

Human Rights in Nature-based Solutions for Climate Change Adaptation

training package

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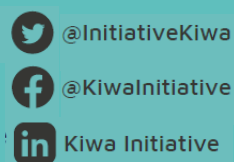
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The Kiwa Initiative – Nature-based Solutions (NbS) for Climate Resilience aims at strengthening the climate change resilience of Pacific Islands ecosystems, communities and economies through Nature-based Solutions (NbS), by protecting, sustainably 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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LIST OF ACRONYMS

AFD	French Development Agency
ESMS	Environmental and Social Management System
FPIC	Free, Prior and Informed Consent
GEDSI	Gender Equity, Disability and Social Inclusion
HRBA	Human Rights-based Approach
IUCN	International Union for Conservation of Nature
NbS	Nature-based Solutions
PICTs	Pacific Island Countries and Territories
SOGIESC	Sexual Orientation, Gender Identity and Expression, and Sex Characteristics
SPC	Pacific Community
SPREP	Secretariat of the Pacific Regional Environment Programme





Background

The Kiwa Initiative¹ is a multi-donor program that aims to strengthen the climate change resilience of Pacific Island ecosystems, communities and economies through Nature-based Solutions (NbS), by protecting, sustainably managing and restoring biodiversity. The Kiwa Initiative is supporting easier access to climate change adaptation and NbS funding for national and local authorities, civil society, international and local NGOs and regional organisations in Pacific Island Countries and Territories (PICTs). As part of the Kiwa technical assistance programme, the Secretariat of the Pacific Regional Environment Programme (SPREP) is working to strengthen the capacity of regional, national and local stakeholders to integrate NbS into national and local policies and to develop related regional projects. The Kiwa Initiative seeks to promote NbS that address the inclusion of vulnerable populations, and particularly of women.

To achieve this, SPREP has developed an internal strategy to integrate human rights, including gender equity, disability and social inclusion (GEDSI) into NbS for climate change adaptation, to ensure these issues are fully and effectively integrated into the organisation's technical assistance to the Kiwa Initiative. One of its strategy goals is to "Strengthen knowledge, awareness and capacity in the Pacific Region to integrate and apply human rights, including GEDSI into NbS for climate change adaptation". Priority actions under this goal include the development and delivery of online training on gender and human rights. This training is relevant and will help support practitioners working on regional projects managed by Agence Française de Développement (AFD), and local projects managed by the IUCN Oceania Regional Office under the Kiwa Initiative.

¹ <https://kiwainitiative.org/en/>, <https://www.sprep.org/project/kiwa-initiative>

Purpose

The purpose of this training is to help practitioners integrate human rights into NbS for climate change adaptation in the Pacific Region. This training assumes practitioners have a basic understanding of NbS and working knowledge of the IUCN Global Standard for NbS (IUCN 2020). These modules are designed to provide a basic introduction to human rights and explain the link between human rights and NbS. While many NbS contribute to the achievement of different human rights, most practitioners do not design, implement or monitor their projects and programs through a human rights lens. As such, this training has been designed to familiarise practitioners with 12 human rights that are relevant to NbS for climate change adaptation. Because this is a basic

introduction to human rights, and NbS are quite broad, this training is also relevant and applicable to the conservation sector more broadly.

To support the integration of Human Rights, including GEDSI, into NbS, this training should be delivered as part of a programme including:

Training 1: Introduction to Nature-based Solutions and the IUCN Global Standard²

Training 2: Human rights in Nature-based Solutions

Training 3: Gender Equality and Social Inclusion in Climate Change³

The overall objectives of the training are to:

1. Build knowledge, capacity and practical skills for understanding linkages between human rights and NbS; and
2. Provide practitioners with basic tools to support integrating human rights in NbS.

The specific learning outcomes include:

1. Participants know what human rights are and why they matter when designing and implementing NbS; and
2. Participants will have some basic tools and to integrate human rights into NbS.

Training package outline

This training package has been organised into two main modules:

1 **Module 1** provides an introduction to what human rights are and explains the direct relationship between human well-being and the environment. Twelve human rights that are most relevant to NbS are described in detail, with examples to illustrate their relevance to practitioners.

2 **Module 2** focuses on providing examples of a human rights risk assessment tool which practitioners can use to integrate human rights into NbS.

This training course can be delivered in two ways: via online training (30 mins per module) at a self-paced learning method, or a facilitated training either in person or online webinar. The training package is designed to support both methods with the following materials:

- Training package to assist training facilitators with delivery;
- One PowerPoint presentation for Module 1 to guide learning;
- One PowerPoint presentation for Module 2 to guide learning;
- Each module contains short videos, graphics and tables;
- Other relevant digital resources to support further in-depth learning on specific aspects.

We suggest participants plan for 30 mins - 1 hour per module when taking the course at their own pace.

² This training can build on available resources such as the IUCN NbS Academy or other material developed in the framework of Kiwa capacity-building programme. <https://iucnacademy.org/group/86>

³ Training module developed for the Pacific Climate Change Center.

Module 1: Introduction to Human Rights and Nature-based Solutions

1.1. Overview

This module provides an overview of the relationship between human rights and NbS for climate change adaptation. At its core is the understanding that environmental and social issues cannot be separated - a thriving planet cannot be one that contains widespread human suffering or restricts human potential, and humanity cannot exist on a dying planet.

Specifically, this training builds on the IUCN Global Standard of NbS (IUCN 2020)



NbS are “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” (IUCN 2016).

NbS, if designed correctly, with the full participation of all local stakeholders and with the right social safeguards in place, can help address not only a number of societal challenges, but also can positively

reinforce human rights. Conversely, if poorly designed and implemented, projects can result in violations of human rights, and further biodiversity loss and environmental degradation.

The following topics are explored as part of this module:

1. Understanding what are human rights;
2. What is the relationship between human rights and the environment; and
3. An introduction to 12 specific human rights and their application to NbS, with examples to demonstrate their relevance.

At the end of this training, participants will:

1. Know what human rights are and why they matter when designing and implementing NbS; and
2. Be able to start to identify which human rights their NbS may enhance, and which ones may be impacted.

1.2. Human Rights and Nature-based Solutions

1.2.1. What are human rights?

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 include gender equality, disability and social inclusion (GEDSI).

Although this is not presented in the training, it is important to know that *human rights-based approach* (HRBA) 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. Many of the approaches that are part of Training 2 and 3, especially around equity, participation and inclusion, are HRBA.

The 1948 Universal Declaration of Human Rights is a milestone document for humanity that sets out the fundamental human rights to be universally protected and a common standard for all peoples and nations. The Declaration 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).

1.2.1.1. Key Principles of Human rights

Human rights are universal and inalienable, indivisible and interdependent, and with all rights having equal status and being necessary to protect human dignity.⁴

Human rights are **universal** because everyone is born with and possesses the same rights, regardless of where they live, their gender or race, or their religious, cultural or ethnic background.

Inalienable means people's rights can never be taken away.

Indivisible and interdependent because all rights – political, civil, social, cultural and economic – are equal in importance and none can be fully enjoyed without the others. They apply to all equally, and all have the right to participate in decisions that affect their lives. Denial of one right invariably impedes enjoyment of other rights. Rights are upheld by the rule of law and governments have responsibilities for ensuring human rights are upheld and are aligned to international standards.

Interrelatedness: Human rights are interdependent and interrelated. The fulfilment of one right often depends, wholly or in part, upon the fulfilment of others. For instance, fulfilment of the right to health is dependent on fulfilment of the right to a healthy environment, to education or to information.

Human rights include gender equality. Gender refers to socially constructed roles, responsibilities, attitudes, and behaviours of women and men – what society believes women and men can and should do, and what they consider to be 'feminine' or 'masculine'. These roles and expectations are learned, and are different in different cultures. Gender is learnt through social institutions such as family, church, school, government and community, and varies within and across different cultures and contexts.

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 and can contribute in ecosystem-based approaches to climate change adaptation. 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.

Video Resources:

The Danish Institute for Human Rights (2018). *Human rights - based approach* [Video] <https://youtu.be/DchjppjHOoaE>

NAP Global Network (2021). *Why Gender Matters for Effective Adaptation to Climate Change* [Video] <https://youtu.be/IuO8phhdfsA>

TED-Ed (2015). *What are Human Rights?* [Video] <https://youtu.be/nDgIVseTkuE>

Raoul Wallenberg Institute of Human Rights and Humanitarian Law (2020). *What Are Human Rights*,

Really? [Video] <https://youtu.be/GDdJ-EI3sVU>

UN Human Rights (2018). *Treaty Bodies in action: an introduction* [Video] <https://youtu.be/2zpbj6htOEA>

UN Human Rights (2018). *Treaty Bodies - Committee on the Rights of Persons with Disabilities (CRPD)* [Video] <https://youtu.be/dX2zmMSLkj4>

IFRC (2021). *How can we work with nature to protect people?* [Video] https://youtu.be/_u3DJJe7H1IA

⁴ <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individuals-groups-and>

1.2.2. Understanding Nature-based Solutions

1.2.2.1. What are Nature-based Solutions (NbS)?

Nature-based Solutions (NbS) are “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” (IUCN 2016).

This approach is not new and has been used by practitioners for decades to recognise the interconnectedness and interdependent relationship between nature and human existence, health and wellbeing. However, unlike nature conservation, **NbS specifically addresses one or several societal challenges, while benefiting both biodiversity and human well-being.**

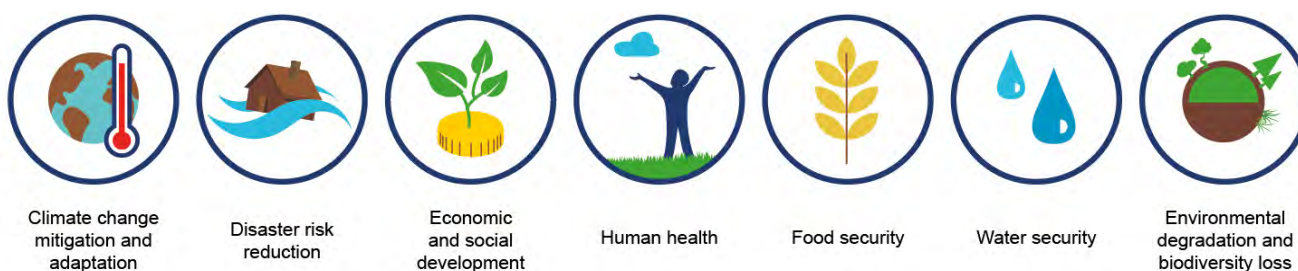
IUCN has produced a global framework and standards for the verification, design and scaling up of NbS (IUCN 2020)

1.2.2.2. What societal challenges do NbS Address?

IUCN (2020) highlights seven major societal challenges addressed by NbS and these are climate change mitigation and adaptation, disaster risk reduction, economic and social development, human health, food security, water security and environmental degradation and biodiversity loss. NbS are therefore conservation solutions (e.g. protection, restoration and sustainable management), with human wellbeing or the safeguarding of society as a primary objective, and are particularly relevant in Pacific Island cultures where definitions of ‘conservation’ cannot be separated from ‘sustainable use’ (Jupiter 2017). Many of the traditional practices in the Pacific around natural resources such as *ra’ui* in Cook Islands, *rahui* in French Polynesia, *tabus* in Fiji, *tapu* in Tonga, *tambus* in Solomon Islands and Papua New Guinea, are examples of NbS.



It is important to note that the IUCN global standards specifically acknowledges that NbS is not *gender neutral* and “taking a gender responsive approach is a prerequisite for sustainable development. Involving women in NbS supports their implementation, as nature conservation and women’s rights are inextricably linked” (IUCN 2020).



Suggested Video Resources:

Convention on Biological Diversity (2019). *Nature-based Solutions for Climate action* [Video] <https://youtu.be/4MIQI2DfOpA>

IUCN, International Union for Conservation of Nature (2015). *IUCN Championing nature-based solutions* [Video] <https://youtu.be/-3nobLGK02A>

1.3. Framework for examining human rights in NbS

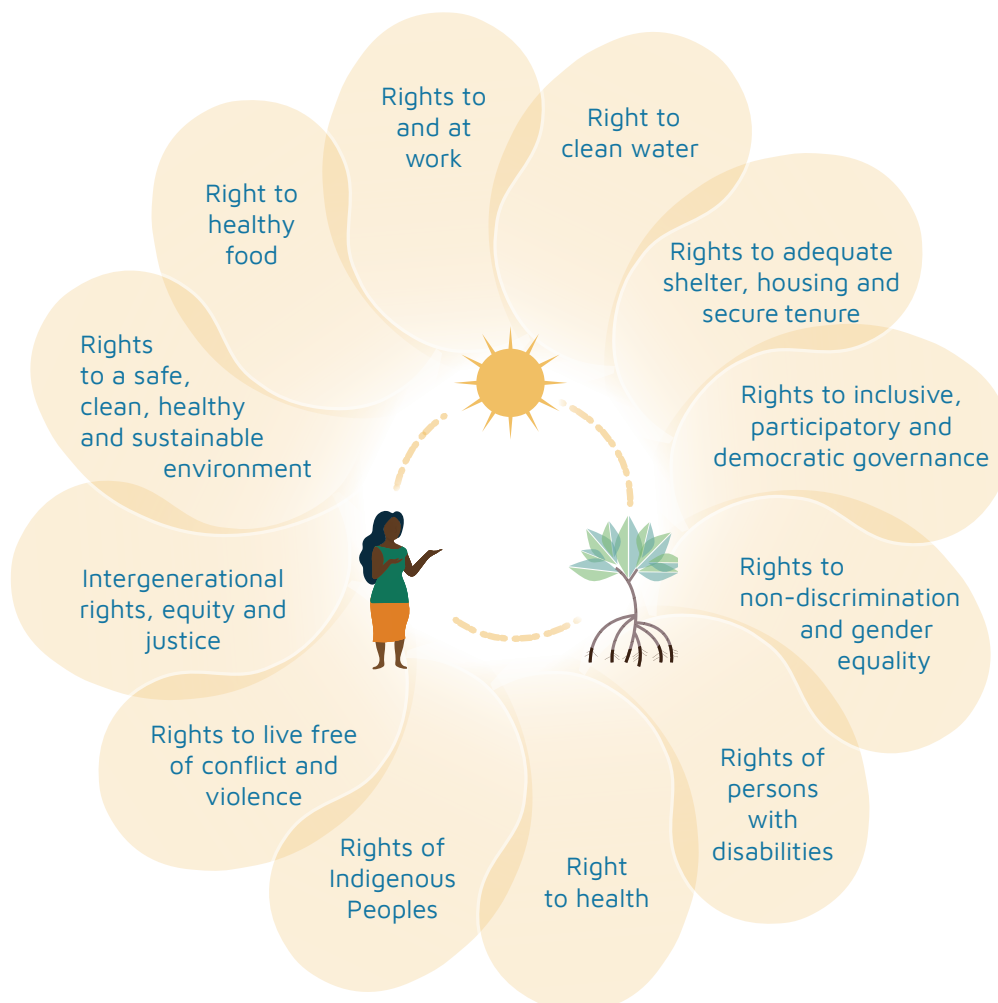
A framework to ensure that biodiversity policies, governance and management do not violate human rights and that those implementing such policies actively seek ways to support and promote human rights in their design and implementation.

Under a rights framework, projects are anchored or embedded in a system of rights and obligations. This helps to promote the sustainability of development work, empowering people themselves, especially the most marginalised, to participate, make decisions, take ownerships and hold accountable those who have a duty to act. Disability inclusion requires special focus on the removal of physical, environmental, attitudinal and institutional barriers.

In applying this framework it is important to understand when designing and implementing NbS projects:

- that human rights are interdependent, indivisible and interrelated, meaning that the violation of one right may impair the enjoyment of other human rights and should be considered;
- how the rights of the individual(s) impact(s) the rights of others; and
- 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.

Here are 12 human rights to consider when undertaking Nature-based Solutions.



1. 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. Rights around non-discrimination, gender equality and disability are likely to be the hardest for practitioners working on NbS to understand and integrate into their work.

Non-discrimination and equality are core elements of the human rights framework. Recognising that every human being is entitled to all rights and freedoms “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

Those who are at greater risk from environmental and climate change often include women, sexual orientation, gender identity and expression, and sex characteristics (SOGIESC), children, older persons, persons living with disabilities, persons living in poverty, Indigenous communities, ethnic minorities, migrant communities and displaced persons. Many persons are subject to discrimination along more than one social dimension (intersectionality), such as Indigenous women or women living in poverty.

Environmental changes, especially resource scarcity, can widen the gap between beneficiaries and those



suffering from its use or change, impacting people’s sense of place, and diminish social coherence and social relations within a community. 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.

Insufficient attention to social equity in NbS can not only produce social harms, it can also undermine local support thereby hindering or reducing the effectiveness of NbS.

Case Study: *Tambu* area in Roviana Lagoon, Solomon Islands

In Roviana Lagoon in Western Province, customary chiefs and elders make decisions on access to and management of local marine resources. In the late 1990s a traditional *tambu* was established restricting all marine harvesting activities in front of the village 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.

Source: 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): 155–62

2. Rights of persons with disabilities

Those living with disabilities are some of the most marginalised, and face numerous barriers, including when it comes to contributing to and benefiting from NbS. Currently, most environmental organisations are not integrating the voices and needs of those living with disabilities into NbS, or broader environmental work, as evidenced by the lack of reports and studies (SPREP 2021). Disability inclusion requires special focus on the removal of physical, environmental, attitudinal and institutional barriers.



Case Study: Impacts of Climate Change on Persons with Disabilities

Fong (2022) provides a research brief on women and disability in the context of climate mobility in Fiji, Solomon Islands and Vanuatu. The brief highlighted a diversity of challenges people living with disability faced that needed to be considered when designing NbS such as food security, income generation, health (i.e. difficulty accessing safe drinking water due to changes in climate patterns, and increased severity of weather events). For the Solomon Islands, the increase in rainfall during the wet season and more drought during the dry season caused murkier water during the wet season

due to heavy rainfall and drying up of wells in the dry season. Persons living with disability in Vanuatu were heavily dependent on agriculture for food production, but climate change has had adverse effects on crops, leading to a decrease in production. Deaf and mute persons generally were denied the opportunities to go to school and therefore did not have employment. As a result many have to manually produce their food or support family members who work to earn cash, and are involved in subsistence activities such as fishing, gardening and feeding livestock.

Source: Fong, P., 2022. Women and disability in the context of climate mobility. Pacific Resilience Partnership.

3. 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. And the respect, protection and fulfilment of human rights is needed in order to ensure a healthy and sustainable environment. NbS must therefore consider the environmental impacts of proposed projects, including their potential effects on the enjoyment of human rights, and should maintain substantive environmental standards that are non-discriminatory and non-retrogressive. This includes both protecting against environmental harm that results from or contributes to discrimination, and providing equal access to environmental benefits arising from NbS that are not discriminatory.



Case Study: Impact of mining on communities' environmental rights

The Ok Tedi copper and gold mine in Western Province, Papua New Guinea (PNG), is one of the world's largest copper mines. A joint venture between the mining company and the PNG Government, Ok Tedi is seen as a significant contributor to the national exports, local employment, and the GDP (WWF, 2020). However, the environmental degradation resulting from its operations and tailings disposal into the Fly River since the 1980s, has had significant social and environmental impacts on the environment and communities downstream. Studies have found that riverbed

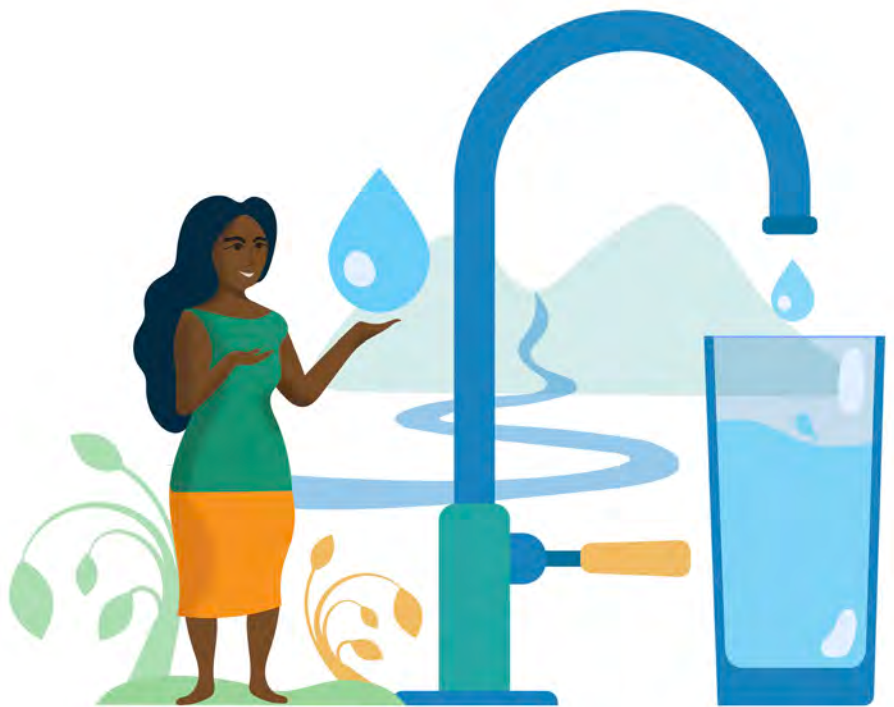
aggradation and heavy metal concentration resulting from long-term discharge from the mine led to significant decline of fish populations, and in some sites close to the point of extinction (Swales et al., 1998; WWF, 2020). The impacts on communities south of the mine includes water pollution, reduced livelihoods and access to food (fish and garden produce) (Jorgensen, 2006; Kirsch et al., 1992; WWF, 2020). While river pollution is evident from the continuous discharge into the river, the lack of information on the environmental and health impacts is also an issue.

Source: Swales, S., Storey, A. and Bakowa, K., 2000. Temporal and Spatial Variations in Fish Catches in the Fly River System in Papua New Guinea and the Possible Effects of the Ok Tedi Copper Mine. *Environmental Biology of Fishes* 57, 75–95.
<https://doi.org/10.1023/A:1007513906281>

4. Right to clean water

Access to safe water is a fundamental human need and therefore, a basic human right. Universal access to clean water and adequate sanitation are prerequisites for healthy and prosperous societies.

NbS should protect and support people's right to sufficient, safe, clean, physically accessible water to meet their personal and domestic needs (i.e., drinking, personal sanitation, washing of clothes, food preparation, personal and household hygiene), with special attention to poor, marginalised and vulnerable groups in society.



Case Study: improving watersheds in Palau

Local communities on Babeldaob in Palau, have depended on the island's watersheds, rivers and streams for drinking and farm irrigation. However, due to sedimentation build-up from upstream land clearing and road building activities, the island's major water sources became under threat of pollution. An island collective of traditional and elected leaders, and community members formed the Babeldaob Watershed Alliance to campaign for watershed management and restoration, and to reduce impacts to downstream coastal and marine ecosystems. They work to prepare communities

to meet the challenges of maintaining water quality and healthy habitats posed by climate change, population growth, continued development and increasing subsistence and commercial farming. In 2011, the Alliance promoted national campaigns for an island-scale ecosystem-based management approach, communicating the impacts of upstream land use on downstream habitat and water quality, promoting protecting ecosystem services, and calling for new terrestrial protected areas and other watershed management initiatives in Palau.

Source: Jupiter, S., Jenkins, A., Lee Long, W., Maxwell, S., Watson, J., Hodge, K., Govan, H., Carruthers, T., 2013. Pacific Integrated Island Management – Principles, Case Studies and Lessons Learned. Secretariat of the Pacific Regional Environment Programme and United Nations Environment Programme, Apia. 72pp. <https://www.sprep.org/attachments/Publications/BEM/20.pdf>

5. 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. Food also can be linked to culture and cultural practice, as seen in the Pacific. Climate change poses a serious threat to people's right to food and threatens all aspects of food security. 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 (i.e. agriculture, animal husbandry). At the same time, NbS must address unsustainable practices people use to obtain their food that result in harm to the natural environment which can then violate other rights (e.g. safe, clean, healthy and sustainable environment, rights to water).

Case Study: locally managed marine areas

PICTs also have some of the highest consumption rates of aquatic foods, providing 50-90% of the annual protein intake in rural areas (Bell et al., 2009). Aquatic foods are highly nutritious (Hicks et al., 2019), yet micronutrient deficiencies and undernutrition are major problems in the Pacific (Farmery et al., 2020). Locally managed marine areas (LMMAs) have been used in some parts of the Pacific (e.g. Fiji, PNG, Solomon Islands) for 20 years, to support food security, livelihoods

and cultural practice, with potential co-benefits for biodiversity conservation (Jupiter et al., 2017, 2014). LMMAs are a locally-led approach in customary fishing grounds where communities (i.e. resource owners) are actively managing their resources to achieve local objectives (Jupiter et al., 2014). Because these LMMAs more often support local food production practices and food sharing, they can contribute to community resilience to disturbances (Ferguson et al., 2022).

Source: Jupiter, S.D., Cohen, P.J., Weeks, R., Tawake, A., Govan, H., 2014. Locally-managed marine areas in the tropical Pacific: Diverse strategies to achieve multiple objectives 20, 165-179.

6. Rights to adequate shelter, housing and secure tenure



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. When designing and

implementing NbS, this means considering people's land tenure rights (and the security of that tenure) as well as their access rights to natural resources for shelter and housing (e.g., forest timber resources).

Case Study: disputed land-sea boundaries

In PICTs land-sea tenure boundaries are passed down orally and are not codified in law (e.g. parts of Melanesia), NbS practitioners need to be extra sensitive to disagreements between communities surrounding tenure rights. Disagreements over access and exclusion can quickly become disputes, some of which may end up in a court of law, especially

when there is an economic opportunity at stake. This is particularly relevant for NbS involving protected or conserved areas where clarity on boundaries may be required or pushed by external entities. *Tambu* areas may also be set up by local communities in attempts to exert and secure tenure rights in disagreement with neighbouring communities.

Source: Foale, S., Macintyre, M. 2000. Dynamic and Flexible Aspects of Land and Marine Tenure at West Nggela: Implications for Marine Resource Management. *Oceania*. 71: 30–45.

7. Right to health



The right to health as an inclusive right that extends not only to timely and appropriate 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.

Natural resources are critical to the livelihoods, food and water security, culture, and wellbeing of Pacific Island communities. Pacific Islanders may depend on plants for health purposes which may include physical, mental, or emotional health.

Case Study: watershed management for human wellbeing

The Watershed Interventions for Systems Health (WISH-Fiji) in Fiji is working with the national and local government, rural communities and the commercial sector to use an integrated approach to take a systems approach to health and well-being through focused action within five watersheds, with documented cases of typhoid, leptospirosis and/or dengue (Jupiter et al., in review; McFarlane et al., 2019). Interventions include forest regeneration, sustainable agricultural practices, erosion

control, improved land use practices adjacent to waterways, and improvements in water infrastructure. The project is working to transform management improving the ability of integrated systems to predict, prevent, respond and recover from water-related diseases and natural disasters (WCS, 2018), and will be expanded to Solomon Islands and Papua New Guinea with funding through the Kiwa Initiative to the Wildlife Conservation Society (WCS).

Source: WCS, 2018. Watershed Interventions for Systems Health in Fiji.

8. 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.

The rights to work, and safety at work is also important. In recent years, there is growing evidence

of the risk of harm and in extreme circumstances death of environmental defenders. 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". NbS should include specific efforts to protect these defenders.

Case Study: fish wardens in Fiji

Fish wardens are a key figure in managing inshore fisheries as they monitor for fishing compliance (licensed or non-licensed fishermen) in local coastal communities. In Fiji, fish wardens are appointed and certified by the Ministry of Fisheries, and are an existing member of the fishing community. Their rights to work and to be protected at work in their roles as wardens, are governed by the Fiji Fisheries Act. However, there exists many cases in Fiji where fish wardens are community appointed (uncertified) without the oversight from the government department (Minter, 2008). This has been due to many factors including shortage of certified wardens, urgent action to enforce resource management goals, and a

delay in government resources and training. Fish wardens who are uncertified are of particular risk of being prosecuted for assault, trespass or theft for attempting to exercise fish warden powers under the Act (Hubert, 2007; Minter, 2008). Wardens are also placed in potentially dangerous situations and are often at risk of experiencing violence from fishermen. In one incident in Suva, a fish warden was badly beaten whilst trying to confiscate an unlicensed fisherman's catch. Violence appears to be a result of a combination of factors including lack of respect for and recognition of the fish warden role, and a lack of understanding in the wider community of the Fisheries Act and legal establishment of the fish warden role.

Source: Minter, A., 2008. Compliance and Enforcement for Coastal Fisheries Management in Fiji, IUCN Regional Office for Oceania, Suva, Fiji.

9. Rights to inclusive, participatory and democratic governance



NbS need to contribute to addressing governance and structural inequities that may exist, especially those that keep the most marginalised from decision-making power. Participatory, equitable, transparent and accountable governance of NbS 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.

Case Study: free, prior and informed consent with Indigenous communities

“Free, prior and informed consent (FPIC) is the principle that local communities have the right to give or withhold consent to proposed projects that may affect their customary lands or resource use rights, or areas that they occupy or otherwise use” (Jupiter et al., 2013). In Manus Province, in PNG, as part of their REDD+ project on sustainable forests, the Wildlife Conservation Society developed and applied a locally appropriate process to ensure that local stakeholders input in the project design at provincial and local levels of government.

Following international FPIC requirements, consultations on the project valued and reflected gender awareness and inclusion efforts, access to full information for stakeholders’ decision-making, and respecting the rights of social groups to withhold their consent. The project sought consent from local landowners from 83 clans and 19 villages. Genuine use of FPIC processes requires participation that “protects the right of local communities to be fully informed about, and give their consent freely to planned management actions”.

Source: Jupiter, S., Jenkins, A., Lee Long, W., Maxwell, S., Watson, J., Hodge, K., Govan, H., Carruthers, T., 2013. Pacific Integrated Island Management - Principles, Case Studies and Lessons Learned. Secretariat of the Pacific Regional Environment Programme and United Nations Environment Programme, Apia. 72pp. <https://www.sprep.org/attachments/Publications/BEM/20.pdf>

10. Rights of Indigenous Peoples



Indigenous Pacific Islanders rely on their ancestral territories for their material and cultural existence. Indigenous peoples and their communities that rely on their ancestral lands and waters for food, livelihoods and cultural practice, can face increasing pressure from governments and business enterprises seeking to exploit their resources. They can be marginalised from decision-making processes and their rights can be ignored or violated.

NbS project must put in place social safeguards to respect and protect Indigenous rights to the lands, waters and resources that they have traditionally owned, occupied or used. This includes obtaining their free, prior and informed consent (FPIC) before starting on a project, and valuing Indigenous knowledge systems.⁵

Case Study: consideration of Indigenous rights

There are studies documenting the violation of Indigenous rights, especially around the exploitation of natural resources (Mitchell, 2021; Richards et al., 2021) in the Pacific. Conflicts between Indigenous peoples and the management of protected or conserved areas can decrease the conservation effort to the point of making some protected areas less successful than the unprotected areas surrounding them (Bennett et al., 2021; Cinner

et al., 2016). There are high risks of adverse impacts on Indigenous tenure rights as a result of changes in legislation, like for example, where an area achieves protected area status. For example, the gazettement of marine protected areas in customary fishing grounds requires Indigenous communities to waive their rights without compensation (FELA & EDO, 2017).

Source: FELA, EDO, 2017. Regulating Fiji's coastal fisheries: policy and law discussion paper.

5 See 2007 United Nations Declaration on the Rights of Indigenous Peoples | United Nations For Indigenous Peoples

11. Rights to live free of conflict and violence



Competition over scarce natural resources, exacerbated by climate change and widening inequalities can result in increase in environmental crime, conflict, displacement and social unrest. Those that are most at risk include women, children, persons with disability, the elderly, ethnic minorities and some Indigenous groups.

NbS projects should support a safe and enabling environment in which individuals and groups that work on NbS interventions 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.

Case Study: protected areas leads to displacement of people

There are global examples of local communities or specific groups (e.g., fishers) being removed to enable the establishment of protected or conserved areas (Bocarejo and Ojeda, 2016; Cross, 2016). For instance, the experience of migrant small-scale fishers in the West African Bijagos Archipelago, who lost access to a beach near their fishing camp that became a boundary mark for a national park. This led to violent evictions, and migrant fishers shifting to less-observed waters, and ensuing power struggles with indigenous groups (Cross, 2016). The immediate disruption can

traumatise the people involved, leading to a sense of confusion, insecurity and isolation, and this can be exacerbated if individuals (and especially children) have witnessed or themselves been subjected to violent incidents (UN Habitat, 2014). Forced evictions constitute gross violations of a range of internationally recognised human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, freedom from cruel, inhuman and degrading treatment, and freedom of movement.

Source: Cross, H., 2016. Displacement, Disempowerment and Corruption: Challenges at the Interface of Fisheries, Management and Conservation in the Bijagos Archipelago, Guinea-Bissau. *Oryx*. 50(4): 693–701. <https://doi.org/10.1017/S003060531500040X>.

12. 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”, and is at the heart of conservation. It speaks to the concept of fairness amongst all generations in the use and conservation of the environment and its natural resources.

NbS interventions that place a greater impact on short-term costs and benefits and fail to take into account longer-term costs, benefits and trade-offs are likely to impinge on or violate the rights of future generations.



Case Study: protected areas leads to displacement of people

The Bua Urban Youth (BUY) Network in Fiji raised strong concerns about bauxite mining being proposed for Wainunu District in Bua Province, and the commitments being made by their traditional leaders. Between 2011 and 2015, Xinfu commenced mining bauxite in two locations in the province of Bua, Fiji. The BUY highlighted that FPIC from all landowners and land-owning clans was not sought, as mining and government representatives stated that consent was sought only from local chiefs. BUY shared that permissions to mine did not take into account the rights and concerns of landowners, including indigenous youth as future resources holders. In 2015, BUY Network conducted research and surveyed communities in Wainunu District which found growing concerns among landowners for the impacts of mining on their

physical environment. Communities preferred to preserve their natural resources for their future generation because they considered themselves custodians and not owners, and while Wainunu communities wanted income generating activities for their district, they preferred revenue from familiar crops like yaqona, dalo and vegetables, rather than mining. BUY Network advocated for the bauxite mining to stop and pressured government officials to review the approvals for the venture. BUY raised awareness on the environmental and social impacts of the mine, the lack of consent sought from landowners and landowning clans, and the voices of youth from the province who were opposed to mining and the environmental degradation occurring to their natural resources.

Source: SEEP, 2019. Mining Realities: Assessing State Compliance on the Rules of Engagement. Suva, Fiji

Additional Video Resources:

UNSR on human rights and environment (2021). *Recognizing the human right to healthy environment* [Video] <https://youtu.be/ytDeHt6>

Human Rights Depend on a Healthy Biosphere (2021). *Human Rights Depend on a Healthy Biosphere* [Video] <https://youtu.be/IDNmM8kLoV4>

UNSR on human rights and environment (2021). *The Global Water Crisis and Human Rights* [Video] <https://www.youtube.com/watch?v=OIWkxVQyXsQ>

UNSR on human rights and environment (2022). *Human rights and healthy and sustainable food systems* [Video] <https://youtu.be/azRN-ARYJBA>

The Nature Conservancy (2021). *A Food System to Heal the Planet* [Video] <https://www.youtube.com/watch?v=rMCd9v-nqds>

1.3.1 Activity 1 - Mapping Human Rights in NbS

The following activity is to help practitioners start to identify what human rights intersect with and are relevant to NbS. Play the SPC video on a human rights-based approach. Ask participants to watch the video and then consider the human rights approaches taken in the development project that is described. They can use the following examples to guide them.

- List three human rights which the project directly/explicitly addresses.
- How does the project enhance, promote, and/or protect these rights?
- How does the project emphasise approaches to be inclusive, to address/enhance human rights, governance, and consider risks to vulnerable groups?

- What kind of approach to community engagement does the project feature?

Now consider which of the 12 human rights are at risk due to the design and implementation of the project. List down 2 to 3 rights that may be at risk. Consider how the project implementation team might mitigate the risks.

Video Resource:

Pacific Community (2019). *A human rights based approach - PLANET* [Video]
<https://youtu.be/tVPzvTROLQ>

1.3.2 Activity 2 - Mapping Human Rights in your NbS project

Now, pick an NbS project that you are currently working on, or have been involved with. Write the name of the project and what it is aiming to do. Then think about which human rights are going to be potentially impacted (positively and negatively) by your project. Try and answer the following questions for your project.

- List three rights which your NbS project directly/explicitly promotes.
- How does the project enhance, promote, and/or protect human rights through its project design and implementation?
- What approaches to community engagement does the project feature?

- How does the project emphasise being inclusive, to address/enhance human rights, governance, other consideration of risks to vulnerable groups?
- Consider which of the 12 rights may be at risk due to the implementation of the project.
- How may the risks to human rights be mitigated throughout the project?

This activity is linked to the content explored in Module 2, so hold onto your responses and be ready to do a human rights risk assessment for your project.

Module 2: Applying human rights to Nature-based Solutions for climate change adaptation in the Pacific

2.1 Overview

Human rights cannot be attained without environmental safeguards in place for biodiversity and natural systems; conversely, biodiversity and natural systems cannot be protected or well-managed without the right social safeguards to protect people's human rights.

This module provides guidance on how to conduct a risk assessment of NbS projects, with due consideration to human rights, including GEDSI. Building on Module 1 which focuses on the relationship between human rights and NbS, Module 2 focuses on identifying and mitigating risks to 12 human rights that might result from NbS.

The risks and the actions that will be taken to prevent or mitigate

these risks should be considered during the design and/or implementation of NbS projects. Risk assessments are often a key part of an environmental and social management system (ESMS). An ESMS provides the systematic steps and tools for managing the environmental and social performance of projects implemented, and to safeguard against both environmental and social harm.

To assist practitioners consider what the risks to human rights are, this module provides examples of questions that can be asked as part of a risk assessment. Against those risks are examples of actions that can be taken to help mitigate, reduce or manage risk, based on best practice.



Environmental and social risk is a combination of the probability of certain hazards occurrences and the severity of impacts resulting from such an occurrence. (SPREP 2016)



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; and
- 3** How risk assessments inform and contribute to an Environmental and Social Management System (ESMS).



At the end of this training, participants will:

- 1** Know why risk assessments improve the design and implementation of NbS projects; and
- 2** Be able to conduct a human rights risk assessment of NbS.

2.2 Why do a human rights risk assessment?

2.2.1 Why conduct a risk assessment?

Activities and projects related to NbS can have both positive and/or negative impacts on human rights. Unwanted negative impacts may occur when NbS are implemented. **Conducting a human rights risk assessment for NbS intends to ensure that appropriate measures are taken to avoid or minimise negative impacts on human rights, as well as protecting, promoting and respecting other rights.**

Risk assessments are particularly important because the pursuit of one right might have a negative impact on another human right. NbS practitioners should conduct a human rights risk assessment to ensure such situations are considered when designing and implementing NbS projects. Risk assessments are often integrated into ESMS to ensure environmental and social safeguards are built into projects. The information from risk assessments is used to design what indicators to measure to monitor the potential human rights impacts throughout the key stages of the project cycle.

Many gender practitioners also invest in GEDSI analyses in the early part of a NbS project to understand the social context, structures and power dynamics at a site, and what gender barriers and social inequalities might exist. Although not covered by this module, GEDSI can be used to develop specific activities or a GEDSI action plan to ensure no one is left out, or harmed by NbS projects.

2.2.2 Entry points for a human rights risk assessment

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 also place and project specific. This is why detailed risk assessments are usually conducted at the beginning of a project, in the early stages of implementation, to identify these with different stakeholders, and what the specific risks are of the project.

A substantive analysis of the types of risks brought on by the proposed project should inform the design of the project, and where appropriate include the actions to mitigate risks/negative impacts with the proposed design



Conducting a human rights risk assessment can be done using the following methods or tools:

1. A **risk assessment question guide** to assist NbS practitioners to determine with stakeholders the potential risks to specific human rights by the proposed project, and identify ways to minimise those risks. This activity can be applied through focus group discussions within the community, with NbS practitioners facilitating discussions in a GEDSI-sensitive way, from the question guide.
2. **Resource mapping** with community members (including people who may be marginalised) where there is potential for the project to impact or restrict use and access to any natural resources. Mapping tools used in Pacific communities for similar activity include (a) *Live and Learn A facilitator's guide to gender inclusive natural resource management* (Live and Learn 2011);
3. A **GEDSI analysis** of the project community, including at minimum a basic profile of the community with sex-disaggregated data. A basic GEDSI analysis of the community can be conducted using available tools such as available tools such as the Gender Equity, Disability and Social

Inclusion for Nature-based Solutions in Pacific Islands" developed under the Kiwa Initiative (SPREP 2024).

Effective risk management requires close cooperation with communities. Practitioners can use the risk assessment tool to facilitate discussions with communities on risks to human rights and actions to prevent or mitigate those risks. This includes the collection and analysis of information that informs the risk assessment process and forms the basis for discussions among stakeholders (SPREP 2022). Sources of information differ from NbS project to project. Practitioners can start with desk research to establish preliminary understanding of the context,

and then conduct interviews with the community, both individual interviews and/or focus group discussions, to map risks and understand the differences between groups in the community, determine capacities to manage risks, and strategise together with the community on actions to reduce or minimise risks. Interviews with diverse members of communities will provide important information for assessing the capacity of women and men to manage risk.

All effort should be made to disaggregate the collection and processing of sex-disaggregated data to support the risk assessment process and the design of risk management strategies.

2.3. Applying a Human Rights Risk Assessment tool

The following section will focus on using a human rights risk assessment tool to identify how NbS projects may impact on human rights, and consider actions to safeguard rights.

The exercise features a case study of a forest conservation project in the Pacific. The risk assessment tool will screen the project using various questions centred on 12 human rights (see Module 1), to determine: (a) the types of rights which are impacted negatively; (b) the groups in community at

risk, (c) their risk management practices, roles and constraints; and (d) what kinds of actions can be taken by the project to avoid or minimise negative impacts to rights.

NbS practitioners should co-design with communities practical risk management measures that will contribute to protecting and promoting their rights. Early consultations with communities will enhance ownership of the process and facilitate incorporation of the recommendations into NbS activities.

Activity 1: Human Rights Risk Assessment Tool

NbS case study activity: What are the risks and how would you mitigate or manage those risks?

Conduct a human rights risks assessment of the Kau Reserve project using the following questions as a guide to assess how rights are impacted.

When conducting a risk assessment, using a human rights-focused checklist can help ensure that the assessment team collects the information it needs to incorporate human rights from the start. The questions below are for illustrative purposes and may vary from NbS project to project depending on the circumstances, context and required depth of the

risk assessment in question, but should generally be guided by overarching questions:

- What constraints limit women and men's full involvement along all parts of the proposed project in question?
- What groups within the communities are affected and what are the differences in capacity between groups in the community to manage risk?
- What kinds of actions can be taken to minimise the negative impacts determined in the assessment?

Setting up the Kau Reserve to protect watersheds

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, from which to choose one for establishing as a reserve. 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.



The 12 human rights to consider and associated questions should be used to help identify key risks, and actions or strategies to prevent or mitigate risks are detailed below.

1 Rights to non-discrimination and gender equality

Non-discrimination and equality recognises that every human being is entitled to all rights and freedoms “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

For the Kau Reserve project assess:

- 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?
- Will approaches used by the project reinforce or widen discrimination and inequalities experienced by some groups in the community?
- Are specific approaches being used in NbS discriminatory?
- Are approaches being used colonial, elitist, or top-down?
- Will gender approaches cause harm to women (e.g. repercussions for expressing their opinions)?
- Are there differences between women and men or any other groups with respect to the ability to access and use information?

Facilitator Guide: example of impacts

Positive impacts: all members of the village benefit from the forest reserve reducing soil erosion, flooding and sediment in the rivers; Kau village as well as those downstream have access to clean water.

Negative impacts: risks of excluding women and persons living with disability from consultations about the plans to create the reserve; women and girls who forage the forest area for herbal medicines and firewood no longer have access to the forest; risk to the livelihoods of those who depend on the forest for natural resources.

Potential actions: use community and stakeholder engagement techniques that are gender-sensitive and inclusive, with particular attention to those that are marginalised; 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; 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 a culturally sensitive way.

2 Rights of Persons with disabilities

Those living with disabilities are some of the most marginalised, and face numerous barriers, including when it comes to contributing to NbS.

For the Kau Reserve project assess:

- 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?

Facilitator Guide: example of impacts

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.

3 Right 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.

For the Kau Reserve project assess:

- 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?
- Do communities have access to the justice system to address violations of environmental rights?

Facilitator Guide: example of impacts

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.

4 Right to clean water

NbS should protect and support people's right to sufficient, safe, clean, physically accessible water to meet their personal and domestic needs.

For the Kau Reserve project assess:

- 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?

5 Right to healthy food

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.

For the Kau Reserve project assess:

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

6 Rights to adequate shelter, housing and secure tenure

NbS recognise the rights of Indigenous peoples to own, possess, manage and use ancestral lands and natural resources. NbS must not lead to the forced eviction of people from their land.

For the Kau Reserve project assess:

- 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?

Facilitator Guide: Example of impacts

Positive impacts: clean water downstream as less soil erosion.

Negative impacts: intensification of forest use in parts of the watershed, impacting water quality in other river systems.

Potential actions: ensure NbS contributes to the protection or maintenance of clean water sources and addresses issues of displacement of forest use.

Facilitator Guide: example of impacts

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

Negative impacts: clans with rights to the forest may not be able to access forest foods, including ones that are resistant to cyclone damage.

Potential actions: 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.

Facilitator Guide: example of impacts

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.



7 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.

For the Kau Reserve project assess:

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

Facilitator Guide: example of impacts

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.

8 Rights to and at work

NbS projects should consider if interventions being proposed will limit or alter individuals and groups of individuals' (e.g. foresters, farmers) rights to earn a living, including from nature-based livelihoods.

For the Kau Reserve project assess:

- 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?

Facilitator Guide: example of impacts

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

Participatory, equitable, transparent and accountable governance of NbS 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 (see also non-discrimination and gender equality).

For the Kau Reserve project assess:

- 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?

10 Rights of Indigenous Peoples

NbS project must consider the rights of Indigenous and other traditional communities, and take action or put in place social safeguards to respect and protect their rights to the lands, waters, territories and resources that they have traditionally owned, occupied or used.

For the Kau Reserve project assess:

- 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 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

Facilitator Guide: example of impacts

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.

- 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?

Facilitator Guide: example of impacts

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.

sustainable use of their lands, territories and 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

NbS projects should support a safe and enabling environment in which individuals and groups that work on NbS interventions can operate free from threats, harassment, intimidation and violence.

For the Kau Reserve project assess:

- 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?

Facilitator Guide: example of impacts

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

NbS interventions must place a greater emphasis on long-term benefits for future generations and account for the costs and trade-offs that likely impinge on or violate the rights of future generations to a healthy environment.

For the Kau Reserve project assess:

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

Facilitator Guide: Example of impacts

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 this tool to your project

The following activity is focused on applying this same tool to a specific NbS project you are working on.

In Module 1, Activity 2, you were asked at the end of the training to consider a NbS project you are working on, or have been part of, and map how human rights were being enhanced or supported through that project. As well as identify which of the 12 human rights are at risk due to the project implementation and impacts.

Now, bring here the same project example, and your initial analysis of impacts to human rights.

- Consider how you will approach the community to source information needed to assess risks
- Using the risk assessment questions in the previous activity, apply those questions to the rights identified as being at risk due to the implementation of the project.
- How may the risks be mitigated or minimised through the project?

2.4. Human rights risk assessments in an ESMS

An Environmental and Social Management System (ESMS) provides a methodological approach for organisations to manage environmental and social risks and impacts in a structured way on an ongoing basis. It 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. It is designed to ensure projects comply with environmental and social policy and standards of project organisations and stakeholders. ESMS support identifying risks to, as well as opportunities to strengthen, environmental and social standards.

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.

ESMS are generally guided by principles and specific safeguards that link to or are founded on the realisation of specific human rights and environmental goals. This includes the Principle of protecting, respecting, and promoting human rights, gender equality, climate justice.

Suggested Video Resources:

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

UN Environment Programme (2021). *UNEP Protecting Seas and Oceans also protects our human rights* [Video] <https://youtu.be/5emkvI94CFQ>

UN Environment Programme (2021). *UNEP A Practical Guide to Climate-resilient Buildings* [Video] <https://www.youtube.com/watch?v=qVVw-jHqWCI8&list=PLZ4sOGXTWw8E5ZxFRikwgH-Fkq82QiPTIR&index=8>

Green Climate Fund (2018). *GCF: Environmental and Social Safeguards / Gender* [Video] <https://youtu.be/tZ1-j4m3kfk>

The World Bank (2021). *Environmental and Social Framework* [Video] <https://www.worldbank.org/en/news/video/2017/10/20/environmental-and-social-framework-video>

END OF TRAINING

Annex 1. Glossary of terms

Climate change adaptation is the adjustment in ecological, social, or economic systems in response to actual or expected climate and its effects or impacts.⁶

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.⁷

Ecosystem-based adaptation is a strategy for adapting to climate change that harnesses nature-based solutions and ecosystem services.⁸

Ecosystem services are the direct and indirect contributions of ecosystems to human well-being.⁹

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.¹⁰

Gender refers to the socially constructed roles and responsibilities of women and men. The concept of gender also includes the expectations held about the characteristics, aptitudes, and behaviour of both women and men; it refers to what people believe about femininity and masculinity. These roles and expectations are learned, and are different in different cultures. They are influenced over time by, for example, changes in economics, politics, technology, education,

environment, the influence of other cultures and the media, mass advocacy, crisis, and conflict.¹¹

Gender analysis is a process of examining the roles, knowledge, capacity and assets of women and men, as the first step in planning efficient development strategies, programmes and projects that address both men's and women's needs, and reduce existing gender and other social inequalities. Gender analysis contributes to a better understanding of the social dimension of climate change impacts, focusing on the differences and similarities in the experience and capacities of women and men. It also helps identify assets and capacities of women and men, which will help them to cope with environmental stresses; and the gaps, needs and priorities for adapting to climate change.¹²

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 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: Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality.¹³

6 IPCC (2014) "Glossary" (PDF). Intergovernmental Panel on Climate Change. https://www.ipcc.ch/site/assets/uploads/2018/02/WGIIAR5-AnnexII_FINAL.pdf

7 United Nations Human Rights Special Procedures (2018)

8 <https://www.unep.org/explore-topics/climate-action/what-we-do/climate-adaptation/ecosystem-based-adaptation>

9 TEEB Foundations (2010) In: Kumar, P. (Ed.), TEEB- The Economics of Ecosystems and Biodiversity (TEEB): Ecological and Economic Foundations. Earthscan, London.

10 <https://www.fao.org/indigenous-peoples/our-pillars/fpic/en/>

11 SPREP (2016) Gender Policy. Gender equity and women's empowerment in communities and environments across the South Pacific. SPREP, Apia

12 Ibid.

13 United Nations Economic and Social Council (1997) Report of the Economic and Social Council for 1997. A/52/3. 18 September 1997.

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.¹⁴

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.

14 UN Sustainable Development Group. *UNSDG | Human Rights-Based Approach*

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.¹⁵

Nature-based Solutions are 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*.¹⁶

15 Crenshaw, Kimberlé (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

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

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