



Information Concerning Impacts of the Implementation of Response Measures Submitted to the Katowice Committee of Experts of the United Nations Framework Convention on Climate Change

Submitted by Landesa

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This submission is respectfully submitted by Landesa,¹ a leading international land tenure organization dedicated to securing gender-equitable land rights for people living in poverty in rural areas, with experience in over 50 countries. Ahead of the third meeting of the Katowice Committee of Experts on the implementation of response measures, this submission provides information specifically focused on case studies related to 1) exploring approaches to inform the development and implementation of climate change mitigation strategies, plans, policies, and programs that maximize the positive and minimize the negative impacts of response measures and 2) enhancing the capacity and understanding of Parties on the assessment and analysis of the impacts of the implementation of response measures to facilitate the undertaking of economic diversification and transformation and just transition.²

Rural land users are a crucial constituency for effective and equitable response measures.

The negative impacts of response measures on developing countries, like the impacts of climate change itself,³ often fall disproportionately on rural land users. This is particularly true for women and others who face discrimination and marginalization.⁴ Renewable energy projects have violated the rights of Indigenous Peoples.⁵ Women are often excluded from adaptation programs due to lack of control over land, financial constraints, and social norms that do not recognize women as farmers.⁶ Rural land user perspectives are difficult to incorporate meaningfully in the development of climate change policies and plans at the national level.⁷

The effective development of these policies, as well as their implementation, should thoroughly take into account both the interests and capacities of rural land users, with a special focus on gender equality and social inclusion, for the following key reason: women, Indigenous Peoples, and rural land users in general hold the knowledge on sustainability practices and the needed capacity to implement local level solutions (e.g., climate smart agriculture, landscape restoration), even when those solutions are crafted and resourced at the national level. This necessity should be paired with recognition and realization of the fundamental rights of rural land users—to their source of livelihood, to free, prior, and informed consent, and other human rights intrinsically tied to land and natural resources. From both a rights-based and pragmatic perspective, rural land users are central to effective response measures, and leveraging their knowledge and capacity contributes both to maximizing the positive and minimizing the negative impacts of response measures.



Coordinated action with a land rights lens can support effective and equitable response measures.

One crucial solution to effective response measures is to look for areas of complementarity. States Parties' obligations to the UNFCCC are being carried out in resource-scarce settings. Parties are often faced with tradeoffs between climate action and action for other key development and human rights frameworks, — centrally, the Sustainable Development Goals and core human rights treaties — but siloed efforts should not be the result. These agendas share significant overlap in principles, goals, key demographics, impacts, and outcomes. States have human rights obligations linked to climate change, derived from legally binding commitments under international human rights treaties as well as the UNFCCC Paris Agreement, which calls upon Parties to respect, promote and consider their respective human rights obligations when taking climate action. Likewise, the 2030 Agenda is grounded in human rights principles and content and demonstrates the interlinkages between climate change, sustainable development, and human rights. The goal of the SDGs is to “leave no one behind” and “reach first those who are furthest behind,” and the aim is to accomplish these goals in fulfillment of international human rights norms.⁸

In light of this complementarity, there is momentum among actors at the global level to support “coherence” between these agendas. For example, treaty-monitoring bodies now request that countries include references to the SDGs in their reports. Similarly, the Office of the High Commissioner for Human Rights has established a liaison office to support leveraging and integrating human rights frameworks into UNFCCC processes to achieve gender-responsive climate action.⁹

Focusing on land provides a pragmatic path forward for States Parties to the UNFCCC in the context of response measures. Each of the discussed global agendas on climate change, sustainable development, and human rights indicates the need for a massive investment in rural areas across low and middle-income countries. We know such an investment would prove effective. As a global community, we reduced extreme poverty from 36% of the world's population to 10% under the Millennium Development Goals with investment in rural areas as key to this success.¹⁰ Land rights and governance play a key role in ensuring that those who live on the land benefit from the implementation of global agendas; but land is also foundational to rural investment. Without land rights, investment in agriculture and infrastructure will not be incentivized and will be subject to elite capture.

All three agendas have windows of opportunity related to land. Within climate change arenas, the recognition of land rights and governance is gaining ground as a crucially needed counterpoint to reducing fossil fuel use.¹¹ The SDGs include three sex-disaggregated indicators specific to land tenure and governance. Supporting countries to report on these indicators will help clarify and catalyze the need for gender-equal and socially inclusive rights to land. In the human rights realm, land as a standalone human right is currently being defined by the Committee for Economic, Social and Cultural Rights, building on a groundswell of movement toward this recognition that includes the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018).



Vertical coordination of efforts at international, national, and local levels can significantly contribute to policy coherence and UNFCCC priority areas for implementation of response measures.

A wide variety of stakeholders—government, civil society, and the private sector—must be engaged and coordinated to implement climate change mitigation strategies, plans, policies, and programs and integrate them with other global agendas to bolster efforts for gender-responsive action. Conservation of scarce resources requires knowledge-sharing and collaboration across delegations to the Rio Conventions, human rights treaty-monitoring bodies, and national level actors implementing the SDGs. This kind of national-level coordination is essential for policy coherence and for implementation of all global agendas, but it will require significant support.

At the national level, delegations to each of these global gatherings are frequently siloed. Agencies and entities responsible for reporting and implementation are not well coordinated, in large part due to resource constraints as well as technical complexity. But numerous national-level policies (sustainable development plans, agricultural and land policies, economic development policies) implicate all three agendas, and policy coherence work grounded in inclusive land rights could provide a strong touchpoint for clarity and coordination. This need is being recognized at the national level as well.

National Human Rights Institutes (NHRIs), which are national independent entities responsible for supporting and monitoring the implementation of human rights, have made the commitment to implement the SDGs under the Merida Declaration.¹² Supporting NHRIs to act as national-level custodians of a human-rights based approach to climate action and sustainable development could meet this urgent need. At the national level, NHRIs are uniquely placed to support integrated implementation of climate change frameworks, the SDGs, and human rights norms and standards. The Paris Principles establish NHRI mandates,¹³ which include a wide range of functions implicating the 2030 Agenda for Sustainable Development that could also be integrated with climate action at the national level:¹⁴ monitoring and reporting; advising the government on human rights issues; cooperating with national, regional and international bodies; handling complaints; and building knowledge on human rights.¹⁵ Awareness-raising conducted by or in collaboration with NHRIs could tie to implementation of the climate change mitigation strategies by leveraging NHRIs' engagement in human rights education at national and local levels.¹⁶ Human rights education is a core NHRI mandate.¹⁷ When NHRIs are equipped with integrated information about climate change, the SDGs, and human rights, they can influence and support social and behavior change to achieve shared goals.

Gender equality and social inclusion (GESI) considerations in these arenas are often overlooked. The voices of women, youth, gender minorities, and other marginalized groups are woefully underrepresented in most decision-making spaces.¹⁸ This lack of representation is especially acute within land governance agencies, community-level councils, and traditional justice mechanisms.¹⁹ Women, especially rural women, should be included and empowered in policy-making and implementation of policies that link infrastructure, land law and policy, land management, climate change, the SDGs, and human rights implementation.²⁰ NHRIs could be supported to ensure that a GESI approach is taken to global agenda coordination.



Case studies: Local-level implementation of global agendas in concert with rural land users

Landesa, in close collaboration with partners named below, is currently exploring synergistic implementation efforts that link climate change agendas, the SDGs, and human rights norms and standards, building on previous work.²¹ Over the past several years, Landesa has extended and strengthened our collaborative efforts with multiple partners to protect and enhance land rights for women and men as a foundational aspect of climate action,²² achieving the SDGs,²³ and fulfilling human rights.²⁴ Our efforts and those of our partners have contributed to the significant and exciting progress in these agendas over the last three years. First, the three land-specific SDG indicators have global methodologies and create a mandate for governments to collect data. Second, land is increasingly recognized as an “ecosystem” undergirding all of the SDGs, spanning gender equality, climate change and its impacts (including land degradation and biodiversity loss), poverty, food security, institutional capacity, sustainable cities, and decent work. Finally, there is growing recognition of gender-equitable rights to land as a central and crucial component of human rights fulfillment, and land as a stand-alone right is increasingly a key human rights mandate to governments.²⁵

Civil society actors play an important role in vertical coordination between global, national, and local levels to achieve global agendas. This is evidenced in our work with partner organizations at national, state, and local levels, including examples from Brazil, Kenya, and Myanmar.

Brazil

In Brazil, Landesa, [Espaço Feminista](#), and Land Alliance have partnered to disseminate and support a local-level model²⁶ developed by Espaço Feminista for global agenda implementation. Espaço Feminista works to strengthen women’s land rights through a women-led local process that brings together communities, local government, and civil society to design, implement and monitor land-related processes and policies. They are aiding groups of women to use data to advocate and partner with policy makers to change and implement policies in line with the SDGs. Our partnership was launched in Brazil, where Espaço Feminista had developed and first implemented its model in 2015.

Espaço Feminista began developing this model in 2011, recognizing women and communities as agents of change and sustainable development. They are now applying the model to strengthen women’s land rights: collecting data to monitor the SDGs and empowering grassroots women to use that data to lobby local, regional, and national government officials for changes in policies that hinder women’s rights to land, and for implementation of policies that favor them. They are building alliances with government and other stakeholders, and empowering women and communities in the process. Our collective goal is to adjust the model as needed, support it, and replicate it widely, within and outside Brazil, as a powerful way to strengthen women’s land rights and monitor public policy at the local level through the SDGs. This model could be supported and piloted in Brazil to include climate change agendas and human rights mechanisms and obligations.



Kenya

Landesa, in partnership with the Global Initiative for Economic, Social, and Cultural Rights and with support from the Kenya Land Alliance, conducted a scoping study on the implementation in Kenya of land-related human rights and climate change mandates,²⁷ focusing on women and girls' land rights. These rights arise under two international treaties, both of which have been ratified by Kenya. The International Covenant on Economic, Social and Cultural Rights assures rights to food, housing and adequate standard of living, and the Convention on the Elimination of all Forms of Discrimination Against Women assures women equal treatment in all sectors of society, including rights to land.

Kenya has made significant changes to its land rights regime, with the goal of implementing the human rights principles contained in its treaty obligations, since passage of the new Constitution in Kenya in 2010. Specific governmental commissions have been set up to implement these laws and monitor compliance with Kenya's human rights treaty obligations. These commissions include the National Gender and Equality Commission; Ministry of Lands and Physical Planning, Department of Gender, Youth and Disability; National Land Commission; and Kenya National Commission on Human Rights, Research and Compliance Division. This coordination and cross-disciplinary collaboration amongst governmental bodies supports progress on interdisciplinary issues like climate change and gender equity.

CSOs in Kenya reported that they tend to work in silos without any coordination, resulting in competition for funding and a duplication of efforts. Due to funding and other constraints, they also report a "hit and run" approach to projects with particularly inadequate coverage in rural areas of Kenya. The following recommendations were offered to ameliorate the ineffectiveness of project implementation.

- Educate communities as a path toward legal reform and policy formation, including local education initiatives, focus groups, and trainings.
- Offer legal justice system trainings on treaty obligations.
- Build a CSO coalition.

On a local level, GROOTS Kenya is a grassroots organization engaged in SDG implementation to promote gender equality and engage and empower local women.²⁸ GROOTS is well-placed to play a key role in an inclusive and integrated approach to implementing global agendas regarding climate action at the national and local levels. GROOTS has been active in closing the data and gender equality gaps, bringing government officials to local areas to understand land issues and build rapport with rural communities. For GROOTS, the SDGs' inclusion of land was crucial. They were already collecting data on what impacts women most: land, agriculture, education, water, and health. The SDGs created new political will and provided a framework to reconstruct their tools, aligning with land-related indicators under SDGs 1 and 5. They are now digitizing data, and collecting individual-level data to include women and identify any perceived threats to women's land tenure.



Myanmar

Landesa is currently exploring global agenda integration work with Myanmar's National Human Rights Institution to assess their role in raising awareness for greater inclusivity in global agenda implementation, as well as playing a national-level coordination role across agendas. On a local level, Landesa is looking to expand its mangrove community forest policy work in Myanmar. The policy pilot will take a systematic view of past mangrove community forest certification (CFC) sites and then will build a pilot based on the RCT studies and current practice in CFC in Myanmar. Landesa will communicate the results of the project to the Forest Department to scale the pilot based on a systematic analysis of the findings. The CFC work advances climate mitigation priorities through carbon sequestration and ecosystem conservation through mangrove expansion and protection. It advances gender equality in three ways at both the community and the national policy level: involvement of women in the forestland governance process as user groups are formed and management plans are drafted; submission of certificate applications with both women and men's names in the user group lists and promotion of this practice to policy makers; and public education of communities on women's tenure rights.

Conclusion and Recommendations

These efforts are presented as examples to support the work of the Katowice Committee of Experts in reviewing implementation of climate change mitigation strategies, plans, policies and programs across the work of the UNFCCC constituted bodies and to support States Parties in fulfilling their obligations under the UNFCCC. Work to integrate climate action at the national level with efforts to achieve the SDGs and fulfill human rights obligations will strengthen efforts under the UNFCCC and lead to greater impact and more sustainable results.

We recommend that the Committee of Experts:

- Promote the role of coherence with human rights frameworks for achieving gender-responsive climate action, by providing governments with guidance on the intersections of global agendas, and the opportunities for synergistic implementation.²⁹
- Urge States Parties to take an inclusive approach to climate-related policy development and implementation, ensuring that rural land users participate meaningfully, with additional support provided to enable participation of rural women and women from groups that experience marginalization (ethnic minorities, Indigenous groups, pastoralists).
- Encourage States Parties delegations to the UNFCCC to engage and collaborate with national level entities responsible for SDG and human rights implementation, as well as with delegations and actors responsible for implementation of the other Rio Conventions.
- Collaborate with civil society actors and States Parties to hold coherence activities (starting with workshops) at both national and global levels across climate change frameworks, the SDGs, and human rights norms and standards.
- Support National Human Rights Institutes as key actors to facilitate coherence and effective and equitable response measures that include rural land users and support gender equality and social inclusion.

- ¹ Landesa is an international nonprofit organization dedicated to securing gender-responsive land rights for rural people living in poverty. Landesa has worked in over 50 countries and has contributed to over 110 million families gaining legal land rights, using a combination of robust research, collaborative law and policy design, dedicated advocacy, and tailored evidence-based interventions, www.landesa.org
- ² Katowice Committee of Experts on the Impacts of the Implementation of Response Measures. Annotations to the provisional agenda, KCI/2020/3/2, §§1(d),(e), available at: <https://unfccc.int/sites/default/files/resource/KCI3%20draft%20annotated%20agenda.pdf>
- ³ https://www.un.org/womenwatch/feature/climate_change/downloads/Women_and_Climate_Change_Factsheet.pdf
- ⁴ <http://www.fao.org/climate-smart-agriculture-sourcebook/enabling-frameworks/module-c6-gender/chapter-c6-1/en/>
- ⁵ <https://www.business-humanrights.org/en/latest-news/mexico-largest-windfarm-in-the-region-opened-despite-concerns-that-the-consultation-of-local-Indigenous-communities-did-not-comply-with-international-law/>
- ⁶ <https://link.springer.com/article/10.1007/s10584-019-02612-5>
- ⁷ <https://www.sciencedirect.com/science/article/pii/S2590332220301512>
- ⁸ UN Stats. The Sustainable Development Goals Report, 2016, available at: <https://unstats.un.org/sdgs/report/2016/leaving-no-one-behind>
- ⁹ The Office of the High Commissioner on Human Rights has developed a body of work on coherence with climate change frameworks, and has established a liaison office between the OHCHR and the UNFCCC. See e.g., Integrating Human Rights at the UNFCCC, available at: <https://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/UNFCCC.aspx>
- ¹⁰ http://www.fao.org/newsroom/common/ecg/107782/en/GDPRD_rural_poverty__MDG_1.pdf
- ¹¹ <https://www.vox.com/2019/11/6/20883736/climate-change-nature-solutions-ecosystem-restoration>
- ¹² Int'l Coordinating Comm. for Nat'l Hum. Rts. Institutions, The Merida Declaration: The Role of National Human Rights Institutions in Implementing the 2030 Agenda for Sustainable Development, (2015).
- ¹³ UN Commission on Human Rights (1993). National institutions for the promotion and protection of human rights, E/CN.4/RES/1993/55, hereinafter "Paris Principles," available at: <https://www.ohchr.org/en/professionalinterest/pages/statusofnationalinstitutions.aspx>
- ¹⁴ Steven L. B. Jensen, et al. (2015), Realizing Rights Through the Sustainable Development Goals: The Role of National Human Rights Institutions, Danish Institute for Human Rights and Center For Economic and Social Rights, at 3, hereinafter "Jensen," available at: https://www.humanrights.dk/files/media/dokumenter/udgivelser/research/nhri_briefingpaper_may2015.pdf
- ¹⁵ Filskov, Nadja. National Human Rights Institutions engaging with the Sustainable Development Goals (SDGs), GANHRI, 2017, at 5, hereinafter "GANHRI," available at: https://nhri.ohchr.org/EN/News/Documents/GANHRI_NHRIs%20engaging%20with%20the%20SDGs.pdf
- ¹⁶ Priority area B: gender balance, participation and women's leadership. Activity B.4. "Cooperate in, promote, facilitate, develop and implement formal and non-formal education and training programmes focused on climate change at all levels, targeting women and youth in particular at the national, regional and local levels, including the exchange or secondment of personnel to train experts."
- ¹⁷ GANHRI at 14.
- ¹⁸ Landesa (2012). *Women's Secure Rights to Land: Benefits, Barriers, and Best Practices*. Available at: <https://www.landesa.org/wp-content/uploads/Landesa-Women-and-Land-Issue-Brief.pdf>
- ¹⁹ Elizabeth Daley, et al. (2013). *Women's Land Rights and Gender Justice in Land Governance: pillars in the promotion and protection of women's human rights in rural areas*, International Land Coalition, at 10, hereinafter ILC, available at: <https://www.ohchr.org/Documents/HRBodies/CEDAW/RuralWomen/InternationalLandCoalition.pdf>
- ²⁰ CEDAW Committee, General Recommendation No. 37 on gender-related dimensions of disaster risk reduction in the context of climate change (2018), UN Doc. CEDAW/C/GC/37, available at: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf
- ²¹ See e.g., Sustaining Sustainable Development: Leveraging Human Rights Norms to Implement Land-related Goals, Impakter (May 2018), available at: <https://impakter.com/sustaining-sustainable-development/>. See also, Leveraging the SDGs to improve women's land rights: model validation (in partnership with Espaço Feminista and the Global Land Alliance, September 2018), available at: <https://www.landesa.org/resources/leveraging-the-sdgs-to-improve-womens-land-rights/>
- ²² Landesa (2017). Women as Agents of Climate Change Action – Women's Land Rights in Customary Settings are a Key Mitigation and Adaptation Strategy, available at: <https://www.landesa.org/blog-women-agents-climate-change-action-womens-land-rights-customary-settings-key-mitigation-adaptation-strategy/>
- ²³ See, e.g., Accelerating Effective Implementation of SDGs through interlinkages and gender-sensitive, people-centered land governance and just land reform, A side event at the High Level Political Forum "Transformation towards sustainable and resilient societies" (July 2018), available at: <https://www.landcoalition.org/en/event/accelerating-effective-implementation-sdgs-through-interlinkages-and-gender-sensitive-people>
- ²⁴ CEDAW Committee, General Recommendation No. 34 on the rights of rural women (2016), UN Doc. CEDAW/C/GC/34, hereinafter CEDAW GR 34, available at: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf
- ²⁵ E.g., the CEDAW Committee has declared women's rights to land to be "a fundamental human right." CEDAW GR 34, at para 56.
- ²⁶ <https://www.landesa.org/resources/leveraging-the-sdgs-to-improve-womens-land-rights/>
- ²⁷ CEDAW Committee, General Recommendation No. 37 on gender-related dimensions of disaster risk reduction in the context of climate change (2018), UN Doc. CEDAW/C/GC/37, available at: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf
- ²⁸ GROOTS Kenya, <http://grootskenya.org/>
- ²⁹ The Office of the High Commissioner on Human Rights has developed a body of work on coherence with climate change frameworks, and has established a liaison office between the OHCHR and the UNFCCC. See e.g., Integrating Human Rights at the UNFCCC, available at: <https://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/UNFCCC.aspx>