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REFLECTIONS

LESSONS FROM EVALUATIONS: ENSURING ACCESS TO ENVIRONMENTAL JUSTICE

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ACRONYMS

ABS	Access and Benefit Sharing
AIDA	Artificial Intelligence for Development Analytics
DGM	Dedicated Grant Mechanism for Indigenous Peoples and local communities
GEF	Global Environment Facility
ICCA	Indigenous and community conservation areas
IEO	Independent Evaluation Office
IPLC	Indigenous Peoples and local communities
LAPA	Local Adaptation Plan of Action
NAPA	National Adaptation Plan of Action
REDD+	Reducing Emissions from Deforestation and Degradation framework
SDG	Sustainable Development Goal
SGP	GEF Small Grants Programme
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme

INTRODUCTION

Evaluations play a key role in helping the United Nations Development Programme (UNDP) to continuously learn and improve its programming. The Reflections series synthesizes lessons from past evaluations and evaluative studies to support organizational learning about what works and what doesn't in different development contexts. The aim of the series is to provide relevant, immediately useful and accessible lessons to UNDP country offices and the wider community of development practitioners.

This paper examines how the work of UNDP intersects with environmental justice within relevant Sustainable Development Goals (SDGs): the food, health and water nexus (SDGs 2, 3 and 6), energy and climate (SDGs 7, 13), and conservation (SDG 14, 15).¹ The lessons in this Reflections paper move from the specific towards a broader treatment of environmental justice, in order to shed light on the synergies between justice, governance and environment support programming.²

METHODOLOGY

This paper is a rapid assessment,³ synthesizing evidence from evaluative material issued by UNDP between 2013 and 2023, as well as external sources. The final review made use of 65 internal and external evaluation reports and peer reviewed articles, including: country-level and thematic evaluations conducted by the Independent Evaluation Office of UNDP; quality-assured decentralized evaluations commissioned by UNDP country offices; and key pieces of external literature on the topic. IEO employed the Artificial Intelligence for Development Analytics (AIDA) platform to identify relevant UNDP evaluation reports. An academic literature search was undertaken using two academic databases and keyword pairings.

CONTEXT

UNDP conceptualizes environmental justice as the goal of promoting justice and accountability in environmental matters, focusing on the respect, protection and fulfilment of environmental rights, and the promotion of the environmental rule of law.⁴ UNDP proposes a three-pronged approach for its environmental justice work:

- 1) Establishing legal frameworks for the fulfilment of environmental rights;
- 2) Strengthening people-centred and effective institutions, especially those related to justice and human rights; and
- 3) Increasing access to justice and legal empowerment in environmental and climate change matters.⁵

In the environment and sustainability literature the treatment of environmental justice is broader, encompassing the political ecology of environment and natural resources.

The Support to Access to Justice evaluation recommended that UNDP should promote more integration and synergy between its justice programming and other areas of work, including health, environment and climate change.⁶ It also found a real opportunity for the organization to use its integrator role at country level to combine its justice, governance and extensive environment support to provide holistic solutions, reinforcing partnerships with other United Nations agencies.

AT A GLANCE – LESSONS LEARNED

1

UNDP has mostly contributed to environmental dispute resolution through informal mechanisms. Representation, trust, and culturally appropriate dispute resolution skills can foster more equitable justice outcomes from community-level mechanisms.

2

Legal protection is important to ensure people's access to environmental justice, but without enforcement it is insufficient. Community support, customary institutions and the application of digital technology can aid enforcement efforts.

3

UNDP has had difficulty grappling with the power dynamics in extractive industries and other politically-charged contexts. Thus, its main contribution to environmental justice and health consists of addressing environmental externalities, such as pollution and waste.

4

Successes in the area of water and ocean governance show that impact can be achieved for environmental justice when the UNDP integrator role is coupled with consistent long-term efforts.

5

The amount and distribution of climate finance has important implications for environmental justice. UNDP is well placed to advocate for greater consideration of the links between the two.

6

UNDP contributed to procedural justice mainly by supporting the inclusion of indigenous peoples and local communities (IPLCs). Achievements in recognitional justice have arisen from diverse approaches, such as support for legal frameworks, building the advocacy capacity of IPLCs, and capitalizing on UNDP global visibility.

7

There is a need to acknowledge the inherent tensions between the environmental SDGs and SDG 8 concerning decent work and economic growth. UNDP interventions should consider that struggles over authority and recognition shape governance processes.

LESSONS LEARNED

1

UNDP has mostly contributed to environmental dispute resolution through informal mechanisms. Representation, trust, and culturally appropriate dispute resolution skills can foster more equitable justice outcomes from community-level mechanisms.

UNDP has provided some support to formal justice institutions on environmental matters. In Eritrea, UNDP partnered with the Ministry of Justice to train community court magistrates for the adjudication of environmental disputes over land, water and forest resources.⁷ In Indonesia, guidelines and capacity-building were delivered to support the prosecution of forestry crimes committed by the corporate sector.⁸ However, support to informal dispute resolution processes has been far more prevalent. UNDP has supported community governance mechanisms to address environmental conflicts, based on the assumption that poor governance is the main source of conflict. Examples of such mechanisms are co-management committees in China⁹ and Chile,¹⁰ wild management area committees in Papua New Guinea,¹¹ and community forestry groups in Myanmar.¹² UNDP has also supported local dispute resolution mechanisms for conflict mediation in forests, with relevant examples in Cambodia¹³ and Pakistan.¹⁴ However, it is difficult to say whether these efforts have increased access to justice due to lack of data on conflicts and their outcomes.

Representation, trust and culturally appropriate dispute resolution skills can foster more equitable justice outcomes from community-level mechanisms. For example, in South Sudan, informal and separate spaces were open for women to raise their concerns before meeting with the wider committee.¹⁵ Similarly, in China, wetlands co-management committees ensured the representation of Kazakh minorities.¹⁶ While the issue of trust is applicable in all cases, it becomes particularly important in conflict-affected settings. For example, in South Sudan, substantial efforts have been dedicated to rebuilding trust among community members as a pre-condition to address disputes over environmental resources.¹⁷ In Guyana, an evaluation noted the importance of culturally legitimate mediation to solve land disputes.¹⁸ Similarly, in Yemen, insider mediators worked with local community committees to solve local environmental conflicts.¹⁹ The involvement of women as insider mediators was also highlighted as a success factor.

None of the evaluations reviewed focused on tracing dispute resolution processes from start to finish. Accordingly, there is no consistent data on the number, location or severity of the conflicts, or quality of outcomes. There is no information on how informal community mechanisms collaborated with, or referred environmental issues to, the formal system.

2

Legal protection is important to ensure people's access to environmental justice but without enforcement it is insufficient. Community support, customary institutions and the application of digital technology can aid enforcement efforts.

UNDP has been extensively involved in the development of environmental laws, and the integration of environmental considerations into constitutional efforts at country-level in places such as Chile, Gambia and Vanuatu.²⁰ However evaluations frequently report the issue of enforcement as a hindrance to UNDP environmental interventions. For example, in Angola, despite having developed action plans for the conservation of wildlife in protected areas, enforcement became an issue due to the lack of specific

legislation to criminalize offenses to wildlife.²¹ In Malaysia, low penalties seem to still undermine the degree to which legislation can prevent encroachment, illegal logging and poaching.²²

Local communities can be crucial to the success or otherwise of enforcement. For example, in Tanzania community volunteer groups managed to apprehend fire and poaching perpetrators in protected areas and confiscate weapons.²³ Similarly, in Angola, park rangers were hired who could speak the local language and understand the culture.²⁴ Conversely, in Mali, lack of recognition of forestry agents by local communities was an impediment for law enforcement in protected areas.²⁵ Customary institutions can be effective players in environmental law and policy enforcement. In Sudan, United Nations Environment Programme (UNEP) projects helped to raise awareness on two national laws on tree cutting and animal grazing which aimed to reduce deforestation and prevent conflict.²⁶ Community committees adopted these laws by creating their own rules and regulations, including how customary law could support these issues.

Digital technologies can also be employed to strengthen environmental enforcement. In Botswana, the Land Use Conflict Identification System provides data on land types and uses in order to prevent conflicts in land use planning.²⁷ In Indonesia, the One Map System has been implemented, offering land use and land tenure information, including forest concessions.²⁸ In Costa Rica, the Land Use Change Monitoring System enhanced the capacity of the State to enforce forestry laws in cases of forest degradation, often caused by the private sector.²⁹ In Myanmar, SMART patrolling technologies³⁰ and the Forest Watch tool were used to identify illegal logging, hunting and mining in protected areas.³¹ Similarly, in South Africa, the Rhino DNA Index System was introduced by UNEP to store and share DNA and forensic data with enforcement agencies and prosecute the perpetrators of rhino crimes.³²

3

UNDP has had difficulty grappling with the power dynamics in extractive industries and other politically charged contexts. Thus, its main contribution to environmental justice and health consists of addressing environmental externalities, such as pollution and waste.

In many countries, the power dynamics surrounding extractive industries form formidable barriers to environmental justice. In Kyrgyzstan, the Government continued to permit the operation of mercury mines because of the potential source of revenue.³³ Similarly in Myanmar³⁴ and Guyana,³⁵ timber and mining concessions in protected areas and indigenous territories were important sources of revenue for the Government. In South Sudan, a UNDP project intended to address conflicts around protected areas due to government concessions to oil and mining companies, but it was not clear to what extent the situation was resolved.³⁶ A project on environmental governance in Mongolia was successful in achieving its aims, but did not provide the requisite tools and processes to deal with mining in a context of green development.³⁷ Such challenges will become even more pertinent with the astronomical needs for critical minerals required to achieve a just energy transition.

UNDP is a key partner in the Global Environment Facility (GEF) GOLD Programme on artisanal and small-scale gold mining.³⁸ These projects have addressed social or justice issues from a safeguards perspective.³⁹ This means the programme ensures that it will not contribute to any of the social or environmental challenges, not that it is actively trying to address them. The 2020 evaluation of UNDP development cooperation in middle-income countries found that there had been a conscious, gradual downsizing of UNDP engagement in countries where the mining sector dominates above all other economic activities.⁴⁰

While mining provided the most evidence of the power dynamics of environmental justice, the issue arises in other areas. For instance, the rate of deforestation in Cambodia remains among the highest in the world, and land conflicts between local communities and extractive industries have been pervasive and sometimes violent. Despite this, UNDP was seen by some observers to shy away from politically charged issues such as land conflict and corruption.⁴¹

On the other hand, UNDP has successfully contributed to environmental justice and health (SDG3), by addressing negative environmental externalities such as waste. It supported waste reclamation in Eswatini and Lebanon, disposal of hazardous chemicals in Montenegro, e-waste and medical waste in China and Egypt, e-waste in Kazakhstan, and persistent organic pollutant/polychlorinated biphenyls management in Argentina, China, Honduras, Kazakhstan, and Panama.⁴² UNDP partnered with the private sector to manage plastic waste in 37 cities in India, while working towards inclusion, recognition and improved livelihoods for waste-pickers.⁴³ In China, a project on health and waste management for copper production supported consumers to exercise their rights, which incentivized companies to improve waste disposal.⁴⁴

4

Successes in the area of water and ocean governance show that impact can be achieved for environmental justice when the UNDP integrator role is coupled with consistent long-term efforts.

UNDP has played a successful convening role in the area of water and ocean governance, often through large-scale and long-term transboundary initiatives.⁴⁵ For example, in Ecuador and Peru, a UNDP supported project contributed to strengthening the technical capacity of institutional, political, legal and scientific actors to implement an international waters resource management approach in watersheds and transboundary aquifers, while integrating climate variability.⁴⁶ The project is considered a promising example of collaborative binational efforts between two countries that had suffered border definition conflict. A series of GEF-financed UNDP projects in the Danube and Black Sea over 20 years led to the effective elimination of a 'dead zone' in the northwest shelf of the Black Sea and associated recovery of local livelihoods.⁴⁷ UNDP has promoted environmental justice in relation to tuna fisheries in the Western and Central Pacific Ocean. UNDP support resulted in increased country capacity to fully participate in fisheries convention processes, to apply fleet and catch monitoring, control and surveillance, and ecosystem-based approaches to fisheries management. This empowered them to engage on an equal footing with larger and more politically influential countries that were keen to exploit Pacific fishery resources.⁴⁸

5

The amount and distribution of climate finance has important implications for environmental justice. UNDP is well placed to advocate for greater consideration of the links between the two.

UNDP climate mitigation work is not framed around climate justice, and this review found limited mention of the term prior to the 2022 Technical Report on Environmental Justice. UNDP is a major player in policy mainstreaming processes for climate mitigation and adaptation, with evident successes in a diverse range of countries, and all sectors.⁴⁹ UNDP is the foremost United Nations agency supporting 70 countries to develop national adaptation plans, established under the Cancun Adaptation Framework in 2010. It also supports 41 countries through its global Nationally Determined Contributions (NDC) support programme.⁵⁰ This programme has helped 27 countries to either mainstream gender or produce action

plans.⁵¹ While the Bali Principles of climate justice call for the need for solutions that address women's rights,⁵² the available evidence did not show how UNDP gender work led to concrete outcomes.

Mobilising finance for the most vulnerable countries and communities is a key strength for UNDP. UNDP estimates that since 2010 it has mobilized \$1.4 billion in grants from vertical funds and bilateral donors and leveraged \$3.2 billion in co-financing for adaptation projects for 99 countries.⁵³ The amount and distribution of climate finance has important implications for environmental justice. For instance, Indigenous groups have made appeals for direct international climate finance as a means of pursuing procedural justice within their countries, so as to bolster their negotiating positions with national governments.⁵⁴ Currently the primary vehicle in this regard is the Dedicated Grant Mechanism for IPLCs (DGM), established in 2010 under the Climate Investment Fund. DGM provides \$80 million of financing to communities in 12 countries, in addition to capacity-building for IPLC organizations.⁵⁵

The UNDP Framework for Enhancing Gender and Poverty Integration in Climate Finance (2021) recognises the distributive aspects of climate finance, and the importance to climate justice of reaching out to various stakeholders to enhance coordination and participation.⁵⁶ This framework could provide a good starting point for the application of an environmental justice lens to climate finance.

6

UNDP contributed to procedural justice mainly by supporting the inclusion of IPLCs. Achievements in recognitional justice have arisen from diverse approaches, such as support for legal frameworks, building the advocacy capacity of IPLCs, and capitalizing on UNDP's global visibility.

UNDP works closely with IPLCs in its protected areas and forest-related thematic areas. It has successfully promoted procedural justice through highly effective inclusion strategies. For instance, UNDP contributed to results through a multi-agency partnership on indigenous and community conservation areas (ICCAs), which trained local people in territorial mapping and demarcation to help resolve conflicts surrounding land use.⁵⁷ The high effectiveness of the GEF Small Grants Programme (SGP) is at least partially due to the level of engagement and ownership by Indigenous Peoples, women and youth. Target populations – often the most remote and marginalized people – are part of decision-making through the SGP governance structures.⁵⁸

IPLCs are central to the Reducing Emissions from Deforestation and Degradation framework (REDD+), and issues arise when solutions focus on addressing justice in distributive terms, rather than addressing more inherently political objections to REDD+ such as those based on rights or social justice.⁵⁹ Despite this, in a recent evaluation of the current global project on support to REDD+ Implementation, leaders from IPLCs indicated that the support provided by the UNDP Climate and Forest Programme had been helpful to integrate their vision and concerns into national REDD+ processes.⁶⁰

Elements of UNDP work have been successful in the promotion of recognitional justice for Indigenous peoples. For example, UNDP supported the development of legal frameworks for Access and Benefit Sharing (ABS) of Genetic Resources in multiple countries.⁶¹ In Vietnam,⁶² new regulations and models of ABS incorporated the use of Indigenous knowledge. In Malaysia there were efforts to help Indigenous communities engage with the ABS process through various initiatives, documentation of traditional knowledge and empowerment of communities by training them in the preparation of biocultural community protocols.⁶³ IPLCs were supported to collaborate with the private sector in Bhutan.⁶⁴

The UNDP supported 'Equator Initiative' aims to bring increased visibility to nature-based indigenous and local solutions as a different trajectory for the planet. It provides winners with training on how to tell their

story, and positions them in front of global audiences. There are examples of this visibility leading to concrete outcomes for Indigenous peoples' rights, such as in the case of Indigenous Pygmies in the Democratic Republic of Congo.⁶⁵ In this way, UNDP responds to the call for more attention to building the advocacy capacity and voice of vulnerable groups so that they are able to promote and protect their rights without donor support.⁶⁶

7

There is a need to acknowledge the inherent tensions between the environmental SDGs and SDG 8 concerning decent work and economic growth. UNDP interventions should consider that struggles over authority and recognition shape governance processes.

In its efforts to reach the SDGs, UNDP promotes transformational growth pathways, such as the Blue Economy and climate-resilient development. In practice there are many choices along the way, and these choices create winners and losers.

An example of environmental justice and climate adaptation can be found in Nepal, where one study undertook a deep dive into the UNDP-supported National Adaptation Plan of Action (NAPA) and Local Adaptation Plan of Action (LAPA) process. There was little to fault the formal institutional design of adaptation policies and programmes in Nepal, and the LAPA framework was globally praised because of its emphasis on consultative, bottom-up information gathering and linking different scales of governance in its institutional design. However, failure to acknowledge how struggles over authority and recognition shape governance processes meant that the proposed measures were set up to fail almost before they began. Social justice questions appeared in a superficial way in the NAPA and LAPAs, with brief mention of gender and ethnicity questions, but almost no significant engagement with what they might mean in practice.⁶⁷ Interestingly, these concerns were not reflected in UNDP evaluations.⁶⁸

One challenge for UNDP is that many countries perceive deep sea mining as a viable element of the Blue Economy. This perception is controversial, and this paper has already discussed the challenges of environmental justice and extractive industries under Lesson 2. Although the approach is relatively new in Small Island Developing States, the potential for conflict between different interests is illustrated in the case of the Faroe Islands, where local communities and groups such as lobster farmers question the viability and legitimacy of Blue Growth that frames conventional growth strategies in sustainable development terms.⁶⁹

There is also an unacknowledged tension between SDG 14 and other SDGs that call for humanity to achieve harmony with nature and to protect the planet from degradation, and SDG 8, which calls for continued global economic growth. The SDGs assume that efficiency improvements will suffice to reconcile the tension between growth and ecological sustainability.⁷⁰ While there is evidence of UNDP teams grappling conceptually with planetary boundaries and growth paradigms,⁷¹ there was little to be found in the evaluations or strategic documents consulted for this paper concerning sustainable consumption, footprints, limits to growth and the environmental justice implications of growth narratives.

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- ² This paper builds on and expands the specific treatment of environmental justice in UNDP Evaluation on Support to Access to Justice. See UNDP IEO (2023) Evaluation of UNDP Support to Access to Justice <https://erc.undp.org/evaluation/evaluations/detail/15585>.
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