

SUMMARY OF NATURE-BASED SOLUTIONS: HOW TO AVOID LAND GRABBING IN THE NAME OF BIODIVERSITY?

Tuesday, October 12, 1:00 PM – 5:00 PM (Brussels - CEST)

Introduction by Michèle Rivasi, Maria Soraya Rodriguez Ramos, Marie-Ange Kalenga and Joan Carling

Michèle Rivasi began the meeting and welcomed the participants. She recalled a conference held the year before on biodiversity and indigenous peoples, and remarked that the recommendations from this conference were strongly mentioned in the report adopted in the plenary. She clarified that the conference had focused on nature-based solutions, and explained that the term “nature-based solutions” originated in 2009 from negotiations within the U.N. Since then, it has been used by the international union for the conservation of nature. It is defined as the actions aiming at protecting and sustainably managing ecosystems in adaptive ways.

Michèle stated the objective of the event, which is to address civil society concerns regarding specific uses of nature-based solutions, particularly carbon compensation. She explained that such measures can have negative environmental and social consequences that detract from the fight against climate change. She asserted that this made the webinar particularly important, as the separate panels would be able to discuss a range of pertinent issues such as financialization, the impacts on indigenous peoples, the maintenance of the status quo, the ways the EU could prevent land-grabbing, etc. She affirmed her belief that nature-based solutions should not come as a balance on compensation—that is, if rich countries were allowed to simply compensate countries in the global south for increased greenhouse gas effects, it would be a violation of human rights. She added that the first victims would be indigenous peoples and local populations.

Michèle concluded that it is therefore all the more important that an agreement be reached before COP 26 regarding a transparent and clear nature-based framework for the fight against climate change, clarifying how biodiversity can address civil society concerns. She then thanked the MEPs present and the NGOs who co-organized the event. She then proceeded to explain the logistics for the webinar translation and upcoming Q&As and describe the flow of the event.

Michèle then began to introduce the first panel. She briefly gave the floor to Maria Soraya, who would be facilitating the panel and with whom she had worked with to write the aforementioned earlier report on biodiversity. The report had obtained a great majority when it was voted on in plenary. Michèle asked Maria Soraya about her motivation for joining the panel.

Maria Soraya responded by reiterating the importance of the panel for parliamentary work, as nature-based solutions could be an effective instrument for mitigating climate change and its attendant harms, but also comes with risks that must be taken into account. Maria Soraya added that when the MEPs were working on a biodiversity strategy, they had talked about allocating a budget for nature-based solutions. However, because not having a clearly-defined and commonly-accepted conception of natural-based solutions could lead to inappropriate allocation, they began to simultaneously work on an eighth-framework program for a new legislative report. The framework asks for a clear definition of nature-based solutions and what it means to support them, as well as for follow-up methods, validation tools, and measurable indicators to allow for monitoring and evaluation. Maria Soraya added that this is important because projects cannot be permitted to commence when they do not correspond to established global standards, as they may harm local communities and indigenous peoples.

Maria Soraya also recalled her experience working on a previous report on the consequences of climate change and its relationship with human rights. The report shed light on cases of land-grabbing, which she noted may have increased due to projects based on nature-based solutions where the right of local communities to free, prior, informed consent (FPIC) was not respected. Recalling the value of that report, she reiterated her belief in the importance of this panel.

Michèle thanked her and began the first panel.

Panel 1: What are Nature-based solutions, offsetting and financialisation? What is at stake?

With

- **Frédéric Hache**, Co-founder and Executive Director of Green Finance Observatory
- **Alain Frechette**, Director for Strategic Analysis and Global Engagement, Rights and Resources Initiative

Frédéric Hache defined “nature-based solutions” as one of the new, vague terms that emerged in the past few years, alongside “natural climate solutions” and “ecosystem approaches”, which are aimed at addressing climate change and biodiversity loss, respectively. He then gave the European Commission definition of nature-based solutions as those inspired and supported by nature, and which provide social and environmental benefits while being cost-effective and helping to build resilience. He clarified that in practice, nature-based solutions encompass a broad range of “good activities” including agroforestry and forest restoration, but also problematically promote a monetary evaluation of nature as well as carbon and biodiversity offsetting. Offsetting is part of the IUCN Global Standard for Nature-Based Solutions and of the EU Commission definition.

Frédéric then began to define and explain the problems attached to biodiversity offsetting. He said that first, it involves a monetary evaluation of nature where nature is re-conceptualized as a series of ecosystem services that benefit humans. The remainder of nature that does not benefit humans directly is thus considered useless and not worth preserving. However, what is typically measured with this approach is not nature but a few selected services, while the rest are willfully ignored for simplicity’s sake. He cited the case of a river as an example. Under this approach, a river would be considered to be providing recreational fishing services, and so the pollution of the river would be evaluated only in terms of lost fishing days, when in fact the impact on local flora and fauna is worth evaluating as well. He also added that the monetary evaluation methodologies used to assess the value of nature are simplistic and biased, relying primarily on surveys which typically ask, for example, how much you are willing to pay for the park ecosystem to still exist next year. The values obtained thus do not represent nature or even a proxy for it. So for all the talk about putting a price on nature, this is not what is being done, simply because it cannot be done.

Frédéric then asked a question. The European commission published a figure earlier in the year estimating the value of nature in the EU at €234 billion, but what does the figure mean if we cannot live without nature? €234 billion represents only one month of revenues for the oil and gas sector. Would such a cheap figure help protect biodiversity or on the contrary facilitate its destruction? He then clarified: while it is good to measure and account for the state of ecosystems in physical terms, it is problematic to attempt to account for it in monetary terms. This latter action is neither feasible nor necessary to protect nature.

Frédéric’s second problem with nature-based solutions is in relation to offsetting. That is, instead of reducing emissions or harm, offsetting allows us to instead plant a few trees or restore a few habitats—typically in low-income countries where land is cheap—and then claim that these actions compensate for climate inaction and destruction. He then gave the example of a real estate promoter

wanting to build an airport in the south of Spain over flamingo habitat. The promoter could fund a project to restore a habitat for bats in Greece and claim that it has offset the destruction of the flamingo habitat. However, more bats do not equal less flamingos. He added that while this example is an extreme form of offsetting, it is the one that was promoted at the 2016 IUCN Congress the one that the European Commission has been promoting for over a decade.

He again clarified: restoration is a good thing, as are some of the other activities in nature-based solutions. But restoration is different from offsetting by definition, as offsetting enables future destruction in exchange for restoration or other actions. And so financing restoration activity through offset schemes that grant permits to destroy more doesn't make sense. He added that this inherent lack of environmental integrity is reflected in the appalling track record of carbon and biodiversity offset projects. He cited a 2017 study published by the European Commission that found that 85 of the offset projects used by the EU under the UN Clean Development Mechanism failed to reduce emissions. He also claimed that many studies have found that between two-thirds and three-quarters of biodiversity restoration projects fail. Many of the said projects have also been found to be associated with human rights abuses ranging from murder, to rape, to torture, and to land-grabbing, especially in low-income countries.

His third problem is the fact that these offset projects often do not come *in addition to* but *instead of* carbon destruction. This is because both are put on equal footing within net-gain biodiversity strategies or net-zero emission targets. And because offsetting is cheaper, it is chosen over restoration. He added that overall, this is not surprising because the political goal is to address climate change and biodiversity loss only to the extent that it does not challenge economic growth and vested interest. He asked the conference to consider that the financial interest at stake in instrumentalizing offsetting solutions is starting to be considered as a new asset class by the financial sector. According to a recent report from the World Economic Forum, climate and biodiversity finance could unlock an estimated \$10 trillion of business opportunities. This is framed as addressing the need to involve the private sector in finance conservation by making conservation profitable in order to attract them—even though legislation mandating reduction in biodiversity destruction does not require any fiscal space or private finance. Thus, biodiversity offsetting and nature-based solutions are beginning to be considered part of sustainable finance, and could soon be a significant part of the €25 trillion of assets under management in Europe.

He asked the audience to consider what this means in terms of the exponential growth of asset projects and the attached human and geopolitical implications. He asked the audience to consider also the fact that private finance does not come for free, and brings with it the high financial returns requirements. This would create an ever increasing and completely misguided pressure to make conservation profitable, whether or not it trumps environmental integrity.

Frédéric concluded that for all the above reasons, offsetting is part of the problem and not the solution. Agroforestry, habitat restoration, and other positive activities should never be considered as or financed by offsetting, because doing so would make these activities worse than doing nothing. However, because offsetting is so embedded into the term “nature-based solutions”, they prefer to refer more directly to the good activities within nature-based solutions rather than to continue using the term. He stated that the real solution is to refocus and prioritize on curbing destruction. This would require, at the bare minimum, separate accounting for destruction and restoration instead of having net gain targets. Because when curbing destruction and restoration are mixed together, as is the case with offsetting or within net-zero or net-gain targets, it gives the misleading impression that they are comparable, it removes accountability, and it creates an irresistible temptation to destroy and restore instead of curbing destruction, because the former is so much cheaper.

Alain Frechette introduced himself as speaking on behalf of the Rights and Resources Initiative, which is dedicated to the recognition of community land rights across the world. He broadly defined

nature-based solutions as solutions to societal challenges that involve working with nature. They imply a wide range of actions to protect, restore, and sustainably manage both natural and modified landscapes to achieve climate biodiversity and sustainable development goals. When anchored in culturally appropriate solutions and the self-determined priorities of local peoples, nature-based actions have the potential to strengthen synergies, reduce trade-offs, transform human interactions, and effectively drive system-wide transformation. Unfortunately such strategies are increasingly associated with more limited and potentially harmful actions. Chief amongst these are compensatory actions conducted in one part of the world to redeem harms done by others elsewhere.

Alain cited as examples the growing demand for climate and biodiversity offsets that fail to consider the impact of greenhouse gas emissions, the permanence of biodiversity loss, and the socioeconomic and cultural implications of land grabs, human rights abuses and the transformation of rural economies. He stated that in the absence of robust and ambitious policy interventions to curb emissions, decarbonize supply chains, and enhance progress towards human rights-based approaches, circular economies, and locally-led solutions, the sheer magnitude of land needed to mitigate the externalities of a growing and largely unsustainable global economic system will invariably exacerbate inequalities.

Alain noted that this growing demand for and pursuit of land, natural resources, and nature-based solutions could leave indigenous peoples and local communities—who hold customary rights to over half the global land mass but legally own only 10% of this area—vulnerable. Yet evidence from the last decade has shown that securing their land rights and supporting their self-determined priorities and solutions represents one of the most effective, equitable, and scalable solutions at our disposal. Forests that are legally owned and governed by communities exhibit lower rates of deforestation, store more carbon, are better protected, support more biodiversity, and generate more benefits for more people than forest lands managed by either public or private entities.

He cited the Local Biodiversity Outlook and ICCA's Territory of Life reports, which suggest indigenous peoples and local communities play an outsized role in conservation governance and in the sustainable use of nature and biodiversity. Their success is closely tied to their locally adapted institutions, cultural traditions, and land ethics. Unfortunately, rural peoples everywhere face increasing challenges. Indigenous communities, Afro-descendant peoples and women bear the brunt of violence and criminalization perpetrated against environmental land rights defenders. Under the guise of pandemic recovery plans, communities now face increasing risks, diminishing civic space and growing threats to livelihoods and security.

Alain noted that according to a recent study by RI in their Campaign for Nature, between 1.6 and 1.8 billion rural people live in important biodiversity areas and could be affected by plans to protect 30 percent of the planet by 2030, potentially exposing them to the human rights abuses and forced displacements that continue to plague conservation efforts in many parts of the world. Meanwhile, recognizing their tenure rights would cost less than one percent of the cost of resettlement, and would generate broader livelihood and conservation benefits.

He added that published research shows that some 300 million people live in areas targeted for tropical forest restoration. Many of these initiatives rely on planting intensive biome energy plantations and monocultures in previously sustained natural forests and subsistent farmlands, without the benefit of community-led solutions and contributions for more integrated and sustainable initiatives. Conditions for the realization of community rights in the context of emission reduction strategies are not substantially better. He cited analysis conducted by RRI and researchers from McGill University, which shows that of 31 REDD+ countries only 3 legally recognized community rights to emission reduction credits. Three others tied such rights to land and forced ownership. Only half of the total area held by communities in the review countries was legally recognized, placing their

land and carbon rights at risk of capture by others. Only five of the reviewed countries had developed benefit sharing plans and only two had operational feedback grievance redress mechanisms.

Alain concluded that community land rights have simply not been a priority of REDD+ countries or international climate financing initiatives. He noted that in a recent study by the Rainforest Foundation Norway, less than one percent of total climate financing from the past decade has gone to support indigenous peoples and local community initiatives. Only a fraction of this was dedicated to securing collective land and resource rights.

Alain noted, however, that amidst these various challenges remain credible grounds for optimism. First, the science is clear: to achieve global climate and biodiversity goals, we must dramatically improve the protection and sustainable use of our living world and cease all activities that directly or indirectly impinge on this. But in order to get there, we must first protect the sovereignty and dignity of indigenous and local communities over their lands and knowledge. Second, most tropical forest countries have legislative instruments that could facilitate the legal recognition of community-based tenure rights, and we now have the tools and instruments needed to characterize such opportunities and scale up action. Third, there's now an abundance of support for rights-based climate conservation and sustainable development action. There is increasing donor coordination and engagement to support the self-determined climate and conservation priorities of rights holders. Fourth, many of the most influential companies and investors behind the demand for nature-based solutions are acutely aware of the risks posed by insecure land rights. They are eager to work with civil society and rights holders to identify alternative pathways to overcome emerging threats. Fifth, we now have a robust land right standard to support rights-based approaches in the context of climate biodiversity and sustainable development actions, and to ensure that all future actions are effectively, equitably, and transparently realized. Finally, rights holders are increasingly connected, coordinated, and mobilized to effectively engage national and international constituencies, advance their self-determined priorities, and pursue collective action while holding actors and institutions accountable for their actions. He concluded that these, together provide reasons for hope in the advancement of rights-based natural climate and biodiversity solutions.

Marie-Ange Kalenga, who was supposed to speak during the introduction, was given the floor. She thanked the organizers for having FERN and Transfer International at the event. She affirmed what Frédéric and Alain had said regarding the undefined nature of nature-based solutions and how this could lead to abuse. She noted that as an NGO working on societal issues and environmental good governance, they share the concerns surrounding the rights of local populations and the harms of offsetting. She added that it was a pity that “we have to reinvent the wheel” when good practices, such as those mentioned by Frédéric and Alain, already exist. She reiterated their agreement with everything the first two panelists had said, and called on the EU parliament to help them better define nature-based solutions in a way that would integrate and encompass the rights of local populations and that wouldn't simply lead to business as usual scenario with no meaningful change.

Joan Carling, who was also supposed to speak during the introduction was given the floor. She remarked on the timeliness of the discussion given the resumption of the COP negotiations at the end of October, during which nature-based solutions would be given center stage. She noted that indigenous peoples share in the concern of how different interpretations of nature-based solutions are being made to suit the interests of different groups. Indigenous peoples do not believe that the continuing destruction and pollution of the environment can be justified through nature-based solutions. Instead of nature-based solutions that disregard the actual stewards of nature, they believe the approach to the climate crisis should be to look into and address the root causes of carbon emissions and biodiversity loss.

Q&A

- Who will assess those nature-based solutions? What will they take into account? Would they take human rights into account? Secondly, What will be the first measures needed to address these issues, and do you think that this nature-based solution approach is not a green washing approach mostly benefiting large companies (in the sense that they are able to keep on polluting and emitting greenhouse gases)?

Frédéric responded. He acknowledged that greenwashing around the concept of nature-based solutions—particularly when it comes to offsetting—is a major issue. He gave the example of certain multinational companies who have programs based on nature-based solutions but still plan to increase their emissions. The concept of nature-based solutions is also a bit of a distraction, in the sense that we are faced with the necessity to reduce emissions, but modifying lifestyles and being more sober about the type of growth we want has not featured at all in the political debate. Nature-based solutions are used as an instrument at the political level to avoid talking about necessary changes.

Alain answered the first part of the question, adding that what is crucial is how we assess the impact or the effects of those actions on nature-based solutions. He noted that there is a current community-led initiative to monitor and assess the different projects and investments deployed on the ground. The ground-up nature of the initiative gives it a good view on the actual actions on the ground. He added that a standard is being designed, called the right tenure standard. The initiative, jointly launched by the indigenous group represented here by Joan Carling and a range of civil society organizations, is calling for basic principles to ensure that investments made in the context of nature-based solutions—or any other context—will actually meet the demands and respect the rights of the local communities and indigenous people, as well as benefit everybody.

- How can we be sure that the assessments related to the investments that will be undergone will be deployed in locations where indigenous people live? And how can we ensure that those populations will not be bought? I hear it a lot: “the indigenous people have to be informed , they need to have access and be consulted.” But at the same time, with the amount of money at stake, is it not a risk that those populations could be bought? How can we ensure there is a multiplicity of partners?

Alain responded that from their perspective, indigenous peoples and local communities are increasingly well-organized and equipped to advance their priorities, and in fact are collaborating with a range of allied organizations to ensure that their rights are secured and protected. True, all people across the world will always face incentives that drive actions that might not always be consistent with their collective well-being. However, our experience shows that this is a very, very, small minority of cases. In most circumstances, because these communities make decisions together, because they're organized collectively, and because their strong governance background and moral ethics are linked to the preservation and protection of their land rights and traditional knowledge, they have an inherent desire to advance and support initiatives that effectively recognize and protect their customary land and resource rights and not sell them off to the highest bidder.

Joan continued, noting that normally funds are used to divide communities and more easily control people's lands. So there exists a clear agenda at the outset, for many to use funds to control land and divide communities. But in the cases where some are bought—which are normally the minority— these people are typically those who don't live in but are part of the community. She concluded that generally, the real interests of the community always lie with their deciding how to best manage and maintain control over their lands for generations to come. Thus, it is important to engage with indigenous peoples in the spirit of respect, and not to use these funds to divide and control their lands. Because that is not the spirit of partnership, and because if donors or governments have more power than they can simply overrun communities, and that is something we need to be worried about.

- We see that industrial country companies are disguising those ways and often act without prior consent or dialogue. How can we work with such companies?

Frédéric responded that it is interesting in these cases that all the safeguards and limitations used to avoid such abuse have been in the UN text for decades, but have had relatively little impact. This is in fact not surprising, because ultimately it comes down to power relationships. He cited a soon-to-be published journal article that sought to understand the reasons behind this failure. The article found that it is typically not a question of a lack of solutions or awareness, but of the power relationships and interest economics set in place to maintain the status quo. Approaching this in a way that places limitations in terms of the language used is necessary to define that balance of power.

Alain added that within the private sector, there is a growing desire to acknowledge and recognize the risks related to the investments deployed in nature-based solutions and in active economic development. He noted that they welcome the desire and increasing demand from organizations to hold a direct dialogue with local communities and indigenous peoples to identify and actively reduce risks related to these investments. He added that the actions they offer would have some positive impact and positive consequences which would be directly beneficial to them and to the communities they are involved with, and that in fact, those organizations do not have any interest to harm the communities. Nonetheless, by exposing the risks related to these investments and identifying solutions to address those risks, their impacts can be minimized and it can be ensured that nature-based actions and development investment will have positive and sustainable impact for both the communities and the companies.

Panel 2: Financialisation of nature and its impact on Indigenous Peoples and local communities - Views and experiences across regions and recommendations

With

- **Vũ Thị Bích Hạp**, Executive Director, Center for Sustainable Rural Development & Hoang Thi Ngoc Ha, Director, The Center for Eco-Community Development (ECODE), Vietnam
- **Joseph Itongwa**, Coordinator, Réseau des Populations Autochtones et Locales pour la Gestion des Ecosystèmes Forestiers d'Afrique Centrale (REPALEAC), Democratic Republic of Congo
- **Elle Merete Omma**, Head of EU Unit, Saami Council, Norway.
- **Joan Carling**, Member of Caucus and Member of Indigenous Peoples Major Group for Sustainable Development (IPMGSD), Philippines

[Michèle Rivasi introduced the second panel and the panelists]

Vũ Thị Bích Hạp noted that she wanted to share her experience working in a civilian society organization in Vietnam. She outlined the structure of her presentation: first she would give a report on the current status of forest in Vietnam, then she would give an overview of the role of Vietnam civilian society in climate change response and natural resource management, third she would report on the status of nature-based solutions and related research and practice, and finally she would give recommendations.

Vũ Thị presented the map of Vietnam and made the point that Vietnam is among the world's 16 most biologically diverse countries, containing 34 national parks, 11 world biosphere reserves, 9 Ramsar sites and other natural, marine conservation, and natural habitat reserves. 70 percent of their forests are natural forests and the forest cover rate is 42%, although annual forest loss is ongoing despite strong government measures. She then presented a graph showing the forest development index of Vietnam from 2005-2017. She then called attention to certain important policies. First was Decision 120 which was issued in 2015 on the development of coastal forests to cope with climate change from 2015-2020. It has already expired, but the government is currently working on replacement policies.

She also mentioned the National REDD+ Strategy of 2017, the Forestry Law, updated in 2017 but valid from 2019, Vietnam's Nationally Determined Contribution for 2020, and the Environmental Protection Law of 2020, which is important for people familiar with the Vietnam Timber Legality Assurance System. She also noted the VPA FLEGT M&E Framework, the 1 Billion Trees Planting initiative launched by the government in April 2021, and the New Vietnam Forestry Development strategy for 2021-2030.

Vũ Thị then described how Vietnamese civil society can contribute. She explained that they have the Vietnamese NGO Climate Change network (VNGO-CC), with 130 NGO members, and the Climate Change Working Group (CCWG) with 1,400 subscribers and consisting of Vietnamese NGOs, INGOs, and donors. She noted that earlier in the day they had held the pre-COP26 meetings with the UK embassy and the Ministry of Natural Resources and Environment, and that they have a regular dialogue with the DCC on NDCs, on the National Adaptation Plan, M&E, and gender mainstreaming. She added that they actually had just organized nature-based solution training for key international and national NGO members in July, and are in the process of reviewing current strategies, with the intent of formulating new ones with a wide range of interventions including nature-based solutions. She explained that civil society works in all regions and focuses on ethnic minorities—the term used in place of “indigenous peoples,” in Vietnam.

Vũ Thị proceeded to describe the status of nature-based solutions. She explained that Ecosystem-Based Approach/Adaptation (EBA) was introduced in Vietnam through research in the '90s, and that pilot studies were first conducted from 2011-2014 and from 2015-2018. Government and civil society projects thus mainly refer to EBA, and that nature-based solutions is still a new concept. Vietnam has submitted the NDC, which mentions the use of nature-based solutions in climate mitigation, but not very clearly. She again mentioned the 1 Billion Trees program to mobilize all stakeholders, and that the private sector participated largely in production forest management, particularly with Acacia plantations.

Vũ Thị gave examples of nature-based solutions-related practice in Vietnam. These included the ecological stop embankment to prevent riverbank and canal erosions, the use of Vetiver to reduce the risk of drought and flood and protect infrastructures, and natural forest restoration combined with land reclamation for livelihood on sloping lands. She added that her organization, SRD, has working experience in sloping land with ethnic minorities. She gave examples of their ongoing projects, including promoting the use of IPM for conservation rehabilitation, using indigenous crops and trees, developing agroforestry and native tree planting to reduce soil erosion and drought, and promoting the use of crop byproducts for feeding animals.

Vũ Thị then listed their concerns regarding potential risks from the application of nature-based solutions and EBA. Among these were the use of these approaches to justify for-profit activities such as the occupation of land, the destruction of forests, and the privatization of common resources. She particularly noted the occupation of areas in the name of ecotourism and the privatization of forests reduces access to land and forest resources of local communities. She also noted that the misconception that nature-based solutions are a substitute for the rapid phasing out of fossil fuels is problematic. She added that there have been a number of incidents of natural forest illegal logging for timber and of land encroachment for various economic purposes.

Vũ Thị concluded by recommending that nature-based solutions be clearly defined in the context of NDC and NAP, and that there be greater support for conducting evidence-based studies on its current status. She also underlined the need for a focus on good practices and against land grabbing under the name of conservation, and to strengthen communication and training. She added that proper use of nature-based solutions in the implementation of economic growth must contribute directly to core benefits for human well-being at the national and local levels. Finally she recommended strengthening

the capacity of civil society, local governments, and local communities for implementation and monitoring and evaluation.

Joseph Itongwa introduced himself as speaking for the indigenous peoples of central Africa and the Congo basin. He outlined the three elements of his presentation: first, a discussion of their values and traditional practices and their relation to the integrity of the forest; second, their negative opinion of the financialization of nature; and third, their recommendations.

He began by characterizing nature and the central African ecosystem as being no longer virgin, and they are trying to find solutions to this. More than one million indigenous peoples and local communities live through and by this nature, and thus have ages-long strong social, cultural, and economic ties to it. This is why they are determined to preserve it and their forests.

In the DRC, there are over 155 million hectares of forest in good condition. These forests are those where indigenous peoples live, as their practices and values have guided their behaviors towards nature. They are aware of the positive and negative consequences of different practices on nature, and this traditional knowledge is their heritage and will continue to be passed on for generations to come. Their culture includes nature.

These efforts and contributions are largely ignored in many international programs for environmental protection and sustainable development. These programs and approaches lack a respect for indigenous rights and hold no equity for indigenous peoples. These practices, programs, and approaches—and in particular the establishment of protected areas—have had a negative impact on the lives of indigenous peoples by taking their land and taking away their traditional means of survival.

Joseph added that conservation financing in central Africa does not benefit indigenous peoples. Protected areas are being established in territories they have managed for ages, and with the envisioned widening of these spaces to 30% under the new global post-2020 framework under negotiation, indigenous rights are at further risk of violation. No alternatives have been planned, and there are no scientific bases that justify these decisions being taken.

Joseph noted that as far as solutions, the central question is how to guarantee the legal protection of the territories, lives, and rights of indigenous and local communities; how to prescribe other effective measures of conservation that valorize traditional knowledge of conservation; and how to guarantee access and ensure the fair distribution of benefits. The link between cultural value and the promotion of biodiversity has to be acknowledged....

[Joseph was cut off and resumed after Joan had spoken]

He emphasized the need to consider the concerns of indigenous peoples in the global discussion of climate change and biodiversity, to ensure the legal protection of indigenous territories, and to have more specific measures in the form of natural reserves and ecological and community-based areas. He noted that political and diplomatic support are necessary and appropriate to achieve equity for indigenous peoples and respect for and the protection of indigenous rights and knowledge. He added that specific and sufficient financial support is necessary to strengthen, secure, and enhance the management of governance and community, and to ensure fair distribution of environmental benefits.

Elle Merete Omma began by emphasizing the rate and intensity of climate change and of the loss of biological diversity and the erosion of the ecosystem. She cited as examples the extraction of rare minerals in Sweden as part of green colonization, the establishment of large-scale industrial sites for wind energy production on ranger pasture land, the oil and gas exploration taking place in many vulnerable ecosystems in Norway, and the extensive logging in all parts of Sápmi. She then introduced herself and the Sami people, and noted that she was offering their perspective in her discussion.

Elle explained that the Sami have pursued reindeer herding since time immemorial, and that reindeer husbandry constitutes the backbone of Sami culture. One of the most pressing threats to the Sami is due to land use change. This depletes previously common elements of the landscapes, such as natural forests, ponds and streams. This loss of biodiversity results in an unhealthy ecosystem and an imbalance in nature. The Sami depends on a healthy ecosystem in order to continue to live in Sápmi.

She added that the intensified forestry in Sápmi also threatens the production of lichen, which is reindeers' main food source during winter. This has become a source of conflict between reindeer herders and the forestry industry. There is a question of whether reindeer husbandry can survive if intensified commercial forestry is allowed to continue.

But, she explained that when participants vote on the new EU forestry strategy in a few weeks, they could support the Sami by ensuring their voice is heard. She added that while the role of nature-based solutions in tackling climate change had gained the world's attention last summer, their people have since time immemorial used nature to support their way of life. Time has proven that they did so in a sustainable manner.

She added that the confusion over what counts as a nature-based solution, already touched on earlier in the discussion, has permitted the misuse of the concept. This has allowed for greenwashing by companies that drive climate change, and for an overemphasis on carbon market offsetting instruments that divert attention from the real need to reduce greenhouse gas emissions.

In answer to this, she shared three main recommendations/ideas. First, she clarified that to her, nature-based solutions are those in which their traditional way of life is protected and recognized as a way to ensure biodiversity. She noted that some proponents of nature-based solutions consider nature to be an economic asset, meaning that they place value on its ability to generate future benefits and prioritize actors who can invest in these same territories. But if nature-based solutions favor the privatization of forests, they can result in the marginalization of indigenous peoples who live and depend on these forests. This is already true in Sweden and in Finland. She then reiterated the role of indigenous peoples in developing solutions to climate change.

Second, she highlighted that other actions promoted under nature-based solutions, such as tree plantation, depend largely on monoculture and commercial tree plantations rather than native tree plantation. Tree plantations store only a fraction of the carbon that natural forests could store. Moreover, forests are more than carbon sinks, and provide many environmental, social, and cultural benefits. She gave an example of their importance in the Sami context, where natural forests mitigate the consequences of harsh winter conditions on their reindeer herds. With climate change, winters have grown harsher even as natural forests have dwindled due to commercial forestry. This has resulted in a massive loss for rangers, who now have to resort to the expensive and not-economically sustainable alternative of feeding their herds in winter.

Third, she added that in creating nature-based solutions, the perspectives and experiences of indigenous peoples are often made invisible. Indigenous knowledge is already recognized within different fora, and indigenous peoples must be included in the discussion of any solutions within the framework of the EU. In this context, the European Green Deal should be revisited. More generally, transformative positive change to slow climate change is only possible through a rights-based approach built on climate justice, and this requires the full participation of indigenous peoples and the respect and promotion of their rights. Only an inclusive process that equally respects and utilizes all available types and sources of knowledge can result in successful climate policy implementation based on nature-based solutions.

Joan Carling began by stating that in the Philippines, the financialization of nature has led to massive land grabbing, the destruction of the environment, and the distortion of the real value of nature and of the interdependent relationships within it. Further, financialization has not only led to indigenous

displacement via land grabbing, but has weakened indigenous self-governance and culture, furthered indigenous marginalization and poverty, and resulted in greater abuses of indigenous women. It has also made it possible for indigenous conceptions of sustainability and reciprocity with nature to be ignored.

She raised as an example the Philippines' experience with mining. Apart from displacement and the destruction of livelihoods, it has also caused the significant pollution of rivers. This pollution remains even long after the mining has stopped, depleting the water source and leaving long-lasting impacts on the local communities. Tying this into the discussion of nature-based solutions, the concept of nature-based solutions can allow indigenous peoples to be doubly displaced by extractive industries by justifying the seizure of additional land for forest conservation or carbon-offsetting schemes.

She emphasized the need to include indigenous peoples in decision-making, and clarified that this entailed respecting their rights, dignity, and well-being, and the legal recognition and protection of their lands, territories, and resources. She highlighted the need for policy coherence and for legal protections to be put into practice, as the Philippines, like some other countries, legally recognizes indigenous rights but only weakly enforces their protection, so that powerful mining companies and other interests are able to distort the laws in their favor. She added that putting rights-holders at the center of decision-making therefore also entails a need to regulate the activities of corporations, to divest funds from the extractive industries causing pollution and biodiversity loss, and to invest in community initiatives to protect the environment and conserve the remaining biodiversity. She concluded by reiterating that nature-based solutions should not be interpreted for the vested interest of the few. It should be underpinned by justice, social equity, human rights, sustainability, and the recognition of the need to maintain reciprocal relations with nature.

Q&A

- What is the real place of indigenous knowledge in this new vision based on nature-based solutions? How can we try to capitalize on that knowledge as a cornerstone for the approach?

Joseph responded that traditional knowledge constitutes a good basis when it comes to protecting biodiversity and forests. This traditional knowledge is on the territory, is *in situ*. When there are threats to these territories then “we” aren’t able to protect traditional knowledge, which is why “we” want to integrate that with nature, which is a good basis for indigenous values. He added that this is the cornerstone in discussing nature-based solutions, as nature-based solutions are “made of” traditional knowledge. He explained that this is why they were fighting today to ensure that traditional knowledge can be taken into account in climate change debates. In response to a chat question asking what he was planning to do in DRC in relation to securing the aforementioned rights, he answered that a lot of efforts have been deployed in the DRC and that they have been advocating that indigenous peoples benefit from a specific legislation protecting their rights so that it can form a base for protecting their traditional territories and rights to land. This would go beyond all previously undertaken reforms and would integrate the rights of indigenous people with biodiversity and the securitization of the forest.

Joan responded that there is also the need to protect the base of this traditional knowledge and to protect its holders. She cited their alarm at the deaths of many traditional knowledge holders due to COVID and explained that this has resulted in a crisis. She stated the need to provide an enabling environment to ensure the transfer of traditional knowledge to and protection of younger and future generations, who might otherwise leave these territories or be otherwise unable to receive and pass on this knowledge.

Elle echoed Joan and Joseph’s responses and added that building a knowledge platform with both types of knowledge—both the scientific knowledge base and an indigenous knowledge base—would be co-creating important new knowledge. She added that it would be beneficial to see how the EU

research programs can be primed so the program reflects this in a better manner, which could also strengthen the thinking around nature-based solutions.

Panel 3: Will Nature-based solutions continue the status quo?

With

- **Bart Vandewaetere**, VP Corporate Communications & ESG Engagement, Nestlé EMENA
- **Marc Sadler**, Manager of the Climate Funds Management unit at the World Bank
- **Brice Böhmer**, Climate and Environment Lead, Transparency International

Bart Vandewaetere began by reconfirming the IPCC report, which clearly states that land use is a major contributor to emissions. He also referred to a report by the World Benchmarking Alliance that noted that not enough companies are acting in the land use sector—only 26 out of 350 of the largest food and drink companies—towards net zero emissions. This net zero encompasses their full set-up, including for example the forests in their supply chains. Nestle is one of the 26 companies that is committed to achieving net zero, with milestones set to achieve 20% reduction of emissions by 2025, and half by 2030.

He explained that 70% of Nestle’s emissions currently come from sourcing, the ingredients and from forest use. Over 10 years, Nestle committed to no longer engage in deforestation for its key commodities. It is now 99% deforestation-free, and should be 100% deforestation-free by the end of next year. He added that now is the time not only to close the remaining gap but to go beyond and engage in restoration and conservation efforts, as Nestle has discussed in previous sessions. In those 10 years since committing, Nestle learned that it is not enough to just look at its own supply chain. Instead, they need to look at the whole landscape—so developing relationships not only with the farmers supplying it, but with the local communities and indigenous peoples present. He acknowledged that indigenous peoples are “guardians” and stated that securing the land rights of the local communities is key to developing and implementing these nature based solutions.

He explained that Nestle achieves this through its responsible sourcing standards, which are mandatory for all its suppliers and their suppliers. These standards are related to emissions and biodiversity, but also include a social aspect, clearly naming that suppliers should demonstrate legal right to use the land and evidence of free prior and informed content of local and indigenous people. When there is an issue with one of the suppliers, Nestle engages with them to see how they can improve and therefore re-enter as fast as possible. It doesn’t want an approach that simply cuts out people, but one that supports transformation over time, so that Nestle can scale up its forest-positive strategy with nature-based solutions.

He gave two concrete examples of this. First, from the cocoa supply chain, through which they are very active in Cote d’Ivoire. Nestle works with the government there and with the local players—the farmers, communities, and with women’s organizations—to ensure that they don’t expand into the forest there to further grow their own cocoa fields, and to find alternative ways to grow their incomes. Second, he mentioned that they do similar work in Indonesia to provide training, transition pathways, and alternative means of getting income to farmers.

He concluded that Nestle expects mandatory and “proportionate” due diligence on human rights and on environmental topics from the EU, and that while Nestle has been doing this voluntarily for years, it is time for everybody in the supply chain to do the same. The EU also needs to work in bilaterals with producer countries, providing not just development support and the like but really helping with planning, governance, etc. It also needs to engage in cooperation and dialogue with the demand side. He ended by reiterating that they believe that nature-based solutions are very important and have a

key role to play in cutting emissions, and restoring biodiversity, but that these need to be done by “all of us.” with the support of the EU, and with people and communities at the heart of it.

Marc Sadler began by highlighting the opportunity presented by the dramatic increase in the level of interest in investing in landscapes, nature, forestry, etc. in the past five years. He clarified that in addition to commercial interest, there is also interest from ministries of finance in World Bank client countries. The challenge that the Climate Management Fund (CMF) had had for many years was getting people to understand that landscapes and forestry are an active and contributing part of the economy, and so the interest now demonstrates significant progress.

He added that the regulatory side has been in motion, which is a hugely positive sign. This means that in addition to the task force on climate risk, there is now the task force on nature-related financial disclosures. This also increasingly raises the issue, complexity, and importance of not only viewing landscapes and nature as productive assets, but recognizing the potential negative consequences that could be engendered. What this results in is an increased importance and focus of financiers and ministries of finance on the role of nature.

He added that the bank has for many years worked on and is now seeing a dramatic uptake around natural capital and assessing its value. A number of countries demonstrate that they have achieved economic growth over the past 10 to 20 years by essentially mining their natural capital and using their natural resources in non-regenerative ways. This has consequences. And so one of the World Bank’s approaches around natural capital valuations is to show ministries of finance what that natural capital is actually worth to the country and to work with them to implement policies and investment planning that clearly values it and moves toward sustainable usage.

Marc then clarified that there are different challenges as well. One particular challenge is ensuring that the benefits from this usage actually flow to the people working and living in these landscapes and forests. In particular, it is a challenge to ensure that the most vulnerable and least represented have an equitable role in sharing those proceeds, and equally if not more importantly, in the planning and the implementation of these programs. Touching one of the major issues raised earlier on local knowledge, Marc affirmed that large-scale monoculture has not been the most sustainable approach for food systems. More sustainable and adaptation- and resilience-focused approaches are increasingly bringing in local approaches and knowledge.

Marc then spoke of the risks. At the World Bank, risk management is re-framed instead as engaging in an integrated and inclusive approach to developing and implementing the projects. But additionally, they approach risks through their safeguards and how they work with indigenous peoples and local communities and go about stakeholder consultations. Marc underlined that one of the things the World Bank really highlights is the existence of benefit sharing plans—ex ante agreements on who will share in the financial and non-financial benefits that flow from these carbon finance projects. He added that one of the biggest areas of interest in both voluntary carbon markets and in compliance markets is the demand for carbon assets that relate to nature-based solutions. So, for the World Bank, the cornerstone of any of these agreements and carbon programs is the existence of a benefit sharing plan as well as supporting those communities and indigenous peoples to take part in that discussion and in the establishment of the benefit sharing plan. It then monitors to ensure that the money flows where the plan said it was supposed to flow, and then assists these communities in planning how to manage, govern, and maximize these benefits. He added that many of these communities are traditional societies, often with governance structures that don’t get involved in the question of sharing money as a community. So distributing the benefits from these programs raises a host of issues these communities have never dealt with before, and which the Bank’s standalone programs then help these communities work through.

Brice Böhmer began by introducing Transparency International and its focus on fighting corruption. He noted that the problem underlying the failure to effectively address climate change is corruption,

which is a vehicle and key driver of both environmental destruction and human rights abuses. He then defined corruption as the abuse of interested power for private gain, explaining that this could come in different forms, such as unacceptable forms of lobbying and its attendant environmental and social damage, or a comprehensive corruption that leaves the responsibility of climate change to future generations. He presented a corruption perception index showing the level of perceived corruption in the public sector, and compared it with the map of climate vulnerability, noting that they have significant alignment. This means that there are a lot of risks for climate project and network solutions.

Certain risks are linked to the fact that many of these climate finance and nature-based solutions are new and flowing through bodies that are untested and complex, making these solutions more vulnerable to corruption. He raised as an example the forestry sector, where between 50-90% of proceeds are illegal and are being laundered by the pulp and paper industries. Another aspect he raised was the carbon market, which as mentioned earlier is famous for being prone to corruption and to issues of environmental integrity. He raised further examples of corruption in nature-based solutions and their different impacts, ranging from increases in carbon emissions to the murder of environmental defenders with impunity. He gave the specific example of the Maldives, where poor consultation also weakened environmental impact assessments of foreign investments.

He then presented a study Transparency International conducted that scrutinized different bodies in charge of climate finance international funds and their policies around transparency and accountability. One key aspect in a particular case featuring the Central African Press Initiative was how to avoid conflicts of interest. He presented a more recent, then-unreleased study by partners of Transparency International, which scrutinized the intersections of climate finance—specifically forest finance—and the implications of governments’ governance frameworks on local communities and indigenous peoples. The study both looks at the global level—the international flows—of that forest finance and zooms in on six countries and how their different governance arrangements impact local communities and can, where beneficial, be reinforced.

The study found that forest climate finance is an important share of the total climate finance. Unfortunately, many of the activities and projects implemented under the forest climate framework have been limited in terms of their contributions to civil society participation within the mechanism. Concerns have been raised regarding different solutions, such as the REDD+ program, and their links to land expropriation and the further marginalization of certain groups, including women and indigenous peoples. He added that a previous study had found that 2/3 of people surveyed indicated that they thought a rich person would be very likely to get away with registering land not belonging to them. He listed the recommendations from that report, which align with their more general recommendations for tackling corruption. The first is greater transparency. The second is broader participation of civil society. The third revolves around the importance of having independent oversight. For this, two features are key: one is a redress or compliance mechanism, and another is a whistleblower protection. He also reiterated previous speakers’ points about the need for solutions to exist beyond paper. He gave the example of REDD+ in many countries, including the DRC, one of the most advanced countries in terms of REDD+. Compliance mechanisms there were supposed to exist even prior to implementation, but the country is only now beginning to work on one. The fourth is the recognition and protection of land rights. The final recommendation is around how international forest climate finance should be scaled up in an equitable and inclusive manner that would bring together synergies between forest finance and other streams and financial flows.

Q&A

- There was one aspect that wasn’t discussed: zero-net emissions. Large companies are pledging to achieve zero net emissions by 2050, as per the climate agreement, but what exactly does it mean? Does it mean that they can continue emitting if they offset it by planting

new trees in developing countries with cheaper land? As we have the representative for Nestle, I looked and the ambition was to compensate 13 million tons of greenhouse gasses through nature-based solutions. Would that mean simply planting trees on 4.4 million ha of land every year?

Bart responded that there is no offsetting involved in the goal of achieving net-zero emissions. Instead, the goal means that Nestle will use nature-based solutions in their supply chain in several ways. One would be that the farmers supplying Nestle would apply regenerative agricultural practices, such as crop rotation, etc. There will indeed be a part related to reforesting degraded forest land or re-wetting, but this is always closely connected with the landscape. For example, as he mentioned in Cote d'Ivoire, Nestle works together not only with the farmers but also with the local community and indigenous people involved and with the government, to identify what needs to be done. For example, in the cocoa fields they can add shadow trees, because these help farmers to be more productive, but at the same time, will identify with the government and the locals what can be done to better protect and maybe restore the forests close to Nestle cocoa farmers. So there is no offsetting in net zero emissions. This is controlled on a yearly basis, there is an annual report and Nestle ensures that offsetting is not happening. So it's not outside of Nestle supply chains and there are clear targets beyond getting to zero emissions by 2050, such as reducing by 20% by 2025 and by half by 2030. So it's short term goals as well. He affirmed that he agreed with the question and believed that offsetting might be good, but needs to be done locally with local people's participation, not through means like monoculture.

- It was explained that projects at the Climate Management Fund unit come with certain conditions, such as the participation of indigenous peoples or the equitable sharing of benefits with indigenous peoples. What was not discussed was the World Bank's conditions for granting funds to indigenous peoples or how indigenous peoples could access climate funds. What are the conditions to gain access to World Bank loans and climate funding?

Marc replied that the funds coming from the climate finance side—which isn't necessarily the World Bank balance sheet—are covered by World Bank safeguards. So all the issues raised are covered under the World Bank's environmental social framework. This includes not only preconditions to access money, but also conditions setting out how the World Bank will supervise project implementation and finance flows. He used as an example of the REDD+ program and the monitoring involved in the set up of Grievance Redress Mechanisms. He added that the World Bank is often criticized for how slowly it works, but part of that is the amount of time, supervision, and due diligence required to not only identify and put together these projects, but also to ensure broad stakeholder engagement and to supervise the project.

On the earlier question, he added that he believed that there's a need to be very careful in the approach to offsets and to clearly account for what carbon assets are, where they came from, how they relate to Nationally Determined Contributions, who shares in the benefits, who monitors and who provides support, etc. He added that the REDD+ program took over 15 years to put in place, and that now the agreements are finally signed and the money will finally start to flow. But establishing it involved a very complex space holding a lot of marginalized peoples, while a lot of the carbon offset business was built around solar panels and renewable energy, which are relatively site-specific and concern companies and businesses. There weren't a broad group of stakeholders. And so that was never taken into account in the original, Kyoto Protocol, Clean Development Mechanism-type projects. There were requirements, yes, but the standard for safeguards is much higher now than it was for the original carbon offsetting programs. Now, they engage in dialogue with stakeholders on the ground and with large companies interested in offsetting, and discuss the complexity of the space and the need for equitable benefits sharing and rights protection. He compared this to a then-emergent concept from years ago, "climate smart agriculture," which faced a lot of resistance from civil society due to the concern that it could lead to land grabbing if the value of carbon in the soil grew high,

because traditional owners didn't hold land rights or tenure. But he reiterated that in setting up these programs what must be ensured is that agreements are in place and it's clear who's going to share what, as well as that what was in the agreement is what is carried out.

And so the World Bank's job is to supervise, but bringing in independent, third-party organizations to monitor projects would also help assure just and transparent implementation. There is a potential, during this transition period, as actors move to net zero—not all companies can be changed overnight, but there is a phenomenal opportunity for a large amount of finance to flow to developing countries on an equitable and transparent basis, that will benefit the lives of the poorest and the most vulnerable. There's just a lot of hard work needed to make sure it happens in the right way.

- When it comes to state corruption, do you not think that the territorial scale could be an interesting alternative in order to receive the funds and be able to manage them conjointly with the local communities?

Brice responded that, unfortunately corruption is or can be seen at all levels and countries. There are different types of corruption, in different countries, in different sectors, etc. This is why he believes that solutions need to be implemented at the local level and as close as possible to people on the ground, in a way that's visible and comprehensible to them. And if, as Marc had mentioned, there are independent, third-party organizations monitoring or evaluating the impacts of those projects or investments, then the level of corruption will decrease—which should be a goal as well. The Green Climate Fund, for example, committed to the goal of achieving zero corruption, although it hasn't achieved it yet.

He stated that there is a need to do things differently, because so far it hasn't been working on the level that it needs to be, in terms of the finance flows available, of the actors mobilized, of the impact created, and so on. And doing it differently means doing it with people on the ground. So it can be interesting to look more closely at, for example, direct access, so that even if funding is at a national level, some local or regional institutions can access it, respecting the safeguards in place.

The problem, he noted, is that even with very strong or well-reputed institutions, there are problems implementing the safeguards. So when it comes to, for example, whistleblower protection, there are recent cases where whistle-blowers call out corruption in climate projects—for example, in Russia—, but years after those projects are implemented there is still no solution. And problems like this involve institutions like the UNDP. So these aren't small local organizations that could be presumed to have more difficulty complying with some of the safeguards. So it shouldn't be assumed that it's easier for big institutions, again, things need to be done differently. And he clarified that when he says this, he means, for example, the way when investments are made from a different country and so projects are designed very far away from the ground, creating problems like mismanagement, corruption, inefficiency, and often resulting in environmental and social harms.

- Do the TCFD and TNFD (Task for on Climate-/Nature-related Financial Discussions) adequately account for human rights and social impacts? What can be done to strengthen the recognition of human rights risk within these frameworks, or do we need a separate human rights-based framework for nature-based solutions and natural capital.

Marc responded that both these instruments are about assessing risk as it relates to climate and to nature, respectively, so he didn't believe that they assessed risk as it relates to human rights. Speaking from the development perspective, the issue that needs to be addressed here is not solely around ensuring that safeguards are applied, but also engaging with the concerned communities. For example, under the Forest Carbon Partnership Facility—the REDD+ forest fund—there was a program dedicated to engaging indigenous peoples, local communities and CSOs, and building their capacity so they could be part of the design and the structuring of the program, and of the benefit sharing.

So the application of safeguards to make sure things don't go wrong is important, but what generally doesn't get enough attention is the beginning of the process, where engagement with the communities and stakeholders to ensure that the rules of the game and the game itself are clear to everyone can go a long way in ensuring things go well, as well as reduces the incentives to not do things properly in the future.

In the public sector and ODA space, because of the structures in place, this is built into the DNA. Does the sector get it right all the time? Marc doesn't think so, but he also doesn't think it's possible to get things right all the time. It's more challenging in the private sector, and there is this issue there of transparent, independent monitoring that is just built into the ODA system. He ended by saying that he perhaps didn't answer the question directly, but that he also isn't a specialist on the charter on human rights etc. and how those apply to the mentioned instruments.

Panel 4: How can the EU prevent land grabbing and human rights violations linked to Nature-based Solutions?

With

- **Karin Zaunberger**, Biodiversity Unit, Directorate-General Environment, European Commission
- **Terence Hay-Edie**, Programme Advisor, Global Environment Facility (GEF) Small Grants Programme/United Nations Development Programme (UNDP)
- **Eva Mayerhofer**, Senior Environment and Biodiversity Specialist, European Investment Bank.

Karin Zaunberger began by stating that the European Commission shares most of the concerns voiced during the conference regarding the misguided use of offsets, the disrespect of indigenous and local peoples' rights, and the destruction of nature. She disagreed, however, with the characterization of nature-based solutions as a "fluffy new concept." She argued that nature-based solutions have long been used in research and on the ground, perhaps just under different names, and clarified that in the last decade, the EU has invested over €200 million. She added that a handbook on the evaluation of nature-based solutions in different sectors was recently published, and pointed to the synonymous term "ecosystem-based approaches," which shares the same rationale of working with nature for people. She also noted that during the Climate Action Summit in 2019, there was a dedicated work stream on nature-based solutions, and that it was shown that these had over a third of the overall mitigation potential needed to achieve the Paris Agreement. She clarified that nature-based solutions were given a definition adopted in a 2016 resolution, which centers around the multiple benefits accruing to nature, people, and climate through the resolution and the need to respect environmental and social safeguards. Given this, nature-based solutions are most effective when "planned for longevity and not narrowly focused on rapid carbon sequestration.

She refers the conference to an IPCC expert workshop report which prominently centers nature-based solutions, as well as assesses their benefits, limits, and risks, and the rules that must be respected to maximize them. The report also made clear that nature-based solutions can only be effective in conjunction with ambitious reductions in all human-caused greenhouse gas emissions, and that climate change and biodiversity losses are interdependent emergencies that must be addressed in an integrated manner. Given this, the examples brought forward regarding land-grabbing and human rights violations cannot be linked to nature-based solutions, and are instead linked to measures misusing the concept. And rather than penalizing a valuable concept, it should instead be ensured that nature-based solutions are clearly defined and identified, and that what aren't nature-based solutions are also identified.

The concept of nature-based solutions is founded on the scientific understanding of the interconnectedness between nature and people, and it prices biodiversity and functioning ecosystems and their services. These services are supporting services, regulating services, and provisioning and culture services within the land and seascape—so it's a holistic, umbrella approach. This means that management that goes contrary to biodiversity and natural processes, such as monocultures or intensive farming, is not considered an ecosystem-based approach and does not qualify as a nature-based solution.

Circling back to the need for a definition, Karin adds that the lack of an internationally agreed upon definition is the reason for the controversy around the term and the conflicting discussions in international negotiations. She reaffirms the need for a universally accepted definition that reflects the values she mentioned. She added that through the Convention on Biological Diversity adopted during COP14 in 2018, the parties adopted guidelines for ecosystem-based approaches, which include principles and safeguards for nature-based solutions and aim to manage resources in a way that promotes conservation and equitable, sustainable use. She further added that the Convention is now a nearly universal treaty, and so its principles and safeguards must be respected. These principles and safeguards are measures to avoid unintended consequences of ecosystem-based approaches, and so they facilitate inclusivity and transparency through all stages of planning and implementation, promote equitable access to the benefits, respect the rights of women, indigenous peoples and local communities, etc. This is what parties have agreed to when they implement nature-based solutions.

Returning to the original question of what the EU could do, she noted that something that even the other parties to the Convention could do is to make sure that these safeguards and principles are duly respected. Through its European Green Deal and related strategies, the EU is centering the protection, restoration and sustainable use of biodiversity. In short, the EU needs to put its money where its mouth is, and also put its actions where its mouth is. It needs to make sure that these strategies, principles and safeguards are not only adopted but also duly implemented.

Terence Hay-Edie affirmed an earlier speaker's appraisal of the importance of the 2019 IPCC global assessment report in terms of the major ideas it promoted around long-term perspectives for biodiversity and ecosystem services. The principle that human beings can coexist with biodiversity within heterogeneous landscapes was emphasized in the IPBS report from last year, and in the following year the UNDP launched the Human Development Report on the Anthropocene, which looks at the geological age where humans are a driving force. These reports recognize that nature-based solutions are still under-defined, and that the challenge is that of developing new metrics and modes of governance to ensure that these solutions are implemented in a fair, just, and equitable way—which includes the policy coherence point several speakers made previously.

He noted that the level of urgency is increasing—the previous Friday, the UN Human Rights Council, spearheaded by a group of governments and with the support of the special rapporteur, approved the human right to a healthy environment. The day before, a letter from 125 NGOs and other concerned groups called for the human rights perspective to be fully integrated into the post-2020 Convention on Biological Diversity Global Biodiversity Framework.

He noted that the previous panelists had spoken about greenwashing, the sudden increase of interest in sustainable finance, and the two twin frameworks on the task force on climate-related financial disclosure and on nature. He said that what he believed certain actors in this space are saying is that these two need to come together more coherently and to synergize, because there is a driving interest for ESG metrics for the investment world. He added that some commentators are noting that more is happening in terms of the Environmental aspect, and less on the Social and Governance aspects, but that for today's discussion he is putting the emphasis on the two latter dimensions of the ESG framework.

From the UNDP perspective, safeguards and compliance have been a work in progress for the last 10 years. The key principle of do no harm is reflected in the three levels of the Social Environmental Standard: in the principles, the project and the screening tools and procedures. He noted that the SES addresses the questions of what is significant harm, what are the trade-offs, and how certain trade-offs will balance with other dimensions. The UNDP report on the anthropocene looks at three pillars in terms of climate change mitigation and adaptation, biodiversity benefit, and human well-being, with an adjusted index for the human development index.

He then referred to an earlier webinar on the question of colonialism, noting that green colonialism, and the idea of protected and conserved areas, has changed significantly since 1872. For the first 40 years, the US government didn't even have a national park service. It was still an idea. What we're seeing now in the context of the Convention is that very few projects are built on a notion of fortress conservation. He concluded that he would therefore challenge some of the authors suggesting that protected areas are just about fortress conservation. He argued that there is increased recognition of different forms of governance, and called to mind Joseph Itongwa's presentation, as well as a report prepared by 12 different organizations presenting an analysis of the overlap of global land with the lands of indigenous peoples and local communities and comparing the proportion of those lands in good ecological condition. Situations of overlap, where historically protected areas overlap with the lands of indigenous peoples and local communities, are something which requires attention.

He then turned his attention to governance processes, directing attention to the still-evolving International Union for Conservation of Nature (IUCN) standard. The standard includes an element on inclusive governance, but lacks an appreciation of cultural and spiritual values. However, the UNESCO has been advocating for the role of culture in the 2030 SDG agenda, and that the Global Environment Facility, where he works, is also looking at the role of behavior, norms, and values for the next GEF aid replenishment in 2022.

He concluded by presenting two AVAAZ campaign organization documents submitted for the G20 and for the IUCN 21 congress, which note that the possibility for increased direct access increased the flow of EU development finance for indigenous peoples and local communities, and that it is something that exists where he works. He added that the small grants program funds civil society and NGO initiatives in approximately 130 countries, and has done so for the last 30 years, channeling support to indigenous peoples and local communities. He concluded by stating that the figure given by Rainforest UK, that only .1% of finance for climate change action is for indigenous peoples and local communities, and that if this could be increased to even 1% that would be a massive opportunity to channel support to uh actors on the ground who need it most, and to ensure that nature-based solutions are fair, equitable, and just.

Eva Mayerhofer explained that large-scale land acquisitions have increased in scale and pace due to the commodification of nature and climate objectives, and the strategies of actors like financial institutions. The areas most affected are the global commons—lands that indigenous peoples and local communities traditionally used collectively—including much of the world's forest wetlands and rangelands. An increasing number of land acquisition cases occur with the objective of implementing nature-based solutions to achieve climate and environment objectives. This represents a major and growing threat, not just to local livelihoods and human rights, but also to conservation objectives. Securing land rights offers a foundation for managing natural resources, so that resources are used sustainably in ways that support long-term conservation objectives and simultaneously promote local resilience and sustainable livelihoods. Supporting rural communities to secure and scale up land rights can reduce the risk of land grabs and develop new opportunities for conservation. It can also help not only governments but multilateral development banks to meet their climate and environmental targets in a way that supports rather than threatens local livelihoods and their rights.

Institutions such as the EIB and its MDB peers are realizing this and are increasingly forming stronger partnerships with local land users, as well as working with them to secure land tenure and conservation goals through initiatives such as conservancies, indigenous- and community-conserved areas, and community-based forestry and pasture management. But often institutions like the EIB often see the complexity of debates around land rights use and their variability from country to country as a barrier to using land rights to achieve conservation aims. Land conflicts are often deeply rooted in governance failures. This is an area that is often both unfamiliar and uncomfortable territory for international organizations—particularly those that work closely with state agencies and governments. So community-owned and managed conservancies present an opportunity for the intersection of development climate goals and biodiversity conservation.

Processes of integrated and participatory land use planning are required to fully consider, at national and local levels, the most appropriate use of lands, taking into consideration the full range of political, economic, social and environmental factors. A very good example of this is found in Kenya with the Northern Rangeland Trust, which is a membership organization owned and led by 39 community conservancies. It works in northern and coastal Kenya, and provides a secure land tenure policy framework that supports concerns of sustainable economic and land use practices, is in tune with people's socio-cultural systems, and that would therefore go a long way towards sustaining livelihoods, promoting biodiversity conservation, and reducing poverty and landlessness in rangelands.

Eva noted that this is a great opportunity which the EIB has been working with. New partnerships with human rights-based organizations and with development organizations, both local and international, that take a rights-based approach could offer a route to achieving shared goals. The global land crisis and the need to strengthen land rights to address shared human rights and conservation goals could catalyze stronger collaboration between environment and development organizations.

However, this requires better integration of land-use planning at national and local levels. Still, this integration is necessary to guide rational and better informed decisions about land allocation and use. This land-use planning will require the involvement of many different actors, including local land users and conservationists, and the collection of different types of information. This information is quite difficult to acquire—the process is resource intensive and requires time. But the outcome is likely to be more sustainable, productive, and conflict-free land use, as well as the establishment of agreements between different land users and rights holders—although, organizations such as the EIB and private sector players typically balk at the length of these processes.

International safeguard standards and/or mechanisms need to be revisited and made fit for the purpose of explicitly spelling out the requirements for a rights-based approach to biodiversity and of cross-referencing with the standards on indigenous peoples, afro-descendant peoples, local communities, and vulnerable groups. Eva added that with the revision of the EIB standard on biodiversity, they have tried to strengthen the rights-based approach to biodiversity and hopefully have addressed some of the concerns that were spelled out today. Under the EU taxonomy, the application of the minimum social safeguards have not yet been spelled out. She noted that this would be an opportune moment to ensure that the rights of indigenous peoples and traditional communities are respected and not infringed upon.

Eva continued, noting that governments and the private sector have required guidance for multi-stakeholder approaches to meaningful engagement. For example, EIB has worked from 2019-2020 with the Arctic Council on a guidance on indigenous peoples and local community participation in the European Arctic—which after listening to the other panelists, she believed probably needed to be updated. Eva emphasized the need to pay more attention to the different models for community conservation with the aim of achieving a full understanding of what works best in

different contexts, and to what degree these models achieve goals of both conservation and development, and the protection of the rights of indigenous peoples, local communities, and their human and environmental defenders.

Unfortunately, this is very difficult to do and not always an obvious solution when you're sitting remotely in Luxembourg or Washington DC. Over the past decade, less than 1% of global climate official development aid has gone to indigenous peoples and local communities' tenure and forest management. Over one tenth of that was directed to securing land tenure rights, averaging about US\$30 million a year in the last 10 years. However, this financial architecture is completely inadequate to mobilize and allocate the resources necessary to achieve global climate conservation and development goals. In order to achieve these goals, multilateral development banks need to significantly increase their funding to support the collective land rights agenda, as well as simplify the administrative requirements of existing institutions and align to rights-holders initiatives.

Thus, allowing better access to finance for these rights holders also means developing new finance mechanisms *with them* to attract funding and to channel resources directly to local conservancies—such as the Northern Rangeland Trust. This is what the EIB is trying to do with the trust. It is also trying to increase coordination among public and private philanthropies, financial mechanisms, rights holders, and other allies. Further, this financing should be transparent and adequately reported on using well-defined metrics and standards. Eva presented the amendment of the EU regulation applicable to EU institutions such as the EIB as a means to hold these institutions accountable. She concluded that, as a primary steward of most of areas of high biodiversity, the essential role of indigenous peoples and local communities in managing terrestrial greenhouse gas things and biodiversity reservoirs need to be globally recognized, promoted, and supported. Ultimately, all that is needed is to acknowledge that collective tenure rights is a cost-effective climate conservation and development solution.

Q&A

- How would you consider nature-based solutions and nationally-determined contributions (NDCs)? How can we give value to the institution and structure of nature-based solutions when those are often overlooked?

Karine responded that the inclusion of nature-based solutions has increased, and that this is seen as a positive development. More and more nature-based solutions are included in nationally-determined contributions, and in particular are contributing to adaptation. And each of these nature-based solutions for adaptation also contribute to mitigation, even though this might not be factored into carbon measurements. So the more nature-based solutions that are implemented, the more benefits can be harnessed. She then referred to President Macron's announcement during the first session of COP15 that 30% of French Climate Funding would be directed to biodiversity. This emphasizes the importance of getting nature-based solutions right. Investment streams go through the NDCs, and so they are bound to increase.

Terence responded that he had two points to highlight. First, that the support that they have with 120 countries included NDCs, and within this, the role of indigenous people and local communities is not highlighted enough. Acknowledging the importance of this role is ongoing work, and he noted that they needed to go further to do so. Second, they have engaged with indigenous people through the green climate fund, and the needs and “political level” for indigenous people was approved in 2018. He added that he believed that the next step would be giving indigenous peoples access to the funding.

Eva affirmed that nature-based solutions are being included in most adaptation strategies, and that EIB supports governments in meeting their nationally-determined contributions by making sure they are Paris Agreement-aligned. But the link to indigenous people is not there, and she believed that COP26 was an opportunity to address this. She added that there's already a realization that the link

needs to be present, and that without the support of indigenous peoples and local communities nationally-determined contributions won't be reached. However, this realization is fairly recent.

- (Following the presentation of poll results) Are there mandatory guidelines that could be expected soon at the level of EU legislation?

Karine responded that it was surprising that people would look to the EU to develop mandatory guidelines. The majority of indigenous peoples and local communities are not inside the EU. And from her experience with the negotiations on the Convention on Biological Diversity, during the Article J (on Traditional Knowledge, Innovations and Practices) negotiations, with the EU, the article was for member states with indigenous peoples and traditional communities. But this was clearly not the majority. This is not to say that those communities within the EU are not important. But outside the EU, the rules, principles, and safeguards are much more important.

She added that since the Convention's inception in 1993, the setting of these rules and safeguards has been a very important issue, and that in fact the Convention has a specific article for indigenous peoples and local communities. It is also clear that during negotiations, these communities have quite a loud voice, and that this is reflected in the outcomes.

She concluded that she didn't see that there was space for the EU on a mandatory level. It's embedded in the EU's role as party to the international convention, and the EU is a front runner in many issues, but in this case they are already very much involved through the international negotiations.

Conclusions by Marc Tarabella and Michèle Rivasi

Marc Tarabella and Michèle Rivasi concluded the conference. They highlighted the key elements raised by the panelists: the need for a precise definition of nature-based solutions, for a holistic vision of the social and environmental principles to be included in the definition, and for the upstream integration of local populations and respect for their knowledge and rights. They added that Europe can contribute by enacting their due diligence, ensuring that companies adopt responsible behaviors, implementing programs for the protection of traditional knowledge, and potentially establishing an independent body to monitor climate funding and how it is used and by whom.

They then thanked the speakers, staff, and audience, adding that they must unite to effectively assist indigenous peoples, develop and protect biodiversity, and achieve their goals.