KIWA INITIATIVE

Nature-based solutions for climate resilience

Assessing Human Rights Risks to Inform Nature-based Solutions in Pacific Islands

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KIWA INITIATIVE

The Kiwa Initiative – Nature-based Solutions for Climate Resilience aims at strengthening the climate change resilience of Pacific Islands ecosystems, communities and economies through Nature-based Solutions (NbS), by protecting, sustainably managing and restoring biodiversity. It is based on an easier access to funding for climate change adaptation and NbS for local, national authorities, civil society and regional organisations of Pacific Island Countries and Territories including the three French overseas territories. The Initiative is funded by the European Union (EU), Agence Française de Développement (AFD), Global Affairs Canada (GAC), Australian Government Department of Foreign Affairs and Trade (DFAT) and New Zealand Ministry of Foreign Affairs and Trade (MFAT). The Kiwa Initiative has established partnerships with the Pacific Community (SPC), the Secretariat of the Pacific Regional Environment Programme (SPREP) and the Oceania Regional Office of the International Union for Conservation of Nature (IUCN-ORO). More information on www.kiwainitiative.org

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Definition

Discrimination refers to any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.[1]

Environmental and Social Impact Assessment informs the process of decision-making by identifying and addressing the current and potential environmental, social and economic risks of a project.[2]

Environmental and social safeguards provide guidance on how to systematically manage unintended social and environmental project impacts, such as restrictions on local people's access to or use of natural resources.

Free, prior and informed consent (FPIC) is a specific right that pertains to Indigenous peoples that enables them to give or withhold consent to a project that may affect them or their territories. Once they have given their consent, they can withdraw it at any stage, and FPIC enables them to negotiate the conditions under which the project will be designed, implemented, monitored and evaluated.[3] FPIC is linked to a people-centred approach that includes GEDSI considerations to address inequalities through participation, inclusivity, empowerment, and contextualization. By placing people at the centre, it fosters sustainable development and respects the rights and dignity of all.

Gender refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men, women, and people of diverse genders. While sex refers to the biological and physiological differences between males and females, gender refers to the socially constructed roles, behaviours, and expectations that are associated with being women and men in a given society. Gender is a complex concept that influences how people perceive themselves and others, as well as how they interact with one another. Gender is also closely linked to power relations, as it often determines who has access to resources, opportunities, and decision-making processes in a given society.[4]

1 United Nations Human Rights Special Procedures (2018)
2 IUCN (2020) Environmental and Social Impact Assessment (ESIA): Guidance Note - ESMS Manual. IUCN. **https://www.iucn.org/sites/default/files/2022-05/esms-environmental-and-social-impact-assessment-esia-guidance-note.pdf**
3 FAO (2016) Free, Prior and Informed Consent: An Indigenous People's Right and a Good Practice for Local Communities. Manual for Project Practitioners. Food and Agricultural Organization, Rome **https://www.fao.org/indigenous-peoples/our-pillars/fpic/en/**
4 SPREP (2024) Gender Equity, Disability and Social Inclusion Policy. SPREP, Apia

Gender analysis is a process used to examine how gender roles, norms, and power relations affect the lives of women, men, and people of diverse genders. It is a systematic process that helps identify how gender differences and inequalities impact individuals and communities. The aim of gender analysis is to identify and understand the ways in which gender shapes people's experiences, opportunities, and outcomes, and to use this understanding to inform policies, programs, and interventions that promote gender equality and empowerment. Gender analysis involves gathering and analysing gender-specific data, and using this data to identify patterns, trends, and gaps in access to resources and opportunities. It also involves examining the social norms and attitudes that perpetuate gender inequalities and identifying strategies to address these norms and attitudes.[5]

Gender equity, disability and social inclusion (GEDSI) refers to approaches to ensure people from all backgrounds, including women and gender diverse people, people with a disability and people facing another form of marginalisation are included, reasonably accommodated[6] and can contribute to Nature-based Solutions. A GEDSI lens is used to prevent unintended harm, exclusion and further marginalisation of at-risk groups, and to promote their rights, equitable opportunities and benefits.

Gender mainstreaming is a strategy that seeks to promote gender equality and empower women and girls by integrating gender perspectives into all aspects of policy and program development, implementation, and evaluation. It is a process that requires a commitment to gender equality and an understanding of how gender norms and power relations shape people's experiences, opportunities, and outcomes. The goal of gender mainstreaming is to ensure that policies, programs, and interventions take into account the different needs, experiences, and perspectives of women, men, and people of diverse genders and that they promote gender equality and empowerment.[7]

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.

Human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities that lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress and often result in groups of people being left behind.[8]

5 SPREP (2024) Gender Equity, Disability and Social Inclusion Policy. SPREP, Apia
6 Convention On The Rights Of Persons With Disabilities (CRPD), 2006, Article 2. **https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-2-definitions.htm**
7 SPREP (2024) Gender Equity, Disability and Social Inclusion Policy. SPREP, Apia
8 UN Sustainable Development Group. **UNSDG | Human Rights-Based Approach**

Inequality is the social process by which men and women or other identities are not treated as equals, excluded from opportunities and denied rights on the grounds of gender, wealth, ability, location, ethnicity, language and agency, or a combination of these dimensions.

Intergenerational equity refers to meeting the needs of the present without compromising the ability of future generations to meet their needs. It is the concept of fairness amongst all generations in the use and conservation of the environment and its natural resources.

Intersectionality is a conceptual or analytical framework for describing and understanding how a person's social identities combine to create different forms of discrimination and privilege, advantage and disadvantage. Examples of these social factors that define identity include gender, age, ethnicity, caste, sexuality, religion, disability, migrant status, history and economic status.[9]

Nature-based Solutions is defined as actions to protect, sustainably manage and restore natural and modified ecosystems in ways that address societal challenges effectively and adaptively, to provide both human well-being and biodiversity benefits.[10]

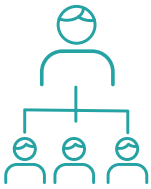
9 Crenshaw, K (1989) Demarginalizing the intersection of race and sex: a black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. University of Chicago Legal Forum. (1): 139–167

10 IUCN (2016) World Conservation Congress Resolution 069. Defining Nature-Based Solutions.

Purpose

This human rights risk assessment tool has been designed for organisations and practitioners working on Nature-based Solutions (NbS) in the Pacific Islands, who wish to ensure their projects do not cause harm to people.

Key Points



1 A human rights risk assessment helps to identify risks to individuals and groups of stakeholders, including communities, from planned NbS.

2 A human rights risk assessment can contribute to national environmental and social impact assessments and environmental and social safeguards management for projects.

3 With the right social safeguards in place, NbS can positively reinforce human rights, and are likely to be more fair and effective.

Why assess human rights risks?

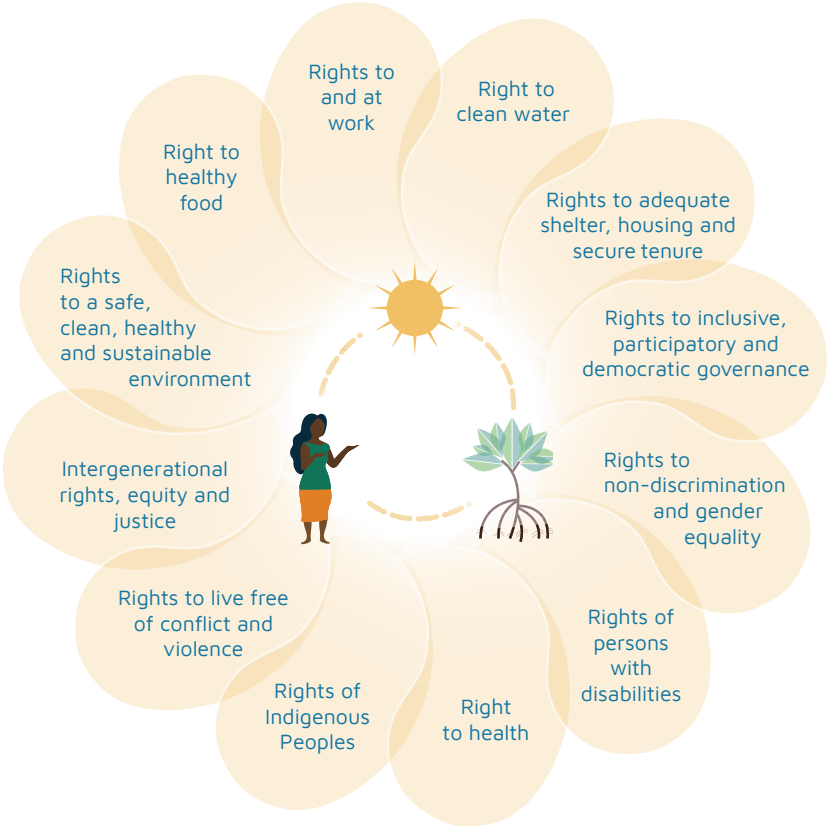
Human rights are rights inherent to all human beings, regardless of sex, nationality, ethnicity, language, religion, or any other status. Human rights include gender equality, the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Identifying human rights risks is a critical step to preventing and mitigating harm to people resulting from NbS.

Because the benefits, costs and risks of NbS may differ between individuals and groups, approaches used by conservation organisations and practitioners can *reinforce, perpetuate* or *increase* human rights violations. Examples of this may include projects or interventions that forcibly restrict local people's access to or use of natural resources, displace or evict people from their homes (e.g. to establish a protected area), or use undue force (e.g. during patrols and enforcement).

By identifying *actual* and *potential* risks and impacts, practitioners and their organisation can implement measures to prevent and mitigate impacts, and track how effective these measures are. In some places this may require investments to remedy existing human rights issues at a site to maximise the positive impacts to people.

The risk assessment should not be seen as an additional burden on already busy practitioners. Rather the process of identifying risks is an important opportunity for stakeholder engagement, enhancing the quality of NbS design and implementation, while enhancing accountability for impacts on human rights. Furthermore, *equality, participation, transparency* and *accountability* are fundamental principles of a human rights-based approach, and a human rights risk assessment addresses these issues more systematically and comprehensively (Nordic Trust Fund and The World Bank, 2013).

Which human rights are important for Nature-based Solutions?



The 1948 Universal Declaration of Human Rights sets out the fundamental human rights to be universally protected and a common standard for humanity, and laid the foundation that paved the way for the adoption of more than 70 human rights treaties at global and regional levels. The Universal Declaration of Human Rights recognises that human rights are *universal* and *non-discriminatory* (held equally by all human beings), *inalienable* (they cannot be taken away), *unconditional* (they do not depend on behaviour), *indivisible* and *interdependent* (they are all equally important and they cannot be separated) (Newing and Perram, 2019; Smallhorn-West et al., 2023). Everyone is entitled to these rights, without discrimination.

There are multiple gender and human rights international conventions that many Pacific Island countries and territories have ratified, as well as regional declarations that have been made by Pacific leaders that are relevant to the environment sector. By reviewing these commitments and reflecting on the obligations of state and non-state actors[11], 12 rights have been identified that are relevant and should be considered when undertaking a human rights risk assessment for NbS (Table 1). This is not to say other rights are not important (e.g. right to life, liberty, and security of person, all are equal before the law and are entitled to equal protection against any discrimination, no one shall be subjected to arbitrary arrest, detention or exile) – rather 12 human rights have been highlighted as good entry or starting points for learning and considering how human rights intersect with NbS.

A full description of these selected 12 rights, with examples, can be found in "*Human rights and nature-based solutions in Pacific Islands*" (SPREP, 2024b). In assessing NbS against these risks, it is important to keep in mind that the violation of one right may impair the enjoyment of other human rights. Furthermore, the rights to non-discrimination and gender equality and rights of those living with a disability, are cross-cutting and apply to all of the rights described in Table 1.

11 Non-state actors include organisations and individuals that are not affiliated with, directed by, or funded through the government. These include corporations, private financial institutions, and NGOs, as well as paramilitary and armed resistance groups.

Table 1. Twelve human rights most relevant to Nature-based Solutions in the Pacific Islands, and examples of risks to consider.

Human rights		Relevance to Nature-based Solutions	Examples of risks to consider
Rights to non-discrimination and gender equality		Non-discrimination and equality are fundamental human rights principles and components that interlink with all other human rights. Because the benefits and costs of NbS may differ between individuals and groups, approaches used by practitioners can reinforce, perpetuate or increase existing forms of discrimination. In some cases, the approach used might itself be discriminatory.	• Are certain individuals or groups excluded from contributing or participating in decision-making? • Are certain individuals or groups excluded from benefiting from NbS? • Are certain individuals or groups disproportionately impacted by NbS?
Disability rights		Persons with disabilities are some of the most marginalised, and face numerous barriers, including when it comes to contributing to NbS. Disability inclusion requires special focus on the removal of physical, environmental, attitudinal and institutional barriers.	• Are persons with disability being left out of the planning and implementation of NbS? • Will NbS impact persons with disabilities?
Rights to a safe, clean, healthy and sustainable environment		A safe, clean, healthy and sustainable environment is needed in order to respect, protect and fulfil human rights. Conversely, the respect, protection and fulfilment of human rights is needed in order to ensure a safe, clean, healthy and sustainable environment.	• Will there be unequal or discriminatory access to the environmental benefits that arise from NbS? • Will any groups dependent on natural resources be disproportionately impacted by NbS?
Right to clean water		The right to water recognises that clean drinking water and sanitation are essential to the realisation of all human rights. NbS should protect and support people's right to sufficient, safe, clean, physically accessible water to meet their personal and domestic basic needs (i.e. drinking, personal sanitation, washing of clothes, food preparation, personal and household hygiene).	• Will NbS to maintain or improve water sources benefit only some groups, and not those that need it most? • Will women be included on water management committees and water-related decision-making processes?

Human rights		Relevance to Nature-based Solutions	Examples of risks to consider
Right to healthy food		The right to food includes the right to a minimum ration of calories, proteins and other specific nutrients, and all nutritional elements that a person needs to live a healthy and active life, and to the means to access them. NbS must ensure food availability is continued or enhanced, and this includes food available from natural resources through fishing, hunting or gathering, or through food production systems.	• Will changes in access and use of natural resources impact the food security of women and those that are marginalised? • Will NbS (e.g. restoring soil quality, sustainable agricultural practices) be needed to address food security needs?
Rights to adequate shelter, housing and secure tenure		To be adequately housed means having secure tenure without the worry of being evicted or having your home or lands taken away. The right to adequate housing should not be interpreted narrowly as only the physical home; rather, it should be seen as the right to live somewhere in security, peace and dignity.	• Will NbS result in changes or impacts to tenure rights and the security of that tenure? • Will NbS result in reduced access rights to essential natural resources for shelter and housing? • Will NbS result in the eviction or displacement from land or marine resources?
Right to health		The right to health is an inclusive right that extends not only to health care but also to those factors that determine good health, including access to safe drinking-water and adequate sanitation, a sufficient supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information. Indigenous peoples may depend on habitats for medicinal plants for health purposes which may include physical, mental or emotional health.	• Will NbS restrict access to traditional medicines? • Will restrictions in access to natural resources impact food nutritional security, cultural practice or human wellbeing? • Will NbS consider the spiritual wellbeing of people?
Rights to and at work		These rights extend to the rights *to work*, and the rights *at work*. NbS projects should consider if interventions being proposed will limit or alter individuals and groups of individuals' (e.g. fishers) rights to earn a living, including from nature-based livelihoods. There is growing awareness of the risks human rights defenders (including fish or forest wardens) face when trying to protect and promote human rights relating to the environment.	• Will NbS promote discriminatory, inappropriate or non-preferred forms of employment or alternative livelihoods? • Will fish or forest wardens conducting patrols or other environmental defenders[12] be exposed to different forms of violence?

12 Environmental defenders are "*individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment*, including water, air, land, flora and fauna" (UNEP, 2018). The definition includes those who work to protect the environment on which the enjoyment of human rights depend, whether or not they self-identify as human rights defenders, and includes but is not limited to rangers, wardens, and Indigenous peoples and traditional communities.

Human rights		Relevance to Nature-based Solutions	Examples of risks to consider
Rights to inclusive, participatory and democratic governance		Participatory, equitable, transparent and accountable governance means using approaches that ensure all relevant stakeholders have the opportunity to engage and effectively participate in all matters and decisions that would affect their rights, especially those that might be marginalised. Consideration needs to be given, especially when working with Indigenous peoples with land-sea tenure rights, to equitable participation, power sharing, recognition and security of rights, and clarity of responsibilities, to ensure simultaneous benefit to people and nature in the short- and long-term.	• Will NbS address governance and structural inequities that may exist, especially those that keep marginalised members of a community from decision-making? • Will governance structures and processes favour only the elite, privileged and/or specific groups? • Will participation in NbS mean women and other marginalised groups will have their ideas heard, valued and included in decision-making?
Indigenous rights		Indigenous peoples globally, including in the Pacific, have the right to self-determination and to freely pursue their economic, social and cultural development and political status. Self-determination means Indigenous peoples have the right to be in control of their lives and future, which includes maintaining who they are and to live the way they want to live. This includes rights to autonomy or to self-govern in matters relating to their internal and local affairs, and to participate in decision-making in matters that affect them and their rights.	• Will traditional knowledge systems be valued, recognised and integrated into NbS? • Will NbS impact the rights of Indigenous peoples and their practices (e.g. self-governance, traditional management systems, culture, etc.)? • Will NbS result in unfair and inequitable sharing of the benefits arising from the use of traditional knowledge and genetic resources?
Right to live free of conflict and violence		NbS should support a safe and enabling environment in which individuals and groups can operate free from threats, harassment, intimidation and violence. This includes awareness and sensitivity to existing conflicts and avoiding the creation of new conflicts, which can be exacerbated by increasing environmental degradation and depletion of natural resources.	• Will NbS result in competition over scarce natural resources and an increase in environmental crime, conflict and social unrest? • Will NbS violate the rights of users (e.g. poachers) by not using the correct legal mechanisms and procedures?
Intergenerational rights, equity and justice		Intergenerational rights, equity and justice is defined as meeting the needs of the present without compromising the ability of future generations to meet their needs. This includes rights to enjoy their cultural heritage and access and participate in the cultural life of their people, and the rights to education that shall be directed toward respect for the natural environment.	• Will the needs and aspirations of the youth (both current and future) be considered in the design of NbS? • Will NbS consider the short or long-term costs and benefits that impinge on or violate the rights of future generations?

What is a human rights risk assessment?

A human rights risk assessment will help answer the question *how do Nature-based Solutions affect human rights*? It can stand alone as an assessment, or can help inform an *Environmental and Social Impact Assessment* and/or *Environmental and Social Management System*. There are challenges of doing a risk assessment, and these are highlighted in Box 1. Ideally, the risk assessment should be done before or as part of project planning and design. However, if not possible, it is still important to do a risk assessment *before* or in the *early stages* of implementing NbS to ensure projects have measures in place to prevent and mitigate risks throughout the project. It will help organisations and practitioners to create transparency and accountability on human rights.

There are four key components to a human rights risk assessment: assess, prevent and mitigate, track and communicate (Fig. 1).

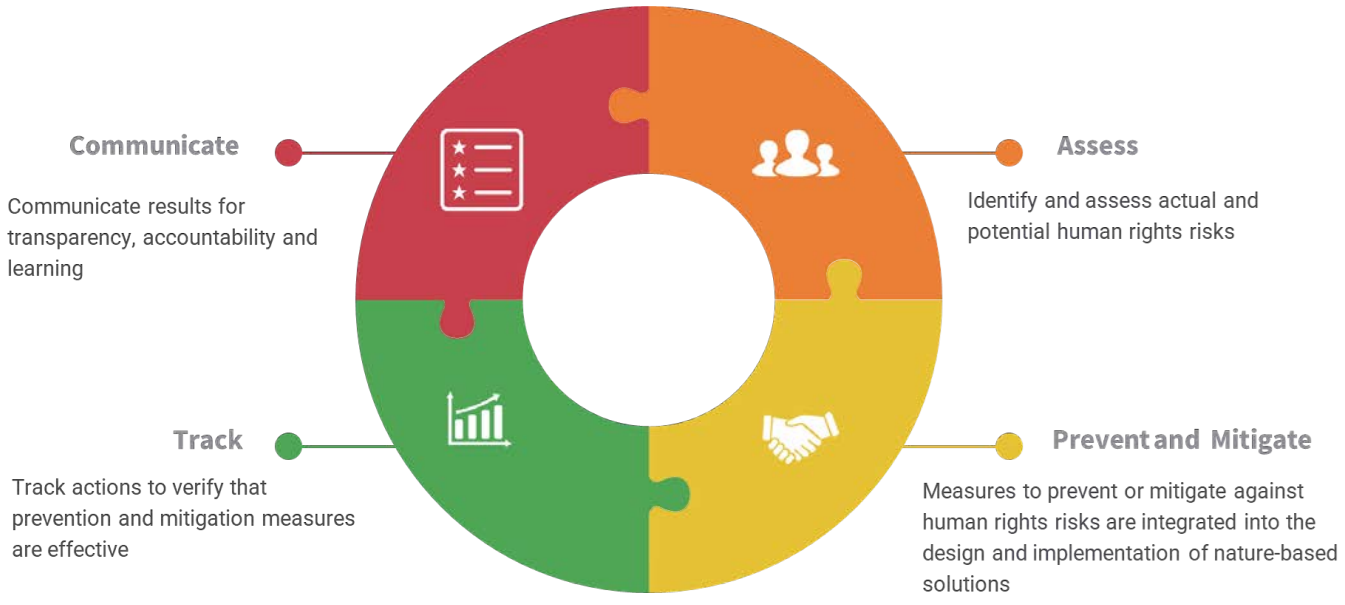


Figure 1. Four main components of a human rights risk assessment

Box 1. Challenges of doing a human rights risk assessment

Political	Human rights are considered political and therefore are not neutral. There could be reputational risks for government, industry or non-government organisations, and motives and incentives can be hidden behind other agendas. Human rights do not provide non-political, non-negotiable moral absolutes, and this is because conflict can sometimes result from competing rights themselves. This means that organisations may be tempted to manipulate their findings to validate a project they are trying to promote. For example, high political interests in developing infrastructure for tourism that brings in money and creates more jobs for locals, may lead to the manipulation of findings on human rights risks regarding the impact to the environment (i.e. right to healthy environment) or villages (i.e. Indigenous rights). Alternatively, opponents to projects may manipulate the assessment to obtain negative findings regardless of the actual human rights impact of the intervention.
Technical	Conducting a meaningful risk assessment requires time, financial resources, data collection and types of expertise required. It may require hiring a technical expert to lead and write up the risk assessment. Even if led by an external expert it is important to create a process that is transparent, inclusive, and builds (preferably) the capacity of the staff implementing NbS to undertake risk assessments in the future.
Causality and attribution	A fundamental challenge is that of causality and attribution. Meaning, it may be difficult to establish with certainty the causal links between NbS and specific interventions, and a specific outcome. As such, it may be difficult to attribute responsibility for outcomes to particular actors.
Disclosure	A key principle of a human rights risk assessment approach is transparency. This principle may present its own set of challenges for organisations reluctant to publicise sensitive information or damaging findings uncovered through the assessment.
Confidentiality	There may be instances in which some aspects of a risk assessment should not be disclosed like for example, where it contains proprietary, confidential or sensitive information. When objectives of disclosure and those of confidentiality conflict, the principle of *"do no harm"* should be applied.

Source: Adapted from Nordic Trust Fund and The World Bank, 2013. *Study on Human Rights Impact Assessments. A Review of the Literature, Differences and Other Forms of Assessment and Relevance for Development.*

How to *assess* human rights risks?

Determining the significance of risk

Human rights risks can range from none or negligible to significant depending on the project and the local context where NbS will be implemented. It is therefore important to understand how significant a risk is, so that it can be prioritised for implementing prevention and mitigation measures (IUCN, 2020). This requires careful consideration of:

- the likelihood that a given risk event is expected to occur;
- the severity of negative impacts expected, its duration and scale;
- if the impact is reversible; and
- if the implementing organisation and its partners have experience applying prevention or mitigation measures.

Both direct and indirect risks, including in knock-on or accumulative effects, must be considered.

Example

Protected and Conserved Areas

Protected and conserved areas, if poorly designed and implemented, can result in violations of a number of human rights, such as rights to food, livelihoods, access materials to build shelter, tenure, living free from violence and Indigenous rights (Bennett et al., 2021; Newing and Perram, 2019). Some of the greatest conflicts occur around area-based management and especially the establishment of protected or conserved areas, where Indigenous peoples, local communities, and other local stakeholders might be excluded or their access to resources restricted for food, livelihoods and cultural practice (Gurney et al., 2021; Oldekop et al., 2016).

Example

Tambu area in Roviana Lagoon, Solomon Islands

In Roviana Lagoon in Western Province, customary chiefs and elders decide upon access to and management of local marine resources in this area. A traditional *tambu* restricting all marine harvesting activities in front of the village was set up in the late 1990s as part of a wider regional conservation and development program. The marine closure was managed by a community-based organisation and a local resource management committee, in close collaboration with local (customary and church) leadership. Decisions on the management of coastal fisheries are mostly taken by male community leaders, and men from the village were appointed as rangers to monitor the *tambu*. Women play an important role within their community, contributing to food security and income. A 2015 study found women were inclined towards breaking local marine management rules because they had very little involvement in decision-making regarding local marine management, and the *tambu* was located where mainly women used to fish, and it took too much time to fish in other areas. Furthermore, many had partly lost trust in the local leadership due to a perceived misuse of money relating to the marine closure. This example highlights the risk of leaving women out of decisions relating to the use and management of marine resources, coupled with weak governance.

Rohe, J., Schlüter, A., Ferse, S.C.A., 2018. A gender lens on women's harvesting activities and interactions with local marine governance in a South Pacific fishing community. Maritime Studies 17(2): 155–162

Understanding the local context

To undertake a human rights risk assessment, there needs to be a basic understanding of environmental and social context in which NbS will be implemented. While broad contextual information is useful, the risk assessment should focus on the context of the project site and local impacts so that prevention and mitigation are locally relevant. There is a need to find balance between rigour and usability in the practice of risk assessments. This may require reviewing primary and secondary data from NbS site. If the site is new and there is insufficient data available and pre-design surveys are not possible, it will be important to invest in primary data collection early in the project.

For example, many gender practitioners invest in a gender equity, disability and social inclusion (GEDSI) analysis in the early part of NbS projects to understand the social context, structures and power dynamics at a site, and what gender barriers and social inequalities might exist (SPREP, 2024a). The GEDSI analysis can be used to inform the risk assessment, particularly considering the potential impacts to women, girls, peoples living with a disability and marginalised groups within communities. The investment in data collection and analysis should commensurate with the type and significance of risks associated with the project.

Example

Gender analysis of fisheries in Marshall Islands

In partnership with the Marshall Islands Marine Resources Authority (MIMRA), the Pacific Community conducted a gender analysis of the fisheries sector in Marshall Islands. Although this was done as a national snapshot, it helped MIMRA: (a) integrate gender lenses into internal processes such as planning, design and operations, and providing fair and inclusive services to coastal communities and other beneficiaries; (b) increase their understanding of the different roles of women and men in the fisheries sector, including their different needs, any barriers they may face, and potential opportunities for support based on their different roles and needs; and (c) assist gender mainstreaming efforts by identifying gaps and opportunities in order to strengthen institutional, policy or capacity frameworks that enable improved mainstreaming. The analysis helped to identify gaps in knowledge and opportunities to progress gender mainstreaming across the fisheries value chain.

Source: Fox, M., Makhoul, N., Garcia Imhof, C., 2023. Gender Analysis of the Fisheries Sector in the Republic of the Marshall Islands. Noumea: Pacific Community.

Engaging stakeholders

Risk assessments should where possible be done with key stakeholders, especially those whose lives might be affected (positively and negatively) by NbS. The consultation process must be culturally appropriate, non-discriminatory, gender-sensitive and socially inclusive. The consultative process should enable all people whose lives might be affected by the project to be properly consulted to verify and assess the significance of the risks and impacts, and the opportunity to participate in the development of prevention and mitigation measures.

Example

Gender risk assessment for mangrove oyster farming

The Fiji Ministry of Fisheries in partnership with the Food and Agriculture Organization of the United Nations conducted a gender risk assessment of three mangrove oyster farming projects being trialled in Fiji. Focus group discussions were held separately with women and men from communities to document the potential impacts and benefits for the projects, as well as the risks and measures to address or manage those risks. Communities highlighted a range of risks from time availability of women, governance and decision-making, to unclear incentives and expectations, particularly related to markets. The assessment also highlighted how socio-cultural gender norms were a barrier for women to engage in projects targeted at them, and the need to address the disproportionate burden of care that falls on rural women. The findings from the risk assessment are being used to adjust the Ministry's investments in community-based oyster farming in Fiji.

Tool to assess risk

To identify what the main risks are, practitioners and stakeholders will first select which human rights apply to the NbS they are working on (Table 1a, Annex 1). For each of the human rights that are identified, there are examples of questions for self-reflection and consideration during the design and planning of NbS to help identify the main risks (Table 1b, Annex 1).

How to identify actions to *prevent and mitigate* risks?

Once the risks have been identified for the proposed NbS, the next step is to identify actions to prevent and mitigate each of those risks, with a strong focus on those that have been identified as medium or high risk. This is best done in a consultative process with stakeholders, especially potentially affected local communities to explain the possible impacts and discuss ways the project can address these risks.

The consultation should be inclusive, as the impacts may differ between individuals or groups of people. Annex 2 provides examples of actions that can be taken to help mitigate, reduce or manage risk, based on best practice. It is not possible to identify every possible risk before a project starts as NbS are place specific, and the environmental and social risks are therefore place specific.

How to *track* effectiveness of actions?

Accountability requires NbS practitioners to track the effectiveness of the actions taken to prevent and mitigate risk. It is recommended that to adequately measure human rights impacts, human right indicators should be quantitative and qualitative, though most skew towards the latter (Nordic Trust Fund and The World Bank, 2013). This is because quantitative indicators can be difficult to generalise across different contexts and projects. Some tools prefer not to use indicators and may instead, like this one, develop a set of questions relating to human right conditions, which are then integrated into the broader monitoring and evaluation of NbS. Cross cutting human rights such as non-discrimination, gender equality and disability can be challenging to measure, as there is no one universal way. However, a good starting point is to ensure data are disaggregated by different forms of discrimination, such as sex gender, age, disability, ethnicity, or other relevant social identity, and to identify a selection of process and outcome indicators (OHCHR, 2012).

What to communicate?

It is important to ensure all NbS practitioners and their stakeholders know the risks identified and the actions that will be taken to prevent or mitigate those risks, and who will be responsible. This requires clear, open and transparent communication, taking into account language and levels of literacy.

Integration of a human rights risk assessment into best practice

Human rights assessment is just the first step in human rights due diligence, and it can support NbS in multiple ways:

- Ensure aspirational or organisational commitments to protecting human rights are actioned and have a meaningful impact on the ground;
- Form partnerships with stakeholders to better collaborate towards shared goals and elevate the voice of marginalised people;
- Serves as a foundation and can strengthen a human rights-based approach;
- Contribute to national environmental and social impact assessments; and
- Contribute to environmental and social safeguards management and processes.

The learnings from implementing a human rights risk assessment can ensure projects maximise the effectiveness and positive impact on people.

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Annex 1. Checklist of questions to help identify key risks, and actions or strategies to eliminate or mitigate risk

Table 1a. Which rights are relevant to Nature-based Solutions at your project site(s)? (tick)

Rights		Yes	No
1	Rights to non-discrimination and gender equality		
2	Disability rights		
3	Rights to a healthy and sustainable environment		
4	Right to clean water		
5	Right to healthy food		
6	Rights to shelter, housing and tenure		
7	Right to health		
8	Rights to and at work		
9	Rights to inclusive, participatory and democratic governance		
10	Indigenous rights		
11	Right to live free of conflict and violence		
12	Intergenerational rights, equity and justice		

Table 1b. Identifying risks and actions for prevention and/or mitigation arising from NbS.
TBD: to be determined, as currently not enough information to make a decision.
NA: Not applicable

Rights		Questions to consider	Risks	Yes			No	TBD	NA	Actions
				high	med	low				
1	Rights to non-discrimination and gender equality	• Has a stakeholder analysis identified potential at risk groups for the project? • Will the approaches used to engage stakeholders favour some groups more than others? • How are the benefits distributed between different stakeholders, and is it fair? • Who will be impacted by the project, and are there some groups that will be impacted more than others? • Are there differences between people or groups in their ability to access and use information? • Will approaches used by the project reinforce or widen discrimination and inequalities? • Are specific approaches being used in Nature-based Solutions (NbS) discriminatory, colonial, elitist, or top-down? • Will gender approaches cause harm or have repercussions for women?								
2	Disability rights	• Do NbS consider the voices, rights and needs of persons with disabilities? • Are persons with disabilities about to contribute to decision-making processes? • Are there barriers for persons with disabilities to engage in NbS? • Will NbS build resilience of persons with disabilities?								

Rights		Questions to consider	Risks	Yes			No	TBD	NA	Actions
				high	med	low				
3	Rights to a healthy and sustainable environment	• If any infrastructure or works are planned, what are environmental risks and what safeguards will be put in place? • Who will benefit from NbS and a healthy environment and is this fair and equitably? • Does everyone have equal access to information on NbS to make environmental decisions? • If there are environmental committees, who is represented on those committees? • Do communities have access to the justice system to address violations of their environmental rights?								
4	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?								
5	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?								
6	Rights to shelter, housing and 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?								

Rights		Questions to consider	Risks	Yes			No	TBD	NA	Actions
				high	med	low				
7	Right to health	• Will NbS impact any aspects of individual or community health and wellbeing? • Will NbS restrict access to traditional medicines? • Will restrictions in access to natural resources impact food nutritional security, cultural practice or human wellbeing? • Will NbS affect the spiritual wellbeing of people?								
8	Rights to and at work	• Has informal work been considered? • 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 of injury, harm or loss of life?								
9	Rights to inclusive, participatory and democratic governance	• Will there be weakening of local governance rights and processes? • 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 the voices, opinions and suggestions of other marginalised groups such as youth or those living with disabilities integrated into decision-making? • Are there differences between groups with respect to authority and decision-making in the community? • Are women and men fairly represented 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 implementation of the project?								

Rights		Questions to consider	Risks	Yes			No	TBD	NA	Actions
				high	med	low				
10	Indigenous rights	• Will there be weakening or erosion of Indigenous governance structures, process or rights? • Will there be any weakening of tenure rights over land and/or water? • Will there be any relocation of Indigenous peoples or traditional communities? If there is relocation, will any compensation be fair and just, and will they have the option of return? • Will Indigenous knowledge systems be valued, or be weakened or ignored by the proposed NbS (including the use or management of natural resources)? • Will there be any impact, restriction or loss of cultural rights, including cultural practice? • Will any cultural practices be criminalised?								
11	Right to live free of conflict and violence	• Will 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?								
12	Intergeneratio-nal rights, equity and justice	• How will NbS impact the current and future generations? • Will any NbS remove or diminish the rights of the current or future generations? • Will future generations have less resources for their health and wellbeing? • Will future generations have more or less options when it comes to access to natural resources?								

Annex 2. Examples of actions or strategies to mitigate or eliminate risk

Rights		Examples of actions
1	Rights to non-discrimination and gender equality	• GEDSI analysis and risk assessments conducted, and the results used to guide actions • Social safeguards identified and put in place for Nature-based Solution (NbS) • Social safeguard monitoring plan developed for NbS • Gender action plan developed, so that there are specific and deliberate activities targeting women and other marginalised groups, and the removal of gender barriers in culturally sensitive ways • All data collected, analysed and reported is, at a minimum, sex- or gender-disaggregated. If possible disaggregation of other social identities should be considered (e.g. age, disability, ethnicity, migrant status, economic status) • Use community and stakeholder engagement techniques that are gender-sensitive and inclusive, with particular attention to those that are marginalised. Ensure all information is accessible in a form and a language which can be understood. • Actions taken to ensure NbS are not discriminatory, nor cause or widen existing inequalities • Ensure practitioners have GEDSI training so they do not reinforce gender biases, stereotypes and harmful gender norms • Ensure practitioners understand the root causes of prejudice and discrimination, and know how to take effective measures against the underlying conditions that cause or help to perpetuate these • Incorporate gender into the theory of change in NbS
2	Disability rights	• Ensure all NbS do not impact persons with disabilities • Identify specific actions to remove barriers and prejudices towards persons with disabilities • Ensure NbS have specific activities to engage and work with persons with disabilities
3	Rights to a healthy and sustainable environment	• For any infrastructure or works planned, consider the needs for an environmental impact assessment • Carefully assess who are the beneficiaries of NbS, and if they are fair and equitable • Ensure all groups have equal access to information on environmental matters to enable them to participate in decision-making • Ensure women, youth and other relevant groups are included on environment committees • Ensure all persons understand their environmental rights, and have access to the justice system

4	Right to clean water	• Ensure the design of WASH infrastructure considers the specific needs of women, girls, elderly and those living with disability • Ensure NbS contribute to the protection or maintenance of clean water sources • Ensure women and youth are represented and can actively participate on water committees
5	Right to healthy food	• 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
6	Rights to shelter, housing and tenure	• NbS should consider forest timber needs and uses of communities for shelter and homes • Ensure NbS do not result in the loss of tenure rights, including those held by Indigenous people • If there is any displacement of people or loss of rights, ensure there is free, prior and informed consent, and compensations measures need to be considered • Any loss of tenure rights consider the impact to both current and future generations before decisions are made
7	Right to health	• Ensure there are specific strategies to improve human wellbeing within NbS • Ensure people have access to traditional medicines
8	Rights to and at work	• Inclusive and participatory decision-making, particularly with those most at risk • Consider what actions can be taken to reduce the impact on local livelihoods • Ensure measures are in place to protect those doing risky work
9	Rights to inclusive, participatory and democratic governance	• Thorough understanding of local governance to ensure NbS do not weaken local rights and processes • Ensure active, inclusive and transparent participation of the diversity of stakeholders (e.g. gender, age or social, economic or cultural background) • Ensure there is sufficient engagement and participation of all stakeholders in decision-making, especially women, youth, elderly, persons living with disability and other marginalised and at risk groups • 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	Indigenous rights	• Inclusion of different knowledge systems and participation of affected groups (e.g. Indigenous, local communities, women, youth) • The free, prior and informed consent of Indigenous peoples or traditional communities is generally necessary before the adoption or implementation of any laws, policies or measures that may affect them, and in particular before the approval of any NbS affecting their lands, territories or resources
11	Right to live free of conflict and violence	• 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) • Ensure all parties have access to the judicial system when dealing with environmental crimes
12	Intergenerational rights, equity and justice	• Engage with youth to ensure their viewpoints and needs and aspirations for their future are considered • Create engagement processes that enable youth to contribute to discussions in meaningful ways, without reprimand from their elders

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