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VIRTUAL TRAINING COURSE

Human Rights in Nature-based Solutions for Climate Change Adaptation

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THIS INITIATIVE IS FUNDED BY:





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MODULE 2

Applying Human Rights to Nature-based Solutions (NbS) for Climate Change Adaptation in the Pacific

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01

The following topics are explored as part of this module:

1

Understanding what is a human rights risk assessment for NbS projects

2

How to conduct a human rights risk assessment

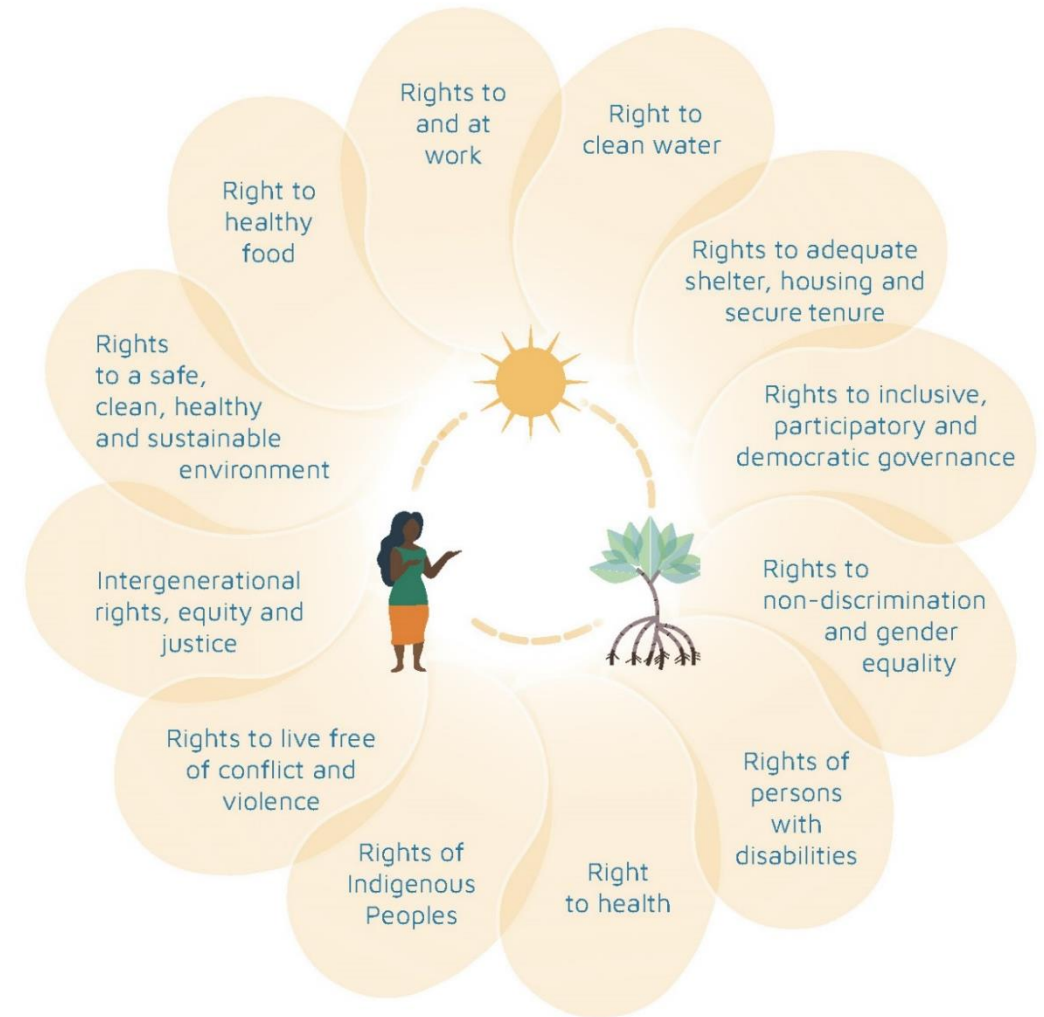
3

How risk assessments inform and contribute to an Environmental and Social Management System (ESMS)

02

At the end of this training, participants will:

1. Know why risk assessments and ESMS are important to NbS.
2. Be able to conduct a human rights risk assessment of NbS.





OUTLINE OF MODULE 2

This module over the following sections:

- Conducting a Risk Assessment
 - Applying a human rights risk assessment tool
 - Human rights risk assessments in an Environmental and Social Management System (ESMS)
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TOPICS:

- Why conduct a risk assessment?
 - Entry points for a Human Rights Risk Assessment
-

Session 1.1

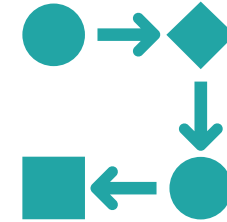
Conducting a risk assessment

1.1.1

Why conduct a risk assessment?



Conducting a human rights risk assessment for NbS intends to ensure that appropriate measures are taken to avoid or minimise negative impacts of NbS on human rights, as well as protecting, promoting and respecting other rights.

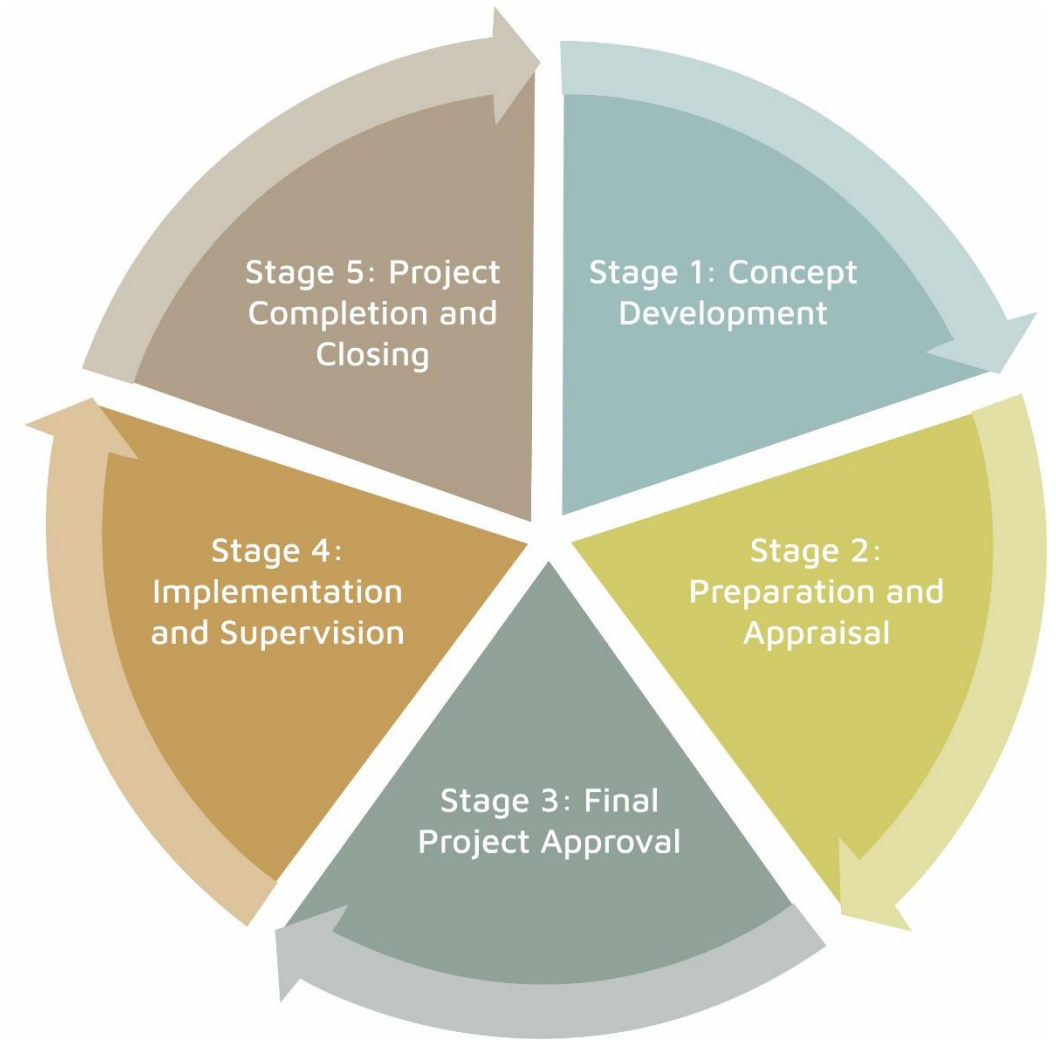


Risk assessments are often integrated into environmental and social management systems (ESMS) to ensure environmental and social safeguards are built into projects and monitored throughout.

1.1.2 Entry points for a Human Rights Risk Assessment

A human rights risk assessment should be undertaken at the very start of any NbS project.

Ensure the assessment is informed and reflective of the diverse groups of communities by consulting with community stakeholders, using a human rights risk assessment question guide to interview community members and identify risk management approaches with them, use resource mapping tools and GEDSI analysis tools.



1.1.3 Engaging communities to determine risks

- Effective risk management requires close cooperation with communities.
- Practitioners can use the risk assessment tool to establish guidelines and facilitate discussions with communities on risks to human rights and solutions.
- Sources of information are numerous and vary from NbS to NbS.





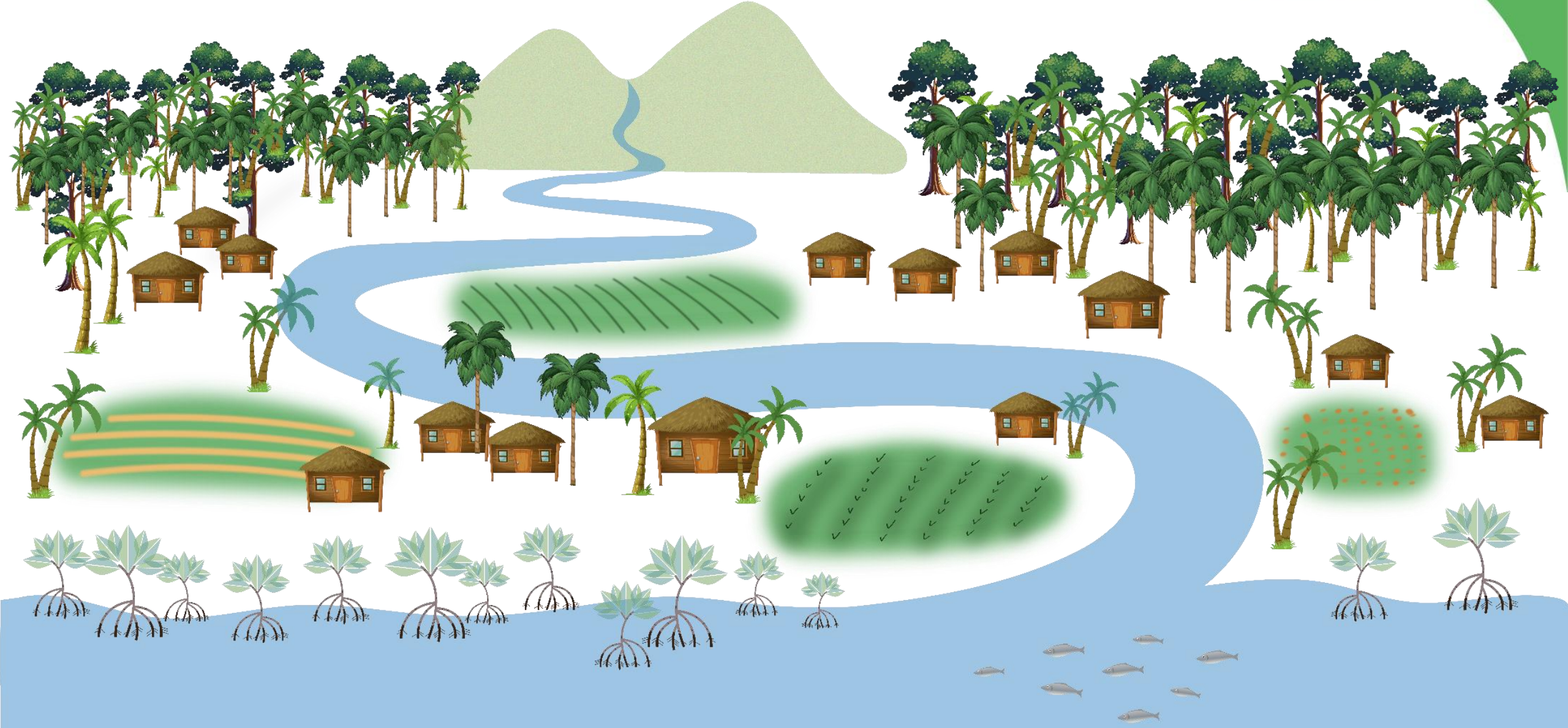
TOPICS:

- 12 human rights to consider in NbS
 - Using a Human Rights Risk Assessment Tool
-

Session 1.2

Applying a Human Rights Risk Assessment tool

Activity 1: Setting up the Kau Reserve



What is the issue: High biodiversity forests in the Kau watershed are being harvested for their high-value timber as well as to clear land for agriculture. Some farmers have cleared forests along the edge of the river and the river banks have become unstable. These activities on the land are causing an increase in erosion that is resulting in the sedimentation of rivers which is affecting coral reefs downstream. The women often complain they have to travel further to collect clean water that is safe for drinking, and for washing their clothes. During the rainy season a number of villages in the watershed experience flooding, and sometimes there are landslides. The villages living on the coast complain frequently to government officials that their reefs are getting covered in sediment and are starting to die, and this is affecting their ability to fish. Some of the elders from Kau Village are concerned, and have met with the Ministry of Forestry to ask for their help. They were interested in setting up a large forest reserve to help protect the remaining forests before it is too late.





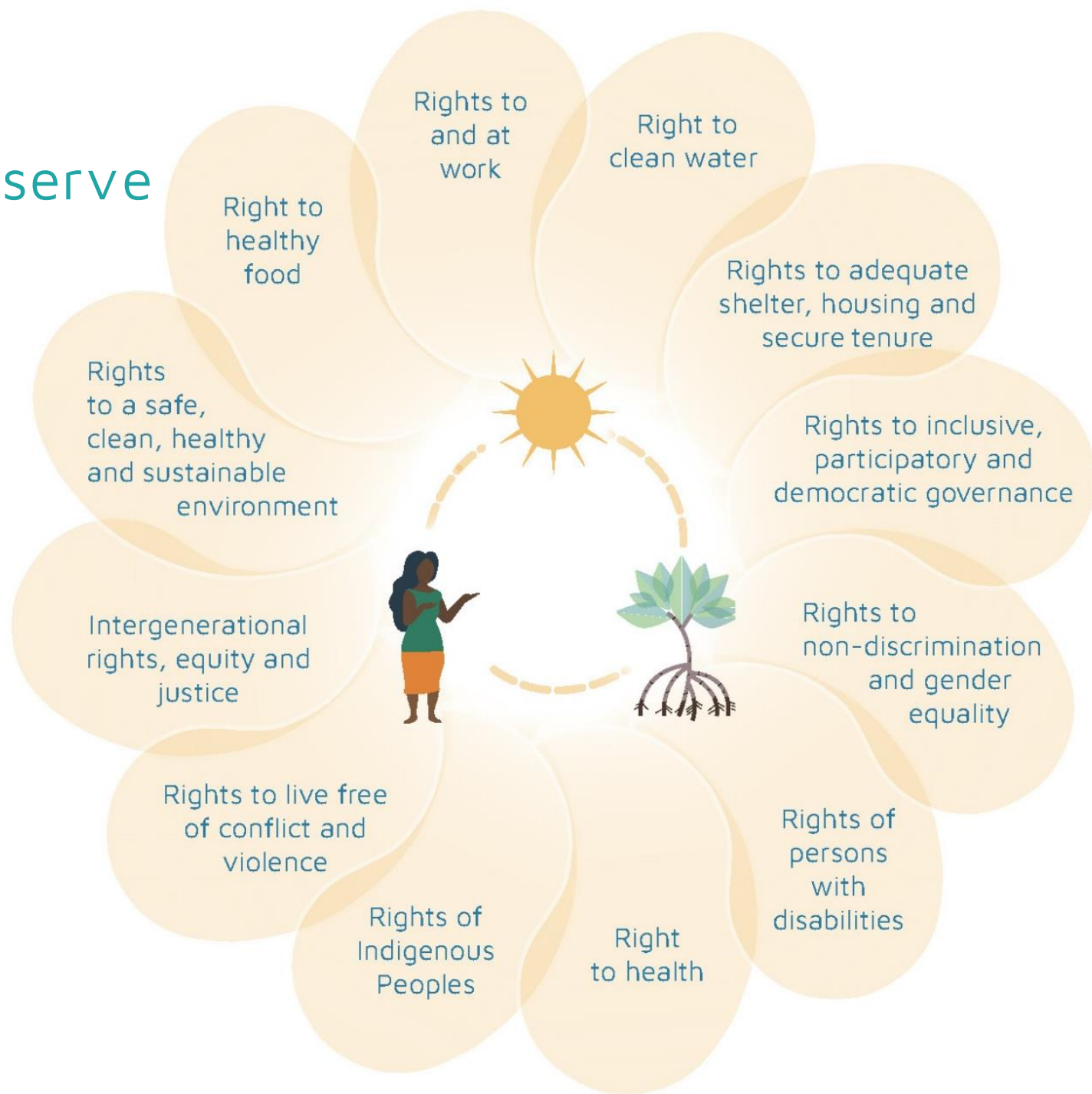
Proposed project: The proposal identified three large areas of forest for protection that are situated at the top of the watersheds. In the past, the village had traditional closures (tabus, tambus) over their forests, but this practice has not been used for over 10 years.

The elders are interested in reviving this traditional practice, as they are worried that the youth are starting to forget their culture and traditions. There is also funds to train 2 forest wardens from the community.

It is important to note that while there are five clans in the village, the land being proposed for protection is owned by three clans in the village.

Activity 1: Human Rights in the Kau Reserve

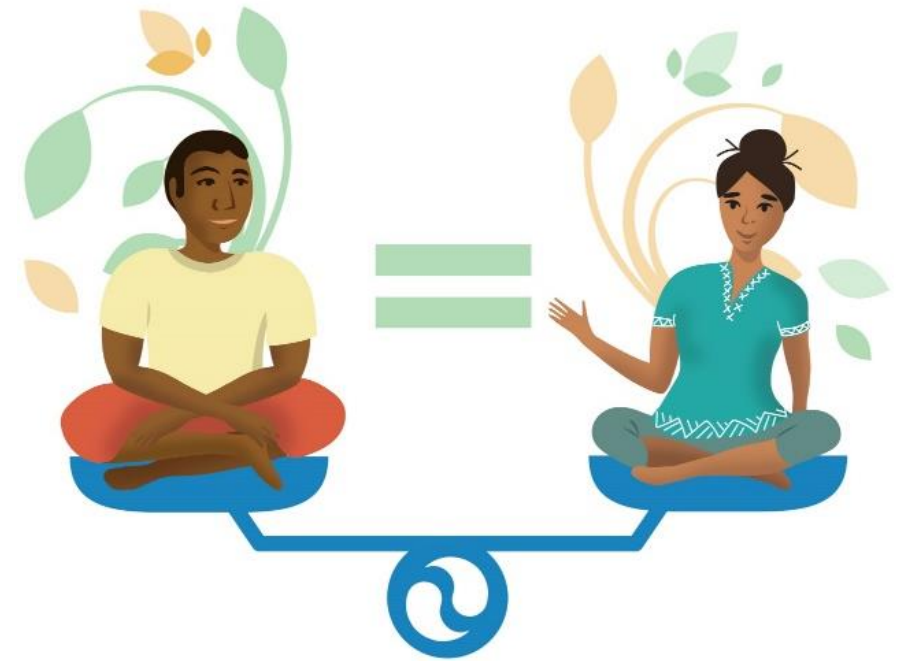
- Consider each human rights listed here and how the Kau Reserve impacts upon the right.
- Identify potential negative impacts of the NbS on rights.
- Identify actions to mitigate, reduce or avoid the risks to those rights.



01

Rights to non-discrimination and gender equality

- Who will be impacted by the project, how and are there some groups that will be impacted more than others?
- Has a stakeholder analysis identified potential at-risk groups for the project? What actions will be taken to protect those most at risk?
- Will the approaches used to engage stakeholders favour some groups more than others?
- How are the benefits of the project distributed between different stakeholders, and is it fair and just?
- Are there differences between women and men or any other groups with respect to the ability to access and use information?



02 Rights of Persons with Disabilities

- Does the NbS proposed, and specifically project activities, consider the voices, rights and needs of those living with disabilities from the community?
- Are those living with disabilities part of key decision-making processes?
- Are the benefits of the NbS reaching persons with disabilities in all the communities?
- What barriers exist for persons living with disabilities to engage in NbS and the benefits of the proposed project?
- Will NbS build resilience of persons living with disabilities?

For the Kau Reserve, some impacts may include:

Positive impacts: access to clean water and food, reduction in soil erosion and flooding.

Negative impacts: reserve may limit access to traditional medicines

Potential Actions: use community and stakeholder engagement techniques that are gender-sensitive and inclusive, with particular attention to those that are marginalised; ensure persons with disability from the community are consulted and were able participate in committee deliberations on the project; secure alternative sites for accessing traditional medicines; ensure projects have specific activities to engage persons living with disabilities.

03

Rights to a safe, clean, healthy and sustainable environment

- Who will benefit from the proposed NbS project and the healthy environment anticipated, and is this fair and equitably?
- If any infrastructure or works are planned, what are the environmental risks and what safeguards will be put in place?
- Does everyone have equal access to information on NbS relating to the project, to make decisions concerning the impacts of the project?
- If there are environmental committees, who is represented on those committees? How are they appointed? Do the committees function in a way that promotes inclusive and just practices?

For the Kau Reserve, some impacts may include:

Positive impacts: all clans in the village and communities downstream will benefit from clean water, reduced sediments in the river and coastal area, reduced soil erosion and flooding; future generations will have access to healthy forests.

Negative impacts: only 3 clans of the 5 clans will determine the reserve conditions, and control its use and access, and will have to give up extractive use of the forest; some groups may become excluded from the reserve benefits if there is any income generated in the future (e.g. conservation lease, tourism); intensification of forest use in other parts of the watershed.

Potential Actions: for any infrastructure or works planned, consider the needs for an environmental impact assessment; ensure women, youth and other relevant groups are included on environment committees; carefully assess who are the beneficiaries of NbS, and if they are fair and equitable.

04

Right to clean water

- Will any of the NbS negatively impact the rights to water (quality and access)?
- Who will benefit from water-related NbS?
- Do water interventions include infrastructure investments?

05

Right to healthy food

- Will NbS impact directly or indirectly the nutritional food security of individuals or communities?
- Who will benefit from food-related NbS?

For the Kau Reserve, some impacts may include:

Positive impacts: clean water downstream as less soil erosion. increase in reef health and access to fish closer to the coastal community. reduced soil erosion and flooding.

Negative impacts: intensification of forest use in parts of the watershed, impacting water quality in other river systems. clans with rights to the forest may not be able to access forest foods, including ones that are resistant to cyclone damage.

Potential Actions: ensure NbS contributes to the protection or maintenance of clean water sources and addresses issues of displacement of forest use. Carefully assess who are the beneficiaries of NbS, and if they are fair and equitable. Ensure actions are taken to prevent impacts to nutritional food security.

06

Rights to adequate shelter, housing and secure tenure

- Will there be loss of tenure rights and access to natural resources, and which individuals or groups will be affected?
- Do women and men have different rights with respect to how land is used and owned?
- Will individuals or groups be displaced?
- Do tenure rights have a bearing on the types of activities your project might need to include to ensure equitable distribution of benefits?

For the Kau Reserve, some impacts may include:

Positive impacts: reinforces rights to make decisions on their land; reinvigorates traditional practices such as closures (e.g. tabus, tambus) as examples for youth.

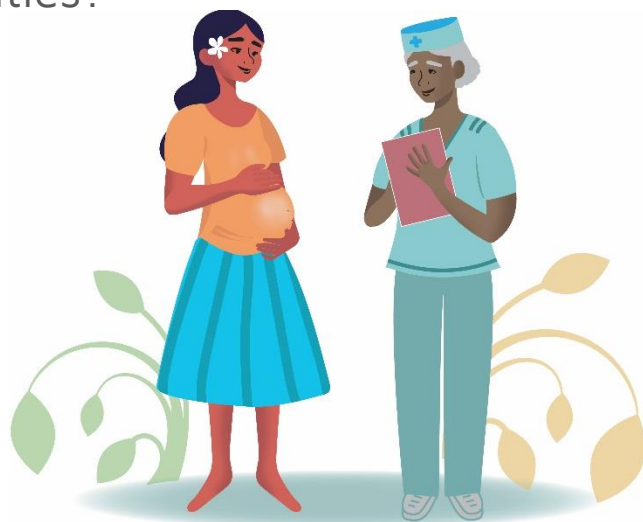
Negative impacts: unable to access forests for traditional foods and medicines; reduced opportunity for income generating activities.

Potential Actions: NbS should assess forest timber needs and uses of communities for shelter and homes; if there is any displacement of people or loss of rights, there is needs to be free, prior and informed consent (FPIC), and compensations measures need to be considered; any loss of tenure rights should consider the impact to both current and future generations.

07

Right to health

- How does NbS benefit all the different dimensions of health and wellbeing?
- Will NbS impact the health and wellbeing of individuals or communities?



For the Kau Reserve, some impacts may include:

Positive impacts: supports access to clean and safe water, food, and healthy environment.

Negative impacts: depending on the rules, there may be reduced or no access to traditional foods and medicines from the forest.

Potential Actions: Ensure there are specific strategies to improve human wellbeing; potentially allow for access to traditional medicines provided it does not impact overall health of forest.

08

Rights to and at work

- Are there differences in the community in terms of the types of work and opportunities for work?
- Will NbS result in a loss or decline in livelihoods?
- Will those doing environmental work (e.g. defenders, committee members, patrol teams) be at risk?



For the Kau Reserve, some impacts may include:

Positive impacts: creation of work through two appointed wardens.

Negative impacts: restriction on access to forest materials for livelihoods; violence towards wardens for enforcing.

Potential Actions: inclusive and participatory decision-making, particularly with those most at risk; consider what actions can be taken to reduce the impact on local livelihoods, and where possible design alternative sources/support; ensure measures are in place to protect those doing risky work.

9

Rights to inclusive, participatory and democratic governance

- Are the voices, opinions and suggestions of other marginalised groups such as youth or those living with disabilities integrated into decision-making?
- Is there a risk that decision-making will be based on limited, skewed or narrow perspectives, which could lead to increased social and/or economic inequalities amongst stakeholders?
- Are there differences between groups with respect to authority and decision-making in the community?
- Are women and men represented equally in local committees and decision-making bodies?
- Are there any barriers that might limit the ability of a certain group to provide inputs into the design and subsequent implementation of the project?

For the Kau Reserve, some impacts may include:

Positive impacts: promoting positive working relationships with the landowning community and local government.

Negative impacts: risk limiting decision making and consultation with representatives of 3 land owning clans; excluding marginalised groups from the village in decision-making.

Potential Actions: ensure active, inclusive and transparent participation of the diversity of stakeholders (e.g. gender, age or social, economic or cultural background); invest in removing barriers to equitable and inclusive participation and decision-making; ensure staff and partner have training on inclusive facilitations and decision-making.

10

Rights of Indigenous Peoples

- Will there be weakening or erosion of Indigenous governance structures, process or rights including tenure over land and resources?
- Will there be any relocation of Indigenous peoples or traditional communities? If there is relocation, will any compensations to Indigenous communities be just and fair, and will they have the option of return?
- Will Indigenous knowledge systems be valued, or be weakened or ignored? How will the NbS project respect and protect the knowledge and practices of Indigenous peoples and local communities in relation to the conservation and sustainable use of their lands, territories and resources?
- Will there be any impact, restriction or loss of cultural rights, including cultural practice?

For the Kau Reserve, some impacts may include:

Positive impacts: traditional leaders identified and raised the issue and leading implementation; promoting traditional and cultural knowledge processes of conservation.

Negative impacts: rights to use and access the materials in the forest restricted.

Potential Actions: inclusion of different knowledge systems and participation of affected groups (e.g. Indigenous, local communities, women, youth); conduct FPIC and establish grievance mechanisms.

11

Rights to live free of conflict and violence

- Will the NbS cause conflict or widen existing conflicts (e.g. within or between communities, between communities and authorities)?
- Will monitoring, compliance and enforcement activities be done without violence?
- Will perpetrators of environmental crimes be treated with respect and have access to the judicial system?

For the Kau Reserve, some impacts may include:

Positive impacts: access to water, food, clean, safe and healthy environment reduces conflicts over resource scarcity.

Negative impacts: conflict may arise as wardens enforce the rules of the reserve; forest wardens could be at risk from physical harm or might inflict physical harm.

Potential Actions: ensure grievance mechanisms are in place to address issues as they arise; ensure monitoring, patrols and enforcement systems have procedures in place to protect the rights of those undertaking the work, as well as those encountered in the field (including those breaking rules).

12

Intergenerational rights, equity and justice



- How will the NbS impact the current and future generations?
- Will any NbS remove or diminish the rights of the current or future generations?

For the Kau Reserve, some impacts may include:

Positive impacts: forest exists for future generations; sharing traditional and cultural knowledge on conservation with youth.

Negative impacts: youth cannot use the forest resources now and have to seek alternatives in the short-term.

Potential Actions: Engage with youth to ensure their viewpoints and needs and aspirations for their future are considered.

Activity 2: Applying human rights assessment to your project

1

From module 1 - revisit the final activity from Module 1, where you identified a project and the rights linked to that project.

2

List the rights which your project has impacts on (-ve & +ve).

3

Using the assessment questions linked to the specific rights you identified, assess and map out how the project specifically impacts those rights. How and Who are (-ve & +ve) impacted by the projects?

4

For each assessment, identify how the project will mitigate the risks, and where positive impacts, how will the project sustain, promote/enhance such rights.



TOPICS:

- What is an ESMS?
 - Linking rights risk assessment to ESMS
-

Session 1.3

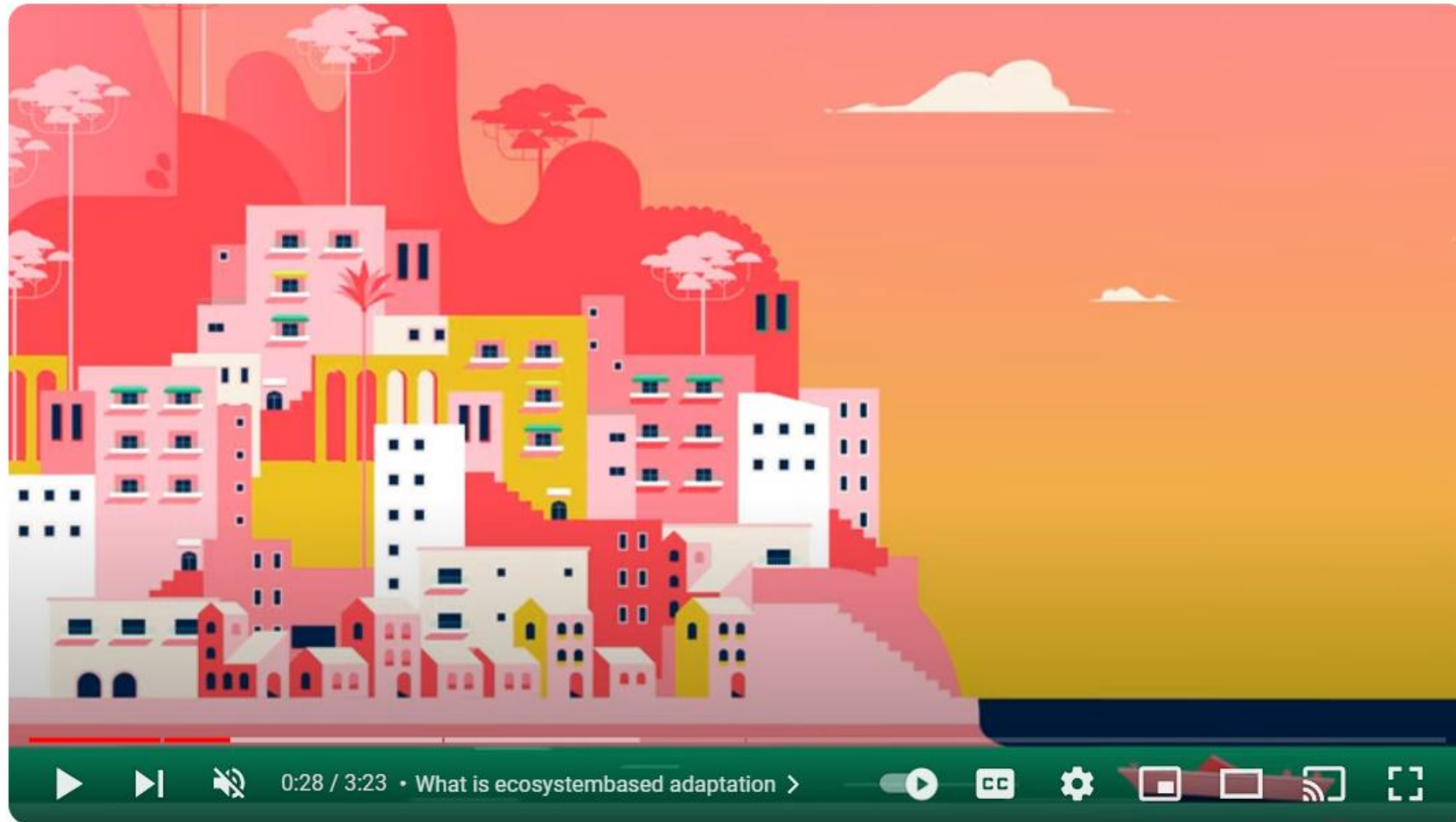
Human rights Risk Assessments enhance ESMS

Environmental and Social Management System (ESMS)

An ESMS is a term used by development organisations and agencies to refer to policies, standards and operational procedures designed to identify, avoid, mitigate and minimise adverse environmental and social impacts.

A human rights risk assessment is a part of ESMS, and should be conducted at the earliest stages of project design, and monitored and evaluated throughout the cycle of the project.

UN Environment Programme (2020).
What is ecosystem-based adaptation?
[Video] <https://youtu.be/fhDuqvRk6LY>





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