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RECONCILE

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INTEGRATED TOOLKIT GUIDE FOR TRAINERS ON LAND AND NATURAL RESOURCES GOVERNANCE AND MANAGEMENT



A policy research, advocacy and capacity building organisation.

FOREWORD

Resource Conflict Institute (RECONCILE) is part of a consortium with other two (2) partners namely; Welthungerhilfe and CARITAS Diocese of Kitui. The partners are implementing a three-year project "Greening with Jobs: Environmental Preservation and Restoration in rural Kenya (GREENPARK" in two counties, Kitui and Makueni. The project's overall objective is to promote "Green" economic growth and thus employment and income are improved in rural communities in Makueni and Kitui through the application of sustainable consumption and production patterns. RECONCILE is leading Result 4 that seeks to ensure; Environmental policy framework and enforcement mechanisms at the national and county government levels are improved.

Environmental protection and climate change are integrated in Kenya's national development plan Vision 2030. At the county levels there are a range of policies specifically relating to climate change and recognizing the need for adaptation. These include but not limited to; National Climate Change Response Strategy (NCCRS, 2010), Nationally Determined Contribution (NDC) (2015), National Adaptation Plan (NAP, 2015-2030), Climate Change Act (2016), National Climate Change Action Plan (NCCAP, 2013-2017, 2018-2022) and National Climate Change Framework Policy and Act (2018). The Climate Change Act, 2016 established the coordination body of the National Climate Change Directorate and mandated county governments to mainstream climate change adaptation activities.

The Climate Change Act (CCA) further established a National Climate Change Fund (CCF), and both Makueni and Kitui are currently piloting County Climate Change Funds (CCCF) to support initiatives related to environmental protection and climate change adaptation. Currently, about 1-2% of the annual development budget is allocated to the CCCF in each of the counties. Notably, the Department of Lands, Urban Development, Environment and Climate Change in Makueni also launched its Environment and Climate Change Policy in 2020, while on the other hand, development of the Kitui County Climate Change Policy is at Cabinet stage. Despite the existence of these policies and institutions, policy awareness and community involvement in different process in these counties remain low. According to the feasibility study by Welthungerilfe (2020), less than 20% of farmers have previously received training on existing laws and policies, as well as rights and responsibilities with respect to the environment. The study further established that only 10% of households were aware of the existence of the CCCFs and only 8% of farmers were involved in the Climate Change Planning Committees at ward level.

In addition, current regulatory frameworks are inadequate, as indicated in Makueni's Environment and Climate Change Policy, which also states that enforcement of laws and policies as well as coordination of stakeholders remain poor. Therefore, there is a need to conduct capacity gap analysis in the two counties and develop training manuals on Policy Advocacy for Natural Resource Management (NRM) and on Participatory Land and Natural Resource Management (PLNRM). These will serve as guidelines for community and government officials' trainings. The guidelines will also be used for future trainings within and outside the project.

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LIST OF ABBREVIATIONS AND ACRONYMS

CC	Climate Change
CCA	Climate Change Act
CCCF	County Climate Change Fund
M&E	Monitoring and Evaluation
NAP	National Adaptation Plan
NCCAP	National Climate Change Action Plan
NCCRS	National Climate Change Response Strategy
NDC	Nationally Determined Contribution
NRM	Natural Resource Management
PLNRM	Participatory Land and Natural Resource Management
RECONCILE	Resource Conflict Institute

1 INTEGRATED TOOLKIT

1.1 What is the integrated toolkit about?

The integrated toolkit seeks to bring together the key principles of participatory land and natural resource management, highlight the nature of land and natural resource governance in Kenya. Present a summary of the legal instruments that govern natural resource in Kenya as well as climate change. This is done in recognition of both the advocacy training guide and the participatory land and natural resource management kit. It will also seek to bring out the following key issues

- Role of county government in natural resource governance and policy implementation
- Role of CSOs and Communities in policy implementation
- Natural resource monitoring and reporting
- Rights based approaches to NRM governance

1.2 What Is Natural Resource Management?

Natural Resource Management (NRM) refers to the sustainable utilization of major natural resources, such as land, water, air, minerals, forests, fisheries, and wild flora and fauna. Together, these resources provide the ecosystem services that provide better quality to human life. Natural resources provide fundamental life support, in the form of both consumptive and public-good services. Ecological processes maintain soil productivity, nutrient recycling, the cleansing of air and water, and climatic cycles. (Iyyanki V. Muralikrishna, Valli Manickam, in Environmental Management, 2017).

1.2.1 Good Governance in natural resource management

Governance is the ongoing process of good decision-making; in the contemporary world, decentralization, inclusiveness, equity, equality and responsiveness have been increasingly acknowledged as the fundamental elements of good governance.

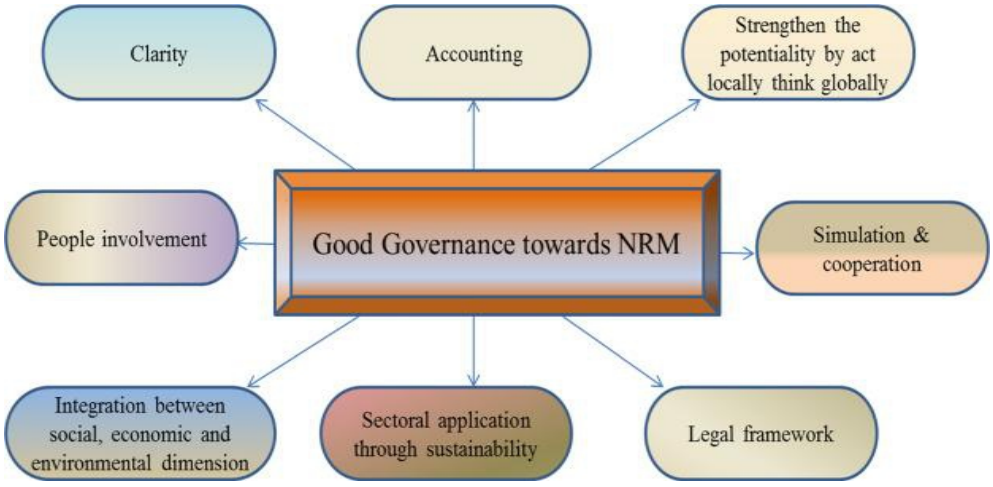


Figure 1: Summary of good governance in NRM

Source: https://www.sciencedirect.com/topics/earth-and-planetary-sciences/natural-resource-conservation

The issue of NRM is a very critical for sustenance of human civilization. In the process of good governance, certain aspects should be given due consideration that includes public participation, clarity in the issue, proper accounting and database generation of resources, strict implementation of laws promoting conservation, and also successful implementation of various policy issues such as act locally think globally. Further, simulating the issues in an integrated manner having multidisciplinary approach is very much essential for successful implementation of NRM (Yildirim et al., 2020).

Good governance demands appropriate legal framework and infrastructure that would help the process of environmental protection up to a considerable level. In the process of NRM for conservation of resources sector-wise attention is required in order to give importance in each and every issue. The main theme of Ssustainable development demands integration between social, economic, and environmental dimension that would lead to all round development and sustenance of human civilization. In this aspect, good governance would help to mediate such process.

2 LAND AND NATURAL RESOURCE MANAGEMENT INSTITUTIONS IN KENYA

Land and NR have multiple roles, its not surprising that there are struggles to control them. Governing land and natural resources are an essential part of 'good governance'. Poor governance of resources leads to disputes. Section 69 of the Constitution of 2010 specifies the obligation of the state regarding natural resources and environmental management. The state is committed to ensuring the exploitation, usage, management, and sustainable protection of the environment and its natural resources, as well as a fair distribution of the revenues that may be generated from the same. Schedule 4 of the constitution lays out the respective functions of the central government and the counties within the framework of the devolution process. The text (*Schedule 4*, 22) states that the national government is responsible for ensuring the protection of the environment and its natural resources for the purpose of establishing a sustainable development process. According to this same text (*Schedule 4*, 10), the counties' mission in terms of natural resources management is also very broad: counties are responsible for implementing the government policies for protection of the natural resources and the environment, which also includes, as is specified in the text, the protection of the soil and the water resources, as well as the management of the forests. They are responsible for the forests previously managed by the local authorities, while the public forests (which are much larger) remain under the management of the Kenya Forest Service.

Natural resource management agencies are some of our most complex governmental institutions because they incorporate the complexities of ecosystems, the socioeconomic and political (e.g., license-sale and legislative-funding) pressures altering both those ecosystems and their management institutions, the group dynamics of the agencies themselves, missions and underlying legal requirements, and ethical differences regarding how humans should relate to nature(Robert M. Hughes, ... Hal Beecher, in Conservation Science and Advocacy for a Planet in Peril, 2021). **Constitution of Kenya, 2010:** Article 69 (1) obliges the state to ensure sustainable exploitation of the environment and natural resources and the equitable sharing of the accruing benefits. Article 66 (2) requires parliament to enact legislation to ensure that investments in property benefit local communities and their economies. This means that the government must align all relevant wildlife and forestry policy and legal frameworks (either through amendments or enactment of new legislations) with the constitutional provisions seeking to provide benefits to local communities, in addition to combating corruption.

Parastatal agencies involved in environmental management and their respective responsible ministries in Kenya

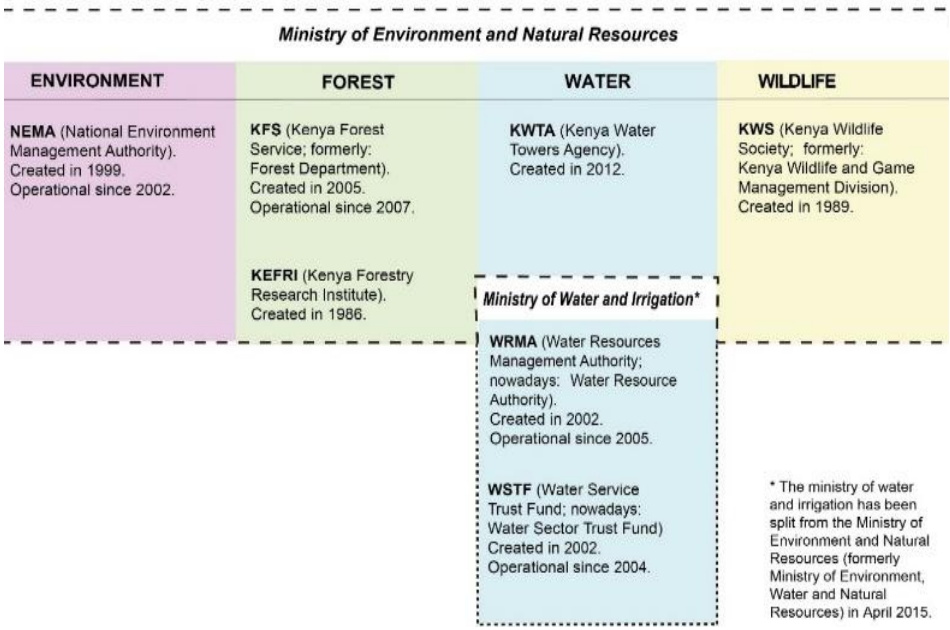


Figure 2: Parastatals and agencies for natural resource governance in Kenya

Source: https://books.openedition.org/africae/2515 accessed online 20th Dec 2022

2.1 Legal and Policy Instruments for Land and Natural Resource governance

Land plays a crucial and central role in the economic, social-cultural and political lives of individuals and communities living in Kenya. Land provides the livelihood base for the bulk of the population especially in rural areas. Vision 2030 recognizes land as a critical resource in achieving the socio-economic and political development in the country. Kenya has laid down a robust legal framework for land and natural resource governance. This section presents a summary pf the legal instruments on land and natural resource management. It also discusses the legal framework for water, forest and land governance.

2.2 Legal and policy framework for NRM

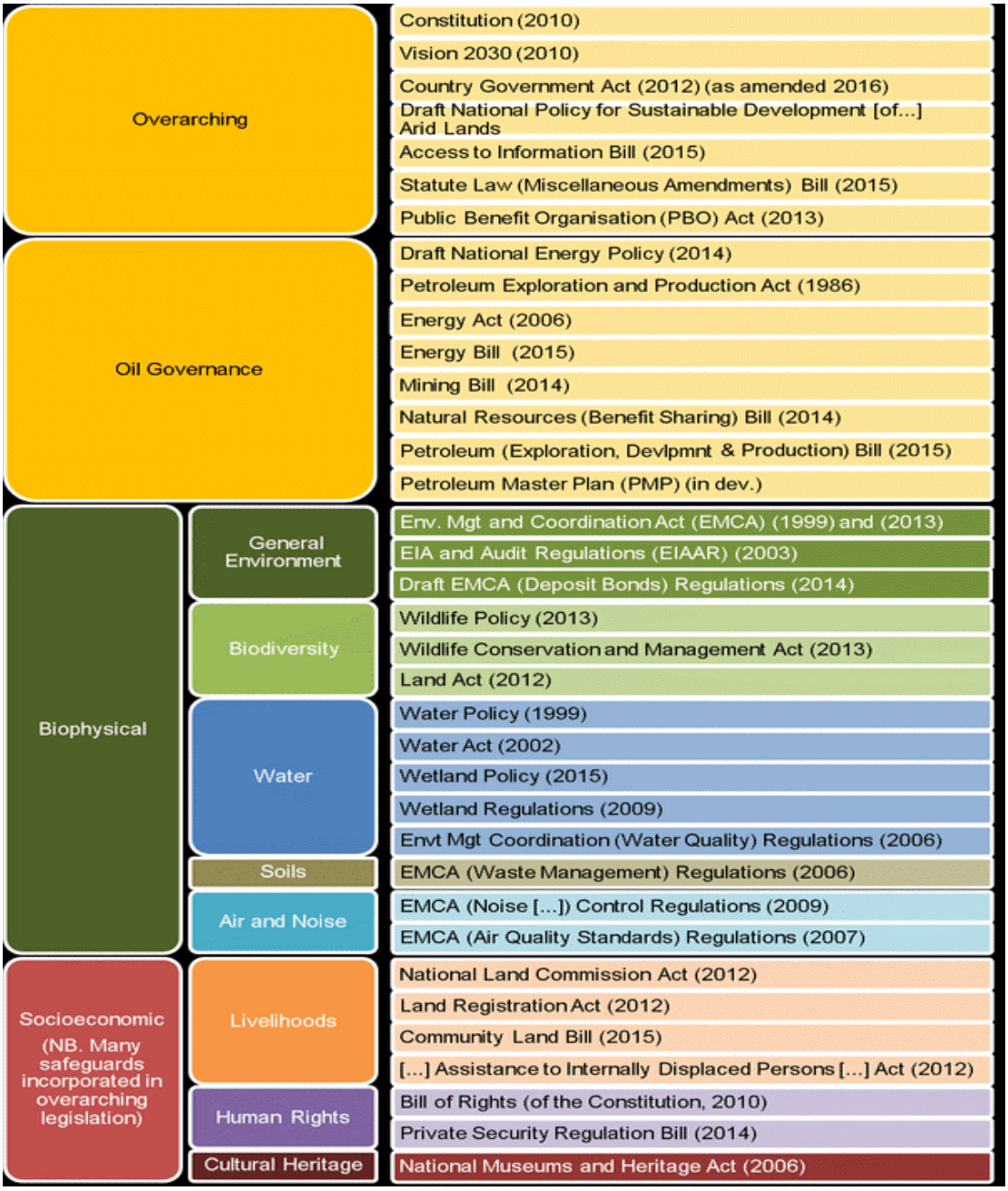


Figure 3: Policy and legal framework for land and natural resource governance in Kenya

2.2.1 Water Act 2016

The 2002, water sector reforms in Kenya culminated in the passing of the 2002 Water Act, which introduced new water management institutions to govern water and sanitation. Under the law, which was revised in 2016, the Ministry of Water and Irrigation (MWI) set up several institutions including the Water Services Regulatory Board and water services providers (the public water utilities in Kenya) among others (see figure4) The Water Act 2016 provide for the regulation, management and development of water resources, water supply and sewerage services, and related purposes. It recognizes that the responsibility for the provision of water related functions is a shared obligation between the national government and decentralized county governments and gives priority to the use of water for home consumption over irrigation and other purposes.

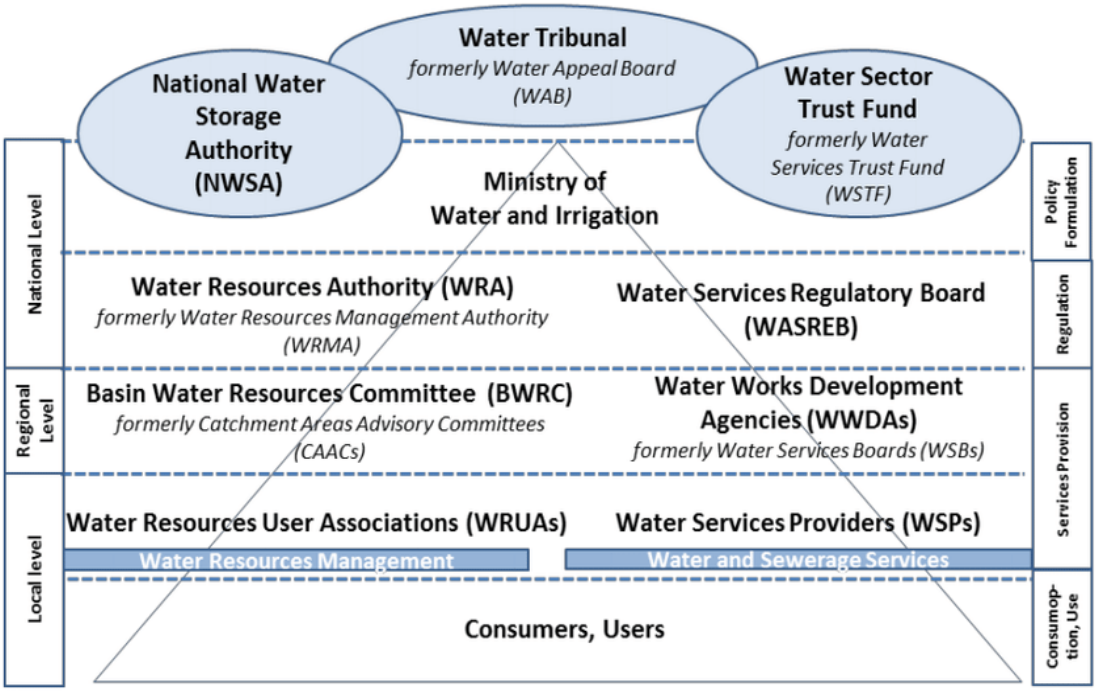


Figure 4: Hierarchy of Water institutions under 2016 Act

Source: https://books.openedition.org/africae/2515 accessed online 20th Dec 2022

2.3 Forest governance in Kenya

2.3.1 Forest Conservation and Management Act, 2016

This act of parliament provides for the development and sustainable management, including conservation and rational utilization, of all forest resources for the socio-economic development of the country and connected purposes. Section 48 provides a mechanism of collaborative forest management, Community Forest Associations (CFAs), where communities co-manage protected forests with KFS. CFAs are expected to benefit from forests by extracting Non-Timber Forest Products (NTFPs), contracts to undertake forest operations, and the development of forest-based industries. Similarly, Section 55 requires private investors in forests to share the benefits of their investment with local communities through initiatives including, but not limited to, infrastructure, education, employment, and social amenities. Section 71 (2) (a) requires the Cabinet Secretary to make regulations and formulate guidelines for incentives and benefit sharing. However, the regulations have not been finalized to date.

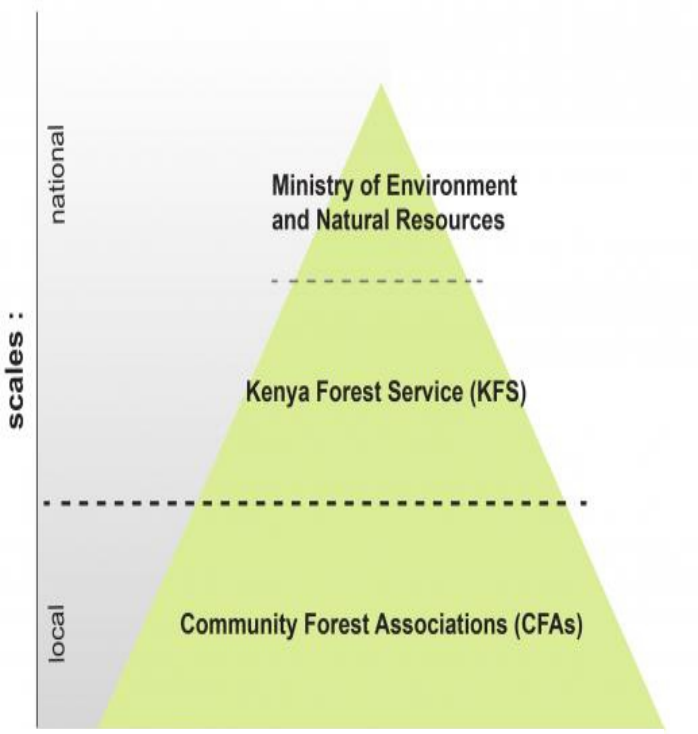


Figure 3: Institutional framework for forest governance & management in Kenya

Source: https://books.openedition.org/africae/2515 accessed online 20th Dec 2022

2.4 Land Governance in Kenya

There are several policies and laws relevant to Land Governance in Kenya summarized as follows . They include;

1. **National Land Policy:**

The National Land Policy (NLP), adopted in December 2009, is intended to guide Kenya toward sustainable and equitable land use and replace the existing patchwork of often incompatible laws. Its overall objective is to secure rights over land and provide for sustainable growth, investment and the reduction of poverty. It outlines broad and substantial reforms to the land management and administration system. The policy:

1. recognizes and protects customary rights to land;
2. outlines principles of sustainable land use and provides productivity and conservation targets and guidelines;
3. calls for reform of land management institutions to ensure devolution of power, increased participation and representation, justice, equity, and sustainability;
4. establishes the National Land Commission, District Land Boards, and Community Land Boards;
5. calls for the development of a legal and institutional framework to handle land restitution and resettlement for those who have been dispossessed; and
6. calls for reconsideration of constitutional protection for the property rights of those who obtained their land irregularly.

2.5 Constitution 2010

The Constitution of Kenya (2010) declares that "Land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with the following principles: (a) equitable access to land; (b) security of land rights; (c) sustainable and productive management of land resources; (d) transparent and cost effective administration of land; (e) sound conservation and protection of ecologically sensitive areas; (f) elimination of gender discrimination in law, customs and practice related to land and property in land; and (g) encouragement of communities to settle land disputes through recognized local community initiatives consistent with this Constitution" (Article 60).

Under Article 61 all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals and also categories land into three broad categories namely; Public. Private and community land. The Constitution further established the National Land Commission to manage public land on behalf of the national and county governments and requires Parliament to enact laws relating to the management and administration of land in Kenya.

Under Article 40 the Constitution provides for sanctity of property rights. It acknowledges individual rights as well as rights in association with others to acquire and own property. Limitations are drawn against the state to ensure no legislation or state action deprives a person of any rights over or interests in land. Compulsory acquisition for public purposes is permitted but full payment, or compensation must be promptly done

1. The Land Act No.6 of 2012

This Act provides a mechanism for sustainable administration and management of land. For conversion of public land into private land parliamentary consent is required, and helps reduce abuse of power by the president or any other institution. It further provides the methods of Land acquisition which include allocation, transmission, compulsory acquisition, settlement programs, transfers and long-term leases.

2. The Land Registration Act No.3 of 2012

The purpose of this Act is amongst other things to revise, consolidate and rationalize the registration of title to land as well as to give effect to the principles of devolved government in Kenya.

3. The National Land Commission Act No.5 of 2012

This makes further provisions for the functions and powers of the National Land Commission, qualifications and procedures for appointments to the Commission, to give effect to the objects and principles of devolved government in land management and administration and for connected purposes. Note: The National Land Commission can determine changes to land ownership and rights over land.

4. The Environment and Land Court Act, 2011

This Act establishes a judicial forum for adjudicating matters relating to land and environment, it is of the same status as the High court.

5. Land Control Act 1967 (Revised 2010)

This is an Act of Parliament enacted to provide for controlling transactions in agricultural land.

6. Environmental Management and Coordination Act (Act No.8 of 1999, Revised 2012)

Under Section 44: The[National Environment Management Authority] shall, in consultation with the relevant lead agencies, develop, issue and implement regulations, procedures, guidelines and measures for the sustainable use of hill sides, hill tops, mountain areas and forests and such regulations, guidelines, procedures and measures shall control the harvesting of forests and any natural resources located in or on a hill side, hill top or mountain area so as to protect water catchment areas, prevent

soil erosion and regulate human settlement. All private land situated on hill sides and hill tops shall by virtue of this section be governed by the Environmental Management and Coordination Act.

7. The Community Land Act of 2016

Provides for the recognition, protection and registration of Community Land rights, management and administration of Community Land, for the establishment of and the powers of Community Land management committees, provides for the role of county governments in relation to unregistered Community Land and for connected purposes. The Act focuses firmly upon formalizing provisions elevating the status of customary land holding to have equal force and effect with freehold and leasehold interests under community title. It asks communities to define and register themselves and await adjudication, survey and registration.

Table 1: Departments and functions -Ministry of lands and Planning

Department	Function
Administration and support services	The department is in charge of policy direction and coordination of the Ministry's Functions
Physical Planning	This department is in charge of the provision of advisory and National Physical Planning service, outlining general principles on land planning and Coordination by counties in terms of policies, technical assistance. The department is also involved in capacity building for counties for physical planning matters.
Land adjudication and settlement	The department is involved in adjudication and arbitration of Land disputes.
Land registration	Registration of Land Transactions and other legal documents. The department is involved in the determination of land and boundary disputes in collaboration with the Surveys department
Land administration	The department role is to control and regulate land use and property in respect of land and maintenance of land records.
Surveys	The official Government agency for land surveying and mapping. Its responsibilities include production, maintenance and distribution of accurate geographical data in form of various types of both analogue and digital maps in the full range of scales
Land valuation	The department is involved in the valuation of land and assets for stamp duty, Government leasing including foreign missions, asset valuation, rating and development of National Land Value Index.

Source: Ministry of Lands and Physical Planning

3 CLIMATE CHANGE GOVERNANCE IN KENYA

The **National Climate Change Response Strategy** (NCCRS) became the first national planning document to acknowledge the reality of climate change. The strategy's goals include: enhancing understanding of the global climate change regime; assessing the evidence and impacts of climate change; promoting international agreements; and providing enabling policy, legal, and institutional frameworks to combat climate change. The strategy adopts a **climate change mainstreaming** approach and recommends that climate adaptation and mitigation should be integrated into all of the country's development planning, budgeting, and objectives; and that this integration should be achieved through collaboration and joint action of all stakeholders In 2016, the Kenyan Government adopted the **Climate Change Act 2012**, which provides a framework for the promotion of climate-resilient low-carbon economic development. The Climate Change Act also defines Kenya's climate governance structure. The Act establishes the **National Climate Change Council**, chaired by the President and responsible for overall coordination and advisory functions; the **Climate Change Fund**, a financing mechanism for priority climate change actions and interventions; and the **Climate Change Directorate** (CCD), the government's lead agency on national climate change policy, within the **Ministry of Environment and Forestry** (MoEF).

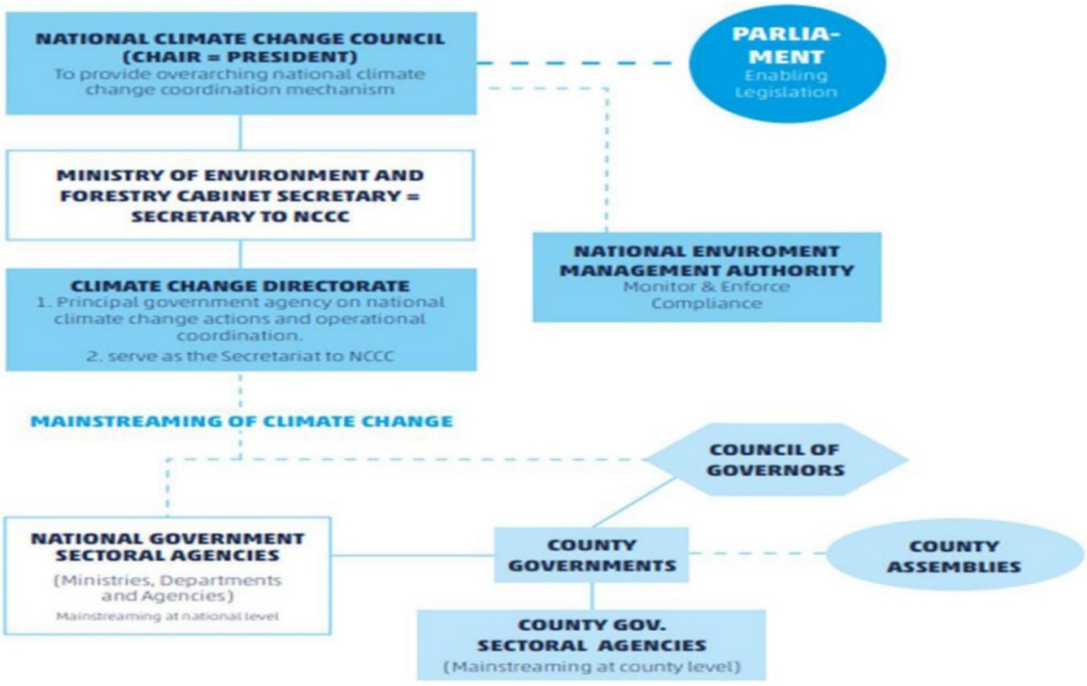


Figure 4: Climate Change Governance Structure -Kenya

Source: https://www.google.com/url? sa=i&url=https%3A%2F%2Fjourna s.sagepub.com%2Fdoi% 2F10.1177%2F1461452920958398&psig=AOvVaw OkY9y|Sin-IQFIAS Z2 REKh&u st=1674889642 440000&source =images&cd=vfe&ved=0CBEQjhxqFwo TCPDRIKSY5_w CFQAAAAADAAA AABAD accessed online Dec 2022



Key Institutions

National Climate Change Council (NCCC)

The NCCC is established by the Climate Change Act and chaired by the President, with the Deputy President as vice-chair. The NCCC is tasked, among others, to approve and oversee the implementation of the NCCAP and ensure the mainstreaming of climate change function by the national and county governments.

The National Environment Management Authority (NEMA)

The NEMA is responsible, on behalf of the Council and in accordance with the Climate Change Act, for monitoring and enforcing compliance of public and private entities that are charged with climate change duties and targets.

Climate Change Directorate (CCD), in the Ministry of Environment and Forestry

The Act establishes the CCD as the Secretariat to the NCCC and the lead government agency on national climate change plans and actions. The CCD is housed within the Ministry of Environment and Forestry (MoEF).

Ministry of Energy (MoE)

The Directorate of Renewable Energy in the Ministry of Energy, serves as the MoE's climate change focal point, and is responsible for the integration and mainstreaming of climate change in renewable energy policies.

Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works (MoT)

The Climate Change Coordination Unit at the State Department for Transport developed the 2018-2019 Transport Sector Climate Change Annual Report, which includes the sector's GHG emissions profile.



Key Plans & Strategies

National Climate Change Action Plan (NCCAP), 2018 – 2022

The main objective of the NCCAP is to guide Kenya's climate actions in the period 2018 to 2022. The NCCAP outlines seven priority climate change actions and can be considered the main framework that will support the implementation of Kenya's NDC. Kenya does not have any concrete climate plans for the period between 2022 and 2030; however, under the Act, the NCCAP should be updated every five years.

National Policy on Climate Finance, 2016

The Policy creates the legal, institutional and reporting frameworks to access and manage climate finance, consistent with the institutional structures and framework set out in the Climate Change Act. The Policy's goal is to further Kenya's national development goals through the enhanced mobilisation of climate finance that contributes to low-carbon, climate-resilient development goals.

Least Cost Power Development Plan (LCPDP), 2017-2037

The 20-year national electricity plan includes analyses on demand forecasting, load forecasting, generation planning, transmission networks, and details the resource potential of various renewable energy sources. While the plan entails a brief chapter on implications of the different scenarios on emissions, the analysis does not influence the roadmap itself and there is no reference to the sectoral NDC target.

Transport Sector Climate Change Annual Report

The 2018-2019 edition of the report is the first annual transport sector GHG emissions report submitted to the MoEF in fulfilment of Article 15.5 (b) of the Climate Change Act. In line with the NCCAP 2018-2022, the reports include mitigation actions the transport sector is undertaking to reduce GHG emissions to achieve the sectoral mitigation target of 3.46 $MtCO_2e$ against the baseline in 2030. The report also outlines ongoing sectoral initiatives towards mainstreaming climate change in the transport sector.

Kenya Climate-Smart Agriculture Strategy (CSA), 2017-2026

The CSA Strategy is a tool to implement Kenya's NDC contribution to the agriculture sector. It aims to enable adaptation to climate change, build the resilience of agricultural systems for enhanced food and nutritional security and improved livelihoods, while minimising emissions. The Strategy formulates the goal of reducing sectoral emissions to 30 $MtCO_2e$ relative to the Business as Usual trajectory projection of 37 $MtCO_2e$ in 2026 (conditional to domestic and international support).



Key Laws & Regulations

Climate Change Act (CCA), 2016

The Act establishes the governance framework to promote climate-resilient low carbon development but does not contain quantifiable emissions reduction targets.

Energy Act, 2019

The Act consolidates laws relating to the promotion of renewable energy (anchoring the Renewable Energy Feed-in-Tariff-System), matters related to geothermal energy, and the regulation of petroleum and coal activities, among others. The Act contains neither a target for sectoral emissions reductions, nor a reference to climate mitigation.

Source:https://climateactiontracker.org/ publications/climat e-governance-i n-kenya/ accessed Dec 2022

4 ROLE OF COUNTY GOVERNMENTS IN NATURAL RESOURCE MANAGEMENT

County governments have a role in pollution control and implementation of specific national government policies on natural resources and environmental conservation including soil and water conservation and forestry.

Climate change is not listed in the Fourth Schedule of the Constitution as a function of either level of government, with the implication that by default, Article 186(3) of the Constitution applies so that climate change can be interpreted as a function of the national government. Cooperation between the national government and county governments in the design and overall implementation of climate change response strategies is seen as imperative, as the counties are the likely implementers.

With regard to climate change mitigation, the *Climate Change Act*, 2016 recognises that the county governments are to play a central role alongside the national government in the efforts towards mitigating the effects of climate change. The climate change law establishes the Climate Change Council. The Council is to provide an overarching national climate change coordination mechanism and should—

- ensure the mainstreaming of the climate change function by the national and county governments; approve and oversee implementation of the National Climate Change Action Plan;
- advise the national and county governments on legislative, policy and other measures necessary for climate change response and attaining low carbon climate change resilient development;
- approve a national gender and intergenerational responsive public education awareness strategy and implementation programme; provide policy direction on research and training on climate change including on the collation and dissemination of information relating to climate change to the national and county governments, the public and other stakeholders;
- provide guidance on review, amendment and harmonization of sectoral laws and policies in order to achieve the objectives of this Act;
- administer the Climate Change Fund established under this Act; and set the targets for the regulation of greenhouse gas emissions.

The principles of planning and development facilitation in a county should, *inter alia,* protect and develop natural resources in a manner that aligns national and county governments' policies. For instance, the Constitution provides that one of the obligations of the State in relation to the environment is to work to achieve and maintain a tree cover of at least ten percent of the land area of Kenya. In line with this, the County Governments Act, 2012 provides that one of the objectives of county planning is to work towards the achievement and maintenance of a tree cover of at least ten per cent of the land area of Kenya as provided in Article 69 of the Constitution.

5 ROLE OF CSOS AND COMMUNITIES IN NRM POLICY IMPLEMENTATION

- **Educating and informing the public:** CSOs play a critical role in educating the communities and this may develop a well-informed community, with the capacity to pinpoint and articulate development problems in the future
- **Problem identification and creating policy opportunities:** Through problem identification and presenting it to both the policymakers and the general public, CSOs can be proactive in creating policy opportunities.
- In the implementation of policy CSOs and communities can play a diverse role
- **Service provision:** CSOs over the years have provided services such as health, education and water provision supplementing the states work in policy implementation
- **Technical assistance:** Many CSOs do not play a practical part in implementing policy themselves, but do offer technical advice and expertise on how it might be better implemented. Think tanks have become a growing part of this sector, often acting as a bridge between those with practical experience of implementation and those with responsibility for policymaking.
- **Promoting information availability and transparency:** CSOs have a key role in making information on policy publicly available in an accessible format. This may be through policy briefs, simplified versions of the policies etc.
- **Participative monitoring:** civil society organisations are making effective contributions to the formulation of budgets and plans at different levels. They are also preparing and educating communities to take active part in such processes.

6 NATURAL RESOURCE MONITORING AND REPORTING

The natural resource base provides a good focus for the practice of governance and a critical juncture for collaboration between state and civil society. As a collective asset, natural resource management calls for dialogue between state and civil society which could lead to the participation of civil society in the management of these resources. Community monitoring can track environmental phenomena, resource use, and natural resource management processes of concern to community members. It can also contribute to planning and decision-making and empower community members in resource management. While community monitoring that addresses the environmental crisis is growing, it also gathers data on other global challenges: climate change, social welfare, and health. Some environmental community monitoring programs are challenged by limited collective action and community participation, insufficient state responsiveness to data and proposals, and lack of sustainability over time.

6.1 What is monitoring in the context of natural resource management?

This is the repeated measurement and analysis of data to evaluate changes in the characteristics of a given feature with the goal of meeting a particular management objective. Natural resources are monitored to determine if specific conditions exist that might create opportunities for specific management practices

6.2 Why monitoring?

1. To achieve NRM objectives
2. To modify ineffective activities
3. To provide non-biased information to make well informed management decisions
4. To determine the status of temporal trends in population sizes and distributions over timer e.g., evaluate invasiveness
5. To determine effects of invasive plant species o biota and processes on the ecosystem.
6. To measure success of restoration and regeneration projects
7. To measure success of management practices

6.3 Rights based approaches to NRM

Conservation of ecosystem goods and services is important for upholding economic, social and cultural rights, such as the rights to health, an adequate standard of living, freedom from hunger and cultural freedom. At the same time, bitter experience has demonstrated that exclusionary approaches to conservation can undermine those same rights of affected communities, in some instances violate civil and political rights, and can undermine conservation objectives. Rights can be understood as norms and entitlements that create constraints and obligations in interactions between people or institutions.

Human rights refer to norms that help to protect all people from severe political, legal, social, or other abuses. They are based on the understanding that all people are, by virtue of being human, inherently entitled to minimum standards of freedom and dignity, regardless of nationality, place of residence, gender, origin, colour, religion, language, or any other status. he Vienna Declaration reaffirmed that human rights are “indivisible and interdependent and interrelated” and apply universally, encouraging international cooperation and promoting practical measures on the national level. These tenets, along with equality and non-discrimination, make up some basic principles underlying human rights.

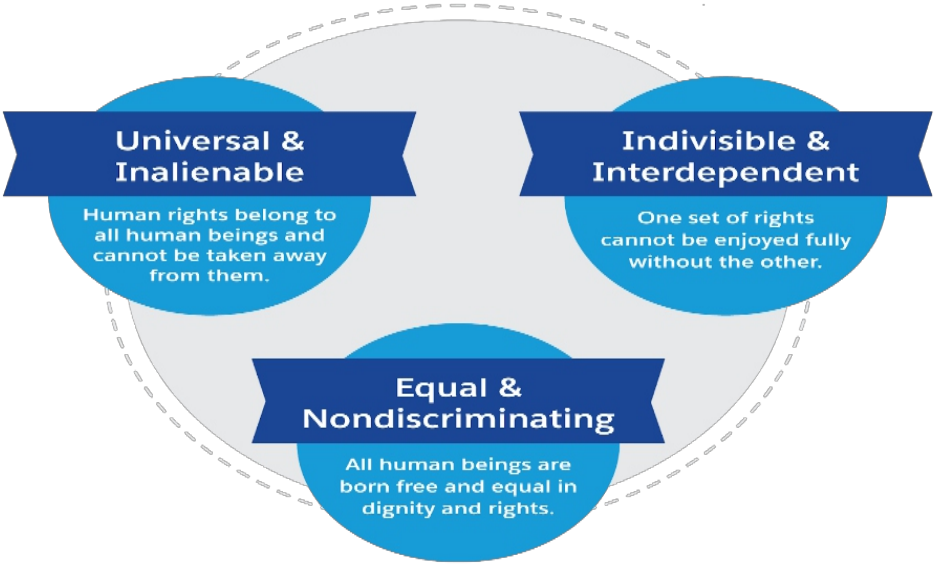


Figure 5: Principles underlying Human Rights: adopted from Trailhead[1]

6.4 Rights recognized in the international law

The rights recognized by international (and much national) law today include:

- procedural rights, such as to participate in decision making, acquire information and access justice; and
- substantive rights, such as to life, personal security, health, an adequate standard of living, education, freedom to practice culture and freedom from all forms of discrimination. (UNEP, 2015)

Rights Based Approaches (RBAs) can be understood as integrating rights norms, standards, and principles into policy, planning, implementation, and outcomes assessment to help ensure that conservation practice respects rights in all cases, and supports their further realisation where possible. (IUCN,2009)

RBAs can be carried out at multiple scales and contexts, and through various legal instruments, policies, programming approaches, methods and tools. Key elements can include:

- identifying all relevant rights claims and obligations, including customary and collective rights;
- using rights norms, standards and principles to guide policy, programming and implementation;
- analysing and monitoring processes and outcomes against rights-based criteria;
- engaging with the rights implications of conservation practice as a matter of *obligation*;
- supporting efforts to address the underlying causes of rights violations, including by changing inequitable power relations;
- building the capacity of both rights holders and duty bearers to claim their rights and meet their respective responsibilities;
- taking all available measures to respect rights in all cases and supporting their protection and further fulfilment wherever possible, particularly for the most vulnerable; and
- supporting efforts to provide access to justice and redress for violations.

[1] Explore the World of Human Rights Unit | Salesforce Trailhead

6.5 Who 'takes' a rights-based approach to conservation?

RBAs to development, business practice and conservation are typically framed as approaches carried out by duty bearers or third parties. They often include, among other things, measures to assist rights holders and duty bearers in exercising their rights and meeting their obligations. At the same time, rights holders often have extensive knowledge and capacity for defining and asserting their rights and their advocacy actions have often expanded rights recognition. (IUCN,2009)

Why is it important to address rights in natural resource management?

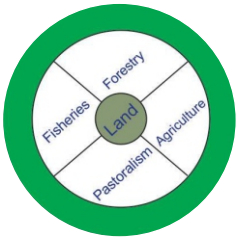
- NRM can help people realise basic rights e.g. to food, water, health, culture, an adequate standard of living.
- Realisation of rights can create an enabling environment for conservation and sustainable use of natural re4sources
- Some NRM initiatives can undermine the rights of local people e.g., exclusion of indigenous people from Protected Areas; harsh enforcement measures
- Not recognising people's rights can create or fuel conflicts over land, water and other resources

6.6 Human rights obligations and duties

- ***Respecting*** *rights* - to refrain from directly or indirectly interfering with people(s)' pursuit or enjoyment of their rights e.g., through uncompensated and/or forced eviction.
- ***Protecting*** *rights* - to ensure - through regulation, monitoring, investigation, and enforcement that non-state actors, or 'third-parties', do not interfere with people(s)' pursuit or enjoyment of their rights.
- ***Promoting*** *rights* - to take active measures (e.g., legislation, regulation, budgetary policy, public policies) to create an enabling environment in which people can realize their rights.
- ***Fulfilling*** *rights*- to directly provide for rights when people cannot do so themselves e.g., food aid following a drought.

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