Human Rights in the Process of National Adaptation Planning:
Insights from a Review of Submitted NAPs

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Climate change is a reality that now affects every region of the world. The human implications of currently projected levels of global heating are catastrophic. Storms are rising and tides could submerge entire island nations and coastal cities. Fires rage through our forests, and the ice is melting. We are burning up our future – literally.

—Michelle Bachelet, UN High Commissioner for Human Rights,
opening statement to the 42nd session of the Human Rights Council,
9 September 2019

Key Messages

- **Human rights are not systematically referenced in National Adaptation Plans (NAPs).** Few countries directly mention human rights at all, let alone in a way that guides any part of the NAP process.

- **States' obligations under international human rights treaties should be more clearly emphasized.** The challenge is how to do this in a way that will lead to meaningful use of a human-rights based approach in the design of future NAPs. Planners and decision makers need to appreciate the added value of using a human rights-based approach to NAP planning and implementation.

- **An array of thematic NAP guidance has been produced on the topics of forestry, gender, water, human settlements, agriculture, and health, but none provide a holistic approach to human rights.** Instead, as the NAPs themselves show, guidance is often formulated around a specific sector (such as equality, food, or water) without necessarily using rights-based language to underscore the State's obligation to fulfil those rights and to recognize and address the unique needs of vulnerable groups and communities.

- **Human rights are both directly and indirectly referenced in all 15 NAPs, but in very diverse ways.** This reflects the context-specific nature of adaptation planning, with each plan describing a country's unique vulnerabilities, priorities, and capacities.

- **Moving forward, NAP actors and stakeholders can refine and develop detailed guidance on social, political, administrative, and legal entry points for human rights-based approaches to be integrated into the NAP process.**

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Introduction

At the 16th Conference of the Parties (COP16) to the UN Framework Convention on Climate Change (UNFCCC), parties agreed that least developed country (LDC) parties will formulate and implement national adaptation plans (NAPs) that build on their experience in preparing and implementing national adaptation programmes of action in order to identify medium- and long-term adaptation needs followed by strategies and interventions to address these needs (Decision 1/CP.16). Other developing country parties were invited to develop the same while developed countries were asked to support these developing country parties in formulating and implementing their NAPs. Furthermore, the Paris Agreement instructs LDCs to formulate and implement NAPs and communicate these through an "adaptation communication" or through the nationally determined contributions to the UNFCCC.

As of 17 November 2020, 125 developing countries, of which 47 are LDCs, have either initiated and/or launched their NAP process. Of these countries, 81 have submitted proposals to the Green Climate Fund's Readiness and Preparatory Support Programme, and 61 have had their proposals approved. In 2021, 33 NAPs from developing countries were submitted to the NAP Central platform.[1]

The LDC Expert Group, which is mandated under the UNFCCC to provide technical guidance and support to LDCs, identified four elements that form the NAP process, including: (1) laying the groundwork and addressing the gaps; (2) preparatory elements; (3) implementation strategies; and (4) reporting, monitoring and review. Elements 1 and 2 would take place during the planning phase, whilst element 3 would take place during the implementation phase and element 4 during the monitoring and evaluation phase (UNFCCC LDC Expert Group, 2012). Only six NAPs are into their implementation stage, particularly implementing and managing actions to reduce vulnerability and facilitate the integration of adaptation into development planning through policies, projects, programs and other activities. This means it is still too early to assess the outcomes of these NAPs and various countries are at different stages of NAP planning and implementation. This opens up opportunities to inform the process with insights on how to improve sectoral or thematic adaptation planning, and how to learn from the implementation. These insights could be used to track adaptation progress and improve future planning and action.

An area that has been missing in NAP planning is human rights, even though human rights are enshrined in the preamble of the Paris Agreement, which also underscores the needs of specific vulnerable groups and communities, such as women, children, and indigenous peoples as priority concerns. The Philippines Commission on Human Rights' National Inquiry on Climate Change highlights the basic rights and duties of the parties to respect, fulfil and protect human rights in the context of climate change. The Commission clarifies standards for corporate behavior, in particular that of the world's biggest fossil firms, to the extent that such firms can be held accountable for human rights violations engendered by the adverse impacts of their carbon footprint. The Commission also demonstrates a model for broadening access to justice, particularly to address transboundary harm. Similar principles were upheld in the *Urgenda Foundation v. State of the Netherlands* climate litigation case wherein the government is reminded to ensure that the duty of care in Articles 2 and 8 of the European Convention of Human Rights is fulfilled by limiting greenhouse gas emissions.[2] There is, therefore, a growing legal regime on the right to a healthy environment, and the climate change impacts on the fundamental rights of vulnerable groups and communities. This international legal regime includes the rights to life and health enshrined in the Universal Declaration of Human Rights (UDHR) and reaffirmed in the succeeding generation of rights, such as the Convention on the Elimination of All Forms of Discrimination against Women, 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

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1. See https://www4.unfccc.int/sites/NAPC/Pages/national-adaptation-plans.aspx. Uruguay only provides an executive summary and NAP for its agriculture sector.
2. See http://climatecasechart.com/climate-change-litigation/non-us-case/urgenda-foundation-v-kingdom-of-the-netherlands/

the Rights of Persons with Disabilities and the UN Declaration on the Rights of Indigenous Peoples.

The impacts of climate change will infringe on the substantive rights of vulnerable groups, including the rights to life, to health and well-being, to physical integrity and human dignity, to an adequate standard of living, to a decent livelihood and to education. Thus, there is a need to assess to what extent existing NAPs have integrated the principles and approaches of human rights in their planning and implementation in order to understand the gaps and identify best practices. This study reports on the outcomes of the mapping conducted on multisectoral NAPs available at the time of the analysis (2020-2021), especially those that are available in English, and discusses entry points to ensure that human rights principles are meaningfully integrated and guide the NAP process.

Methodology

The study involved several steps, as described below.

First step

The first step in the process of mapping was to define the rights to be assessed, using the UDHR as a baseline (see Table 1). The UDHR is universally accepted by all states and serves as the foundation for 20 major human rights conventions. While all rights are universal, interrelated, interdependent and indivisible (UN Human Rights, 2013) scholars classify human rights as being: civil and political rights; social, economic and cultural rights; and group or collective rights. There is no hierarchy of rights.

Group or collective rights are rights that people enjoy because they belong to a particular group, such as a minority or indigenous group. These rights are not individual in nature, but rather are enjoyed collectively as a group. They include development, environment, peace, and common heritage (Vasak, 1977; Domaradzki et al., 2019). Whilst some of these rights (such as the right to self-determination) are featured in core human rights instruments succeeding the UDHR, other rights in international law are still emerging, albeit they are not universally accepted. These newer rights stem from growing recognition in international human rights and environmental law, and in national and regional legislation and jurisprudence (Freedman and Mchangama, 2016). There is no commonly agreed list of group rights to refer to, so these rights were identified based on a subjective assessment of their relevance to climate change. Given the high relevance of group rights to climate change, this research assessed to what degree these rights have been incorporated into NAPs despite their more limited legal recognition. These rights are summarised in Table 1.

Table 1. Description of rights

Declaration	Article	Type of right	Category/Coding	Description of right
Universal Declaration of Human Rights (UDHR)	Article 1	General	Free, equal in dignity and rights	All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
UDHR	Article 2	General	Entitlement to rights and freedoms without distinction of any kind Right to non-discrimination and equality	Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.
UDHR	Article 3	Political and civil rights	Right to life, liberty and security	Everyone has the right to life, liberty and security of person.
UDHR	Article 8	Political and civil rights	Right to an effective remedy	Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Declaration	Article	Type of right	Category/Coding	Description of right
UDHR	Article 9	Political and civil rights	Protection from arbitrary arrest, detention or exile	No one shall be subjected to arbitrary arrest, detention or exile.
UDHR	Article 10	Political and civil rights	Right to a fair trial Right to a fair hearing Right to a public hearing before a competent, independent, and impartial court Right to due process	Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
UDHR	Article 13	Political and civil rights	Right to freedom of movement and residence within the borders of each state Right to leave any country Right to return to his country	Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country.
UDHR	Article 17	Political and civil rights	Right to property	Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.
UDHR	Article 19	Political and civil rights	Right to freedom of opinion, expression Right to seek, receive and impart information and ideas	Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. This also includes the rights to access information and to participate in decision making.
UDHR	Article 20	Political and civil rights	Right to freedom of peaceful assembly and association	Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.
UDHR	Article 21	Political and civil rights	Right to participate in government Right of equal access to public service	Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right of equal access to public service in his country. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Declaration	Article	Type of right	Category/Coding	Description of right
UDHR	Article 22	Social, economic and cultural rights	Right to social security Economic, social and cultural rights	Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.
UDHR	Article 25	Social, economic and cultural rights	Right to an adequate standard of living Right to health and wellbeing Right to food Right to clothing and housing and medical care, and necessary social services Right to security in the event of unemployment, sickness, disability, widowhood and old age Right to special care and assistance in relation to motherhood and childhood	Everyone has the right to a standard of living adequate for his/her health and wellbeing, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his/her control. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.
UDHR	Article 26	Social, economic and cultural rights	Right to education	Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children.

Declaration	Article	Type of right	Category/Coding	Description of right
UDHR	Article 27	Social, economic and cultural rights	Right to culture Right to participate in cultural rights Right to the protection of moral and material interests	Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he/she is the author.
International Convention on Civil and Political Rights and International Convention on Economic, Social and Cultural Rights	Article 1	Both individual and group and collective rights	Right to self-determination Right to economic, social and cultural development	All peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.
Stockholm Declaration (Declaration of the UN Conference on the Human Environment) ASEAN Declaration on Human Rights More than 150 national constitutions, five of which are in Southeast Asia, including Timor-Leste	Principle 1 Principle 28 (f)	Both individual and group and collective rights	Right to a safe, clean, sustainable and healthy environment Right to intergenerational equity (future generations)	Man [sic] has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated. Every person has the right to an adequate standard of living for himself or herself and his or her family, including the right to a safe, clean and sustainable environment.

Declaration	Article	Type of right	Category/Coding	Description of right
UN Declaration on the Rights of Indigenous Peoples	Principle 26	Both individual and group and collective rights	Right to land and resources (focus on indigenous groups)	Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. States shall give legal recognition and protections to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Second step

The second step included searching and coding for specific terms in the NAPs. The first set of terms included "right" and "rights", then the actual hits were reviewed to ascertain if they were valid references to human rights. We looked for direct references to these terms. Direct references are all references in which the term "right" is mentioned in relation to human rights. Then, the following terms were searched to identify if there were indirect references to human rights principles:

- free/freedom
- equal/equality
- dignity
- (non) discrimination
- life
- liberty
- security
- remedy
- (access) justice
- due process
- property
- participation
- health
- wellbeing
- food
- water
- living (adequate standard)
- shelter
- education
- culture
- self-determination
- healthy environment
- intergenerational equity
- cultural
- indigenous
- (access to) information
- fair trial
- movement
- expression
- (right to) land

Indirect references are all references that effectively express a human right but are not a direct statement of a right.

Human rights articles that were likely to be irrelevant or were unlikely to come up in the documents, such as freedom from slavery or torture, were not included. For Article 22 of the UDHR on economic, social and cultural rights, we added sub-codes (child codes) on the rights of minorities/indigenous people, the right to livelihood, cultural rights, and the right to social security. Freedom of movement and migrant rights were coded under Article 13 to group together all references thematically related to migration, but, in the analysis stage, we distinguished between the right to freedom of movement and the rights of migrants. We also included, in the coding for Article 25 of the UDHR, an adequate standard of living that encompasses the rights to energy, water, adequate food, health and medical care, and housing and shelter.

Limitation of the study

Due to the availability of some NAPs in languages other than English and our limited command of French and Spanish, we only reviewed 15 NAPs that were available on the NAP Central platform[3] as of 15 June 2021. These are the NAPs of Brazil, Burkina Faso, Ethiopia, Fiji, Grenada, Kenya, Kiribati, Kuwait, Palestine, Saint Lucia, Sri Lanka, Saint Vincent and the Grenadines, Sudan, Suriname, and Timor-Leste (Table 2). Only multisectoral NAPs were reviewed. It should be noted that all of the NAPs vary considerably in length and format from 68 (Kenya) to 310 (Brazil) pages, and all are distinct in their approaches and styles.

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3. See https://www4.unfccc.int/sites/NAPC/Pages/national-adaptation-plans.aspx

Table 2. List of NAPs reviewed

- Ministry of Environment. (2016) *National Adaptation Plan to Climate Change: Volume 1 General Strategy.* Ministry of Environment, **Brasilia**.

- Ministry of Environment and Fishery Resources. (2015) ***Burkina Faso*** *National Climate Change Adaptation Plan (NAP).* Ministry of Environment and Fishery Resources.

- Federal Democratic Republic of **Ethiopia**. (2019) *Ethiopia's Climate Resilient Green Economy National Adaptation Plan.* Environment, Forest and Climate Change Commission.

- Government of the Republic of **Fiji**. (2018) *Republic of Fiji National Adaptation Plan: A Pathway Towards Climate Resilience.* Government of the Republic of Fiji.

- Government of Grenada. (2017) *National Climate Change Adaptation Plan (NAP) for **Grenada, Carriacou and Petite Martinique**.* Government of Grenada, Ministry of Climate Resilience, the Environment, Forestry, Fisheries, Disaster Management and Information, St George's.

- Government of **Kenya**. (2016) *Kenya National Adaptation Plan 2015-2030: Enhanced climate resilience towards the attainment of Vision 2030 and beyond.* Ministry of Environment and Natural Resources.

- Government of **Kiribati**. (2019) *Kiribati Joint Implementation Plan for Climate Change and Disaster Risk Management 2019-2028.* Secretariat of the Pacific Community.

- Environment Public Authority. (2019) ***Kuwait*** *National Adaptation Plan 2019-2030: Enhanced Climate Resilience to Improve Community Livelihood and Achieve Sustainability.* Environment Public Authority, Kuwait.

- State of **Palestine** Environment Quality Authority. (2016) *National Adaptation Plan to Climate Change.* State of Palestine Environment Quality Authority, Ramallah.

- Government of **Saint Lucia**. (2018) *Saint Lucia's National Adaptation Plan (NAP) 2018–2028.* Department of Sustainable Development, Ministry of Education, Innovation, Gender Relations and Sustainable Development.

- Climate Change Secretariat of **Sri Lanka**. (2016) *National Adaptation Plan for Climate Change Impacts in Sri Lanka 2016 to 2025.* Ministry of Mahaweli Development and Environment, Ethul Kotte.

- Government of **Saint Vincent and the Grenadines**. (2019) *National Adaptation Plan for St. Vincent and the Grenadines.* Government of Saint Vincent and the Grenadines.

- Republic of the **Sudan**. (2016) *National Adaptation Plan.* Minister of Environment, Forestry and Physical Development, Khartoum.

- Government of **Suriname**. (2019) *Suriname National Adaptation Plan (NAP) 2019-2029.* Government of Suriname.

- Secretariat of State for Environment. (2021) ***Timor-Leste's*** *National Adaptation Plan: Addressing climate risks and building climate resilience.* Secretariat of State for Environment, Coordinating Minister for Economic Affairs, Dili.

Results

The preamble of the Paris Agreement states:

Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity…

- UNFCCC, 2015

The direct reference to human rights in the preamble of the Paris Agreement is an important reminder to the Parties of their obligations to uphold the rights outlined in the UDHR and other covenants as they work to mitigate and adapt to climate change impacts. Following this statement, the Paris Agreement goes on to mention the protection of the most vulnerable by increasing participation, equality, addressing discrimination, and ensuring equitable access to information (UNFCCC, 2015).

Table 3. Number and nature of direct and indirect hits on the word "right/rights" in assessed NAPs

NAPs	Number of times (hits) the word "right/s" is used in the document	Valid hits on the word "right/s" where human rights principles are directly mentioned or referred to		Indirect hits in the NAPs
		Number of hits	Nature of hits	
Government of the Republic of **Fiji.** (2018) *Republic of Fiji National Adaptation Plan: A Pathway Towards Climate Resilience.* Government of the Republic of Fiji.	49	36	Citizens' rights; gender and human rights-based approaches to adaptation; equality; Bill of Rights within the 2013 Constitution of the Republic of Fiji; right of all citizens to adequate food and water, health; a clean, healthy, and protected environment; right of every person to accessible and adequate housing	Free(dom), equality, non-discrimination, life, security, justice, participation, health, wellbeing, food, water, living, education, culture, healthy environment, indigenous, access to information
Government of **Brazil.** (2016) *National Adaptation Plan to Climate Change: Volume 1 General Strategy.* Ministry of Environment, Brasilia.	38	34	Water use rights; right to housing, environmental sanitation, urban infrastructure and transport; human rights for extractive and riparian communities; general human rights; right to water is encompassed within the human right to adequate food	Free(dom), equality, non-discrimination, life, security, justice, property, participation, health, wellbeing, food, water, living, shelter, education, culture, healthy environment, indigenous, access to information, movement

NAPs	Number of times (hits) the word "right/s" is used in the document	Valid hits on the word "right/s" where human rights principles are directly mentioned or referred to		Indirect hits in the NAPs
		Number of hits	Nature of hits	
State of **Palestine**. (2016) *National Adaptation Plan (NAP) to Climate Change. Environment Quality Authority (EQA),* Ramallah.	12	1	Right to water	Free(dom), equality, non-discrimination, security, participation, health, food, water, movement, land
Government of **Suriname**. (2019) *Suriname National Adaptation Plan (NAP) 2019-2029.* Government of Suriname.	11	5	Rights of women; land rights; resource rights; local community rights; human rights of Maroons and indigenous peoples	Free(dom), equality, non-discrimination, security, justice, participation, health, food, water, shelter, education, culture, indigenous
Government of **Saint Vincent and the Grenadines.** (2019) *National Adaptation Plan for St. Vincent and the Grenadines.* Government of Saint Vincent and the Grenadines	8	3	Supports men and women to access … rights; rights of indigenous people; right to education	Equality, non-discrimination, life, security, property, participation, health, wellbeing, food, water, living, shelter, education, culture, indigenous
Government of **Kiribati.** (2019) *Kiribati Joint Implementation Plan for Climate Change and Disaster Risk Management for Climate Change and Disaster Risk Management (KJIP) 2019-2028.* Government of Kiribati.	5	1	Gender equality	Equality, life, security, property, participation, health, wellbeing, food, water, living, shelter, education, culture, indigenous, access to information
Government of **Timor-Leste.** (2021) *Timor-Leste's National Adaptation Plan: Addressing climate risks and building climate resilience.* Secretariat of State for Environment, Coordinating Minister for Economic Affairs, Dili.	3	3	Protection of the rights of its most vulnerable citizens; equal rights to both men and women; fundamental rights of the citizens	Free(dom), equality, security, justice, participation, health, wellbeing, food, water, living, education, culture, indigenous
Government of the Federal Democratic Republic of **Ethiopia.** (2019) *Ethiopia's Climate Resilient Green Economy National Adaptation Plan.* Environment, Forest and Climate Change Commission, Addis Ababa.	3	0		Life, security, health, wellbeing, food, water, living, education, indigenous, access to information, movement
Government of **Burkina Faso.** (2015) *Burkina Faso National Climate Change Adaptation Plan (NAP).* Ministry of Environment and Fishery Resources, Ouagadougou.	3	1	Civil and social rights	Life, security, justice, participation, health, wellbeing, food, water, living, education, culture, healthy environment, access to information

NAPs	Number of times (hits) the word "right/s" is used in the document	Valid hits on the word "right/s" where human rights principles are directly mentioned or referred to		Indirect hits in the NAPs
		Number of hits	Nature of hits	
Government of the Republic of the **Sudan.** (2016) *National Adaptation Plan.* Ministry of Environment, Forestry and Physical Development, Khartoum.	2	2	Rights of the future generations; community rights	Security, participation, health, wellbeing, food, water, living, education, healthy environment, indigenous
Government of **Kuwait.** (2019) *Kuwait National Adaptation Plan 2019-2030: Enhanced Climate Resilience to Improve Community Livelihood and Achieve Sustainability.* Environment Public Authority, Kuwait.	2	1	Human rights among the educated and providing the basis for a sound democratic life	Free(dom), life, security, participation, health, food, water, living, education, culture, access to information
Government of **Kenya.** (2016) *Kenya National Adaptation Plan 2015-2030: Enhanced climate resilience towards the attainment of Vision 2030 and beyond.* Ministry of Environment and Forestry, Nairobi.	1	1	Children's rights	Security, property, participation, health, wellbeing, food, water, living, education, culture, indigenous, access to information
Government of **Sri Lanka.** (2016) *National Adaptation Plan for Climate Change Impacts in Sri Lanka 2016 to 2025.* Climate Change Secretariat, Ministry of Mahaweli Development and Environment, Ethul Kotte.	0			Life, security, property, participation, health, wellbeing, food, water, living, education, culture, indigenous
Government of **Saint Lucia.** (2018) *Saint Lucia's National Adaptation Plan (NAP) 2018–2028.* Department of Sustainable Development, Ministry of Education, Innovation, Gender Relations and Sustainable Development, Saint Lucia.	0			Equality, life, security, property, participation, health, wellbeing, food, water, shelter, education, indigenous
Government of **Grenada.** (2017) *National Climate Change Adaptation Plan (NAP) for Grenada, Carriacou and Petite Martinique.* Government of Grenada, Ministry of Climate Resilience, the Environment, Forestry, Fisheries, Disaster Management and Information, St George's.	0			Security, participation, health, food, water, living, shelter, education, indigenous

Direct references

Among the 11 NAPs that had the term right(s), a variety of rights are mentioned throughout, as shown in Figure 1.

Figure 1. Nature of rights explicitly referenced in the reviewed NAPs

GENDER EQUALITY / WOMEN'S RIGHTS (Timor-Leste, Saint Vincent and the Grenadines, Suriname, Fiji, Kenya, Kiribati)	**ACCESS TO RESOURCES / LAND RIGHTS** (Saint Vincent and the Grenadines, Fiji, Sudan, Suriname)	**RIGHT TO A HEALTHY ENVIRONMENT** (Sudan, Fiji, Kiribati)	**INDIGENOUS RIGHTS** (Brazil, Suriname, Sudan)
RIGHT TO HEALTH / HEALTHCARE (Fiji)	**RIGHT TO WATER** (Brazil, Palestine, Fiji)	**CIVIL AND SOCIAL RIGHTS** (Burkina Faso, Fiji)	**CHILD RIGHTS** (Kenya)
EDUCATION (Kuwait)	**FOOD AND NUTRITION** (Brazil, Fiji)	**HOUSING / INFRASTRUCTURE** (Fiji, Brazil)	**INTELLECTUAL PROPERTY** (Suriname)

The NAPs of Fiji and Brazil have shown the greatest number of hits on the keywords "right" or "rights", with 49 and 38 hits, respectively. However, only 36 hits in Fiji and 34 hits in Brazil were valid hits in that they refer to human rights either explicitly or implicitly. Some limited references to "right" or "rights" are found in the NAPs of Suriname, Saint Vincent and the Grenadines, Timor-Leste, and Sudan.

Single instances of a direct mention of rights are found in the NAPs of Palestine, Kiribati, Burkina Faso, Kuwait, and Kenya (see Table 3 for summary of these NAPs).

Based on Table 2, the NAPs of Fiji and Brazil can be considered strong on human rights. Fiji, in particular, was the only country to explain the importance of promoting human rights-based approaches and to purposefully integrate human rights into the structure of the plan. To introduce its section on Gender and Human Rights-Based Adaptation, Fiji's NAP states, "[t]he identification and integration of gender and human rights issues and approaches into adaptation planning processes was vital because it is well established and accepted that

exposure and sensitivity to climate change, as well as the capacity to adapt, vary substantially across social and economic groups" (Government of the Republic of Fiji, 2018, p. 38). Such recognition of human rights principles and the value of utilizing such approaches provides a clear outline for how adaptation planning, implementation, and monitoring should be addressed. The plan goes on to outline tools to operationalize a gender and human rights-based approach, advising to put in place: training for government representatives to support gender and human rights-based approaches; institutional arrangements that are responsive to vulnerable groups; sex- and age-disaggregated data and responsive reporting; needs assessments; and participatory and gender-responsive budgeting. The NAP also describes how applying a gender and human rights-based approach requires relevant stakeholders to "proactively empower and support disadvantaged groups to be able to assert their rights and have equitable access to leadership positions, decision-making processes, opportunities, and resources" (Government of the Republic of Fiji, 2018, p. 38).

Fiji and Brazil use rights-based language broadly, rather than specifically referring to particular human rights principles. As discussed above, Fiji outlines promotion of a human rights-based approach as a key principle guiding its adaptation plan. Its NAP outlines adaptation as a key strategy for contributing to the Fijian Government's long-term ability to meet the rights it guarantees its citizens in its Constitution. The NAP also underlines the country's commitment to the Sustainable Development Goals (SDGs), highlighting the right to equality. Brazil's rights-based language is scattered throughout its NAP, which refers to water use rights, the right to sustainable cities, the right to housing and services, indigenous rights, the right to food and appropriate nutrition, and the right to water (Table 3). Brazil's NAP also shows that rights can be interrelated, stating, in its Strategy for Food and Nutritional Security, that "[t]he right to water is encompassed within the human right to adequate food, and it is the responsibility of the State to ensure this right to all citizens, especially those in situations of socio-environmental vulnerability" (Ministry of Environment, 2016, p.197).

In other NAPs, the term "human rights" was used more indirectly. For example, Saint Vincent and the Grenadines' NAP only mentions human rights in a description of SDG 4.7 and Suriname's NAP describes the government's desire to ensure that tourism will have positive impacts on Maroons and other indigenous communities. Kuwait mentions "a respect for human rights among the educated and providing the base for a sound democratic life" in its education strategy (Environment Public Authority, 2019).

Human rights are mentioned in a range of references to: rights stipulated in the country's constitutions (Burkina Faso and Fiji); the right to a healthy environment (Sudan, Fiji, and Kiribati); specific mention of Indigenous peoples' rights (Sudan, Suriname, and Brazil); and the right to water (Brazil, Fiji, and Palestine). There were also references to the right to health and healthcare (Fiji); food and nutrition (Brazil, Fiji); access to resources (Fiji); housing and infrastructure (Fiji); child rights (Kenya); and education (Kuwait).

Additionally, Fiji's NAP guarantees the right of all citizens to "adequate food and water, health… and a clean, healthy, and protected environment" (Government of the Republic of Fiji, 2018, p. 38).

In Burkina Faso's NAP, civil and social rights are the only direct reference to rights and are mentioned in the context of livestock farming, a particularly vulnerable sector due to its exposure to environmental hazards but also "authorities' failure to provide adequate protection of their citizens' civil and social rights" (Ministry of

Environment and Fishery Resources, 2015, p. 41). Kuwait only directly references the right to education, and Kenya's sole direct reference is to its action to strengthen the adaptive capacity of vulnerable groups where it commits to "provide children with basic rights" (Government of Kenya, 2016, p. 35). Suriname's NAP mentions the rights of women, the importance of raising awareness of the rights of landowners, intellectual property rights, and the importance of preserving and protecting local community rights.

Indirect references to human rights in current NAPs

In addition to direct mentions of "right" or "rights" in the NAPs, we also searched for keywords that could highlight implicit references to human rights principles. These keywords were:

- free/freedom
- equal
- dignity
- (non-)discrimination
- equality
- life
- liberty
- security
- remedy
- defender
- due process
- property
- participate/participation
- access
- health
- wellbeing
- food
- water
- shelter
- social security
- education
- culture
- self-determination
- healthy environment
- fair trial
- expression

The terms with no hits were:

- dignity
- liberty
- remedy
- due process
- self-determination
- fair trial
- expression
- defender

The returned hits were analyzed for their reference to human rights as the keywords could be present without referencing a specific right. Their use could be completely unrelated to the human rights concepts we were looking for. The NAPs also vary considerably in their levels of detail, with some outlining general goals while others provide sectoral plans and outcomes. Such a variety of approaches drastically influences how many times a term might be referenced and the extent of detail given. For some, references to the terminology searched in this study only appeared in the glossary or annexes. While glossary terms are not described below, such references were noted by the authors. Similarly, some indirect references to rights were tangential and are not fundamental principles that guide the NAP. To figure out how rights are referenced in NAPs, it is important to look at the NAP structure, the country context, and sectoral strategies to highlight key vulnerabilities and consider ways to address them. Below is a discussion of how certain keywords are used and how they relate to human rights principles.

Free(dom)

"Freedom" as used in the NAPs does not refer directly to all human beings "being born free and equal," but rather each country utilizes the term in a specific context. For example, "freedom" was used in relation to freedom from discrimination (Fiji), being free from hunger (Fiji and Timor-Leste), free access to data (Brazil and Grenada), freedom of thought (Kuwait), (lack of) freedom of movement of goods (Palestine) and free, prior and informed consent (Suriname).

Equality, inequality and (non-)discrimination

"Equality" most commonly references gender equality (Fiji, Ethiopia, Kiribati, Saint Lucia, Saint Vincent and the Grenadines, and Timor-Leste), sometimes expressing the importance of not exacerbating existing gender inequalities. The term also refers to equitable representation, participation, and benefit sharing more broadly across all groups. These concepts are also underscored in the Paris Agreement. For example, the Paris Agreement preamble refers to the right to gender equality and notes the importance of a gender-responsive approach to participation and the need to consider vulnerable groups, communities and ecosystems (Article 7). Fiji also refers to intergenerational equity in relation to a provision in its 2014 Constitution that guarantees its citizens the "right

to a clean and healthy environment, which includes the right to have the natural world protected for the benefit of present and future generations through legislative and other measures" (Government of the Republic of Fiji, 2018, p. 85). Suriname and Kiribati mention the 1979 Convention on the Elimination of All Forms of Discrimination against Women as a key international framework guiding gender equality in their plans.

"Equality" is also used to discuss the importance of equitable representation, participation and benefit sharing (Kiribati, Saint Lucia, Saint Vincent and the Grenadines, and Suriname), and equal access to services (Saint Lucia). The term is also used to underline the importance of an equal and gender-sensitive interpretation of the law (Timor-Leste). In the case of Palestine, its NAP mentions unequal distribution of water resources by Israel.

The NAPs with direct references to inequalities consider a variety of issues that can be further addressed in adaptation planning. For example, social inequality (mentioned by Brazil in terms of inequitable property gains) could be more broadly considered to ensure that the benefits of adaptation action are not exacerbating social inequalities, as is mentioned in the five NAPs that highlight the importance of gender mainstreaming to reduce inequalities (Burkina Faso, Ethiopia, Fiji, Palestine, and Saint Vincent and the Grenadines).

Other potential inequalities in societies directly relate to the country's development. For example, in the Timor-Leste NAP, while educational inequality can impact the way that climate information is shared and utilized by the receiving community, it has deeper root causes. Palestine underlines the impact of salary inequality on women.

Suriname specifically refers to how inequalities can impact economic development. This also relates to the implementation of adaptation measures. Countries need to think through who is involved in adaptation planning, how funding is distributed and what actors are responsible for monitoring and evaluating the outcomes.

Discrimination was most discussed with respect to anti-discrimination measures in gender policies. Fiji explains that the NAP process is an opportunity to address inequalities and reduce all forms of discrimination among its population, with a particular focus on gender policy. Other NAPs mention the influence of social relations on discrimination (Saint Vincent and the Grenadines) and gender discrimination as a barrier (Palestine).

Life

References to "life" in the NAPs did not refer to "the right to life" but rather to quality of life and lifestyles. Additionally, "loss of life" was mentioned, particularly in relation to loss and damage. Quality of life was sometimes mentioned in relation to specific communities. For example, in Burkina Faso, climate change is expected to have a direct impact on women while in Brazil, climate change would have detrimental impacts on the ability of farmers to earn an income. Similarly, climate change threatens the lifestyles of traditional communities (Brazil, Kiribati, and Fiji), as well as traditional and indigenous knowledge (Kiribati). Loss of life (Burkina Faso, Kiribati, Sri Lanka, and Saint Lucia) and loss and damage (Saint Lucia), more generally, are also mentioned in the NAPs as being of great concern. Sri Lanka's NAP highlights that the purpose of the plan is to minimize the impacts of climate change on human life.

Justice

The preamble of the Paris Agreement refers to climate justice as an important concept when taking action to address climate change. Throughout the NAPs studied, climate justice is only referenced in relation to Brazil's indigenous peoples. Brazil also mentions social justice as an imperative part of strategies for adaptation. Fiji underscores the importance of fulfilling SDG 16 and providing access to justice.

Property

The right to property is not referenced in any of the NAPs. Instead, references refer to property damage (Brazil, Kenya, Kiribati, Saint Lucia, Sri Lanka, and Saint Vincent and the Grenadines) and the gendered dimensions of securing property (Kiribati), and communal property (Kiribati). Kiribati, a small island developing state, is not only concerned about property destruction, but also the increasing threat of reduced or disappearing property as a result of sea level rise. "Property" was also used to refer to intellectual property (Kenya, Sudan, and Suriname).

Participation

Participation is not only key to a human rights-based approach, but is also a guiding principle of the NAP process. The UNFCCC encourages people's participation in all climate action. In the NAPs studied, participation is addressed in many ways from the preparation and planning process of the NAP to its implementation and monitoring and evaluation.

Kuwait's NAP notes that:

"…[a]s a participatory approach, NAP is expected to provide effective participation at the local, national and regional levels of non-governmental organisations and local populations, both women and men, particularly resource users in policy planning, decision-making, and implementation and review of the NAP; and require regular review of, and progress of implementation…" (Government of Kuwait, 2019, p. 39).

Similarly, Brazil mentions its extensive public consultation process, which involved engagement with state, civil society and private sector representatives, including 26 federal agencies, with specific thematic network engagement. It goes on to state that further public participation will be facilitated by the Brazilian Forum on Climate Change.

In many of the NAPs, the NAP formulation process is described in great detail. Many NAPs referenced using participatory processes (Brazil, Burkina Faso, Fiji, Grenada, Kenya, Kuwait, Saint Lucia, Sri Lanka, Saint Vincent, Sudan, and Timor-Leste), whilst 11 of the 15 NAPs reviewed provided descriptions of conducting community engagements. Burkina Faso went so far as to say that its NAP's success depends on broad participation, while Sri Lanka underscored the cross-cutting nature of participation. A majority also highlight the importance of applying a gender-sensitive approach (Burkina Faso, Ethiopia, Fiji, Kiribati, Kuwait, Suriname, and Timor-Leste). For Burkina Faso and Ethiopia, participation is also key to their NAP monitoring efforts.

Many groups are referenced in the NAPs. The references range from general references to stakeholders and the importance of stakeholder empowerment (Burkina Faso, Ethiopia, Fiji, Kenya, Kuwait, Sri Lanka, Saint Vincent, and Sudan), to the

participation of the private sector (Fiji, Kiribati, Palestine, Saint Lucia, and Suriname), and local communities (Fiji, Kiribati, Kuwait, Sri Lanka, Saint Lucia, Saint Vincent and the Grenadines, and Sudan). The participation of vulnerable groups was also highlighted (Saint Vincent and the Grenadines, Suriname, and Timor-Leste), with particular emphasis on women and youth (Ethiopia, Kiribati, and Sudan) and indigenous populations (Brazil).

Participation is highlighted as being key to the implementation of NAPs. There are references encouraging: women to increase their participation in local government (Burkina Faso); the inclusion of participatory urban planning in adaptation (Brazil, Fiji, and Saint Vincent and the Grenadines); participatory management (Burkina Faso, Ethiopia, Sri Lanka, and Sudan); and participatory scenario planning (Fiji). Sudan reports that poor community participation and involvement in adaptation are a gap in implementation.

Culture

The NAPs studied refer to culture in two ways, either as adaptation contributing to a "culture of resilience" or "culture of preparedness", or as being contained in social customs. For example, Brazil's NAP underscores the history of adaptation evident in indigenous cultures, and how cultures have been influenced by local climate and weather conditions. Cultural, social, and ethnic minority status are also considered to contribute to social vulnerability (Brazil). Lack of cultural sensitivity and acceptance are highlighted as potential barriers to adaptation actions (Kiribati and Saint Lucia). Suriname's NAP also mentions the potentially negative impact of cultural norms that limit women's ability to acquire the skills and information needed for adaptation. Finally, climate change can contribute to a loss of local and indigenous culture (Saint Lucia).

Healthy environment

The right to a healthy environment is guaranteed as part of the Constitution of Fiji and is emphasized in its NAP. Brazil, Burkina Faso, and Sudan also highlight the importance of a healthy environment. Brazil's NAP notes that "healthy environments play an important role in protecting infrastructure and increasing human safety, acting as natural buffers that mitigate the impacts of extreme events" (p. 224).

Access to information

Access to information is referenced in several ways, whether as a constitutional right (Fiji) or an indicator of household adaptation efforts (Kenya and Ethiopia). Other NAPs were more specific in who should have access to information, with Brazil and Sri Lanka mentioning information specifically for farmers and Ethiopia mentioning that access to information is a key part of capacity building. Kiribati highlighted information generation on weather and climate variability and salinity as one of the priorities for the country.

More specifically, Brazil references access to information as key to sustainable development and important for informing policies. Grenada and Suriname mention that information should be easily accessible, and Burkina Faso outlines the importance of information for participation and stakeholder empowerment. Capacity building is sometimes called for to ensure information can be effectively utilized (Saint Vincent and the Grenadines and Timor-Leste).

Wellbeing

Wellbeing was mentioned in eight of the 15 NAPs but only superficially. In country contexts and other descriptions, countries note the potential for climate change to negatively impact human wellbeing (Burkina Faso, Ethiopia, Kiribati, Kenya, Saint Lucia, Sudan, and Timor-Leste), with some specifying the impact of declining biodiversity (Fiji, Saint Lucia, and Sri Lanka). Countries also generally mention approaches that might promote human wellbeing. This included green jobs (Burkina Faso) and resilient housing (Fiji). One objective of Sudan's adaptation plan in its Eastern States is to improve overall wellbeing and access to services, particularly in marginalized areas.

Health

Health, as highlighted in Article 25 of the UDHR as part of the right to an adequate standard of living, and in the International Covenant on Economic, Social and Cultural Rights, was one of the most referenced terms in the search string and was mentioned in all NAPs studied. Climate change poses a particular threat to

human health, as well as to the health sector and its infrastructure. This threat is highlighted by 13 of the 15 NAPs (Brazil, Burkina Faso, Ethiopia, Grenada, Kenya, Kiribati, Kuwait, Palestine, Sri Lanka, Saint Lucia, Sudan, Suriname, and Timor-Leste). There are also a number of countries committed to protecting and improving the health of their citizens (Burkina Faso, Ethiopia, Fiji, Kuwait, Palestine, Sri Lanka, and Sudan)

Fiji is the only country to specifically refer to the right to health, though Saint Vincent and the Grenadines does underline its policy to provide universal health care that "reflects the principles of equity, affordability, quality and cultural acceptance for its citizens" (p. 45). Kenya highlights the role of sustainable development in providing a foundation for improving health and safety in the country while others share the negative impact that limited access to healthcare can have on vulnerable communities (Kiribati, Palestine, and Sudan).

Grenada's NAP highlights the importance of adaptation finance, as funding should not be diverted from other key sectors, such as healthcare. Saint Vincent and the Grenadines call attention to the impact of biodiversity loss on health while Saint Lucia underscores the link between food and health. Similarly, deterioration in resources, such as water availability and quality, can have negative impacts on health.

Shelter

Shelter is mostly referenced in terms of emergency shelters (Grenada, Kiribati, Saint Lucia, and Saint Vincent and the Grenadines). Suriname highlights the importance of gender-sensitive shelters and considers how climate change may limit access to shelter. Other references were found relating to human settlements and infrastructure, though a thorough analysis of such findings is outside the scope of this research.

Education

The importance of education is evident as it is mentioned in 10 of the 15 studied NAPs. As referenced above, Kuwait and Fiji directly mention the right to education, while others expand on its importance in other ways. For example, many, including Saint Lucia, highlight education as a priority sector. Adaptation efforts also require awareness campaigns and environmental and conservation education efforts (Sri Lanka, Burkina Faso, Grenada, Saint Lucia, and Saint Vincent and the Grenadines). Burkina Faso highlights that women's

vulnerability is exacerbated based on limited access to education and status and also states its intention to promote education for women.

Movement

Movement was not meaningfully referenced in the context of any of the NAPs. However, the term was used to mention urban mobility (Brazil), transportation (Ethiopia) and Israel's restriction on movement of Palestinians (Palestine).

(In)security

Article 3 of the UDHR underscores the right to life, liberty and security. In this context, security refers to the State's obligation to protect a person's physical and mental security. This can refer to a variety of substantive protections, such as secure sources and supply of food and energy. Among the NAPs, security is seldom referenced, but rather is mentioned in describing other rights, such as the right to food (food security) and the right to water (water security). Food and water will be further discussed in the next section.

Energy security is also of particular concern in the context of climate change (Brazil, Fiji, Palestine, and Suriname). Burkina Faso and Suriname note that a reduction in rainfall and increase in temperature could impact hydroelectric production and threaten energy security. Energy security is also mentioned in Fiji's infrastructure plan. Land tenure insecurity is mentioned as a concern by Brazil, Burkina Faso, and Kenya. For example, Burkina Faso mentions that land tenure security must be improved for land conservation and management. There are also specific mentions of security more generally. For example, Burkina Faso's NAP underlines the importance of awareness raising, mentioning the intent to "carry out public education and awareness-raising measures concerning security and resilience to natural disasters and humanitarian crises" (p. 66). Additionally, Suriname mentions the positive impact that reducing inequalities has on security, poverty reduction and social inclusion.

Food and water

Climate change is projected to have significant consequences on food production with changes in rainfall distribution, temperature, and other factors

contributing to food and water insecurity. Many developing countries rely on agriculture as significant parts of their economies, with many households involved in food production primarily for livelihoods and subsistence, contributing to their own food security. Changes in rainfall patterns and the reduced availability of water resources will not only impact the food sector, but will also have impacts on energy, transportation, and infrastructure.

Food and water are overwhelmingly identified as key sectors where adaptation is needed, but as shown, the rights to food (and nutrition) and water are seldom referenced. Ensuring sustainable and secure access to food and water is clearly a high priority, as these terms are by far the most referenced in the NAPs studied. Among the adaptation plans considered in this research, references to food and water are abundant, and although both "food" and "water" were part of our original search string, the references are not laid out in as much detail as other sections, given how extensively they are mentioned.

Adaptation planning and implementation to secure the right to food covers a variety of elements, ranging from providing climate services[4] to farmers and relevant stakeholders, to securing land rights and water resources. In many of the NAPs, there are specific strategies relating to food and nutrition security and/or agriculture. They recognize the importance of food security on a national level, as well as the impacts of food insecurity on households and local communities, given the large populations of farmers in many of the NAP reporting countries. Food plays a key role in social resilience, impacting the general health and wellbeing

of a population, and vulnerable populations often have higher food insecurity. Some countries underscore the need for universal access to food, directly relating to the right to food.

The impact that climate change is having on water availability, water health, and sanitation is a cause for concern across the globe and is reflected in all submitted NAPs. Threats to water security include changes in weather and precipitation patterns, changes in evapotranspiration, increasingly frequent and intense hydrological events, outbreaks of water-borne diseases, and droughts. Countries also note that some populations are particularly vulnerable to water insecurity based on their reliance on ecosystem services for livelihoods and subsistence. Additionally, water stress can have a gendered impact on households, as women and girls are often responsible for collecting water for the whole household. To address such issues, adaptation planning includes enhancing water management, building infrastructure to protect water resources, and increasing water-related education both generally and for conservation purposes.

Adaptation in the water sector includes goals related to: ensuring access to clean water for all; improving sanitation access; protecting water quality; and preventing saltwater intrusion. Countries highlight the need to enhance water management, improve water harvesting techniques, and conserve water. Additionally, many call to increase awareness about conservation and water-related health issues, with some also noting that water scarcity may cause or aggravate water-use conflicts.

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4. This refers to the translation, tailoring, packaging, and communication of climate data to various users such as farmers, pastoralists, and fishers to inform their decisions on their livelihoods (Anschell et al., 2021).

The way forward: A rights-based approach to national adaptation planning

Women from the Ifugao minority group near rice terraces in Banaue, Philippines – Kobby Dagan/Shutterstock

Systematically applying a human rights-based approach and directly referencing human rights obligations will ensure that "the most vulnerable groups and communities" are the focus of adaptation planning and implementation, an important goal of NAPs. This study found that there are a variety of ways that human rights are both directly and indirectly referenced throughout the submitted NAPs. However, in all but one plan, they are not systematically referenced in NAPs. While referenced, human rights are not generally used to guide any part of the NAP process. As such, the NAPs leave much to be desired in making human rights principles both a guide in planning and implementation, as well as in defining desirable outcomes that represent the entitlements of vulnerable groups and communities. Despite repeated assertions, especially by the UN Special Rapporteurs on human rights and the environment and other scholars, that climate change is a human rights issue (Knox, 2016; Rajamani, 2018; Limon, 2018; Knox and Boyd, 2018; Atapattu,

2018), addressing the needs of vulnerable groups and communities in the NAPs continues to be a challenge for many countries. There are a variety of sources and tools already available to help stakeholders undertake NAP planning, which are posted on the UNFCCC website.[5] They include toolkits for gender inclusion (Dazé and Church, 2019), vertical integration (Dazé and Church, 2019), and integration of indigenous knowledge (Crawhall, 2016). There is not yet any guidance on how to address social equity issues and pursue a human rights-based approach much more explicitly in NAP planning and implementation. Nevertheless, Fiji's NAP is exemplary in terms of the way in which human rights principles guided its formulation. Following up on its implementation will yield insights, as Fiji managed to integrate substantive and procedural rights in its NAP.

By outlining some of the ways in which human rights are directly and indirectly referenced throughout the existing NAPs, we can consider what a human

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5.   See https://www4.unfccc.int/sites/NAPC/Guidelines/Pages/Supplements.aspx

rights-based approach to adaptation might look like in two ways. The first concerns how a rights-based approach, understood broadly, will enable meaningful inclusion of vulnerable groups and communities in the NAP process and ensure that the outcomes of NAPs are socially equitable, inclusive and respond to their concerns and priorities. The second concerns how a human rights framing of the NAP process can also facilitate the fulfilment of State obligations to human rights treaties that they have already ratified. This could include bringing in national human rights commissions, women's ministries and departments, and/or international treaty-based or charter-based human rights mechanisms that are tasked with implementing national commitments to signed or ratified international human rights conventions into NAP planning and implementation.

The NAP process consists of several elements (planning, implementation, and monitoring and evaluation) and enabling factors (financing, institutional arrangements, information sharing and capacity development) (UNFCCC LDC Expert Group, 2012; Hammill et al., 2020) as illustrated in Figure 2.

Figure 2. The NAP process (Source: Adapted from Hamill et al., 2020: 6)
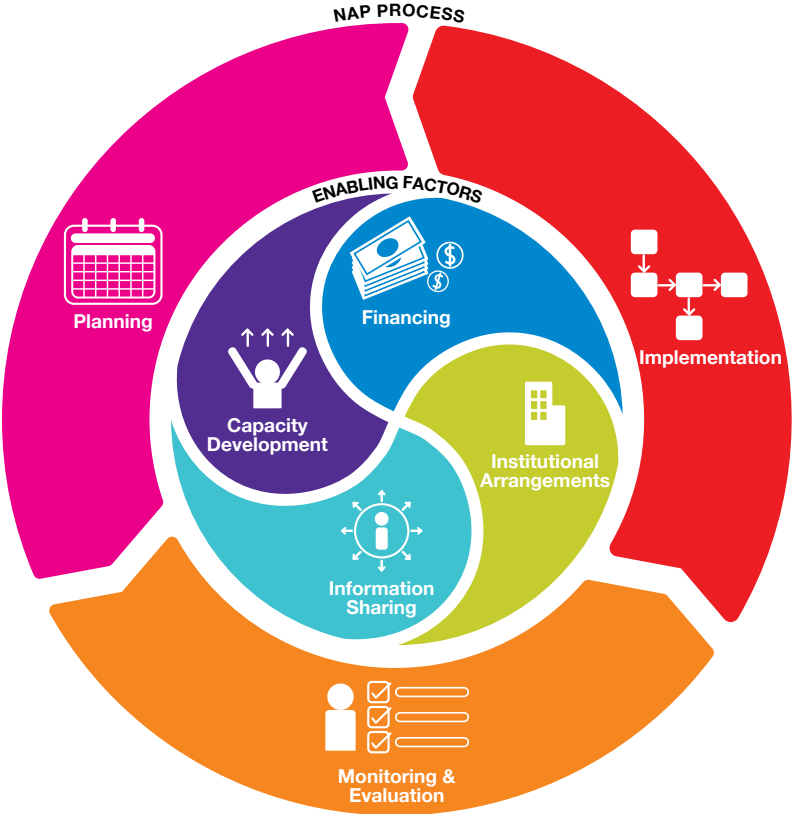
The NAP process seeks to enhance and expand the adaptive capacity of vulnerable groups and communities. Adaptive capacity is also known as capacity of response. Such capacity of response refers to the "system's ability to adjust to a disturbance, moderate potential damage, take advantage of opportunities, and cope with the consequences of a transformation that occurs" (Gallopín, 2006, p. 296). Ensor et al. (2015) provide entry points on how to integrate a rights-based approach to adaptive capacity that will achieve the two ways identified above. This rights-based approach is based on the principles of equality, transparency, accountability, and empowerment. Equality means equality before the law and addressing how societal structures underpin the exclusion and discrimination faced by vulnerable groups. Transparency refers to the nature of decision making and how accessible the decision-making process is to such groups. Accountability relates to how they hold those with power and duties accountable for their actions and decisions. Empowerment refers to their ability and agency to seek equality, transparency, and accountability. Table 4 describes these entry points and their significance for adaptive capacity, as well as providing examples of rights-based strategies. The next step moving forward is to refine these steps and develop detailed guidance on how these can be integrated into the NAP process.

Table 4. Entry points proposed by Ensor et al. (2015, p. 41) for a rights-based approach to adaptive capacity, which is essentially what the NAP process is intending to address

Entry point	Description	Significance for adaptive capacity	Example of rights-based strategies	
Social	Everyday interactions, encompassing a broad range of institutions, networks, organizations and actors (e.g. family, civil society, gender, ethnicity, and customary norms)	Social relations mediate access to material and non-material resources and services, and influence how people interact with each other and their environment.	Community empowerment	Context-specific empowerment processes can challenge particular aspects of social relations within communities, for instance, gender norms that discourage participation of women in decision making.
			Change from within	Human rights principles are articulated drawing on existing social and cultural norms and institutions, such as religion or traditional practices, which are used as the basis for change processes.
Political	Decision making in institutions and organizations and the associated role of networks and actors in exercising authority	Institutional and power relationships determine the processes and norms through which adaptation decisions are made and resources are secured, as well as the possibility of participation in such processes.	Awareness raising	Building public knowledge in order to pressure for change e.g. in existing laws and policies, to reinforce human rights norms, as well as responsibilities of duty bearers in different settings.
			Alliance building	Developing advocacy networks among communities, NGOs, social movements, associations and community-based organizations to build voice, reduce risk, monitor state action and secure a greater role for communities in decision making and agenda setting.
Administrative	Institutions and organizations of the state and related actors (e.g. government officers, policy processes, mechanisms of delivery and oversight of public and private actors)	State administrative functions have the potential to deliver, enable, regulate or restrict access to the resources and services necessary to support adaptation (both material resources such as finance, and non-material resources such as information services).	Capacity building	Building capacity among communities to claim rights and to advocate for policy changes or policy implementation. Building capacity of state actors to enable them to recognize and fulfil their duties.
			Relationship building	Building effective working relationships between rights holders in communities and state duty bearers. (While "naming and shaming" of the state is the traditional mainstay of human rights advocacy, it is used less frequently as a rights-based development strategy.)
Legal	Legal institutions and organizations, justice mechanisms and actors	Legal regimes regulate access to and control over natural resources, decision making (including opportunities for accountability and redress) and material and non-material resources for adaptation.	Litigation	Litigation may be pursued in anticipation of a successful court case, in particular to hold the state accountable in their duties to respect, protect and fulfil human rights obligations.
			Strategic use of law	The threat of litigation alone can be enough to secure political change. Alternatively, litigation may be pursued with the intention of bringing an issue or new information to public attention.

A map of Indochina peninsula – Anton Balazh/Shutterstock

Conclusion

This study has reviewed how human rights were integrated into the first-generation NAPs available online during 2020-2021 to provide guidance on how to ensure the adoption of human rights principles in the NAP process. The main finding is that these principles do not really feature much in the reviewed NAPs. There are some notable but limited examples. The challenge ahead is to explore how to institutionalize a rights-based approach in ongoing NAP planning and implementation, and to develop guidance as to what a rights-based approach to the NAP process would look like. Ideas for achieving these aims have been discussed in a brief published in 2021 (Bernard et al., 2021). Then, there should be efforts made to develop the capacities of NAP planners and implementors to use such guidance, while also developing a monitoring framework to track progress and glean insights from the implementation of a rights-based approach, so as to enable iterative learning. Moving forward, NAP actors and stakeholders can refine the entry points outlined above and develop detailed guidance on how these avenues can be integrated into the process of NAPs.

Acknowledgements

Abbreviations

COP	Conference of the Parties
LDC	least developed country
NAP	national adaptation plan
SDGs	the Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UNFCCC	UN Framework Convention on Climate Change

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