



Re-thinking nature-based solutions: seeking transformative change through culture and rights

A briefing for the post-2020 Global Biodiversity Framework

The term ‘nature-based solutions’ is both widely used and controversial. It remains ill-defined, despite some high-profile efforts to clarify it, and some of its most enthusiastic supporters include industries and governments responsible for much of the historical and ongoing damage to the planet and communities worldwide.

This briefing looks at four areas in which nature-based solutions need more clarity and rigour if they are to play an effective and transformative role in driving financial and technical support where it is needed most to tackle the global environmental crisis, to uphold human rights and to enable a transition to sustainable economies and societies:

- The importance of culture and secure land and resource rights
- The need to avoid offsetting emissions and biodiversity loss
- The need for human rights-based conservation approaches and sustainable use
- The critical importance of avoiding human rights violations.

About this briefing

This briefing has been produced as part of a series co-authored by Forest Peoples Programme and partner organisations to expand on, and explore the policy implications of, the research and findings in the 2nd edition of the Local Biodiversity Outlooks (localbiodiversityoutlooks.net). It is intended to contribute towards the evidence-based negotiations and dialogues towards the post-2020 global biodiversity framework. It has been produced with financial support from the Swedish International Development Cooperation Agency (Sida) through Swedbio at the Stockholm Resilience Centre. This briefing was written by Helen Tugendhat, with thanks to Justin Kenrick, Maurizio Farhan Ferrari, and Tom Younger for contributions and review.

Image: Baiga women collecting leaves, India. Credit: ephotocorp.

Key messages

- A clear target is needed for increasing the extent of legal recognition of indigenous peoples' territories, and other community lands.
- People's rights can enable transformative change and indigenous peoples' tenure rights, in particular, must be recognised as part of the solutions we seek.
- Nature-based solutions situated on or impacting on indigenous peoples' lands and territories must not proceed without full recognition of their rights and with their free, prior and informed consent
- Culture and nature are intimately connected and solutions to our climate and biodiversity crises must harness both.
- Nature-based solutions must not allow big polluters to simply offset continuing emissions but rather drive financial and technical support to positive solutions.
- Financing for systemic change to tackle biodiversity loss and climate change must also address unsustainable consumption and production.
- Any target for expanding protected and conserved areas should have legally binding safeguards and mechanisms for oversight and accountability.

What are nature-based solutions?

The term 'nature-based solutions' emerged during negotiations under the UN Framework Convention on Climate Change (FCCC) in 2009 referring a bundle of possible responses to the need for mitigation of, and adaptation to, climate change. The term was more clearly outlined in a 2016 Resolution from the International Union for the Conservation of Nature (IUCN) as broadly referring to: "actions to protect, sustainably manage and restore natural or modified ecosystems that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits".⁽¹⁾

Actions undertaken under the banner of NbS however are potentially broad, and many organisations, communities and agencies have called for greater clarity on what can – and crucially what cannot – be counted as a nature based solution, and what principles or safeguards should attach to them.^a Efforts such as the IUCN Global Standard for Nature-based Solutions released in 2020 seek to provide this clarity, but do not yet represent a consensus or enforceable view.⁽²⁾

The term has been prominent in 2020–21 in the negotiations of the UN Convention on Biological Diversity (CBD) towards a post-2020 Global Biodiversity Framework and in discussions towards raising ambition under the UN Framework Convention on Climate Change.

a. See, for instance, the Guidelines for NbS campaign which recognises "well-designed NbS can contribute to tackling climate change and biodiversity loss, whilst supporting many other sustainable development goals, but poorly designed schemes can have adverse impacts": <https://nbsguidelines.info/>

Why is the term controversial?

The term ‘nature-based solution’ is controversial, not least because among its most enthusiastic supporters are large oil companies,⁽³⁾ governments of wealthy countries with high emissions,⁽⁴⁾ and industries responsible for much of the ongoing damage to our planet. It also attracts controversy because it remains defined loosely to allow it to mean different things to different people.^(b)

Yet the term is also of crucial importance, as 2021 sees the re-convening of two of the major UN conventions on environmental issues—climate change and biodiversity. Nature-based solutions are emerging as a political focus in these conventions, though neither convention has been enthusiastic about meaningfully guaranteeing the rights of the people likely to be most directly and negatively impacted.⁽⁵⁾

Much of the controversy comes from the inclusion in nature-based solutions of actions to offset emissions, or actions that destroy nature in one area (mining, infrastructure, etc.) and which are ‘offset’ by investment in creating, maintaining or restoring natural or ‘modified’ systems elsewhere. This controversy echoes concerns raised about offsetting carbon emissions through REDD+ projects and carbon trading, debates which still rage but where it is increasingly clear as emissions continue to rise year-on-year that cutting emissions is far more crucial. On the ground, REDD+ projects continue to be challenged by indigenous peoples and forest communities for failing to deliver equitable benefits and undermining rights guaranteed under international law standards and safeguards, including rights to own and control lands, territories and resources, and rights to free, prior and informed consent.^(c)

Without transformative action on rights, there is fear that nature based solutions may repeat the mistakes of early carbon offset and REDD+ projects.

Bringing clarity and rigour to nature-based solutions

Solutions based on nature, culture and tenure

It is critical to examine what is being prioritised in any significant new funding commitments for nature-based solutions. In *Local Biodiversity Outlooks*,⁽⁶⁾ a compilation of experiences and contributions of indigenous peoples and local communities to global biodiversity, the authors argue for ‘culture-based solutions’, recognising that stabilising and supporting nature is intricately linked with the social and cultural systems that sustain and are sustained by nature. Research in 2020 by Rights and Resources Initiative revealed that indigenous peoples, local communities and Afro-descendants already “make investments equal to a quarter of global investment in conservation”, a contribution which remains under-recognised and under-supported.⁽⁷⁾

Recognising and appropriately supporting the peoples and communities managing these ecosystems is a crucial plank in any effective response, as recognised in a recent IUCN resolution on ‘Ensuring funding to secure rights and secure ecologies’.⁽⁸⁾ The establishment of direct access channels for indigenous peoples and local communities, through which local actions can be recognised, supported and secured, is an essential component of any commitment to nature-based solutions and must include recognising and understanding the role of cultural actions in creating nature-based solutions.

b. While some definitions have been put forward, such as the IUCN definition, which appears to have the most traction, in general advocates define ‘nature-based solutions’ to suit the activities they would like to see funded.

c. See, for example, a recent ruling of the Colombian Constitutional Court T-063/2019 in response to a lawsuit presented by indigenous Andoque rights-holders: <https://corte-constitucional.vlex.com.co/vid/768730993>

Securing funding towards appropriate local solutions is only part of the answer. Action is also required to support the legal recognition of collective land and resource rights of indigenous peoples. Tenure interventions must ensure full respect for procedural rights and community participation, including respect for the right to free, prior and informed consent. At the 2019 Climate Summit, indigenous peoples asserted this link between the security of tenure and their contributions to nature-and-culture-based solutions:

Indigenous Peoples' knowledge systems are nature-based and honour the complex interdependence of all life forms. This is the root of success for the sustainable management of their resources, including waters, rivers, oceans, peatlands, forests, deserts, prairies and savannas, developing effective solutions and practices for biodiversity conservation and climate change adaptation and mitigation.

Securing the rights of Indigenous Peoples to their lands, territories and resources can conserve and restore our most vulnerable ecosystems, increase the storage of carbon, scale-out agroecosystems for sustainable food production, and restore harmony with nature and all life forms in partnership with states, donors, civil society organizations, and others, using a human-rights- based approach.⁽⁹⁾



Box 2: Vu Thi Hien, Centre of Research and Development in Upland Areas, Vietnam, and Grace Balawag, Tebtebba Foundation, Philippines

Image: Monitoring in process.

Case study: Getting REDD+ to work for IPLCs in Vietnam

In a pilot project in north Vietnam, Tebtebba and the Centre of Research and Development in Upland Areas worked to test whether REDD+ financial incentive systems for carbon sequestration could be developed based on respect for the wishes, rights—including gender and ethnic equality and sensitivity—and traditional knowledge of IPLCs.

The project involved 137 communities comprising over 11,000 people. The communities established self-governing groups that then set up eight community co-operatives, gathered into two ethnic alliances. The communities gained legal status, including legal use rights over 5,386 hectares of natural forest for a period of 50 years. They also gained the right to work in partnership with the local government to implement state policies.

Read the full case study: localbiodiversityoutlooks.net

Offsetting should be off the table

Offsetting emissions against nature-based solutions elsewhere postpones the real reductions in emissions needed now. Further, it implies a transfer of responsibility for reducing emissions to the poorest countries in the world and away from wealthy countries and societies who - by offsetting their emissions - avoid any significant behavioural change.

Any policy framework that allows the continuation of business as usual, or a slight tinkering with business processes, in return for investments in natural solutions is deeply misguided and not up to the challenge of our situation.

Further, some of the specific offset pathways being proposed are unproven or on shaky ground. Afforestation is one such pathway. At its best it can support the regeneration of nature and support both adaptation and mitigation, yet studies show that afforestation simply cannot stand up to the climatic changes that are occurring and will continue to occur as a result of carbon emissions.⁽¹⁰⁾ Afforestation done in a socially, culturally, ecologically and locally appropriate manner is not wrong; but using it to justify the continuation of bad actions elsewhere—largely in the wealthier parts of the globe—is wrong and, indeed, undermines possible positive impacts.⁽¹¹⁾ Worse, bad afforestation (non-native monoculture plantations that may be carbon dense but contain little biodiversity benefits and are standing only temporarily) used to justify continued emissions harms the planet at both ends of the trade-off.

The attraction of the term ‘nature-based solutions’ is clear. Working with, and within, intertwined ecosystems of nature and people and supporting those ecosystems to increase climate resilience and sustain life is clearly a positive step. But if a so-called nature-based solution hides excuses for delayed action or inaction, if it includes offsetting and displacement of costs, it should not be part of the discussions for policy responses in a post-2020 biodiversity framework.

Conservation and sustainable use

Despite overwhelming evidence that securing tenure for indigenous peoples and for local communities is the most effective route to biodiversity conservation and climate change mitigation,⁽¹²⁾ the dominant approach to conservation in too many places continues to be the prioritisation of formal protected area systems. Significant moments in the development of nature-based solutions reflect this. In 2008, the IUCN’s World Conservation Congress launched PACT 2020 which aimed to “[e]nsure that protected areas and protected area systems are recognised as an important contribution to climate change adaptation/mitigation strategies for biodiversity and human livelihoods”.⁽¹³⁾ In 2010, the UN CBD adopted the Aichi Targets for global biodiversity action, in which Target 11 called for 17% protection of the world’s land area (and 10% of the marine area). While there is now more room within these targets for conservation actions led by indigenous peoples and communities—including through the inclusion of Indigenous and Community Conserved areas and wider use of ‘other effective conservation measures’—the overwhelming majority of the areas counted as contributing to the target of 17% continue to be government-declared and managed areas, and privately managed areas.⁽¹⁴⁾

A new ‘protected area target’ for the post-2020 global biodiversity framework may repeat this mistake. The original 17% target for 2020 will be replaced under the new post-2020 global biodiversity framework, and the draft Target 2 currently states:

‘By 2030, protect and conserve through well connected and effective system of protected areas and other effective area-based conservation measures at least 30 percent of the planet with the focus on areas particularly important for biodiversity.’

This target echoes calls elsewhere for ‘30% protected by 2030’, or even ‘nature needs half’, and has significant political momentum.

Conservation will be part of (perhaps most of) the nature-based solutions committed to under the twin UN CBD and FCCC conventions. The engagement of IUCN in coining the term recognises this fact,⁽¹⁵⁾ as does the current strong engagement by conservation agencies in advancing and defining such solutions.⁽¹⁶⁾ This is not in itself a bad thing—the conservation and sustainable use of our shared planet must be part of our collective investment. But “the undeniable ethics of a position enabling non-human nature to thrive can hide very problematic social and political considerations”.⁽¹⁷⁾ If conservation actions funded as nature-based solutions follow exclusionary and government-focused models of what conservation should be, then these investments will not help to solve our planetary emergency, but will instead extend the historic and continued dispossession and alienation of peoples from nature and from their lands and territories. They are also likely to be in violation of human rights obligations. This is already evident in existing nature-based solutions, where exclusionary conservation areas act as a barrier to securing collective tenure for indigenous peoples. A case in point, in Peru, the influx of foreign funding for ‘nature-based solutions’ has meant that some Parks are being managed in ever more repressive and authoritarian ways, resulting in increased conflicts with local people.⁽¹⁸⁾

There are many highlighting the lack of clarity over potential human rights impacts of such a rapid increase in protected areas, including a remarkable open letter published in 2020.⁽¹⁹⁾ Human rights organisations have warned of unintended consequences unless the 30% by 2030 target is revised, alternative forms of conservation are promoted and prioritised, and safeguards are effectively implemented.⁽²⁰⁾ The combination of a concept of nature-based solutions combined with the doubling of the area under some form of protection over the next 10 years could set the stage for enormous dislocation and dispossession of indigenous peoples and local communities, driven by the financial incentive of companies and governments paying to delay or slow the rate of emission reductions. This would serve neither the planet nor the people living on it.

The risk of violating human rights

Human rights are integral to humankind’s search for improved ways for us to relate to and sustain nature, and for nature to sustain us. Not only are the human rights we all enjoy intricately dependent on a healthy and safe environment, but the recognition of human rights can itself be essential for restoring and protecting healthy ecosystems.

As noted by the UN Special Rapporteur on Human Rights and the Environment:

“[i]ndigenous peoples and local communities and peasants can make enormous contributions to the conservation, protection, restoration and sustainable use of ecosystems and biodiversity, when empowered to do so, through recognition of their rights. Thanks to their traditional knowledge, customary legal systems and cultures, they have proved effective at conserving nature.”⁽²¹⁾

Realising the land, resource and participatory rights of indigenous peoples is an essential component of securing the transformative change being called for by the UN CBD.^(d)

In addition to the enabling effect of land rights, human rights intersect with nature-based solutions in another way—these ‘solutions’ could in themselves risk violating human rights.

d. The UN CBD’s 2050 Vision of ‘Living in Harmony with Nature’ calls for transformative action towards this vision: <https://www.cbd.int/conferences/post2020>

Box 2: IISAAK OLAM Foundation, Canada

Members of Tla-o-qui-aht First Nation gather at Tsisakis (aka heel boom bay) on Meares Island in 2019 for the 35th Anniversary of the peaceful blockades that took place there in 1984 which established Meares Island as a Tribal Park. Credit: Eli Enns.



Case study: Indigenous Peoples' Protected and Conserved Areas: The Pathway to Canada's Target 1

In Canada, through the *Pathways Initiative*, indigenous peoples and governments are taking leadership together to establish Indigenous Protected and Conserved Areas (IPCAs). The Pathways Initiative is an initiative that recognises the integral role of Indigenous Peoples as leaders in conservation, and respects the rights, responsibilities and priorities of First Nations, Inuit and Metis Peoples. Canada's Target 1, which was designed to relate to domestic application of Aichi Target 11, was a catalyst for the Initiative, which seeks to support collective and collaborative efforts to conserve nature for the benefit of all Canadians, in the spirit and practice of reconciliation.

Read the full case study: localbiodiversityoutlooks.net

Investment in actions that are counted as contributions to climate stabilisation or nature conservation must safeguard human rights and ensure the effective implementation of such safeguards, including adequate oversight and legal recourse. Indigenous peoples and local communities should never be dispossessed, and certainly not as part of a 'natural solution' to the human-generated climate and biodiversity crises we are facing, crises mainly caused by an extractivist approach to nature. While safeguards are proposed to a certain extent in the current draft of the post-2020 Global Biodiversity Framework, they are voluntary and their effectiveness will continue to rely on the political will of individual governments (and powerful companies and conservation agencies interacting with those governments).

Recommendations for the post-2020 Global Biodiversity Framework

1. Specific support for culture-and-nature-based solutions, and other locally based and led initiatives that recognise the actions and roles of people as integral to nature, should be included in government funding commitments, including funding to secure peoples' tenure rights.
2. Any proposed 'nature-based solution' of any type that may be situated on or impact on indigenous peoples' lands and territories must not proceed without full recognition of their rights and with their free, prior and informed consent.
3. Ambitions for biodiversity conservation and sustainable use should include and prioritise a clear target for increasing the extent of legal recognition of indigenous peoples' territories, and other community lands.
4. Any form of nature-based solutions or natural climate solutions that includes or focuses on offsetting provisions, carbon trading, or any other action serving to delay or reduce action to urgently cut emissions and halt the destruction of nature should be rejected.
5. All commitments to address the biodiversity and climate change crises (including financing through nature-based solutions) must address over-consumption, industrial production and an economic system that drives unsustainable use, including through regulation of supply chains for social, environmental and human rights impacts.
6. Legally binding safeguards should be adopted for actions to meet climate and biodiversity commitments—particularly to any target for expanding protected areas—and should be linked to an accountability or oversight mechanism, and to the securing of peoples' tenure rights.

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