



# CLIMA

## Recommendations

# Flexibility

**Principle 1.** Promote the adoption of periodic monitoring and evaluation processes of policies and regulatory frameworks related to climate change, natural resource management and other relevant sectors.

Monitoring and evaluating processes of policies and regulatory frameworks should be two constants in the adaptation cycle, as they promote the identification of factors that have helped to approach the objectives therein stated as well as the obstacles encountered. Their purpose is to make the necessary improvements and adjustments. They should encompass progress in the implementation of adaptation strategies, the impacts achieved and the effects of EbA actions.

**Suggested lines of action:**

- Incorporate a procedure for measuring, monitoring, reporting, verification and periodic evaluation into climate change policies and/or framework laws and the relevant sectoral policies.
- Define in the policies and/or laws the authorities responsible for directing and/or performing such procedures.
- Define the roles of the multiple sectors of society in the design, implementation and evaluation of policies.
- Establish indicators for the appropriate evaluation to the objective, context and scale of what is to be evaluated, making sure to measure the progress and/or impacts of the EbA actions included in the relevant plans, programmes or strategies.
- Regulate and implement the Strategic Environmental Assessment to ascertain the policy implications on ecosystems and their services while integrating the climate variable. Use the results of the SEA as a basis for the first evaluation.

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**Principle 2.** Promote appropriate mechanisms to integrate scientific information and traditional and local knowledge for decision-making.

Adaptation plans are drawn up and their progress and impacts are evaluated based on the available information. It is therefore necessary to seek the best available scientific information as well as to integrate traditional and local knowledge to manage the uncertainty and complexity of climate change and its effects on ecosystems and human beings.

**Suggested lines of action:**

- Include programmes or provisions in relevant policies and/or laws, aimed at promoting research, the development and/or transfer of technologies for the standardized observation and monitoring of ecosystems and their services.
- Develop programmes to promote the transfer, dissemination and/or systematisation of traditional and local knowledge. These programmes should be developed with the participation and consent of indigenous and local peoples in order to legally protect their knowledge and provide for the equitable sharing of the benefits derived from their utilization.
- Establish a programme and/or legal framework for obtaining and integrating information generated by the private sector related to climate change and ecosystems' integrity.
- Design a mechanism, platform or system to integrate all sources and types of information described above.
- Communicate relevant information to the population, taking into account the way in which such information is presented so as to be easily understood and disseminated through appropriate means, considering the cultural realities of the final recipients.

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### **Principle 3.** Encourage the adoption of innovative ecosystem management practices that help increase their resilience.

Creativity and innovation are key to designing solutions for climate change adaptation. The exchange of experiences can foster innovation and promote flexibility by offering a wide variety of options and answers adjustable to different contexts.

#### **Suggested lines of action:**

- Develop a strategic framework that supports innovative entrepreneurial actions in the EbA sector, such as awards and recognitions.
- Design or make use of virtual platforms or spaces for personal exchange of practices and experiences at different levels and between different sectors (between communities and municipalities, interdepartmentally, internationally), for example [PANORAMA](#) or [weADAPT](#).
- Establish knowledge and technology transfer programmes or initiatives.

## **Multidimensional Coordination**

### **Principle 4.** Promote institutional coordination between priority sectors for the adaptation and management of ecosystems to promote policy coherence and regulatory effectiveness.

The cross-cutting nature of adaptation makes it necessary to integrate EbA into sectoral policies and to involve various institutions for their implementation. The institutions/ groups/commissions/committees are key to ensuring coherence between actions and efforts carried out by the different sectors throughout the complete cycle of adaptation.

#### **Suggested lines of action:**

- Identify the most vulnerable sectors, the institutions responsible for sectoral policy and incorporate EbA objectives and actions.
- Encourage the integration of the public sector with the private sector, civil society and professionals in the academic sector.
- Determine/designate an entity in the form of an institution/group/committee/ commission responsible for coordinating adaptation actions among the stakeholders. For this purpose, we recommend to grant functions to an existing entity, rather than establishing new entities that might be expensive.
- Provide the corresponding functions, competences and powers to the specialised body so that it can formulate, propose, recommend policies, strategies and actions that are key to the management of ecosystems to adapt to climate change.
- Define in policies and/or laws the appropriate instruments for integrated ecosystem management (e.g. land management plans), ensuring that vulnerability assessment is incorporated into the processes of elaboration and implementation of those instruments and the adoption of EbA measures.

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**Principle 5.** Promote coordination between different levels of decision-making according to the appropriate scales of an integrated ecosystem management.

The EbA approach is implemented at multiple levels and spatial scales and that is why it is important to encourage coordination between the different levels of government. It is also necessary to find mechanisms for cooperation between the different administrative /departmental/ regional/national demarcations that share an ecosystem.

**Suggested lines of action:**

- Identify governmental institutions at all levels of government related to an integrated ecosystem management and climate change.
- Clearly define the competences and powers of each of the levels of government and relevant matters (management of natural resources and ecosystems).
- Establish guidelines/criteria of action for the coordination between multiple levels of decision-making in case of concurrent competences.
- Promote cooperation agreements on the subject between the different administrative /departmental/ regional/national demarcations and, where appropriate, beyond the borders of a state.

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**Principle 6.** Promote the decentralisation of ecosystem management at the most appropriate level in accordance with the principle of subsidiarity.

The impacts of climate change affect each locality, region or country in a different way. Ecosystems are also better managed at local level to serve the particularities of each context. The principle of subsidiarity strengthens the role of local communities and governments in decision-making and provides a coordinating role at higher levels of government.

**Suggested lines of action:**

- Provide competences and powers at local levels for decision-making related to ecosystem management and adaptation.
- Strengthen the role of local governments in the development of policies and standards related to the adaptation and management of ecosystems.
- Allocate public funding to local governments for ecosystem management and adaptation.
- Design and implement local training plans on integrated ecosystem management in the context of climate change.
- Implement climate change and EbA awareness programmes.

# Ecosystem approach

**Principle 7.** Encourage ecosystems connectivity in policies and laws with the aim to reduce vulnerability and increase resilience of the social, productive and environmental systems to deal with climate change.

Conservation in connectivity is a conservation strategy in various natural areas that are interconnected and in environments degraded and fragmented by development or other impacts of human origin. Biological corridors and green belts are examples of conservation in connectivity. The objective of this strategy is to maintain or restore the integrity of the affected natural ecosystems, as well as the links between critical habitats for wildlife, and the ecological processes that allow nature to provide ecosystem goods and services.

Conservation in connectivity is especially important for adaptation to climate change as it helps reduce the impacts of climate change on biodiversity and ecosystem services, thereby contributing to increasing the resilience of human and natural systems to this phenomenon.

In this sense it is important that both the policies and laws of protected areas, and those sector policies promote the understanding and valuation of the ecosystem services it uses, as well as the connectivity of ecosystems, in order to reduce the stressors that increase their vulnerability and integrate EbA measures appropriate to the context, the sector and the climate threat.

## **Suggested lines of action:**

- Include provisions for the integration of ecosystem services and climate threats in the strategic environmental assessment and in the environmental impact assessment. Ensure that during the process of identifying environmental impact reduction measures, the implementation of EbA measures is considered.
- Use instruments such as strategic territorial planning integrating observed and projected climate risks, in particular, in municipal development plans.
- Support integrated urban-rural planning, as well as sustainable landscape management. It is also recommended to promote the establishment of green lungs within cities.
- Encourage the creation of ecological corridors or connectivity mosaics.
- Identify ecosystem services by sector and their integration into corresponding policies, plans and programs.
- Define appropriate units for the integrated management of ecosystems and their services, for example, hydrographic basins, atmospheric basins, sub-basins or micro-basins.
- Develop assessments of vulnerability to climate change in the defined management units, identifying ecosystem services, affected sectors, users and beneficiaries of these services and climate threats.
- Establish relationships and synergies between different sectors for the integrated management of ecosystems and their services in the context of climate change.
- Include in the sector policies and laws provisions to promote the use of “ecosystem-based adaptation approach”, during the design and implementation of the adaptation strategy of the corresponding sector.
- Refer to the sectoral policies and laws for references to the internationally recognized criteria and qualification standards of the EbA, for example, those established in the IUCN standards on nature-based solutions or the [qualification framework developed by the Friends of Adaptation based in Ecosystems \(FEBA\)](#).
- Integrate into the sector policies and laws the safeguards of the EbA, developed in the Voluntary Guidelines for the effective design and implementation of ecosystem-based approaches to climate change adaptation and disaster risk reduction, adopted by the Conference of the Parties to the Convention on Biological Diversity in [Decision V / 14 on Biological Diversity and Climate Change](#).

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## **Principle 8.** Take the necessary steps to prevent and mitigate the effects of climate change on ecosystems and their services and their restoration where appropriate.

Healthy ecosystems can protect people by reducing their exposure to extreme weather events and cushioning their impacts. That is why it is important to reduce ecosystem stressors, taking steps to cope with the risks associated with climate change and to restore them when appropriate.

### **Suggested lines of action:**

- Identify climate risks in ecosystems and urban and rural human settlements by means of an atlas of vulnerabilities and risks or a register of high-risk areas in the face of natural phenomena.
- Strengthen risk management as part of the policies and laws given the effects of climate change.
- Define an institutional infrastructure at different levels of government for risk reduction, the coordination of all actors during the management of extreme climate events and restoration when appropriate.
- Develop early warning systems.
- Promote public awareness to respond to climate risks.
- Include in the corresponding policies/laws EbA measures aimed at reducing disaster risks in urban and rural human settlements.
- Provide plans for population mobility in the face of extreme weather events.
- Establish ecosystem restoration actions after extreme weather events.

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## **Principle 9.** Guarantee the sustainable use of ecosystem services and the fair and equitable distribution of environmental assets and liabilities.

The recognition and assessment of ecosystems by different sectors may offer multiple opportunities to new management and business models. To take advantage of these opportunities without increasing vulnerability to climate change, it must be guaranteed that the use of ecosystem services is consistent with their carrying capacity together with an equitable distribution of the benefits as well as of the negative consequences arising from climate change.

### **Suggested lines of action:**

- Develop a programme to encourage research on the carrying capacities of each ecosystem on the most appropriate level for its management.
- Design economic instruments to quantify and certify the secondary benefits of EbA.
- Develop methodologies and tools to calculate the ecological footprint of productive activities in order to integrate this information into analyses related to the carrying capacities of ecosystems and vulnerability assessments.
- Integrate ecosystem carrying capacities, in addition to climate risks into the environmental permit procedures for economic activities and ensure that environmental impact mitigation measures are appropriate for maintaining the ecological integrity.
- Establish provisions in relevant laws to integrate the results of vulnerability assessments into the concession and quota schemes for the use or exploitation of natural resources and to provide for periodic evaluation processes to update their scope or content according to the carrying capacity of the ecosystems in the context of climate change. It is recommended that updating processes be governed by principles of environmental law, such as the principle of escalation and the precautionary principle. Integrate a circular economy approach into production schemes.

- Identify the barriers to effective compliance with environmental legislation (including pollution control, waste management, etc.) and design action plans for their elimination in order to reduce the vulnerability of ecosystems and human beings in the face of climate change.
- Develop or use the available tools to assess the damage to environmental goods and services, especially in court cases (e.g. the EVRI tool).

## Public Participation and Equity

### Principle 10. Guarantee the human right to a healthy environment and environmental procedural rights.

The human right to a healthy environment regards the protection of the ecosystems as a right and a duty of all human beings. It also includes other procedural rights to ensure its enforcement, such as access to information, public participation in decision-making and access to justice in environmental matters. As a whole, these rights are fundamental to the involvement of the entire society in the process of adaptation to climate change.

#### Suggested lines of action:

- Recognise and guarantee the right to a healthy environment in the Constitution and legislation of a country.
- Promote norms and implement programmes that increase accessibility to nature for urban residents.
- Promote the ratification of international instruments in this area, for example, the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).
- Legislate on environmental procedural rights (access to information, public participation and access to justice in environmental matters). It is important to guarantee that these rights are applicable to the different stages of the adaptation process. The [Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters developed by UNEP and its implementation guide should be taken into consideration](#).
- Design and implement programmes for training citizens and civil servants on the scope and enforcement of this right as well as the environmental procedural rights.
- Establish procedural rules to grant access to natural and legal persons for the defence of the environment, including the promotion of measures to mitigate and adapt to climate change.
- Establish penalties of an administrative and criminal nature for activities that violate this right.

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### Principle 11. Guarantee the individual and collective rights of indigenous peoples over their natural resources.

Indigenous and tribal peoples have a worldview of their own that defines their individual and collective relationships with Nature, its elements and the territory. Derived from ancestral practices with both social, cultural and spiritual dimensions, they have developed a profound knowledge about biodiversity and territory management. In the face of the effects of climate change, it is necessary to recognize and guarantee both their rights and their role in the design and implementation of EbA measures.

**Suggested lines of action:**

- Promote the ratification of ILO (International Labour Organisation) Convention 169 and recognise the United Nations Declaration on the Rights of Indigenous Peoples and promote their internal implementation through programmes and policies that ensure the enjoyment of the established rights.
- Recognize and guarantee the rights of the indigenous peoples over their territory and natural resources in the national Constitutions, particularly the right to free, prior and informed consent.
- Provide that the legal provisions on Strategic Environmental Assessments, Environmental Impact Assessments and Social Impact Assessments include specific procedures to guarantee the rights of indigenous peoples.
- Provide that development projects also assess impacts on the culture and those on the cultural heritage in indigenous territories and sacred sites.
- Provide for the creation and existence of national institutions that represent, defend and promote the rights of indigenous communities and peoples in local, national and international forums.
- Establish administrative and judicial remedies appropriate to the social, economic and cultural realities of indigenous peoples to guarantee the enforcement of their rights, particularly those regarding participation in decision-making related to ecosystem management and adaptation to climate change.

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**Principle 12.** Establish the necessary mechanisms to promote gender equity and the participation of young people and vulnerable groups in decision-making and its implementation.

Women play a central role in the national development, in the response to climate change and the ecosystem management. In addition, women suffer the impacts of climate change in a different way because, on the one hand, they depend more heavily on natural resources by performing a leading role in raising children, food production, cattle breeding and agricultural subsistence and, on the other hand, they have fewer resources for adaptation as a result of unfair opportunities in the economic, political, educational and health arenas. It is therefore important that policy instruments recognise the impacts, risks and needs of women to actively participate in decision-making and the economy, and that gender-differentiated responses are developed as a consequence of the functions and roles everyone plays in society.

There are also other groups of persons, who, depending on their age, ethnicity or economic conditions, may face an increased risk of being affected by climate change, so it is essential to take steps to ensure their participation in the process of EbA.

**Suggested lines of action:**

- Promote ratification of the Convention on the elimination of all forms of discrimination against women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention on the Rights of Persons with Disabilities, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
- Recognise and guarantee the right to gender equality in national Constitutions.
- Design and implement programmes to identify women's disadvantages in sectoral programmes and policies and promote mechanisms to correct such situations.
- Review private property regulations to remove articles that may cause discrimination based on gender issues.
- Develop institutions that promote women's empowerment and gender equity, especially in relation to climate change and ecosystem management.
- Identify vulnerable populations where EbA actions are intended to be carried out and include them in the decision-making process.

# Capabilities, funding and the rule of law

**Principle 13.** Strengthen the capabilities of key players in issues inherent in climate change adaptation in order to improve decision-making and its implementation.

The adaptation cycle can only work and achieve the adaptation objectives set out in public policies if there are individual, institutional and systemic capacities, related to the required technical, technological and communication skills and competences. Adaptation strategies should therefore include capacity-building programmes or actions. Such programmes should be comprehensive and cover all phases of adaptation, as well as all types of skills needed and actors involved.

## **Suggested lines of action:**

- Identify training needs for the EbA, considering the periods for the formulation and implementation of public policies to adapt to climate change.
- Identify existing programmes to develop and strengthen, among others, technical, technological and financing capacities, and integrate elements for the EbA into such programmes.
- Diversify capacity building and developing programmes according to the recipients: 1) public sector (executive, legislative and judicial powers); 2) financial and private sectors; 3) the general public.

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**Principle 14.** Ensure the mobilization and allocation of financial resources for the sustainable management, conservation and restoration of ecosystems to adapt to climate change in an efficient, transparent and timely manner.

One of the challenges for climate change adaptation is the appropriate funding of each of the different stages of its cycle. This aspect means a significant challenge, especially for developing countries, so it is necessary to develop economic and financial instruments to integrate resources from different public and private sources, national or international. In particular, the integration of public resources with private ones requires careful management, adhering to criteria of efficiency, transparency, adequate processes, opportunities and compliance with social and environmental protection.

## **Suggested lines of action:**

- Properly estimate financing needs for adaptation.
- Implement strategies to obtain financing of international funds.
- Establish a budget item for adaptation to climate change and for EbA actions in the public budget.
- Adapt existing fund regulations, e.g. agricultural or forestry development regulations to channel resources for EbA.
- Provide in the regulations for the development of economic instruments to capture and channel financial resources for the implementation of EbA measures and actions, for example, certification models, climate insurance, climate bonds.
- Establish a transparent system and access to governmental information on economic instruments.
- Carry out diagnoses of potential corruption risks in relation to financing received from international sources.
- Establish criteria for the evaluation of the results of EbA projects that have received funding, in order to facilitate their verification, as well as their contribution to the achievement of national goals and international commitments in the area of adaptation.

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## **Principle 15.** Establish clear guidelines for weighing and balancing the different interests related to the use of ecosystems and their services.

All economic activities have an impact on ecosystems and their services in one way or another. In many cases, these impacts are unknown due to the complexity of ecosystems and the uncertainty about climate change. In other cases, the impacts are or may be known, but may not be acceptable to communities that suffer from them or to society in general. Finally, in certain scenarios, alternatives to the activity may be applied or, in case the activity is carried out, measures to mitigate the damage, compensation or restoration may be imposed once the economic activity in question ceases. In all these cases, controversies may arise over the same decision, therefore it is important to apply relevant principles of environmental law to EbA-related decisions. National Constitutions and legislations commonly include such principles, which provide guidance to judges and decision-makers to weigh the different interests at stake or the interpretation and application of the rules that correspond to such activities.

### **Suggested lines of action:**

Apply principles or guidelines included in the national Constitutions and/or sectoral policies, plans, programmes and laws to decisions related to adaptation and ecosystem management. At a minimum, the following are suggested:

- Principle of intergenerational equity
- Principle of intergenerational justice
- Principle of incorporation of the environmental variable
- Principle of comprehensive legal regulations
- Principle of state sovereignty over natural resources
- Polluter-pays principle
- Principle of non-regression/ progressiveness
- Precautionary principle
- Principle of prevention
- Principle of proportionality
- Principle of respect for all forms of life
- Principle of environmental responsibility
- Principle of solidarity
- Principle of subsidiarity
- Principle of transparency and accountability
- Principle of sustainable development

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**Principle 16.** Establish and facilitate access to judicial and extrajudicial remedies to ensure law enforcement and to resolve potential conflicts over natural resources.

The interaction between the different actors (state, private sector, indigenous peoples, communities, civil society) whose interests sometimes differ, may lead to conflicts over natural resources that need to be resolved. To this end, it is important to facilitate access to judicial and extrajudicial proceedings.

**Suggested lines of action:**

- Provide procedural means in the legislation for the defence of the environment. For example, collective actions, administrative remedies, civil and criminal proceedings among others.
- Establish an environmental responsibility system with enforcement mechanisms.
- Establish penalties of an administrative and criminal nature for activities that cause significant damage to the integrity of ecosystems.
- Guarantee the effective functioning of institutions responsible for monitoring, controlling and sanctioning environmental laws including also control and monitoring of public resources management.
- Strengthen mechanisms for the enforcement of judicial decisions.
- Establish extra-judicial mechanisms for the fast resolution of disputes over natural resources.
- Implement a training programme for judges on environmental law and climate change, as well as the tools available to identify and quantify ecosystem services, as an element to be considered for environmental damage assessment.