP's **Environmental and Social Sustainability Framework (ESSF)**, created in 2020, is comprehensive, containing standards with concrete requirements for ecosystems, biodiversity and natural resource management (standard 1); displacement and involuntary resettlement (standard 6); and IPs (standard 7). The framework also includes criteria for identifying and engaging meaningfully with stakeholders and for information access (UNEP, 2020).

→ **Gesellschaft für Internationale Zusammenarbeit (GIZ)**

GIZ has elaborated several guidelines and safeguards systems over the years:

- > The **safeguards and gender** management system ensures that GIZ projects are environmentally and socially sustainable. GIZ focuses on several key questions: What effects will a project have on the environment and the climate? Will climate change influence a project and its objectives? How will the project affect the **human rights situation**? What role do **conflicts and violence** play in the implementation of the project? Is there any **gender-specific discrimination**, and how can it be ruled out as much as possible in project implementation (GIZ, n.d.a)?

- > A **peace and conflict analysis** examines the causes and consequences of conflicts. When working in fragile situations, it is important to avoid potential unintended consequences. For this purpose, GIZ uses a range of conflict-sensitive methods and approaches, relying particularly on the ‘do no harm’ principle and conflict-sensitive monitoring of results. This method also helps focus on the potential for peaceful development with fair opportunities for all (GIZ, n.d.b).
- > GIZ has also elaborated a **guiding framework for human rights in biodiversity conservation**, which sets standards for the design and implementation of GIZ projects and programmes. The framework sets out seven principles: participation of LCs (particularly marginalised groups like women), participation of IPs, adequate standard of living, strengthening and protecting civil society, accountability, preventing unintended negative impacts from security personnel (e.g., rangers), and carefully assessing the impact of interventions. The principle on adequate standard of living refers to issues such as biodiversity and livelihood resources, traditional land and resource rights, and resettlement as well as equitable benefit sharing in accordance with the Nagoya Protocol (GIZ, 2020).

→ **International Union for the Conservation of Nature (IUCN)**

IUCN’s **Environmental and Social Management System (ESMS)**, updated in 2016, includes a comprehensive set of materials:

1. An ESMS manual, which describes the ESMS policy framework (including ESMS principles), institutional and operational arrangements for ESMS, and ESMS review procedures during the project cycle (2016)
2. Four ESMS standards: on IPs (updated in 2019), biodiversity, cultural heritage, and involuntary resettlement and access restriction (2016)
3. Many guidance notes with specific and detailed instructions on how to address selected topics
4. Templates for forms and checklists to implement safeguarding processes

In addition, IUCN’s **ESMS has a grievance mechanism** for cases in which IUCN projects fail to respect ESMS principles, standards and procedures. For this purpose, there is a guidance note, complaint form template and guidance on the signage template (IUCN, 2016b).

→ **World Wide Fund for Nature (WWF)**

WWF adopted an **Environmental and Social Safeguards Framework (ESSF)** in 2019 to ensure that its various national offices apply safeguards in a consistent and comprehensive manner. The ESSF defines the different phases of the project management cycle in which safeguards need to be integrated: (1) in defining projects/programmes through social safeguards; (2) in project design through ESSF screening and approval; (3) in project/programme analysis or adaptation through regular review, monitoring and disclosure; and (4) in sharing through disclosure on public sites. The ESSF also defines the division of roles and responsibilities between the WWF International Safeguards Unit, the regional and national WWF offices, and an ombudsperson leading the independent monitoring and review.

The ESSF has different sets of standards:

- > Category one, which needs to be part of all projects, consists of standards on environmental and social risk management, consultation and disclosure, stakeholder engagement and grievance mechanisms.
- > Category two covers specific risks that typically occur in WWF projects. These are access restriction and resettlement, Indigenous People, community health and security, and protection of natural habitats.
- > Category three covers specific risks that rarely occur in WWF projects. These are pest management as well as physical and cultural resources.

There is also an exclusion list of activities not funded by WWF and a safeguards screening tool (WWF 2019).

4. Justice-related challenges in EbA implementation

Despite the regulations and safeguards in place, there are many problems with the implementation of EbA and NbS projects (see 1.2.1). NbS can contribute importantly to comprehensive and holistic approaches, providing an alternative to technical solutions that alter ecological systems and the interactions between their different elements. Nonetheless, in various documented cases, NbS increased social inequality and injustice for IPs and LCs living in and depending on ecosystems. These cases need to be analysed in detail to determine where the problems lie.

4.1 Implementation challenges of EbA

The CBD defines EbA as ‘using biodiversity and ecosystem services as part of an overall adaptation strategy to help people to adapt to the adverse effects of climate change. It 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’ (CBD, 2009). EbA can thus help protect, restore and enhance ecosystem services to reduce climate change risks and impacts, whilst improving people’s resilience. This can lead to economic and other benefits, such as improved health, biodiversity protection, food security and alternative livelihood opportunities, which also enhance resilience to climate change (Dazé and Terton, 2021).

Described below are specific challenges of EbA implementation with regard to justice issues:

- > **Complex, differentiated livelihoods and the impact of climate change:** IPs and LCs depend in many ways on ecosystems for their livelihoods, and ecosystems provide different services to society as a whole. Climate change does not impact groups within society and communities equally (e.g., it affects women differently from men), so the overall goal of climate change adaptation must encompass various sub-goals. This is why it is important who defines the problems and objectives a project should address (Richerzhagen et al., 2019).
- > **Different ecosystem scales:** Ecosystems function at different scales, ranging from local (e.g., the catchment of a small pond) to very large (e.g., a transboundary river basin). Moreover, ecosystem boundaries often do not correspond to political boundaries (e.g., the village, district, province or country). Adaptation planning should thus aim to harmonise ecosystem and political scales. This in turn requires a systems approach rather than one based on a single project. Such a holistic approach considers interactions and interdependence at different levels, and it integrates local planning with broader river basin planning (ELAN, 2102).
- > **Compound risks and drivers of vulnerability:** Different types of **climate-related and other risks** influence people’s vulnerability and adaptive capacities. Given the large and growing interest in land and ecosystems, these risks can increase external pressures that people already face. In LCs’ surroundings, powerful economic actors (e.g., large-scale cattle ranchers and real estate developers) pursue activities that frequently reduce LCs’ adaptive capacities, for example, by draining wetlands or cutting down trees and thus increasing the risk of floods. These actors also tend to circumvent environmental protection laws, using their political power to continue practices that destroy ecosystems. For this reason, the success of EbA depends not only on the efforts of communities themselves but also on environmental law enforcement and on the degree to which powerful economic agents are willing to take responsibility for shared ecosystems (Richerzhagen et al., 2019).
- > **Uncertainty** surrounds the functioning of adaptation strategies and the future development of climate risks and their impacts on ecosystems. As a result, it is difficult to predict adaptation outcomes. Rapid ecological change may present EbA projects with challenges (e.g., in the governance of systems involving different actors). Projects must also take into account future risks that may not yet be apparent (GIZ, 2019).
- > The **discourse on valuation and ecosystem services** focuses on the economic value of ecosystems and has helped increase interest in EbA (e.g., by national governments and the private sector). Yet, this may narrow the perspective on ecosystem management to technical or managerial decision-making, to the neglect of power structures in which such measures are embedded. The discourse thus implies that EbA approaches are neutral with respect to the social and justice dimensions that strongly influence vulnerability and decision-making (Cousins, 2021).

In short, there are **no universal solutions in EbA**. Instead, **specific adaptation strategies** must be developed that fit the local and social context as well as the priorities defined by stakeholders. Different stakeholder groups are **embedded in power structures**, which pose particular **challenges for the implementation of justice-based EbA**. According to an analysis of EbA projects' **social impacts** (benefits and costs), they can generate benefits through two channels: (1) direct use of ecosystem services (e.g., provision of water and food, economic and cultural benefits derived from ecosystems, climate regulation and reduced vulnerability) and (2) EbA project activities that are not related to ecosystem services (e.g., knowledge and capacities, income, community strengthening, empowerment, awareness and recognition). EbA projects may also generate social costs, however, such as unsatisfied expectations, social tensions and unequal distribution of benefits (Richerzhagen et al., 2019).

4.2 Documentation of justice-related challenges

The literature focuses mainly on **nature conservation and climate change mitigation, particularly REDD+**. In contrast, justice issues in EbA projects have not been documented so thoroughly. **Literature research for this stocktake collected examples of different types of negative consequences that NbS projects may have for the rights and livelihoods of IPs and LCs**. Described below are a few examples (from the many cases collected) that highlight the main issues that are also relevant for EbA.

4.2.1 Biodiversity conservation

The **Great Green Wall in Africa**, a flagship project under the UNCCD, was launched in 2007 by the African Union to restore degraded landscapes across 22 countries. More than USD 8 billion have been raised in support of this initiative. Its objectives are to restore 100 million hectares of degraded land; sequester 250 million tons of carbon and create 10 million green jobs by 2030. Yet, as a result of many problems, the project has restored only 4 million hectares through measures that range from planting trees and stabilising dunes to terracing farmland. Research showed that the project did not take fully into account the complexity of the different landscapes and livelihoods involved. For example, it did not adapt project measures to local community needs, and it disregarded pastoralists and their routes and pastures. Climatic conditions, like ongoing drought, together with conflicts (e.g., with Boko Haram) have further complicated project implementation (Vyawahare, 2021).

IPs and LCs in conservation areas: IPs manage or have tenure rights over land measuring at least 38 million square kilometres in 87 countries and occupy politically distinct areas on all inhabited continents. This represents over a quarter of the world's land surface and intersects with about 40 percent of all terrestrial protected areas and ecologically intact landscapes, such as boreal and tropical primary forests, savannas and marshes (Garnett et al., 2018). From 1.65 billion to 1.87 billion IPs, LCs and Afrodescendant Peoples live in important biodiversity conservation areas, of which 363 million inhabit protected areas. Over half (56 percent) of these people live in low- and middle-income countries. Currently, 52 percent of protected areas fall under IUCN management categories Ia, Ib and II³. Nature reserves and national parks make up most of the world's protected areas, causing displacement, human rights abuses and conflicts due to exclusionary conservation affecting communities that depend on these natural resources (RRI, 2020).

Human rights violations caused by conservation measures have impacted IPs worldwide. The impacts include land expropriation, forced displacement, denial of self-governance, lack of access to traditional occupations and livelihoods, loss of cultural and spiritual sites, non-recognition of customary authorities, and denial of access to justice and reparation, including restitution and compensation. Laws on protected areas in the Democratic Republic of Congo, Nepal, Thailand, Kenya, Tanzania and other countries show how national governments violate the rights of IPs in different national contexts. The abuses include denial of access to land, evictions and forced displacements, violence, killings and militarisation of protected areas, obstacles to justice and a lack of benefit sharing. According to one report, communities filed complaints with GEF as the funder and with WWF as the project implementer (IPRI, 2021).

Lack of funding for IPs and forest protection: A report by the Rainforest Foundation Norway found that, from 2011 to 2020, USD 270 million per year, on average, was allocated to improve IPs and LCs' tenure rights and forest management. After increasing from 2011 to 2012, the funding level has remained stable, and the Paris Agreement signed in 2015 showed no effect. This funding represents less than 5 percent of total official development aid (ODA) for general environmental protection and less than 1 percent of ODA for climate mitigation and adaptation (Rainforest Foundation Norway, 2021).

3 IUCN management categories are as follows: Ia Strict nature reserve – 'Strictly protected for biodiversity and also possibly geological/geomorphological features, where human visitation, use and impacts are controlled and limited to ensure protection of the conservation values'; Ib Wilderness area – 'Usually large unmodified or slightly modified areas, retaining their natural character and influence, without permanent or significant human habitation, protected and managed to preserve their natural condition'; and II National park – 'Large natural or near-natural areas protecting large-scale ecological processes with characteristic species and ecosystems, which also have environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities' (IUCN, 2013, page 2).

4.2.2 Land tenure and climate change

Seventy percent of the world's land is not covered by formal registration systems and cadasters but rather is managed under customary and informal tenure regimes (as of 2015). Land tenure and its central role in EbA projects have been neglected. Research shows that secure tenure prevents land disputes and enhances adaptive capacity. Moreover, securing and recognising customary tenure for Indigenous communities (with legal or policy frameworks) helps reduce deforestation, improve land management, and enhance the capacity of IPs and LCs to adapt to climate change. On the other hand, tenure insecurity undermines post-disaster financial support and gives way to secondary land occupation and land grabs when natural disasters cause population displacement. Under these conditions, land investors and elites obtain state concessions or negotiate with poor people in distress (ANGOC/LWA, 2021; Brot für die Welt, 2021).

4.2.3 IPs and national climate change policies

Case studies on NDCs in the Mekong region reveal various challenges. In Cambodia, IPs cannot participate sufficiently in the development of climate change policies and projects, and their role as ecosystem custodians is not well recognised. In Myanmar, IPs are considered to be a vulnerable group, but particularly for Indigenous women, patriarchal systems and customs result in a lack of data as well as limited access to information and resources like land. In Thailand, where IPs are not recognised, national government forestry policies restrict their access to land, and increased forest protection is leading to violence and criminalisation of IPs (Hien et al., 2022).

4.2.4 Human rights impacts of climate change projects

The German Institute for Human Rights recently published a study that identified a wide variety of factors accounting for **human rights violations** around climate change projects, including: (a) lack of clear safeguards, (b) absence of grievance mechanisms, (c) insecure tenure, (d) lack of recognition of Indigenous rights, (e) bad governance, (f) poor consultation and participation processes, (g) pre-existing vulnerability of certain groups, (h) failure to assess impacts on marginalised or disadvantaged groups, (i) failure to assess unintended environmental impacts and (j) lack of policy coherence. The study also identified the mechanisms listed as follows, amongst others, to **avoid or mitigate potential human rights impacts** resulting from climate-related measures: (a) human rights impact assessments prior to potentially harmful measures or activities, (b) monitoring and reporting requirements during implementation, (c) respect for Indigenous rights, including FPIC (particularly from national governments), (d) respect for land rights, (e) adequate consultation and participation in decision-making, (f) phased approaches to mitigate impacts (g) pre-existing schemes and programmes for social protection, and (h) consistency and coherence in climate-related policies (German Institute for Human Rights, 2022).

An analysis of **GCF projects and IPs rights in Peru** reveals that, even though all four approved projects involve IPs territories, only one takes Indigenous safeguards into consideration – GCF project number FP001, on which a complaint was filed under the Independent Redress Mechanism. Of the concept notes and project proposals submitted, four out of six involve IPs territories, but only two consider safeguards for IPs. The analysis also highlights underlying problems in the GCF approach. For example, it focuses on the state and Accredited Entities rather than those actually affected by the projects; proposals for improvement have not been taken into account; IPs participation is lacking; complaints have resulted in only 'cosmetic adjustments'; and IPs are not closely involved in monitoring and evaluation, as should be their right. Equally important are limitations in IPs participation at the national level (Okamoto and Zúniga, 2022).

Redress mechanisms used in the examples analysed show that seeking redress for human rights violations from project funders may be more effective than requesting relief from human rights bodies and national courts. An analysis of mechanisms developed by UNFCCC – particularly GEF, AF and GCF – show that the funds have made progress in establishing ESS systems (German Institute for Human Rights, 2022).

Results from **grievance and redress mechanisms**:

- > A **GEF** review conducted in 2021 summarised complaints about safeguard issues in GEF-funded projects. The main complaints concerned insufficient information and stakeholder involvement (including FPIC); fear of negative impacts, particularly restrictions on land access or project use of sacred lands; and violence against IPs and LCs. Of the 14 projects receiving safeguards-related complaints, at least 8 were related to biodiversity protection and adaptation, and can be considered EbA projects. UNDP implemented 5 of these projects, whilst multilateral development banks accounted for the rest. Two projects were (temporarily) suspended; 5 cases were closed; and 5 cases are ongoing. Several cases involved mediation but not always with success. The report further stresses the need to make redress mechanisms readily accessible to LCs and to learn from them for improved project implementation (GEF 2021).
- > **GCF's** Independent Redress Mechanism received nine complaints in its case register. Of these, one ongoing case involved an EbA project implemented by UNEP in [Paraguay](#), which did not comply with FPIC standards. Another ongoing case concerned a project implemented in Peru by the Peruvian Trust Fund for National Parks and Protected Areas (Profonanpe), which did not respect FPIC standards and IPs land rights.

5. Research and conceptual work to enhance climate justice

Numerous institutions have been working on equity, justice and human rights in the context of climate change projects. Since a comprehensive summary of all these research initiatives is not possible, the stocktake selected a few institutions that illustrate different approaches.

5.1 Research by international organisations

→ International Institute for Environment and Development (IIED): Equity in protected areas

IIED has worked on equity in conservation for several years, with a focus on protected areas. It understands equity in conservation to mean 'respect of actors and their rights; decision-making, transparency, accountability, dispute resolution, and how costs and benefits are distributed' (IIED, n.d.). IIED's work on equity and social justice addresses the three key dimensions of recognition, procedure and distribution (Franks et al., 2018). This work also reflects the IUCN principles of good governance for protected areas: legitimacy and voice, direction, performance, accountability, and fairness and rights.

Site-level Assessment for Governance and Equity (SAGE) is a tool for assessing the quality of governance, including equity; it is based on the 10 equitable governance principles that IUCN elaborated for protected areas in 2013 (see Table 1).

→ Stockholm Environment Institute (SEI): Climate justice in NbS

SEI has defined just NbS as 'harnessing the power of nature and people to transform the social, political, and economic drivers of socio-spatial inequality and environmental degradation into opportunities to create progressive, cohesive, antiracist, and social-ecologically sustainable communities' (Cousins, 2021, in Boyland et al., 2022, p.6). SEI proposes five principles to ensure that NbS interventions are just and equitable:

- > Featuring inclusive and transparent design, governance and implementation
- > Addressing the root causes of marginalization, inequality and injustice in all stages
- > Limiting the creation of economic and non-economic losses, and avoiding unjust redistribution of risks and costs
- > Prioritising activities for the places and communities most at risk
- > Assessing social and political change and consequences in the use of valuation and measurement tools

Equity	Principles
Recognition	1. Recognition and respect for the rights of all relevant actors 2. Recognition and respect for all relevant actors and their knowledge
Procedure	3. Full and effective participation of all relevant actors in decision-making 4. Transparency, information sharing and accountability for actions and inactions 5. Access to justice, including effective dispute resolution processes 6. Effective and fair law enforcement
Distribution	7. Effective measures to mitigate negative impacts on community members 8. Equitable sharing of benefits amongst relevant actors
Other	9. Achievement of conservation and other objectives 10. Effective coordination and collaboration between actors, sectors and levels

Table 1: Framework of equitable governance principles (Source: IIED website)

SEI also emphasises different requirements to ensure justice, such as acknowledging and accounting for uncertainty and complexity, meaningful involvement of multiple stakeholders, interdisciplinary knowledge and methods, a common understanding of concepts, solutions and trade-offs as well as monitoring and evaluation to enhance learning across scales.

→ **Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES): Inclusion of Indigenous and local community knowledge in biodiversity assessments**

IPBES has systematically engaged with IP and LC knowledge in its Global Assessment (GA). A key task was to strengthen the knowledge foundation through the first global assessment of ecosystems. It found Indigenous and local knowledge to be integrated and particularly important in several areas: (a) enriching our understanding of nature and its contribution to people, including ecosystem services; (b) assessing and monitoring ecosystem change; (c) contributing to international targets and scenario development to achieve global goals like the Aichi Biodiversity Targets and Sustainable Development Goals, and (d) generating inclusive and policy-relevant options for people and nature. However, the assessment also encountered challenges in dealing with different knowledge systems (IPBES, n.d.).

→ **International Land Coalition (ILC): Land tenure security**

Focusing on land rights, ILC works in several relevant fields:

- > It is democratising **land data**, and enhancing data collection and access for local actors.
- > In May 2022, the Global Land Forum issued the declaration on '**Land rights as a Pathway Out of the Climate Crisis**', which outlines the role of land in fighting climate change, with emphasis on youth and gender equality.

→ **Forest Peoples Programme (FPP)/UNEP: Human rights principles for conservation financing**

FPP and UNEP are developing guidance materials for appropriate human rights standards, which funders should apply to the conservation actors they support. In July 2022, the two organisations held public consultations for stakeholders wishing to contribute, with emphasis on IPs and LCs.

→ **Institut für Ökologie und Aktions-Ethnologie (INFOE)/Europäische Netzwerk für Indigene Völker (ENIP): FPIC protocols**

Based on the UNDRIP, IPs have started to codify their own laws and governance rules, based on their own, autonomous protocols and policies for rights-based consultation and consent (FPIC protocols). IPs are also defining how they are to be consulted and their FPIC sought. This process has been documented for the 20 countries included in the analysis done by INFOE, FPP and ENIP. The protocols vary in terms of their focus, format and processes. This example shows that there is no one-size-fits-all approach to FPIC; it also demonstrates how consultations can result in context-specific actions that guarantee respect for IPs rights (INFOE and ENIP, 2019).

→ **UNEP Bali Guidelines on Principle 10 for environmental legislation**

Principle 10, adopted by the UN Rio Convention in 1992, sets out three fundamental rights – **access to information, to public participation and to justice** – which serve as key pillars for sound environmental governance. UNEP has provided guidelines for implementing Principle 10 in national policy and legislation development (UNEP, 2015).

→ **Töpfer Müller Gaßner Think Tank for Sustainability (TMG): Land governance**

TMG is conducting research and advocacy on land governance, covering topics such as VGGT, land, gender and human rights, and alliances for land governance. A recent report focuses on enhancing land tenure for smallholder farmers in Kenya (GIZ, 2022b).

→ **GIZ/Center for International Environmental Law (CIEL)/UN Human Rights Office (UNOHR): Integrating human rights into NDCs**

A stakeholder consultation workshop developed a toolkit to help practitioners integrate human rights into NDCs in three key steps:

- > The planning process builds on effective and inclusive public participation and is based on national human rights obligations.
- > Communication on how domestic planning informed by human rights is undertaken in the preparation of the NDC should be part of international reporting.
- > The human rights obligations of states need to be reflected in and inform the implementation, monitoring and evaluation of the NDC, and should be supported by national human rights institutions and other human rights mechanisms.

The toolkit also provides concrete guidance on participatory planning, gender, IPs and LCs rights, land tenure and just transition, with country examples from Bolivia, Canada, Chile Costa Rica, Marshall Islands, Mexico, Nepal and Vanuatu. The toolkit includes as well links to other materials and tools (CIEL, UNOHR and GIZ, 2022).

→ **GIZ: Governance and gender in EbA**

The GIZ Global Project published several documents that are relevant to climate justice.

- > The study '**Governance for Ecosystem-based Adaptation: Understanding the diversity of actors & quality of arrangements**' provides decision-makers and practitioners with key background information on concepts and quality aspects of governance for EbA. The study covers issues such as the diversity of actors and governance types in EbA projects, principles for good governance and equity aspects as well as offering suggestions on how to enhance the quality of multi-actor processes along with guiding questions for good governance. The study also provides practical examples to help understand and make use of existing governance structures to mainstream and implement EbA (GIZ, 2019).
- > The study '**Toward gender-responsive Ecosystem-based Adaptation: Why it's needed and how to get there**' illustrates the importance of integrating gender considerations into EbA actions, providing concrete examples of how this can be done in practice. The study also presents a set of broadly applicable building blocks for systematically considering and enhancing gender equality in EbA projects.

5.2 Regional and national initiatives

Various initiatives and platforms established by IPs in Latin America, Africa and Asia engage in advocacy. Many national and regional CSOs also work actively on justice issues. Described below are some examples collected in the research for this stocktake.

→ **Natural Justice: Biocultural Community Protocols and legal empowerment**

To help meet requirements for Access and Benefit Sharing under the Nagoya Protocol, Natural Justice has worked with LCs and IPs to develop biocultural community protocols in various countries (e.g., Kenya and Zimbabwe). Based on the communities' own priorities, the protocols were developed through dialogue with and within the community to articulate its values and procedures in its territory. A toolbox has been developed to guide the elaboration of a community protocol, with the process and outcome closely interlinked.

The toolbox includes participatory tools for mapping community resources, actors as well as legal and customary frameworks for managing these resources. The protocols thus provide the basis for entering into dialogue with external actors, such as governments, companies, academics and NGOs (Natural Justice, n.d.).

→ **Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC): Work on land tenure**

ANGOC has been working on land tenure issues, producing reports on [Secure Land and Resource Tenure as the Foundation of Food Security of Communities](#), based on experiences in Laos, the Philippines and Uganda, as well as a report on [land rights in the context of the NDCs](#).

→ **Brot für die Welt: Documentation of successful strategies on land rights in Southeast Asia**

CSOs in Southeast Asia and the Pacific conducted a study on good practices for land defense strategies aimed at strengthening the sustainable land rights of disadvantaged groups and promoting land conflict transformation. For this purpose, Brot für die Welt partners working on land rights and land conflicts in the region documented their experiences through reports and a [video](#) (Brot für die Welt, 2021).

→ **International Work Group for Indigenous Affairs (IWGIA) and Perú Equidad: Work in IPs rights and the GCF in Peru**

To address shortcomings in the application of IPs safeguards in climate finance (and specifically GCF), IWGIA and Perú Equidad developed a set of recommendations for operationalising IP safeguards. Two concrete national-level proposals were made:

- > '*Ensure that the Operations Manual incorporates Free, Prior and Informed Consent as well as effective Indigenous participation into the national no-objection procedures for projects, programmes, and the Project Preparation Facility*'.
- > '*Institutionalise, either through the Operations Manual or a sector directive, a formal space for ongoing coordination between the State and indigenous peoples that will enable the operationalization of indigenous peoples safeguards in such a way as to encourage full respect, promotion and safeguarding of indigenous peoples in relation to climate finance, particularly the GCF*' (Okamoto and Zúniga 2022, p. 60).

6. Considerations for further work

This stocktake provides a first overview of work already completed and experience gained by different actor groups. Instead of conclusions, this section shares points to be considered in further work.

Regarding the **international frameworks and context**, international guidelines and safeguards provide a good basis for implementing climate justice in projects. Progress has been made in the following:

- > Recognition of the **specific role and rights of IPs in implementation**, based on the principle of FPIC and development of IPs policies or plans for the elaboration of EbA projects. This is particularly important for UNFCCC and the international climate and biodiversity funds as well as in the donor and implementer landscape.
- > Recognition of the different types of **land tenure systems and land rights** (legal, traditional and factual) as well as the tangible and intangible cultural heritage, which makes it possible to include land rights outside of the legal system. This recognition partly translates into work on land under the international conventions, as with CBD and UNCCD, whereas UNFCCC does not yet focus on land issues.
- > More provisions and guidance on **meaningful stakeholder consultations** that include IPs and LCs. CBD provides the most advanced guidance, with the community protocols and ongoing work on GBF monitoring, whereas the other Rio Conventions (UNFCCC and UNCCD) are moving more slowly.
- > **Strengthening of ESS, including safeguard policies as well as grievance and redress mechanisms** in international funds and implementing entities, which support protection of IPs and LCs rights and better enable them to lodge complaints.

Nevertheless, it is also evident from the stocktake that climate justice touches on many structural factors, underlining the need for a **transformational change** that puts IPs, LCs and marginalised groups at the centre of EbA and enhances their agency. Such an approach also needs to be **integrated into the planning and implementation of EbA projects**.

→ Options to further strengthen climate justice in EbA implementation

The desk review reveals a wealth of knowledge and practical experience on justice-based planning and implementation of EbA projects. This could be used and made more accessible to a wider audience, though there are still gaps that should be filled.

The GIZ Global Project developed a **collection of knowledge products on climate justice in EbA**:

- > **‘Climate Justice in Ecosystem-based Adaptation – A Policy Paper’**. This publication gives an overview of justice challenges in EbA and describes the international context. It highlights entry points for enhancing justice-based EbA in project planning and implementation, the international climate and biodiversity finance system as well as the national context (GIZ 2022c).
- > **‘Climate Justice in Ecosystem-based Adaptation – The case of Indigenous municipalities in the province of la Mosquitia, Honduras’**: This publication illustrates successful strategies for fostering justice-based EbA implementation, which strengthen the participation and ownership of Indigenous communities in a project working on agriculture (GIZ, 2022d).
- > **‘Climate Justice in Ecosystem-based Adaptation – The case of Soc Trang coastal zone, Vietnam’**: This publication illustrates successful strategies for fostering justice-based EbA implementation, which strengthen the sustainability of DRR for marginalised Indigenous communities (GIZ, 2022e).

- > **‘Guidance on Integrating Justice Issues into the Planning of Ecosystem-based Adaptation Interventions’:** This publication provides practitioners and project planners with concrete entry points for anchoring justice in EbA project planning. It offers guidance on strategic frameworks, formulating project objectives and measures, and anchoring justice in the institutional and financial setup. The publication also explains how best to involve stakeholders in setting up a participatory planning process (GIZ, 2022f).
- > **‘Guidance on Integrating Justice Issues into the Monitoring and Evaluation of Ecosystem-based Adaptation Interventions’:** This publication provides practitioners and project planners with concrete entry points for anchoring justice in the M&E systems of EbA projects. It also offers guidance on the project objective, results framework and project indicators, and explains how best to involve stakeholders in setting up the M&E system (GIZ, 2022g).

The literature review, though far from comprehensive, offers a good overview of the work done, particularly at the international level. From the reports and documents reviewed, it appears that, for several topics related to climate justice in EbA, there is still very little evidence or guidance, underlining the need for **more guidance and conceptual work**. The most notable examples are:

- > **Funding models** for projects with and by IPs, LCs and CSOs that can be taken up by international funds
- > **Checklists or guidance for donors** on how to determine if an EbA project assesses climate justice on the ground in the planning phase
- > **Establishment and implementation of grievance and redress mechanisms** for projects that work with IPs and LCs, with assurance that these mechanisms function well and are accessible



Literature

- Adaptation Fund (AF). (n.d.). Proposals Currently Under Review. Retrieved 25 January 2023 from <https://www.adaptation-fund.org/projects-programmes/proposals-concepts-under-review>
- AF. (2016a). Environmental and Social Policy, approved in November 2013, revised in March 2016. Retrieved 25 January 2023 from <https://www.adaptation-fund.org/document/opg-annex-3-environmental-and-social-policy-amended-in-march-2016>
- AF. (2016b). Guidance document for Implementing Entities on compliance with the Adaptation Fund Environmental and Social Policy. https://www.adaptation-fund.org/wp-content/uploads/2016/07/ESP-Guidance_Revised-in-June-2016_Guidance-document-for-Implementing-Entities-on-compliance-with-the-Adaptation-Fund-Environmental-and-Social-Policy.pdf
- AF. (2021). Gender Policy and Gender Action Plan (Updated version approved in March 2021; initial GP and GAP approved in March 2016), Annex to OPG, approved on 21 March 2021. Retrieved 25 January 2023 from <https://www.adaptation-fund.org/document/opg-annex4-gender-policy>
- Aliozi, Z. (2021). Climate Justice and Human Rights, in a World in Climate Emergency. Global Campus Europe. Policy Briefs 2021. <https://repository.gchumanrights.org/server/api/core/bitstreams/2eba3de1-1427-481b-a2d6-07818e00a53b/content>
- Amend, T. (2019). Governance for Ecosystem-based Adaptation: Understanding the diversity of actors & quality of arrangements. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Bonn, Germany. <https://www.adaptationcommunity.net/wp-content/uploads/2019/09/giz2019-en-eba-governance-study-low-res.pdf>
- Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Land Watch Asia (LWA). (2021). No Time to Waste: Climate action through secure land rights and sustainable land use. ANGOC and LWA. <https://gltm.net/2022/11/11/no-time-to-waste-climate-action-through-secure-land-rights-and-sustainable-land-use-infographic>
- Bertram, M., Barrow, E., Blackwood, K., Rizvi, A.R., Reid, H., and von Scheliha-Dawid, S. (2017). Making Ecosystem-based Adaptation Effective: A Framework for Defining Qualification Criteria and Quality Standards. FEBA technical paper developed for UNFCCC-SBSTA 46. GIZ, Bonn, Germany; IIED, London, UK; and IUCN, Gland, Switzerland, p. 14. <https://pubs.iied.org/sites/default/files/pdfs/migrate/G04167.pdf>
- Boyland, M., Tuhkanen, H., Green, J. and Barquet, K. (2022). Principles for just and equitable nature-based solutions. SEI discussion brief. Stockholm Environment Institute, Stockholm. <http://doi.org/10.51414/sei2022.016>
- Brot für die Welt. (2021). Good Practices in Land Rights Work. Analysis 104, October 2021. https://www.brot-fuer-die-welt.de/fileadmin/mediapool/2_Downloads/Fachinformationen/Analyse/Analyse-104-en-v04.pdf
- Caribbean Biodiversity Fund (CBF). (n.d.). Environmental and Social Policy and Exclusion List. Retrieved 25 January 2023 from <https://caribbeanbiodiversityfund.org/resources/cbf-environmental-and-social-policy-and-exclusion-list>
- Committee on the Elimination of Discrimination against Women (CEDAW). (2018). General recommendation No. 37 on the gender-related dimensions of disaster risk reduction in the context of climate change. <https://digitallibrary.un.org/record/1626306>
- Comisión Económica para América Latina y el Caribe (CEPAL). (n.d.). Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean. Retrieved 13 July 2022 from <https://www.cepal.org/en/escazuagreement>
- Committee on the Elimination of Racial Discrimination (CERD). (1997). General Recommendation No. 23: Indigenous peoples (General Comments). https://www.eods.eu/library/UN_Internationalpe20Convention%20on%20the%20Elimination%20of%20Racial%20Discrimination_General%20recommendation%2023_1997_EN.pdf

- Committee on Economic, Social and Cultural Rights (CESCR). (2020). General comment No. 25 on science and economic, social and cultural rights (article 15 (1) (b), (2), (3) and (4) of the International Covenant on Economic, Social and Cultural Rights). 30 April 2020. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/108/12/PDF/G2010812.pdf?OpenElement>
- CESCR. (2021). Call for written contributions to the draft general comment (No. 26) on Land and Economic, Social and Cultural Rights. 22 December 2022. Retrieved 2 February 2023 from <https://www.ohchr.org/en/calls-for-input/2021/call-written-contributions-draft-general-comment-no-26-land-and-economic>
- Center for International Environmental Law (CIEL) and Global Initiative for Economic, Social and Cultural Rights GI-ESCR. (2022a). Economic, Social, and Cultural Rights Obligations of States in the Context of Climate Change: Synthesis of Statements on Climate Change by the Committee on Economic, Social and Cultural Rights (2022 update). <https://www.ciel.org/wp-content/uploads/2022/03/Economic-Social-and-Cultural-Rights-Obligations-of-States-in-the-Context-of-Climate-Changejan23.pdf>
- CIEL and GI-ESCR. (2022b). Women's Rights and Obligations of States in the Context of Climate Change: Synthesis of Statements on Climate Change by the Committee on the Elimination of Discrimination Against Women (2022 update). https://www.ciel.org/wp-content/uploads/2023/01/HRTB-2022_23Jan23.pdf
- CIEL and GI-ESCR. (2022c). States' Human Rights Obligations in the Context of Climate Change: Racial Discrimination Obligations of States in the Context of Climate Change: The Role of the Committee on the Elimination of Racial Discrimination. https://www.ciel.org/wp-content/uploads/2023/01/HRTB-2022_23Jan23.pdf
- CIEL, UN Office of Human Rights (UNOHR) and Gesellschaft für Internationale Zusammenarbeit (GIZ). (2022). Integrating Human Rights into Nationally Determined Contributions (NDC), Toolkit for Practitioners, November 2022. https://www.ciel.org/wp-content/uploads/2022/11/Integrating-Human-Rights-in-Nationally-Determined-Contributions_Toolkit-for-Practitioners.pdf
- Convention on Biological Diversity (CBD). (1998). Report of the Workshop on the Ecosystem Approach, Lilongwe, Malawi, 26 - 28 January 1998, Submission by the Governments of the Netherlands and Malawi, UNEP/CBD/COP/4/Inf.9, 20 March 1998. <https://www.cbd.int/doc/meetings/cop/cop-04/information/cop-04-inf-09-en.pdf>
- CBD. (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). Secretariat of the CBD. www.cbd.int/doc/publications/cbd-ts-41-en.pdf
- CBD. (2021). Proposed Headline Indicators for the Monitoring Frameworks for the Post-2020 Global Biodiversity Framework (CBD/WG2020/3/3/Add.1). 11 July 2021. <https://www.cbd.int/doc/c/d716/da69/5e81c8e0faca-1db1dd145a59/wg2020-03-03-add1-en.pdf>
- CBD. (2022). Kunming-Montreal Global Biodiversity Framework. Decision Adopted by the Conference of the Parties to the Convention on Biological Diversity 15/4. 19 December 2022. <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf>
- Cousins, J. J. (2021). Justice in nature-based solutions: Research and pathways. *Ecological Economics*, 180, 106874. <https://www.sciencedirect.com/science/article/abs/pii/S0921800919310419>
- Dazé, A. and Terton, A. (2021). Toward gender-responsive Ecosystem-based Adaptation: Why it's needed and how to get there. GIZ, GmbH. Bonn, Germany. <https://www.adaptationcommunity.net/publications/toward-gender-responsive-ecosystem-based-adaptation-why-its-needed-and-how-to-get-there>
- Department for Environmental Affairs and South African National Biodiversity Institute (SANBI). (2017). Ecosystem-based Adaptation (EbA) guidelines. <https://www.sanbi.org/wp-content/uploads/2018/09/Ecosystem-based-Adaptation-EbA-Guidelines-Booklet.pdf>
- Ecosystem and Livelihoods Adaptation Network (ELAN). (2012). Integrating Community and Ecosystem-Based Approaches in Climate Change Adaptation Responses. https://d2ouvy59p0dg6k.cloudfront.net/downloads/integrating_community_and_ecosystem_based_approaches_in_climate_change_adaptation_res.pdf
- Food and Agriculture Organization of the United Nations (FAO). (2022). Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. First revision. Rome. <https://doi.org/10.4060/i2801e>
- Forest Declaration. (2022). Sink or swim: How Indigenous and community lands can make or break nationally determined contributions, Briefing paper, March 2022. <https://climatefocus.com/wp-content/uploads/2022/06/Sink-or-swim-IPLC-lands-and-NDCs.pdf>

- Franks, P. et al. (2018). Understanding and assessing equity in protected area conservation: A matter of governance, rights, social impacts and human wellbeing. IIED Issue Paper. IIED, London. <http://pubs.iied.org/14671IIED>
- Garnett, S.T., Burgess, N.D., Fa, J.E. et al. (2018). A spatial overview of the global importance of Indigenous lands for conservation. *Nat Sustain* 1, 369-374. <https://www.nature.com/articles/s41893-018-0100-6>
- Garshagen, M. and Dhoshi, D. (2022). Does funds-based adaptation finance reach the most vulnerable countries? *Global Environmental Change* 73, 2022, 102450. https://www.researchgate.net/publication/357717876_Does_funds-based_adaptation_finance_reach_the_most_vulnerable_countries
- German Institute for Human Rights. (2022). The Human Rights Impacts of Climate Change Mitigation and Adaptation Measures. Berlin. https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Weitere_Publikationen/Climate_Change_Mitigation_and_Adaptation_Measures.pdf
- Gerretsen, I. (2021). 'Nature-based Solutions' prove divisive at Glasgow climate talks. *Climate Change News*. Retrieved 7 July 2022 from <https://www.climatechangenews.com/2021/11/11/nature-based-solutions-prove-divisive-glasgow-climate-talks>
- GIZ. (n.d.a). Gender+Safeguards management system. Retrieved 7 July 2022 from <https://www.giz.de/en/about-giz/76608.html>
- GIZ. (n.d.b). Working in fragile contexts. Retrieved 7 July 2022 from <https://www.giz.de/expertise/html/60108.html>
- GIZ. (2014). The Human Rights-Based Approach in German Development Cooperation. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Bonn, Germany. https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/E-Info-Tool/e-info-tool_human_rights_based_approach_in_german_development_cooperation.pdf
- GIZ. (2020). Guiding framework Human rights in biodiversity conservation: Ensuring a human rights-based approach in GIZ projects for the conservation and sustainable management of natural resources. Bonn, Germany. https://www.giz.de/expertise/downloads/2020-GIZ_Guiding%20Framework_Human%20Rights_Biodiversity%20Conservation.pdf
- GIZ. (2022a). Climate justice in Ecosystem-based Adaptation. November 2022. https://www.adaptationcommunity.net/wp-content/uploads/2022/10/GIZ_EbA_Climate-Justice-Definition.pdf
- GIZ. (2022b). Securing land access for smallholders: How a community-led process is strengthening leasing rights in western Kenya. July 2022. https://assets.ctfassets.net/rrirl83jfd/5PU9BfQ86NtL2gOORATHL4/04d-d7865304fadb88f104e7e5f6f8019/GIZ_TMGIbfobrief_Soil_rehab_220713_Online.pdf
- GIZ. (2022c). Climate Justice in Ecosystem-based Adaptation – A Policy Paper. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Bonn, Germany. <https://www.adaptationcommunity.net/publications/climate-justice-in-ecosystem-based-adaptation-a-policy-paper>
- GIZ. (2022d). Climate Justice in Ecosystem-based Adaptation – The case of Indigenous municipalities in the province of la Mosquitia, Honduras. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Bonn, Germany. <https://www.adaptationcommunity.net/publications/climate-justice-in-ecosystem-based-adaptation-the-case-of-indigenous-municipalities-in-the-province-of-la-mosquitia-honduras>
- GIZ. (2022e). Climate Justice in Ecosystem-based Adaptation – The case of Soc Trang coastal zone, Vietnam. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Bonn, Germany. <https://www.adaptationcommunity.net/publications/climate-justice-in-ecosystem-based-adaptation-the-case-of-soc-trang-coastal-zone-vietnam>
- GIZ. (2022f). Guidance on Integrating Justice Issues into the Planning of Ecosystem-based Adaptation Interventions. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Bonn, Germany. <https://www.adaptationcommunity.net/publications/guidance-on-integrating-justice-issues-into-the-planning-of-ecosystem-based-adaptation-interventions>
- GIZ. (2022g). Guidance on Integrating Justice Issues into the Monitoring and Evaluation of Ecosystem-based Adaptation Interventions. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Bonn, Germany. <https://www.adaptationcommunity.net/publications/guidance-on-integrating-justice-issues-into-the-monitoring-and-evaluation-of-ecosystem-based-adaptation-interventions>
- Global Environment Facility (GEF). (n.d.). Conflict Resolution Commissioner. Retrieved 7 July 2022 from <https://www.thegef.org/projects-operations/conflict-resolution-commissioner>

- GEF. (2019a). Policy on Environmental and Social Safeguards. https://www.thegef.org/sites/default/files/documents/gef_environmental_social_safeguards_policy.pdf
- GEF. (2019b). Guidelines on GEF's Policy on Environmental and Social Safeguards. https://www.thegef.org/sites/default/files/documents/guidelines_gef_policy_environmental_social_safeguards.pdf
- GEF. (2021). Annual Report on Grievance Cases involving GEF-funded Projects, GEF/C.61/Inf.11, November 10, 2021. <https://www.thegef.org/council-meeting-documents/annual-report-grievance-cases-involving-gef-funded-projects-0>
- Green Climate Fund (GCF). (n.d.). Independent Redress Mechanism, Case Register. Retrieved 6 July 2022 from <https://irm.greenclimate.fund/case-register>
- GCF. (2019a). Environmental and Social Policy, Annex X to decision B.19/10, paragraph (b). <https://www.greenclimate.fund/document/environmental-and-social-policy>
- GCF. (2019b). Gender Policy, Decision B24/12, 14 November 2019. <https://www.greenclimate.fund/document/gender-policy>
- GCF. (2019c). Indigenous peoples Policy, Annex XI to decision B.19/10, paragraph (b). <https://www.greenclimate.fund/document/indigenous-peoples-policy>
- GCF. (2021). Revised Environmental and Social Policy. <https://www.greenclimate.fund/document/revised-environmental-and-social-policy>
- Heinrich Böll Stiftung. (2022). IPCC Unsummarized, Unmasking Clear Warnings on Overshoot, Techno-fixes, and the Urgency of Climate Justice, 21 April 2022. https://www.boell.de/sites/default/files/2022-04/rized_Unmasking_Clear_Warnings_on_Overshoot%2344Techno-fixes%2344_and_the_Urgency_of_Climate_Justice.pdf
- Hien et al. (2022). Nationally Determined Contributions in Asia: Are Governments recognizing the rights, roles and contributions of Indigenous peoples? Country Reports from Cambodia, Myanmar, Vietnam, and Thailand, April 2022. <https://www.forestpeoples.org/en/report/2022/NDCs-regional-report-climate>
- Human Rights Council. (2017). Report of the Special Rapporteur on the rights of indigenous peoples. A/HRC/36/46, Thirty-sixth session, 11–29 September 2017. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/330/97/PDF/G1733097.pdf?OpenElement>
- Human Rights Council. (2021). Resolution adopted by the Human Rights Council on 8 October 2021, A/HRC/RES/48/13, Forty-eighth session, 13 September–11 October 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/289/50/PDF/G2128950.pdf?OpenElement>
- International Institute for Environment and Development (IIED). (n.d.). Site-level Assessment of Governance and Equity (SAGE). Retrieved 7 July 2022 from <https://www.iied.org/site-level-assessment-governance-equity-sage>
- International Labour Organisation (ILO). (1989). Indigenous and Tribal Peoples Convention, 1989 (No. 169). https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169
- Institut für Ökologie und Aktions-Ethnologie (INFOE) and Europäische Netzwerk für Indigene Völker (ENIP). (2019). Free Prior Informed Consent Protocols as Instruments of Autonomy: Laying Foundations for Rights based Engagement. Doyle, C., Whitmore, A. and Tugendhat, H. (Eds). <https://enip.eu/FPIC/FPIC.pdf>
- International Climate Initiative (IKI). (n.d.). IKI Safeguards: Environmental and Social Safeguards. <https://www.international-climate-initiative.com/en/about-iki/values-responsibility/iki-safeguards-environmental-and-social-standards>
- Intergovernmental Panel on Climate Change (IPCC). (2022). Climate Change 2022, Impacts, Adaptation and Vulnerability, Summary for Policy Makers, 27 February 2022. https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf
- Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). (n.d.). Indigenous and local knowledge. Retrieved 7 July 2022, from <https://ipbes.net/ilk-publication-resources>
- Indigenous Peoples Rights International (IPRI). (2021). Redefining protected areas: A study on the criminalization of and human rights violations against Indigenous peoples in conservation. November 2021. Baguio City, Philippines. Retrieved 7 July 2022 from <https://indigenousrightsinternational.org/index.php/en/component/content/article/global-report-redefining-protected-areas-a-study-on-the-criminalization-of-and-human-rights-violations-against-indigenous-peoples-in-conservation?catid=9&Itemid=102>
- International Union for Conservation of Nature (IUCN). (2013). Governance of Protected Areas: From understanding to action. Best Practice Protected Area Guidelines Series No. 20. Gland, Switzerland. <https://portals.iucn.org/library/sites/library/files/documents/PAG-020.pdf>

- IUCN. (2016a). Defining Nature-based Solutions, WCC-2016-Res-069-EN. https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC_2016_RES_069_EN.pdf
- IUCN. (2016b). Environmental and Social Management System. Retrieved 7 July 2022 from <https://www.iucn.org/about-iucn/accountability-and-reporting/project-accountability/environmental-and-social-management-system>
- 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. <https://portals.iucn.org/library/node/49070>
- Kaufmann, M. et al. (2021). Win-Win for Everyone? Reflecting on Nature-Based Solutions for Flood Risk Management from an Environmental Justice Perspective. https://doi.org/10.1007/698_2021_759
- Minority Rights Initiative. (n.d.). Self-determination. Retrieved 13 July 2022 from <https://minorityrights.org/law/self-determination>
- Natural Justice. (n.d.). Biocultural Community Protocols. <https://naturaljustice.org/publication/biocultural-community-protocols/>
- Office of the United Nations High Commissioner for Human Rights (OHCHR). (n.d.). Special Rapporteur on Climate Change. Retrieved 13 July 2022 from <https://www.ohchr.org/en/specialprocedures/sr-climate-change>
- OHCHR. (2015). Concluding observations on Cabo Verde in the absence of a report, CMW/C/CPV/CO/1. 18 October 2015. <https://www.ohchr.org/en/documents/concluding-observations/cmwccpvco1-concluding-observations-cabo-verde-absence-report>
- OHCHR. (2022). Integrating Human Rights in National Biodiversity Strategies and Action Plans, March 2022. Retrieved 13 July 2022 from <https://www.genevaenvironmentnetwork.org/wp-content/uploads/2022/03/Integrating-Human-Rights-in-NBSAP.pdf>
- Okamoto, T. and Zúñiga, M. (2022). The Green Climate Fund. Indigenous organisations' recommendations on its safeguards. ACODECOSPAT, FECONACOR, FEDIQUEP, GTANW, OPIKAFPE, ONAMIAP, PUINAMUDT, IWGIA and Perú Equidad. Lima. https://www.iwgia.org/doclink/iwgia-the-green-climate-fund-in-peru-eng-2022-1/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWIiOiJpd2dpYS10aGUT-Z3JlZW4tY2xpbWF0ZS1mdW5kLWluLXB1cnUtZW5nLTlwMjltMSIsImh0dCI6MTY2MTI0ODQ4MSwiZXhwIjoxNjYxMzM0ODgxfQ.a6U5WSLdaMduNKpqE_VZO2Kdf81Ty4Jzs93Juwxkiqw%22%3E
- Qi, J., Terton, A. and Vaughan, S. (2021). Seeking Common Ground for Climate, Biodiversity, and People: How to get the debate on nature-based solutions right. Retrieved 7 July 2022 from <https://www.iisd.org/articles/common-ground-nature>
- Rainforest Foundation Norway. (2021). Falling short: Donor funding for Indigenous peoples and local communities to secure tenure rights and manage forests in tropical countries (2011–2020). <https://www.cwis.org/document/falling-short-donor-funding-for-indigenous-peoples-and-local-communities-to-secure-tenure-rights-and-manage-forests-in-tropical-countries-2011-2020>
- Reeh, G. (2020). Climate Change in the Human Rights Committee. Blog of the European Journal on International Law (EIJL Talk). 18 February 2020. <https://www.ejiltalk.org/climate-change-in-the-human-rights-committee>
- Richerzhagen, C. et al. (2019). Ecosystem-Based Adaptation Projects, More than just Adaptation: Analysis of Social Benefits and Costs in Colombia. German Development Institute, Deutsches Institut für Entwicklungspolitik (DIE). November 2019. <https://www.mdpi.com/1660-4601/16/21/4248>
- Rights and Resources Initiative. (2020). Rights-Based Conservation: The path to preserving Earth's biological and cultural diversity? Technical Report. <https://rightsandresources.org/publication/rights-based-conservation>
- Schneider, V. (2021). Are nature-based solutions the silver bullet for social & environmental crisis? Mongabay News. Retrieved 7 July 2022 from <https://news.mongabay.com/2021/10/are-nature-based-solutions-the-silver-bullet-for-social-environmental-crises>

- Schlosberg, D. and Collins, L.B. (2014), From environmental to climate justice: Climate change and the discourse of environmental justice. *WIREs Clim Change*, 5: 359-374. <https://doi.org/10.1002/wcc.275>
- Secretariat of the Convention on Biological Diversity. (2019). Voluntary guidelines for the design and effective implementation of ecosystem-based approaches to climate change adaptation and disaster risk reduction and supplementary information (Technical Series No. 93). Montreal. <https://www.cbd.int/doc/publications/cbd-ts-93-en.pdf>
- UN. (2007). United Nations Declaration on the Rights of Indigenous peoples, Resolution adopted by the General Assembly on 13 September 2007. Retrieved 25 April 2022 from <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>
- UN. (2018). United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas: resolution / adopted by the Human Rights Council on 28 September 2018. Retrieved 13 July 2022 from <https://digital-library.un.org/record/1650694>
- United Nations Convention to Combat Desertification (UNCCD). (n.d.). G20 Initiative: Land Degradation Neutrality Initiative. Retrieved 13 July 2022 from <https://www.unccd.int/our-work/G20-Initiative>
- UNCCD. (1994). United Nations Convention to Combat Desertification. https://catalogue.unccd.int/936_UNCCD_Convention_ENG.pdf
- UNCCD. (2008a). The 10-year strategic plan and framework to enhance the implementation of the Convention (2008–2018). <https://www2.unccd.int/sites/default/files/relevant-links/2017-01/Strategy-leaflet-eng.pdf>
- UNCCD. (2008b). Human Rights and Desertification: Exploring the Complementarity of International Human Rights Law and the United Nations Convention to Combat Desertification. Desertification, Land Degradation and Drought Issue Paper No. 1, 2008. <https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/Submissions/UNCCD.pdf>
- UNCCD. (2017). The future strategic framework of the Convention, ICCD/COP(13)/L.18, 14 September 2017. https://www.unccd.int/sites/default/files/inline-files/ICCD_COP%2813%29_L.18-1716078E_1.pdf
- United Nations Development Programme (UNDP). (2019). UNDP Social and Environmental Standards, policy update, OPG approved in 2019, effective as of January 1, 2021. Retrieved 25 April 2022 from <https://www.undp.org/publications/undp-social-and-environmental-standards>
- United Nations Environment Assembly (UNEA). (2021). Draft resolution on nature-based solutions for supporting sustainable development, United Nations Environment Assembly of the United Nations Environment Programme, Fifth session, Nairobi (hybrid), 22–26 February 2021 and 28 February – 2 March 2022. Retrieved 25 April 2022 from <https://wedocs.unep.org/handle/20.500.11822/38282>
- United Nations Economic Commission for Europe (UNECE). (1998). Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, done at Aarhus, Denmark, on 25 June 1998. <https://unece.org/DAM/env/pp/documents/cep43e.pdf>
- United Nations Environment Programme (UNEP). (2015). Putting Rio Principle 10 into Action: An Implementation Guide for The UNEP Bali Guidelines, October 2015. Retrieved 15 July 2022 from <https://wedocs.unep.org/bitstream/handle/20.500.11822/11201/UNEP%20MGSB-SGBS%20BALI%20GUIDELINES-Interactive.pdf?sequence=1&%3BisAllowed=y>
- UNEP. (2020). UNEP Environmental and Social Sustainability Framework (ESSF), 25 February 2020. Retrieved 7 July 2022 from <https://www.unep.org/resources/report/un-environments-environmental-social-and-economic-sustainability-framework>
- United Nations Framework Conventions on Climate Change (UNFCCC). (n.d.a). New elements and dimensions of adaptation under the Paris Agreement (Article 7). Retrieved 14 July 2022 from <https://unfccc.int/topics/adaptation-and-resilience/the-big-picture/new-elements-and-dimensions-of-adaptation-under-the-paris-agreement-article-7>
- UNFCCC. (n.d.b). Local Communities and Indigenous Peoples' Platform. Retrieved 14 July 2022 from <https://lcipp.unfccc.int/>
- UNFCCC. (2015). Paris Agreement (as contained in the report of the Conference of the Parties on its twenty-first session, FCCC/CP/2015/10/Add.1). https://unfccc.int/files/home/application/pdf/paris_agreement.pdf

UNFCCC. (2021). Nationally determined contributions under the Paris Agreement. Revised synthesis report by the secretariat, FCCC/PA/CMA/2021/8/Rev.1, 25 October 2021. https://unfccc.int/sites/default/files/resource/cma2021_08r01_E.pdf

Vyawahare, M. (2021). Conflict and climate change are big barriers for Africa's Great Green Wall. Mongabay. 26 November 2021. Retrieved 13 July 2022, from <https://news.mongabay.com/2021/11/conflict-and-climate-change-are-big-barriers-for-africas-great-green-wall>

World Bank. (2017). The World Bank Environmental and Social Framework. Retrieved 15 July 2022 from <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework>

World Wide Fund for Nature (WWF). (2019). WWF Environmental and Social Safeguards Framework Network Implementation Arrangements. Retrieved 10 February 2023, from https://files.worldwildlife.org/wwfprod/files/Publication/file/6djwt9h3e8_ESSF_Network_Implementation_11_2020.pdf

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