



BACKGROUND PAPER

<https://www.adb.org/sites/default/files/institutional-document/1094736/apcr2025bp-bridging-climate-biodiversity-law.pdf>

Asia-Pacific Climate Report 2025

Bridging Climate and Biodiversity Law: Toward Coherent, Rights-Based Environmental Governance in Asia and the Pacific

Briony Eales

Asian Development Bank

October 2025

DISCLAIMER

This background paper was prepared for the report *Asia-Pacific Climate Report 2025*. It is made available here to communicate the results of the underlying research work with the least possible delay. The manuscript of this paper therefore has not been prepared in accordance with the procedures appropriate to formally-edited texts.

The findings, interpretations, and conclusions expressed in this paper do not necessarily reflect the views of the Asian Development Bank (ADB), its Board of Governors, or the governments they represent. ADB does not guarantee the accuracy of the data included in this document and accepts no responsibility for any consequence of their use. The mention of specific companies or products of manufacturers does not imply that they are endorsed or recommended by ADB in preference to others of a similar nature that are not mentioned.

Any designation of or reference to a particular territory or geographic area, or use of the term “country” in this document, is not intended to make any judgments as to the legal or other status of any territory or area. Boundaries, colors, denominations, and other information shown on any map in this document do not imply any judgment on the part of the ADB concerning the legal status of any territory or the endorsement or acceptance of such boundaries.

**Bridging Climate and Biodiversity Law: Toward Coherent,
Rights-Based Environmental Governance in
Asia and the Pacific**

Briony Eales

Contents

List of Tables, Figures, and Boxes	iv
Abbreviations	vi
1 Introduction	1
2 The Environmental Governance Landscape in Asia and the Pacific	3
2.1 <i>Asia and the Pacific: Socioeconomic Realities and Urgent Environmental Challenges</i>	3
2.2 <i>The Imperative for Strong Environmental Governance and Rule of Law</i>	4
2.3 <i>Indigenous Land Tenure and Environmental Outcomes</i>	6
2.4 <i>Indigenous Peoples Terminology</i>	7
3 Global Climate and Biodiversity Policy Frameworks	8
3.1 <i>Climate Change</i>	8
3.2 <i>Biodiversity</i>	16
3.3 <i>Indigenous Peoples' International Frameworks</i>	24
3.4 <i>Historically Poor Integration of Climate and Biodiversity Action</i>	27
4 Regional Climate Change and Biodiversity Legal Frameworks in Asia and the Pacific	28
4.1 <i>Central Asia</i>	29
4.2 <i>East Asia</i>	30
4.3 <i>South Asia</i>	30
4.4 <i>Southeast Asia</i>	31
4.5 <i>The Pacific</i>	33
5 Transboundary Environmental Regulation and Standards	35
5.1 <i>Multilateral Development Banks</i>	35
5.2 <i>Private Sector Frameworks</i>	37
5.3 <i>Updates on European Regulation with Extra-Territorial Application</i>	40
5.4 <i>Convention on the Protection of the Environment through Criminal Law</i>	44
6 National Climate Change and Biodiversity Policy and Legal Frameworks	46
6.1 <i>Ambition and Implementation Gaps</i>	47
6.2 <i>Understanding Climate and Biodiversity Legal and Policy Architecture</i>	49
6.3 <i>Climate Change Framework Legislation in Asia and the Pacific</i>	54

6.4	<i>Biodiversity Governance Structures in Asia and the Pacific</i>	57
6.5	<i>Biodiversity Governance: Trends in Ambition in Asia and the Pacific</i>	59
6.6	<i>Implementation Gaps in Biodiversity Governance in Asia and the Pacific</i>	60
6.7	<i>Shifting Toward Inclusive and Integrated Climate-Biodiversity Policies</i>	68
6.8	<i>Improving Biodiversity Governance</i>	69
7	The Intersection of Climate Change, Biodiversity, and Indigenous Peoples' Rights	72
7.1	<i>National Legal Frameworks for Indigenous Peoples' Rights</i>	72
7.2	<i>The Intersection of Climate Change and the Rights of Indigenous Peoples</i>	73
7.3	<i>The Intersection of Biodiversity and the Rights of Indigenous Peoples</i>	75
7.4	<i>Understanding FPIC and Meaningful Consultation</i>	78
8	Achieving Policy Coherence: Integrating Environmental, Economic, and Financial Agendas	80
8.1	<i>Sustainable Development Planning</i>	81
8.2	<i>Integrated Planning for the Energy Transition</i>	82
8.3	<i>Fiscal Reform</i>	82
9	Advancing a Just Transition: Ensuring Equity, Rights, and Sustainable Livelihoods	85
9.1	<i>Frameworks and Strategies for Just Transitions in Environmental Action</i>	85
9.2	<i>Benefit-Sharing Mechanisms: Eco-compensation and Payments for Ecosystem Services</i>	89
9.3	<i>Promoting Nature-Based Livelihoods and Community-Led Conservation</i>	95
10	Strategic Recommendations for Enhanced Environmental Governance	98
10.1	<i>Strengthen Legal and Policy Frameworks</i>	98
10.2	<i>Bolster the Environmental Rule of Law</i>	99
10.3	<i>Improve Institutional Performance</i>	99
10.4	<i>Ensure Just Transitions and Equity</i>	100
10.5	<i>Promote Inclusive Approaches</i>	100
10.6	<i>Foster Regional Cooperation and Knowledge Sharing</i>	101
10.7	<i>Key Takeaways</i>	102
11	Conclusion	103

Appendix 1	107
<i>Trends in Climate Change Governance in Asia and the Pacific</i>	107
Appendix 2	129
<i>Status of National Biodiversity Strategies and Action Plans in August 2025</i>	129
References	136

List of Tables, Figures, and Boxes

Figures

Figure 1: Core Elements of Principle 10 of the Rio Declaration	5
Figure 2: Status of Nationally Determined Contributions (NDC) in ADB Developing Member Countries as of 2025	13
Figure 3: The Ambition and Implementation Gaps	48
Figure 4: Breaking Down the Implementation Gap	49
Figure 5: Qualities of Effective Biodiversity Governance	71

Boxes

Box 1: Ensuring Nature-Positive Investments	20
Box 2: Trends in Regional Approaches to Regulating Climate Change and Biodiversity	28
Box 3: European Union Deforestation Regulation: A Pioneer in Climate and Biodiversity Regulation?	42
Box 4: A Blueprint for Framework Climate Legislation: Fiji's Climate Change Act 2021	56

Tables

Table 1: Support Mechanisms Under the Paris Agreement	10
Table 2: Options for Promoting Integrated Climate Governance	15
Table 3: International Indigenous Peoples Rights Instruments	25
Table 4: Environmental and Social Frameworks of Multilateral Development Banks	35
Table 5: European Union Ocean Pact Key Objectives and Illustrative Actions	43
Table 6: Climate and Environmental Constitutional Provisions	52
Table 7: Framework Biodiversity Laws in Asia and the Pacific	58
Table 8: Summary of the FPIC Provisions Under Biodiversity Laws	76
Table 9: Opportunities for Removing Environmentally Harmful Subsidies	83
Table 10: Opportunities for Strengthening Legal and Policy Frameworks	98
Table 11: Opportunities for Strengthening the Environmental Rule of Law	99
Table 12: Opportunities for Improving Institutional Performance	100

Table 13: Opportunities for Ensuring Just Transitions and Equity	100
Table 14: Opportunities for Promoting Inclusive Approaches	101
Table 15: Opportunities for Fostering Regional Cooperation	101
Table A1.1: Enacted and Draft Climate Laws: Central and West Asia	107
Table A1.2: Summary of Climate Laws in Southeast Asia	118
Table A1.3: Climate Laws in the Pacific	124
Table A2.1: Central and West Asia National Biodiversity Strategies and Action Plans	129
Table A2.2: East Asia National Biodiversity Strategies and Action Plans	130
Table A2.3: South Asia National Biodiversity Strategies and Action Plans	131
Table A2.4: Southeast Asia National Biodiversity Strategies and Action Plans	132
Table A2.5: Pacific National Biodiversity Strategies and Action Plans	133

Abbreviations

ADB	–	Asian Development Bank
ASEAN	–	Association of Southeast Asian Nations
ASEAN-WEN	–	ASEAN Wildlife Enforcement Network
CBD	–	Convention on Biological Diversity
CO ₂	–	carbon dioxide
COP	–	Conference of the Parties
	–	Comprehensive and Progressive Agreement for Trans-Pacific Partnership
CPTPP		
CSO	–	civil society organization
DMC	–	developing member country
ECT	–	environmental court and tribunal
EFR	–	environmental fiscal reform
EHS	–	environmentally harmful subsidies
EIA	–	environmental impact assessment
EITI	–	Extractive Industries Transparency Initiative
ESCAP	–	Economic and Social Commission for Asia and the Pacific
ESF	–	Environmental and Social Framework
ETS	–	emissions trading system
EU	–	European Union
EUDR	–	EU Deforestation Regulation
FPIC	–	Free, Prior, and Informed Consent
GBF	–	Kunming–Montreal Global Biodiversity Framework
GHG	–	greenhouse gas
ICMM	–	International Council on Mining and Metals
IFC	–	International Finance Corporation
ILO	–	International Labour Organization
IMF	–	International Monetary Fund
	–	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
IPBES		
IPCC	–	Intergovernmental Panel on Climate Change
IPRA	–	Indigenous Peoples’ Rights Act
ISSB	–	International Sustainability Standards Board
IUCN	–	International Union for Conservation of Nature
Lao PDR	–	Lao People's Democratic Republic
LT-LEDS	–	Long-Term, Low Emission Development Strategies
MDB	–	multilateral development bank
MRV	–	monitoring, reporting, and verification
NbS	–	nature-based solution
NBSAP	–	national biodiversity strategies and action plan
NDC	–	nationally determined contribution
NGO	–	nongovernment organization
NGT	–	National Green Tribunal
PES	–	payment for ecosystem services

PRC	–	People's Republic of China
RCEP	–	Regional Comprehensive Economic Partnership
	–	Reducing Emissions from Deforestation and Forest
REDD+		Degradation in Developing Countries
SDG	–	Sustainable Development Goal
SEA	–	strategic environmental assessment
SPREP	–	Secretariat of the Pacific Regional Environment Programme
TNFD	–	Taskforce on Nature-related Financial Disclosures
UAE	–	United Arab Emirates
UN	–	United Nations
UNCLOS	–	UN Convention on the Law of the Sea
UNDRIP	–	UN Declaration on the Rights of Indigenous Peoples
UNEP	–	UN Environment Programme
UNFCCC	–	UN Framework Convention on Climate Change
UNGP	–	UN Guiding Principles on Business and Human Rights

Notes:

ADB refers to “China” as the People’s Republic of China, “Kyrgyzstan” as the Kyrgyz Republic, and “Laos” as the Lao People’s Democratic Republic.

In this publication, “\$” refers to United States dollars and “S\$” refers to Singapore dollars.

1 Introduction

Environmental law has flourished since the 1970s, with a growing commitment to managing climate change and conserving biodiversity. Despite these commitments, greenhouse gas (GHG) emissions reached a record high in 2024, with no signs of peaking, and extinction rates continue to soar (World Meteorological Organization 2024; Diaz et al. 2019). Vulnerable populations are increasingly disproportionately affected, risking the exclusion of vast swathes of humanity.

Numerous factors have contributed to the inadequate response to the twin crises of climate change and biodiversity loss. This paper examines key shortcomings in environmental law and explores potential solutions.

The 1972 United Nations Conference on the Human Environment in Stockholm marked the beginning of global environmental governance.¹ Since then, significant international agreements have been adopted, including the 1992 United Nations Framework Convention on Climate Change (UNFCCC) and the 1992 Convention on Biological Diversity (CBD) (Secretariat of the CBD 2011), which were reinforced by the Paris Agreement in 2015 and the Kunming–Montreal Global Biodiversity Framework (GBF) in 2022.

National policies and commitments have also proliferated. All countries in Asia and the Pacific have submitted nationally determined contributions (NDCs) and communicated national biodiversity strategies and action plans (NBSAPs) (ESCAP et al. 2022). Each of the Asian Development Bank’s (ADB) member countries has established legal frameworks with varying degrees of coverage for climate change and environmental law (ADB 2020a). Despite the array of global pledges, policies, plans, strategies, and laws, we are still failing to achieve our collective climate change and biodiversity goals.

Despite this extensive framework of pledges, policies, and legal instruments, global climate and biodiversity goals remain out of reach. Environmental laws and agreements appear to be falling short due to gaps in legal frameworks, ambition, implementation, justice, and equity. A critical issue is the environmental justice gap, where certain communities face disproportionate environmental impacts or have unequal access to environmental amenities or adequate legal support and remedies. This gap is particularly pronounced in the Pacific. Geographic isolation and institutional capacity constraints exacerbate this gap.

The divide between ambition and implementation is especially stark. Current NDCs fail to meet the emissions reductions necessary to achieve the Paris Agreement’s 1.5°C target (Climate Action Network 2024). Concurrently, efforts to update NBSAPs to align with the GBF are lagging. GHG emissions and species extinctions continue to rise, disproportionately affecting vulnerable populations.

¹ The 1972 United Nations Conference on the Human Environment in Stockholm is formally credited with internationally recognizing environmental law. See Sand (2015).

These issues raise a fundamental question at the heart of this paper: Why are environmental and climate laws failing, and how can their effectiveness be strengthened?

Several factors hinder progress, including weak regulatory frameworks, inconsistent enforcement, and limitations in institutional capacity (Nurhidayah 2019). Additional challenges include policy incoherence, where environmental goals conflict with economic priorities, such as fossil fuel subsidies, and substantial financing gaps for climate and biodiversity initiatives (Lim et al. 2024; ESCAP et al. 2023). Most countries also struggle with the complexity of just transition, particularly one that upholds the rights and livelihoods of affected populations, especially Indigenous Peoples and local communities (ESCAP et al. 2023).

Strengthening the environmental rule of law is essential for overcoming these obstacles and achieving sustainable development (UNEP 2019a, 10; Rao et al. 2023). The United Nations (UN) defines the rule of law as having three related components: accountability, fundamental rights, and inclusive development that is fairly effectuated (UNEP 2019b, 10). The environmental rule of law emphasizes compliance with and enforcement of environmental laws (UNEP 2019a, 10). It requires robust legal frameworks, effective institutions, guaranteed procedural rights (such as access to information, public participation, and access to justice), and accountability mechanisms (Kim et al. 2025; RWI 2020). While there has been progress, with the establishment of environmental courts and tribunals (ECTs) in some jurisdictions and judicial capacity-building initiatives, significant barriers remain.

Addressing gaps in ambition, implementation, and justice requires integrated policies that foster cross-sectoral benefits while minimizing trade-offs (UN 2024; UN DESA and UNFCCC Secretariat n.d.). Countries can enhance policy coherence by aligning fiscal and trade policies with sustainability objectives. Increased financial support from public budgets, multilateral development banks (MDBs), and the private sector is crucial. Legal and policy frameworks can also enhance private sector participation in the collective transition to a low-carbon, inclusive, and environmentally sustainable future.

Additionally, inclusive, just transition strategies must be prioritized. These strategies must ensure the rights of Indigenous Peoples through Free, Prior, and Informed Consent (FPIC), equitable benefit-sharing from conservation efforts, and nature-based livelihoods for Indigenous Peoples and local communities.

Finally, enhanced regional cooperation and knowledge-sharing, drawing from successful governance models within and beyond Asia and the Pacific, can accelerate progress toward a sustainable and resilient future.²

² See, for example, the initiative to develop an Asia-Pacific Synergy Report, coordinated by the Institute for Global Environmental Strategies (IGES) and contributed to by the Asian Development Bank (IGES 2025).

2 The Environmental Governance Landscape in Asia and the Pacific

2.1 Asia and the Pacific: Socioeconomic Realities and Urgent Environmental Challenges

The Asia and Pacific region is critical for global responses to climate change, biodiversity loss, and pollution—the triple planetary crisis (UN DESA and UNFCCC Secretariat n.d.). Sixty percent of the world’s population resides in Asia and the Pacific, which has driven approximately 70% of global economic growth over the past decade.³ However, the development trajectory of Asia and the Pacific has incurred considerable environmental costs, putting ecosystems at risk, worsening inequalities, and hindering the achievement of the Sustainable Development Goals (SDGs) (UN DESA and UNFCCC Secretariat n.d.; ESCAP 2025).

Much of this progress has come through resource-intensive models, which have obscured the increasing environmental degradation and vulnerability of both the people and ecosystems in Asia and the Pacific (UN DESA and UNFCCC Secretariat n.d.; ESCAP 2025). But the region’s economy is deeply rooted in nature. Approximately \$18 trillion of Asia and the Pacific’s economy, over half of its gross domestic product, relies on natural capital and ecosystem services—particularly in the agriculture, fisheries, forestry, construction, and tourism sectors (ADB 2024g). However, this natural capital is under severe strain (Karki et al. 2018, 375).

Asia is warming faster than the global average, and 8 of the world’s 10 most vulnerable countries to climate-related disasters are in Asia and the Pacific (ESCAP et al. 2023). Across the region, unprecedented extreme weather events—including devastating typhoons, floods, heat waves, and droughts—are undermining development gains and threatening future generations (ESCAP et al. 2022).

Pacific developing member countries face an existential threat from sea-level rise, land inundation, and the salinization of freshwater resources—challenges they cannot overcome alone (Muavesi and Parkinson 2022). Glacial melt in the Himalayas is accelerating, jeopardizing water security for vast downstream populations, particularly in Southeast Asia (ESCAP et al. 2023).

Biodiversity loss is occurring at an alarming rate, driven by habitat destruction, unsustainable resource exploitation, invasive species, and pollution (Pörtner et al. 2021, 29; Faroque and South 2022, 389–406). Southeast Asia, a global biodiversity hotspot, is losing forests faster than any other region in the world (BiologyInsights 2025).⁴ Projections from the last decade estimated that parts of Asia and the Pacific could lose up to 98% of their remaining forests by 2026 (Hughes 2017).

³ UNEP. [Our Impact in Asia Pacific](#).

⁴ UN Office on Drugs and Crime. [Asia and the Pacific](#).

Vital ecosystems such as tropical rainforests, peatlands, coral reefs, mangroves, and wetlands are under immense pressure (Faroque and South 2022, 389–406). Mangrove forests, critical for carbon sequestration and coastal protection, have seen significant losses, particularly in Asia and the Pacific, which contains nearly half of the world’s total (ESCAP et al. 2023). Pollution—encompassing air, water, hazardous waste, and plastics—poses severe risks to public health and ecosystems. Additionally, transboundary environmental crime, including illegal wildlife trade and waste dumping, exacerbates these pressures (Faroque and South 2022, 389–406).

This environmental degradation occurs within a complex socioeconomic context. While poverty has decreased, significant pockets still exist, and inequalities remain persistent (ADB 2009a).

Rapid urbanization, often the result of failures in planning, has led to overcrowding, inadequate infrastructure, and increased environmental pressures in cities (ADB 2023a, 86; Karki et al. 2018, 313). Indigenous Peoples and local communities rely heavily on natural resources for their livelihoods, making them highly vulnerable to environmental degradation and climate change (UNEP 2019a, 164; Karki et al. 2018, 15).

Pacific island states, in particular, grapple with unique challenges, including remoteness, limited resource bases, dependence on imports, high transportation and administrative costs, limited institutional capacities, and extreme economic and environmental vulnerability (Mader and Uchiyama 2020, 7; ADB 2018).

Current development pathways appear fundamentally unsustainable, masking increasing risks and eroding the natural capital upon which future prosperity depends (IPBES 2018, 18).

2.2 The Imperative for Strong Environmental Governance and Rule of Law

Addressing interconnected environmental crises and achieving sustainable development in Asia and the Pacific demands robust environmental governance and rule of law (UNDP 2022a). Environmental governance encompasses a complex web of laws, policies, institutions, and processes through which societies manage environmental resources and problems. Given the region’s immense diversity in economic development, political systems, cultural contexts, and ecological conditions, effective governance requires tailored and practical approaches rather than one-size-fits-all solutions (IGES 2025).

The environmental rule of law is central to effective environmental governance. It signifies a state where environmental laws are widely understood, respected, and consistently enforced, and where the broader framework of the rule of law incorporates environmental protection (Muavesi and Parkinson 2022). The environmental rule of law is premised on key governance elements, including:

1. clear, implementable, and enforceable environmental laws;
2. effective institutions with adequate capacity and mandates;
3. accountability mechanisms for both state and non-state actors; and
4. guaranteed procedural rights for the public (WCEL–IUCN 2016; UNEP and ESCAP 2012).

These procedural rights are grounded in Principle 10 of the 1992 Rio Declaration, which emphasizes access to environmental information, meaningful public participation in decision-making processes, and access to justice and effective remedies for environmental harm (UNGA 1992). Figure 1 summarizes the key elements of Principle 10.

Figure 1: Core Elements of Principle 10 of the Rio Declaration



Source: Author.

The environmental rule of law is intrinsically linked to human rights, as the enjoyment of many human rights depends on a safe, clean, healthy, and sustainable environment. Furthermore, the exercise of human rights, such as freedom of expression and assembly, is vital for environmental protection (Kim et al. 2025). The recognition of the right to a healthy environment is growing. In 2021, the Human Rights Council of the UN General Assembly declared the human right to a clean, healthy, and sustainable environment.⁵ Additionally, the Association of Southeast Asian Nations (ASEAN) Human Rights Declaration states that every person has the right to a safe, clean, and sustainable environment (ASEAN 2012, Article 28(f)).

Numerous regional and international actors play a vital role in supporting and advancing environmental governance and the environmental rule of law in Asia and the Pacific. Organizations such as the UN Economic and Social Commission for Asia and the Pacific (ESCAP), the UN Environment Programme (UNEP), ADB, the Secretariat of the Pacific Regional Environment Programme (SPREP) for Pacific island states, and the International Union for Conservation of Nature (IUCN) provide technical assistance, capacity building, knowledge products, and platforms for regional cooperation (IGES n.d.). Specific initiatives, such as the Forum of Ministers and Environment Authorities of Asia Pacific,

⁵ Human Rights Council of the UN General Assembly. Resolution 48/13, [The Human Right to a Clean, Healthy and Sustainable Environment](#), 18 October, A/HRC/RES/48/13.

the upcoming Asia-Pacific Sustainability Report, and networks focused on issues like acid deposition, clean air, and adaptation, contribute to this effort (IGES 2025).

Despite these initiatives and the growing global and regional traction of environmental rule of law principles, a significant gap persists between legal and policy frameworks and their implementation across much of Asia and the Pacific (UNEP 2019b). While environmental laws and procedural rights may exist, factors such as weak enforcement, limited institutional capacity, barriers to accessing information and justice, and shortcomings in public participation processes frequently hinder the realization of the environmental rule of law in practice (Faroque and South 2022, 389–406). This implementation gap remains a central obstacle to achieving effective environmental governance in the region (RWI 2020).

2.3 Indigenous Land Tenure and Environmental Outcomes

Indigenous Peoples and local communities play a critical and often undervalued role in environmental stewardship across Asia and the Pacific (Tran et al. 2025). Their traditional knowledge, customary governance systems, and deep connection to their lands and territories are vital for biodiversity conservation, sustainable resource management, and climate resilience (Nurhidayah 2019). Studies increasingly show that conservation outcomes are often better in areas managed or governed by Indigenous Peoples and local communities (Dawson et al. 2021, 19).

Indigenous Peoples' lands overlap with approximately 40% of the world's protected areas, with Indigenous Peoples managing 80% of Earth's biodiversity (UN 2025, 3; Tran et al. 2025). Forests are more likely to remain intact when located within Indigenous Peoples' lands, and a growing body of research indicates that local use and management have led to biodiversity hotspots (Rai et al. 2021). Moreover, more than one-third of intact forest landscapes are situated within Indigenous Peoples' territories (Fa et al. 2020, 135–140).

The world's tropical forests serve as significant carbon sinks, with almost one-quarter of the aboveground carbon storage found in tropical forests managed by Indigenous Peoples and local communities. About 22% of this terrestrial carbon is located in South Asia, Southeast Asia, and the Pacific, more specifically, India, Indonesia, and Papua New Guinea (Rights and Resources Initiative et al. 2015, Figure 1). In Southeast Asia, deforestation rates on lands owned by Indigenous Peoples are half those of other lands (Tran et al. 2025). Unfortunately, at least 10% of the carbon stored in tropical forests is found in collective forest lands that lack formal recognition (Rights and Resources Initiative et al. 2015).

Indigenous Peoples and local communities are often among the most vulnerable populations, facing threats from climate change, resource extraction, land grabbing, and potentially harmful consequences from poorly designed environmental policies or projects (ILO 2024).

Advancing environmental governance and just transition requires explicit recognition and upholding of the rights of Indigenous Peoples and local communities, particularly their customary tenure, right to consent and participate in projects, and right to benefit from genetic resources within their territories.

2.4 Indigenous Peoples Terminology

The terminology used to refer to Indigenous Peoples in international instruments and constitutions varies significantly across states, regions, and legal instruments. While “Indigenous Peoples” has gained international recognition, particularly through instruments like the 2007 UN Declaration on the Rights of Indigenous Peoples and the 1989 Indigenous and Tribal Peoples Convention, many peoples and national constitutions employ alternative terms.

National constitutions might refer to “ethnic minorities,” “tribal groups,” “aboriginals,” “Adat communities” (common in parts of Southeast Asia), “hill tribes,” “minority nationalities,” or “traditional communities.” (AIPP 2014, 1) However, in the ADB’s Safeguard Policy Statement (2009) and the Environmental and Social Framework (2024) require application of an ‘identification process’ to determine whether a socio-cultural group, will qualify as Indigenous Peoples or not in ADB funded and administered projects. Such identification process is solely for the application of ADB’s IP safeguards policy.

.⁶

⁶ ADB. [Environmental and Social Framework: Definitions](#).

3 Global Climate and Biodiversity Policy Frameworks

International legal frameworks regulating climate change, biodiversity, nature, the environment, access and benefit sharing, and Indigenous Peoples are numerous, and this paper cannot summarize them all. Instead, it focuses on the core architecture for climate change and biodiversity. For more information about other relevant treaties, refer to ADB's 2020 publication *Climate Change, Coming Soon to a Court Near You: International Climate Change Legal Frameworks*, which provides a more comprehensive assessment of relevant instruments (ADB 2020b).

3.1 Climate Change

3.1.1 United Nations Framework Convention on Climate Change, 1992

The UNFCCC lays the foundation for international climate action, with the goal of stabilizing global GHG concentrations.⁷ Since its inception in 1994, it has established the architecture for global cooperation on climate action. Parties have binding general commitments to (i) implement programs targeting climate change mitigation, and (ii) track their GHG emissions while reporting on the measures taken to implement the UNFCCC.⁸ Annex I countries (developed countries) are also required to adopt national policies and take corresponding measures to limit their GHG emissions and report on their efforts to return, individually or jointly, to their 1990 GHG emission levels.⁹

Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD+). The 19th Conference of the Parties to the UNFCCC (COP19) in 2013 adopted the Warsaw Framework for REDD+.¹⁰ The REDD+ framework aims to support developing countries in reducing deforestation, enhancing forest carbon stocks, and securing finance through phased implementation.¹¹ Seven core decisions addressed national forest monitoring systems, monitoring, reporting, and verification (MRV), reference levels, safeguards, and results-based finance.

However, there have been instances where poorly designed REDD+ projects have marginalized Indigenous Peoples and local communities by failing to ensure equitable benefit-sharing, land tenure security, and meaningful participation (Brown 2024). Consequently, poorly designed initiatives risk reinforcing land dispossession and undermining traditional governance.

⁷ [United Nations Framework Convention on Climate Change](#) (UNFCCC). New York, 9 May 1992, United Nations Treaty Series, Vol. 1771, No. 30822.

⁸ [UNFCCC](#), Articles 4(1)(a) and 12(1).

⁹ [UNFCCC](#), Articles 4(2)(a)–(b).

¹⁰ UNFCCC. [Warsaw Framework for REDD-plus](#).

¹¹ The “+” refers to additional forest-related activities that protect the climate, such as sustainable forest management and the conservation and enhancement of forest carbon stocks. See UNFCCC. [What is REDD+?](#)

3.1.2 Paris Agreement, 2015

Goals. The Paris Agreement has three core goals for post-2020 climate action.¹² These goals focus on (i) limiting global warming to 1.5°C–2°C, requiring GHG emissions to peak before 2025 and decline by 45% by 2030; enhancing climate adaptation; ensuring resilience against climate impacts; and aligning financial flows with climate objectives to support low-carbon development.¹³

Binding obligations. Although described as a legally binding treaty, only the agreement’s processes are obligatory, and not its goals (MacLellan 2021). Parties have the flexibility to adopt commitments that align with their national circumstances and the treaty’s purpose. Mandatory commitments include¹⁴

- communicating successively more ambitious nationally determined contributions (NDCs) every 5 years, guided by the best available science;
- ensuring transparency and reporting, ensuring accountability in climate action; and
- mobilizing finance to support mitigation, adaptation, technology transfer, and capacity building.

Global stocktake. NDC reviews occur every 5 years through the global stocktake, with the first taking place in 2023. The first stocktake concluded that NDC pledges would result in 2.1°C–2.8°C of global warming.¹⁵ Countries were asked to submit their third NDC (NDC 3.0), with significantly increased ambition, by 10 February 2025 (CMA 2024a, 2024b). NDC 3.0 should also articulate sectoral climate action, incorporate just transition, and outline financial and implementation plans.¹⁶

Adaptation. Article 7 requires the establishment of a global goal on adaptation. The UAE Framework for Global Climate Resilience Targets sets adaptation targets along with an iterative adaptation cycle in 2023 (CMA 2023). Under this framework, parties committed to (i) conducting impact, vulnerability, and risk assessments to inform adaptation planning; (ii) preparing national adaptation plans that are country-driven, gender-responsive, participatory, and transparent; (iii) commencing the implementation of their adaptation plans; and (iv) designing and implementing systems for monitoring, evaluation, and learning (CMA 2021).

Work is ongoing under the United Arab Emirates (UAE)–Belém Work Programme to establish indicators for measuring progress achieved toward the targets of the UAE Framework for Global Climate Resilience (Hashweh n.d.; Beauchamp (2024).

¹² [Paris Agreement](#), Paris, 12 December 2015, United Nations Treaty Series, No. 54113.

¹³ [The Paris Agreement](#).

¹⁴ [Paris Agreement](#), Paris, 12 December 2015, United Nations Treaty Series No. 54113, Articles 4, 9, 13, and 14; and UNFCCC. [Key Aspects of the Paris Agreement](#).

¹⁵ UNFCCC. [Outcome of the First Global Stocktake](#).

¹⁶ See UNFCCC. [NDC 3.0](#); [NDC 3.0 Navigator](#); CMA (2018a); and Climate Action Network International (2024).

Enhanced transparency framework. Transparent reporting on progress with climate pledges is also central to enhancing ambition over time. Article 13 established the Enhanced Transparency Framework. At COP24 in 2018, the parties established a universal reporting system for reporting and reviewing GHG emissions, adaptation actions, and climate finance (CMA 2018b). This system requires the submission of biennial transparency reports.

Support mechanisms. Significant financing and transfers of technology and knowledge are essential to enable our collective achievement of climate goals. Articles 9–11 require Annex I countries to provide financial, technical, and capacity support to non-Annex I countries. Table 1 summarizes these obligations.

Table 1: Support Mechanisms Under the Paris Agreement

Support Mechanisms	Article	Annex I Country Obligation	Key Mechanisms, Goals, and Bodies	Reporting Requirement (Biennial Transparency Reports)
Climate Finance	9	<i>Shall</i> provide financial resources to assist developing countries (Article 9.1). <i>Should continue to take the lead</i> in mobilizing climate finance (Article 9.3). <i>Shall</i> communicate finance info biennially (Articles 9.5).	Financial Mechanism (Green Climate Fund, Global Environmental Facility, Adaptation Fund), New Collective Quantified Goal	Information on financial support provided and mobilized. Indicative future levels of public financial resources.
Technology Development and Transfer	10	<i>Shall</i> provide financial resources for the Technology Mechanism (Article 10.5). Support, including financial support, <i>shall be provided</i> to developing countries for implementation of Article 10 (Article 10.6).	Technology Mechanism (Technology Executive Committee, Climate Technology Centre and Network), Technology Framework	Information on technology development and transfer support provided.
Capacity Building	11	<i>Should</i> enhance support for capacity-building actions in developing country Parties (Article 11.3).	Paris Committee on Capacity Building	Information on capacity-building support provided.

Source: [Paris Agreement](#). Adopted 12 December 2015, United Nations Treaty Series. No. 54113. Articles 9–11.

The preamble of the Paris Agreement expressly acknowledges the need to respect and consider the rights of Indigenous Peoples in climate action. The Local Communities and Indigenous Peoples Platform, established under the UNFCCC, aims to integrate Indigenous Peoples' and local communities' knowledge and ensure their participation.¹⁷

Just Transition. While the Paris Agreement does not explicitly mention just transition, its importance is recognized. A 2022 review of strategies revealed that only 38% of NDCs and 56% of Long-Term, Low Emission Development Strategies (LT-LEDS) referenced just transition (UNDP 2022b, 11). Of these NDCs, only 8% discussed just transition as a cross-cutting issue (UNDP 2022b, 13). Future iterations of NDCs and LT-LEDS need to incorporate just transition more effectively.

Integrating biodiversity and climate action. Before 2022, the Paris Agreement did not obligate parties to consider biodiversity impacts in climate planning (Eales and McCormack 2024, 357; Pörtner et al. 2021). However, in 2022, countries agreed to integrate biodiversity considerations into NDCs, committing to

- recognize biodiversity-climate linkages to address interconnected crises;
- encourage the integration of biodiversity within climate commitments;
- promote nature-based solutions for climate adaptation and mitigation; and
- mobilize finance and technical support, particularly for developing member parties (World Resources Institute 2022).

This integration is expected in NDC 3.0.

3.1.3 Asia and Pacific Progress on Climate Commitments

The performance of Asia and the Pacific regarding its commitments under the Paris Agreement highlights a disconnect between the Paris Agreement's goals, stated ambitions, and measurable progress. The region accounts for over half of global GHG emissions, making it critical for achieving global climate goals. However, its current emissions trajectory is not on track to meet the Paris Agreement's goals (ADB 2024a, 23).

Ambition Gaps Persist and NDC Updates Are Delayed

Reviews by the UN Economic and Social Commission for Asia and the Pacific (ESCAP) in 2023 and 2024 underscore the extent of the prevailing ambition gap (ESCAP et al. 2023; ESCAP and UNEP 2024). In 2023, 39 out of 49 ESCAP Asia and Pacific member states had pledged to achieve carbon neutrality or net-zero emissions.¹⁸ ESCAP and UNEP closely examined the emissions reduction targets of the 17 countries responsible for 97% of the region's emissions in their 2024 review of climate ambition.¹⁹ Fewer than one-third of

¹⁷ UNFCCC. [Local Communities and Indigenous Peoples Platform](#).

¹⁸ All ADB's 47 DMCs are either full or associate members of ESCAP. See ESCAP. [ESCAP Members and Associate Members](#); and ADB. [2025 Developing Members](#).

¹⁹ The 17 countries are Australia, Bangladesh, the People's Republic of China, India, Indonesia, the Islamic Republic of Iran, Japan, Kazakhstan, Malaysia, Pakistan, the Philippines, the Russian Federation, the Republic of Korea,

these high emitters set absolute year targets; approximately half use business-as-usual reduction targets; four set intensity-based targets; and 14 set carbon-neutrality goals (ESCAP and UNEP 2024, 7).

Unfortunately, few of the high-level climate commitments in Asia and the Pacific are supported by updated or sufficiently ambitious NDCs to enable the necessary deep reductions in GHG emissions.²⁰ The combined unconditional and conditional NDC commitments would result in emissions reaching 26.73 gigatons of carbon dioxide (CO₂) equivalent (GtCO₂e) by 2030, creating a gap of 9.71 GtCO₂e compared to the pathway required to achieve a 43% reduction in GHG emissions from 2019 levels by 2030 (ESCAP et al. 2023, 76). As such, the NDCs collectively fall short of keeping global warming below 2°C by 2030.

The third NDC submission cycle (NDC 3.0) represents a critical opportunity for the region to align its national plans with the scientific consensus articulated by the IPCC, which requires a 48% reduction in CO₂ emissions in the region by 2030 (ESCAP et al. 2025). However, progress is slow.

Only 13 countries worldwide submitted their third nationally determined contribution (NDC 3.0) by the 10 February 2025 deadline, including the Marshall Islands (UN ECA 2025). Maldives, Nepal, and Niue have since submitted their third NDC (by July 2025).²¹ Five developing member countries (DMCs) have submitted their second NDC, meaning that nearly 70% of ADB's DMCs are still implementing their updated, revised, or enhanced first NDC as of July 2025.²² Figure 2 provides a breakdown of the status of NDC submissions as of July 2025.

Thailand, Türkiye, Viet Nam, and Uzbekistan; and see ESCAP and UNEP (2024, 7).

²⁰ See ESCAP et al. (2023, 5). The 49 states include ADB's DMCs plus Australia; the Democratic People's Republic of Korea; the Republic of Korea; the Islamic Republic of Iran; Macau, China; the PRC; New Zealand; and the Russian Federation.

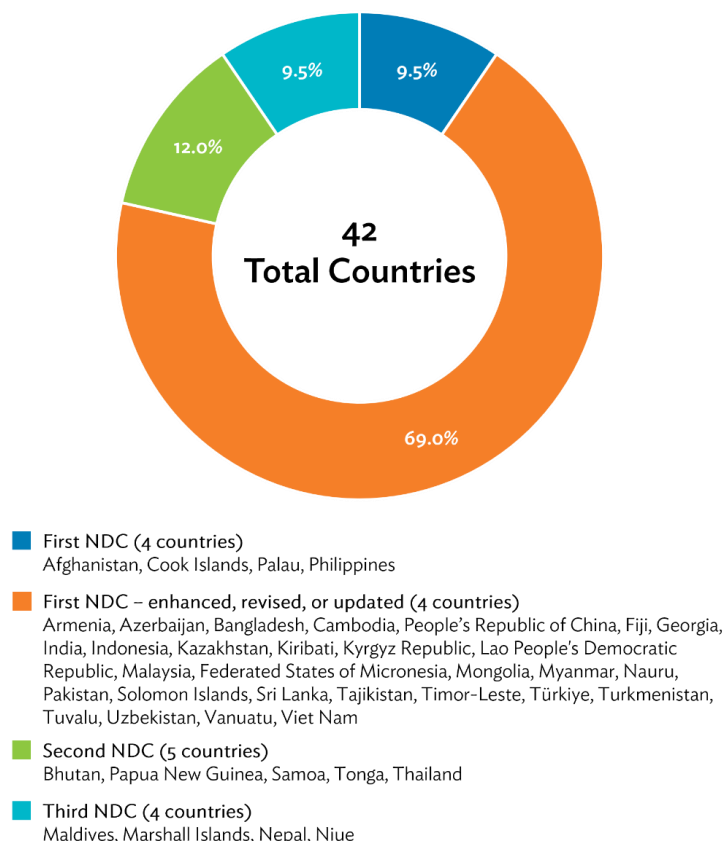
²¹ UNFCCC. [NDC Registry](#) (accessed 24 July 2025).

²² UNFCCC. [NDC Registry](#).

Figure 2: Status of Nationally Determined Contributions (NDC) in ADB Developing Member Countries as of 2025

NDC Status Distribution

A visual overview of the proportion of countries by NDC status, with a detailed breakdown of the countries in each category below



Lao PDR = Lao People’s Democratic Republic, NDC = nationally determined contribution.

Notes:

1. ADB placed its assistance to Afghanistan on hold effective 15 August 2021. ADB. 2021. [ADB Statement on Afghanistan](#). 10 November.
2. Figure current to April 2025.

Sources. UNFCCC. [NDC 3.0](#) and [NDC Registry](#);

Countries are also failing to set targets beyond 2030. Globally, the Climate Action Tracker has tracked only 11 countries that have submitted updated NDCs with a 2035 target (Climate Action Tracker 2025a). The delays in updating NDCs reflect the complex challenges in translating national climate policies into tangible results. They also highlight the continued need for climate finance to help countries plan their transition to low-emission, climate-resilient pathways.

Just Transition

Embedding just transition principles in NDCs and climate strategies, including LT-LEDS, remains a work in progress for most countries. A 2022 global review of climate strategies

found that 38% of NDCs and 56% of long-term strategies explicitly mentioned just transition. However, only 17% of NDCs and 55% of long-term strategies include a dedicated section on just transition (Lee and Baumgartner 2022, 6).

A review of the second and third NDC submissions from Bhutan, Maldives, the Marshall Islands, Nepal, Papua New Guinea, Samoa, Tonga, and Thailand reveals a growing emphasis on just transition, particularly in the third-round submissions (Government of Bhutan 2021; Government of Maldives 2025; Government of the Marshall Islands 2025; Government of Nepal 2025; Government of Niue 2025; Government of Papua New Guinea 2020; Government of Samoa 2021; Government of Tonga 2020; Government of Thailand 2022).

Maldives' NDC 3.0 emphasizes an inclusive transition that ensures no one is left behind—especially vulnerable groups such as women and youth (Government of Maldives 2025, 5–6). The pledge commits to advancing comprehensive and inclusive climate solutions through extensive consultations and strengthening economic diversification plans while promoting a just, orderly, and equitable shift away from fossil fuels (Government of Maldives 2025, 17).

The foreword to Niue's NDC 3.0 describes climate action as an opportunity for a fair transition but lacks specific strategies or frameworks related to it (Government of Niue 2025, iii). In its third NDC, the Marshall Islands underscores the global imperative for a just, fair, and orderly transition away from fossil fuels and aims to identify new economic pathways for youth in this context (Government of the Marshall Islands 2025, 28–29). To this end, the Marshall Islands plans to “build the capacity of children and youth stakeholders to engage in climate decision-making and programming” (Government of the Marshall Islands 2025, 19).

Only Nepal's NDC dedicates a section to Just Transition and Human Rights, committing to creating decent work and quality jobs to ensure that “no people, workers, places, sectors, countries, or regions are left behind” (Government of Nepal 2025, 34). Just Transition Impact Assessments will be conducted for each sector, and job placement support will be provided to workers. The NDC also pledges to improve equitable benefit-sharing in the forestry sector for at-risk communities and workers (Government of Nepal 2025, 34).

Inclusion of Indigenous Peoples, Local Communities, and Vulnerable Populations

Niue's NDC explicitly commits to incorporating traditional knowledge and sustainable cultural practices in coastal resource management and ocean understanding, noting that it is “strengthened by our rich cultural heritage and traditional knowledge” (Government of Niue 2025, iii).

Maldives mentions leveraging “sustainable traditional knowledge” in technology adoption and highlights the importance of “traditional methods” in fisheries (Government of Maldives 2025, 34). The Marshall Island's approach to adaptation is informed by “local and indigenous knowledge” and science (Government of the Marshall

Islands 2025, 8). The NDC commits to utilizing indigenous construction skills for low-carbon transport and emphasizes the Reimaanlok Approach, which merges scientific conservation with traditional community-based practices, consulting traditional landowners (Government of the Marshall Islands 2025, 17).

Nepal’s NDC also pledges to ensure the meaningful participation of Indigenous Peoples and other marginalized groups, aiming to introduce FPIC Implementation Guidelines by 2030 (Government of Nepal, 35). Additionally, the government commits to recognizing the customary institutions and practices of Indigenous Peoples and marginalized groups within national policies, plans, and programs. It also commits to ensuring proportional representation and equitable benefits for Indigenous Peoples in forest management, integrating traditional and indigenous knowledge into local curricula and disaster risk reduction planning (Government of Nepal 2025, 10, 12, and 29).

Critical Considerations for NDC 3.0

A 2024 ESCAP review of climate ambition in Asia and the Pacific identified three central areas for advancing climate action: climate ambition (especially in the energy and transport sectors), climate finance, and stakeholder engagement (ESCAP and UNEP 2024). It noted that inclusive governance structures that actively engage with stakeholders, including Indigenous Peoples, local communities, and vulnerable populations, ensure equitable and effective decision-making (ESCAP and UNEP 2024, 74). The report also called for countries to adopt cross-sectoral coordination mechanisms to enhance collaboration among ministries, supporting integrated approaches (ESCAP and UNEP 2024, 49–70). **Table 2** provides more information on the nature of these cross-sectoral coordination mechanisms and options for promoting integrated approaches.

Table 2: Options for Promoting Integrated Climate Governance

Strategic Pillar	Sectoral Actions	Integrated Mechanisms and Tools	Governance and Engagement
1. Advancing Ambition	<ul style="list-style-type: none"> - Renewable energy targets - Transport emissions goals - Power sector decarbonization - Fossil fuel subsidy phase-out 	<ul style="list-style-type: none"> - Nature-based solutions - Gender-responsive policies - Monitoring and evaluation systems 	<ul style="list-style-type: none"> - Cross-sector coordination - Alignment of NDCs with LT-LEDS and national development plans
2. Scaling Up Climate Finance	<ul style="list-style-type: none"> - Mobilization of public–private finance - Expansion of green technologies 	<ul style="list-style-type: none"> - Access to climate funds - National budgeting integration 	<ul style="list-style-type: none"> - Institutional capacity-building - Regional cooperation frameworks

Strategic Pillar	Sectoral Actions	Integrated Mechanisms and Tools	Governance and Engagement
	- Carbon pricing and green bonds	- Tech-driven financing tools	
3. Stakeholder Engagement	- Engagement in transport, energy, and resilience projects	- Inclusion of Indigenous Peoples and local communities - Social protection mechanisms	- Inclusive governance frameworks - South-South cooperation - Regional knowledge-sharing

LT-LEDS = Long-Term Low Emission Development Strategies, NDC = nationally determined contribution. Source: ESCAP and UNEP. 2024. [2024 Review of Climate Ambition in Asia and the Pacific: From Ambitions to Results: Sectoral Solutions and Integrated Action](#).

Progress on the SDGs is also relapsing. A 2025 analysis by the UN and ADB found that progress on SDG 13 (Climate Action) has regressed, with Asia and the Pacific failing to advance on any of the 17 SDGs (ESCAP et al. 2025, ii and 1). Hence, consideration of the interlinkages between climate action and the SDGs is essential in NDC 3.0.

3.2 Biodiversity

The international biodiversity legal framework is primarily constituted by the Convention on Biological Diversity (CBD), its Nagoya Protocol on Access and Benefit-Sharing, and the Kunming–Montreal Global Biodiversity Framework (GBF). This framework represents an evolving and complex system of global environmental governance.

3.2.1 Convention on Biological Diversity, 1992

The CBD has three core focuses: (i) conserving biodiversity, (ii) using its components sustainably, and (iii) sharing benefits from genetic resources fairly and equitably (SCBD 2000).

Core architecture. The CBD emphasizes the protection of species and ecosystems in their natural environments, recognizing the intrinsic value of biodiversity to humanity. Parties to the convention must develop national strategies (NBSAPs), monitor biodiversity, and integrate conservation into their policies.

The CBD also stresses the importance of international cooperation, including the provision of financial resources and technology transfer, especially to developing countries. Sustainable use is defined as utilizing components of biological diversity in a manner that prevents long-term decline while ensuring that the needs of future generations are met (Article 2).

Protections for Indigenous Peoples and local communities. The CBD imposes specific requirements on parties to protect the rights of Indigenous Peoples and local communities. Parties must take steps to ensure the preservation of Indigenous Peoples' and local communities' traditional knowledge, innovations, and practices (Article 8(j)). Traditional practices should be adopted in conservation activities, with the approval and involvement of Indigenous Peoples and local communities. There must also be equitable benefit-sharing with Indigenous Peoples and local communities. Article 10(c) of the CBD emphasizes that Parties should protect the customary and sustainable use of biological resources.

3.2.2 Nagoya Protocol, 2011

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the CBD operationalizes the CBD's goal of ensuring fair and equitable benefit-sharing (SCBD 2011b). It is the first legally binding international agreement that grants Indigenous Peoples and local communities specific rights over their traditional knowledge associated with genetic resources.²³

Prior informed consent and mutually agreed terms. The Nagoya Protocol establishes a framework for consent, agreement terms, benefit-sharing, compliance, and the protection of traditional knowledge.²⁴ Parties to the protocol must establish clear rules for prior and informed consent from Indigenous Peoples and local communities to access their (i) traditional knowledge associated with genetic resources; and (ii) genetic resources, provided the Indigenous Peoples and local communities have established rights (SCBD 2011b, Article 6). The protocol also requires genetic resource users to negotiate fair agreements with providers based on mutually agreed terms (SCBD 2011b, Articles 5–7). Benefits may be monetary or nonmonetary (SCBD 2011b, Article 5). Article 12 mandates that Parties respect Indigenous Peoples' and local communities' customary laws and community protocols in managing access and benefit-sharing.

Participation and benefit-sharing. Ensuring genuine participation and equitable benefit flows to Indigenous Peoples and local communities under the Nagoya Protocol remains a significant challenge. Despite the proliferation of international agreements on benefit-sharing, there is still a lack of conceptual clarity on what benefit-sharing means, how it should be fully developed, and how it can be made satisfactorily operational (Morgera 2024, 4). Insufficient funding for biodiversity initiatives and limited capacity within governments also hinder benefit-sharing (Thuy 2013).

3.2.3 Kunming–Montreal Global Biodiversity Framework, 2022

For 3 years, the CBD's strategic plans, most notably the Aichi Biodiversity Targets (2011–2020), guided national efforts (SCBD 2010). However, the continued acceleration of

²³ ABS Initiative. [Traditional Knowledge and Local Providers](#).

²⁴ CBD. [About the Nagoya Protocol](#); and ABS Focal Point. [Nagoya Protocol](#).

biodiversity loss prompted the international community to adopt a more ambitious and urgent agenda.

The GBF of 2022 is the definitive standard under the CBD for halting and reversing biodiversity loss by 2030 (CBD 2022). It represents a fundamental evolution in the global approach to biodiversity conservation and builds on previous CBD strategic plans. The GBF reinforces the interconnectedness of the biodiversity and climate agendas, particularly through nature-based solutions (NbS) and sustainable development. Unlike the Paris Agreement, the GBF is not a binding treaty but rather an agreement among the parties to the CBD.

A defining feature of this new paradigm is the explicit emphasis on integration and equity. The GBF calls for a “whole-of-government, whole-of-society approach,” recognizing that biodiversity cannot be protected by environment ministries alone (Andersen 2024). It demands the full integration of biodiversity and its values into the policies, regulations, and development processes of all government sectors and private industries (Target 14).

Furthermore, the GBF is deeply imbued with a human rights-based approach. It repeatedly underscores the need for “full, equitable, inclusive, effective and gender-responsive representation and participation” of Indigenous Peoples and local communities, respecting their rights over lands, territories, and resources (Target 22). This focus on equity and rights is central to the framework’s strategy, recognizing that effective and fair conservation depends on empowering local stewards of nature. This feature also marks a major step forward from the Aichi Targets set for 2011–2020, establishing the GBF as a framework for both ecological recovery and social justice.²⁵

Goals. The GBF adopts four long-term goals for 2050 and 23 action-oriented targets for 2030 (Sections G and H). Targets include conserving 30% of the world’s terrestrial, inland water, coastal, and marine areas (Target 3) (30x30 target), restoring 30% of degraded ecosystems (Target 2), promoting the sustainable use of biodiversity, addressing key drivers of biodiversity loss (such as pollution and invasive species), ensuring fair and equitable benefit-sharing from genetic resources, and mobilizing significant financial resources (SCBD 2022).

Protections for Indigenous Peoples and local communities. The GBF affirms the rights and contributions of Indigenous Peoples and local communities related to biodiversity. It does not replace the Nagoya Protocol but seeks to strengthen the implementation of biodiversity conservation through a structured road map. The GBF clarifies that FPIC should be sought from Indigenous Peoples in line with the UN Declaration on the Rights of Indigenous Peoples (discussed further below).

COP16 resulted in important actions to ensure the inclusion of Indigenous Peoples and local communities in biodiversity conservation. The Parties adopted a new Programme of Work on Article 8(j), which seeks to embed the rights, contributions, and traditional

²⁵ Secretariat of the CBD (SCBD). [Strategic Plan for Biodiversity 2011–2020](#). Decision X/2. (Aichi Targets).

knowledge of Indigenous Peoples and local communities into the global agenda (SCBD 2025a). Parties also agreed to establish a permanent Subsidiary Body on Article 8j. Furthermore, under the monitoring framework for the GBF, countries are urged to report on progress in protecting Indigenous Peoples' and local communities' rights and their inclusion in conservation planning in their seventh national report (SCBD 2025b; WRI 2025).

National biodiversity strategies and action plans. The national biodiversity strategies and action plans (NBSAPs) are the primary instruments for implementing the CBD at the national level. The GBF requires all parties to revise or update their NBSAPs by COP16 in October 2024 to align with new global goals and targets, including the headline target of protecting 30% of land and sea by 2030 (the 30x30 target) (SCBD 2022; UNEP 2023b; Nadarajah 2023). This revision process is crucial for translating global ambitions into national actions (Climate Action Network 2024). Mechanisms for monitoring, reporting, finance, capacity building, and technical cooperation support the implementation of these strategies.

Just transition. The GBF emphasizes the need for financial mechanisms and subsidy reforms to facilitate biodiversity-friendly economic shifts.

Biodiversity finance. The GBF aims to close the estimated \$700 billion annual biodiversity funding gap by reforming harmful incentives by at least \$500 billion per year by 2030 (Target 18). Target 19 aims to increase financial resources from all sources to at least \$200 billion annually by 2030 and to mobilize international biodiversity finance from developed to developing countries. This financing should reach at least \$20 billion per year by 2025 and \$30 billion by 2030 (Target 19a).

Governments adopted the first global strategy to finance biodiversity in February 2025 at COP16 (UNEP 2025). This strategy tasks governments and financial institutions with increasing international financial flows to developing countries, aiming for at least \$20 billion annually by 2025 and \$30 billion annually by 2030. Additionally, the strategy seeks to (i) mobilize at least \$200 billion each year by 2030 from diverse sources—including domestic, international, public, and private sectors—to enhance positive incentives for biodiversity conservation and sustainable utilization, and (ii) eliminate or reform subsidies harmful to biodiversity, with a goal of reducing them by at least \$500 billion annually by 2030, as stated under GBF Target 18 (SCBD 2025c, 66–94; Bromley 2024). This paper discusses environmentally harmful subsidies in Part VIII.

The global biodiversity strategy also outlines priority actions for financial institutions to protect biodiversity with nature-positive investments. Box 1 summarizes these recommended actions.

COP16 also launched the Cali Fund for the Fair and Equitable Sharing of Benefits from the Use of Digital Sequence Information on Genetic Resources. Companies that commercially benefit from data related to genetic resources in nature are required to

contribute a portion of their revenue to the fund, which is designed to support the implementation of the GBF (Secretariat to the CBD 2025d).

Box 1: Ensuring Nature-Positive Investments

The first global strategy to finance biodiversity encourages financial institutions to adopt three pivotal strategies to advance nature-positive investment:

1. **Enhance environmental and social safeguards.** Robust frameworks are essential for measuring, reporting, and disclosing investments and their impacts on biodiversity. These frameworks may include innovative tools such as biodiversity credits along with adherence to evolving global transparency standards.
2. **Scale up biodiversity investments.** Increase financial contributions, particularly through blended finance models, impact-focused funds, and collaborations between the public and private sectors. These initiatives aim to channel resources into solutions that foster positive environmental outcomes.
3. **Improve transparency and disclosure.** Conduct regular evaluations of dependencies, risks, and impacts related to biodiversity. Financial institutions should prioritize comprehensive reporting practices that align with global disclosure frameworks to ensure accountability and informed decision-making.

Sources: UNEP. 2025. [Governments Adopt First Global Strategy to Finance Biodiversity: Implications for Financial Institutions](#). News release. 3 March; and CBD. 2025. [Decision CBD/COP/16/2/Rev.1](#). Item 11, Annexes I–IV, pp. 66–94.

3.2.4 Asia and Pacific Progress on Biodiversity Commitments

A foundational step for implementing the GBF at the national level is the revision and updating of NBSAPs. The CBD COP15 in 2022 set a clear expectation for all 196 parties to the CBD to align their NBSAPs with the GBF's new, ambitious goals and targets and to submit these revised plans by COP16 in October 2024 (Conference of the Parties to the CBD 2022b, Article 6; Xu et al. 2025, 1–4). However, as only 44 countries met this deadline, parties were urged to update their NBSAPs as soon as possible (Conference of the Parties to the CBD 2024).

Progress in submitting updated NBSAPs has continued to be slow.²⁶ As of June 2025, 54 countries globally had submitted post-GBF NBSAPs, including Afghanistan, the People's Republic of China (PRC), India, Indonesia, Malaysia, Thailand, Tonga, and Viet Nam.²⁷

²⁶ CBD. [National Biodiversity Strategies and Action Plans \(NBSAPs\)](#). .

²⁷ CBD. [Dashboard](#). See also CBD. [National Targets Analyzer](#); and WWF. [National Action Plans: Check How Your Country Is Doing](#).

This sluggish response is not merely a procedural or administrative lapse; it is a critical early warning sign of a persistent gap between stated ambition and practical action.

The current lag echoes past failures in updating NBSAPs and highlights persistent systemic weaknesses that plagued the Aichi era: a lack of political urgency, insufficient institutional capacity, and inadequate financial planning (GEF 2024, 4–5). The failure to promptly formulate and submit GBF-compliant NBSAPs indicates that many governments have not yet internalized the GBF’s call for immediate and transformative action. This inertia at the planning stage fundamentally undermines the Decade of Action—2020–2030—which is now half over.

According to the CBD’s National Targets Analyzer, most national plans struggle to fully align with the GBF targets. Only 82 countries have set national targets for every GBF target.²⁸ This list includes Armenia, Azerbaijan, Bangladesh, the Cook Islands, the PRC, Fiji, Indonesia, India, the Lao People’s Democratic Republic (Lao PDR), Malaysia, Nepal, Nauru, Papua New Guinea, the Philippines, Pakistan, Palau, Uzbekistan, and Vanuatu.

The updated NBSAPs are not resulting in universal compliance with the GBF’s targets. More than half of the updated submitted NBSAPs do not commit to the 30x30 target, with countries tending to pick and choose their targets (Dunne 2025). Another trend among countries covering a third of the world’s land is that they are pledging to protect less than 30% of their land area or omitting numerical targets altogether (Dunne 2025). One study found a “lack of alignment between the GBF and country submissions across many targets,” except for Target 3, which calls for increasing protected areas to 30% of national territory (Reed et al. 2024, 1–6).

If a selective focus on particular targets becomes widespread within NBSAPs, it could undermine the holistic approach intended by the GBF, even if some individual targets appear to be met or exceeded.

3.2.5 Marine Biodiversity

Less than 3% of the oceans are protected from environmentally harmful activities, making it difficult to preserve marine life or meet the GBF’s goals in the oceans (Hammerschlag 2025).

Collectively, the United Nations Convention on the Law of the Sea, 1982 (UNCLOS), the UN Fish Stocks Agreement, 1995, and the Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, 2023 (High Seas Treaty), establish the international legal framework for the sustainable management of international fisheries.²⁹

²⁸ CBD. [National Targets Analyzer](#) (accessed 19 June 2025).

²⁹ [United Nations Convention on the Law of the Sea](#) (UNCLOS). Montego Bay, 10 December 1982. UN Treaty Series No. 31363; UNGA. 1995. [UN Fish Stocks Agreement](#); and [Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National](#)

Under UNCLOS, the high seas, which cover roughly two-thirds of the ocean, are not subject to state jurisdiction. However, once the High Seas Treaty takes effect, member states will be able to create marine protected areas beyond their borders in international waters (Hammerschlag 2025). The High Seas Treaty focuses on four areas: (i) marine genetic resources and fair benefit-sharing, (ii) area-based management tools, (iii) environmental impact assessment, and (iv) capacity building and transfer of marine technology.³⁰

Sixty ratifications are required for the High Seas Treaty to enter into force; as of 21 June 2025, 51 ratifications had been lodged (United Nations 2023).³¹ Seven of these ratifications are from Pacific DMCs, with another 8 ADB DMCs from Asia.³²

Article 13 requires that parties create measures to ensure that traditional knowledge associated with marine genetic resources in areas beyond national jurisdiction, held by Indigenous Peoples and local communities, shall only be accessed with their FPIC and involvement.

3.2.6 Protecting Forests

There is no global forestry treaty with binding commitments. However, the UN Forest Instrument, adopted by the UN General Assembly in 2007, provides a non-legally binding framework for sustainable forest management.³³ It strengthens forest governance, investment, and stakeholder participation, aligning with global development goals. The instrument promotes policy coordination while supporting biodiversity conservation and climate resilience.

Numerous Asian countries have signed the Agreement on the Establishment of the Asian Forest Cooperation Organization, creating the Asian Forest Cooperation Organization (AFoCO).³⁴ The organization has two strategic priorities: (i) sustainable management of forests to secure environmental, social, and economic benefits; and (ii) contributions to the 1.5°C Paris Agreement goal and the SDGs by 2030. The organization comprises 15 members and 2 observers, all of whom are ADB DMCs.³⁵

[Jurisdiction](#). New York, 19 June 2023.

³⁰ United Nations. [Agreement on Marine Biological Diversity of Areas beyond National Jurisdiction](#).

³¹ [Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction](#). New York, 19 June 2023.

³² Fiji, Marshall Islands, Federated States of Micronesia, Palau, Solomon Islands, Tuvalu, and Vanuatu have ratified the treaty. Bangladesh, Indonesia, Maldives, Timor-Leste, and Viet Nam have also ratified the treaty. See [Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction](#). New York, 19 June 2023. Status as at 15 June 2025.

³³ United Nations. [UN Forest Instrument](#).

³⁴ [Agreement on the Establishment of the Asian Forest Cooperation Organization](#). Seoul, 27 April 2018. United Nations Treaty Series No. [55833](#); and AFoCO. [Members](#).

³⁵ AFoCO. [Members](#). Members are Bhutan, Brunei Darussalam, Cambodia, Indonesia, Kazakhstan, the Kyrgyz Republic, the Lao PDR, Mongolia, Myanmar, the Philippines, the Republic of Korea, Tajikistan, Thailand, Timor-

ADB is also supporting the development of a model forestry law (ADB 2025).

3.2.7 Biodiversity Implementation Challenges

Despite its critical importance, the biodiversity framework often receives less political attention and funding compared with the climate change agenda. Various factors have contributed to biodiversity being treated as a lower priority on the global stage.

Climate change is often perceived as a more immediate, singular existential threat with globally visible impacts and possesses a clear, quantifiable metric (GHG emissions), facilitating target-setting and progress tracking (UNEP 2021b; Masson-Delmotte et al. 2018). The climate discourse is also strongly linked to a global energy transition, presenting significant economic and technological opportunities, which has mobilized powerful advocacy and investment despite opposition from fossil fuel interests (ADB 2023c).

Conversely, biodiversity loss can seem more diffused (Ekart et al. 2023, 3). Its metrics are more complex—there is “no biodiversity equivalent to a carbon price or social cost of carbon measure” (Pörtner et al. 2021, 146). Conservation efforts are sometimes framed as constraints on development, directly challenging powerful agricultural and extractive industries (Pörtner et al. 2021).

Overarching challenges across these frameworks include the persistent gap between international commitments and national implementation, lack of political will, insufficient financial and technical resources, and conflicts with national development agendas that prioritize resource extraction over environmental protection and Indigenous rights (Raine and Pluchon 2019, 117–126; Fransen et al. 2023, 752–755).

3.2.8 System of Environmental-Economic Accounting

The System of Environmental-Economic Accounting (SEEA) provides a standardized framework for aligning biodiversity monitoring with national statistical systems.³⁶ The SEEA provides universally accepted concepts, definitions, and classifications to ensure consistency and comparability in statistics produced across countries. Countries can tailor the framework to national priorities while applying standardized approaches and terminology.

CBD Decision 15/5 (Monitoring Framework for the Kunming-Montreal GBF) encourages parties to align their national biodiversity indicators with existing intergovernmental processes, such as the SEEA (Conference of the Parties to the CBD 2022a). In particular, parties may use the SEEA (i) as a complementary indicator for reporting on the integration of biodiversity into national accounting for access and benefit-sharing (Goal C), and (ii)

Leste, and Viet Nam.

³⁶ UN. [System of Environmental-Economic Accounting](#). See also Conference of the Parties to the CBD (2022a).

as an indicator for measuring ecosystem services that are crucial for climate change mitigation and adaptation under Target 8. Further, CBD Decision 15/5 treats the implementation of the SEEA as a direct measure of progress against Target 14 (Mainstreaming Biodiversity). This recognition highlights a key step toward incorporating biodiversity data into official national statistics.

As of 2024, 17 of ADB's DMCS had adopted the SEEA.³⁷ These countries are Armenia, Azerbaijan, Bhutan, the PRC, Fiji, Georgia, India, Indonesia, Kazakhstan, the Lao PDR, Maldives, Mongolia, Nepal, the Philippines, Samoa, Thailand, and Türkiye.³⁸

3.3 Indigenous Peoples' International Frameworks

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) established a comprehensive framework to protect the rights of Indigenous Peoples globally (UNGA 2007).

It affirmed the right of Indigenous Peoples to equality, self-determination, and freedom from discrimination, while recognizing their unique cultural, spiritual, and historical identities (see Article 2). UNDRIP emphasized Indigenous Peoples' rights to their lands, territories, and resources, including ownership, control, and protection, and called for legal recognition and redress for past injustices (Articles 26 and 28).

Key provisions include the rights to self-governance (Article 4), cultural preservation (Article 11), education in Indigenous languages (Article 14), and protection from forced assimilation (Article 8) or relocation without their Free, Prior and Informed Consent (FPIC) and just and fair compensation (Article 10).

FPIC is central to the declaration, which inherently recognizes that Indigenous Peoples have agency over their land, culture, traditions, practices, and other resources. UNDRIP clarified that Indigenous Peoples may exercise FPIC in relation to any project affecting their land, especially for the exploitation of natural resources (Article 32); the use of their cultural, intellectual, religious and spiritual property (Article 11); any legislation or administrative measures affecting them (Article 19), or the storage of hazardous materials on their lands and territories (Article 29).

As a UN General Assembly resolution, UNDRIP is not legally binding, and FPIC is treated as a principle. Implementation relies on national implementation and, therefore, varies.

The 1989 Indigenous and Tribal Peoples Convention, commonly referred to as the International Labour Organization (ILO) Convention 169, sought to protect the rights of Indigenous and tribal peoples, including their rights to land (General Conference of the

³⁷ System of Environmental Economic Accounting. [2024 Global Assessment](#).

³⁸ Footnote 37.

ILO 1989). The convention directly addresses land and resource tenure, along with consent rights.

- Article 14 recognizes “the rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy.” It also safeguards the rights of Indigenous Peoples to use their lands for subsistence and traditional activities, even if not exclusively occupied by them. Governments must identify these lands and ensure effective protection of these rights.
- Article 15 safeguards Indigenous Peoples’ rights to manage and conserve natural resources on their lands. If the state owns mineral or subsurface resources, it must consult Indigenous Peoples and ensure their participation in benefits and fair compensation for damages.
- Article 16 protects Indigenous Peoples from being removed from their land. Relocation may only happen as an exceptional measure, with “free and informed consent,” and with rights to return or be given lands of at least equal quality and legal status.
- Article 17 calls for respect for customary procedures for land transmission and consultation concerning the alienation of lands.

ILO Convention 169 is not widely adopted. As of June 2025, only 24 countries, including Fiji and Nepal, had ratified it.³⁹ Nevertheless, the convention holds significant normative power as the only legally binding international treaty specifically addressing Indigenous Peoples’ rights.

General human rights instruments, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, also contribute through interpretations that protect Indigenous Peoples’ and local communities’ cultural rights and their connection to land and resources.

Table 3 shows the relevant land and resource rights, along with the rights of Indigenous Peoples and local communities to self-determination and FPIC within the major climate change and biodiversity treaties and agreements.

Table 3: International Indigenous Peoples Rights Instruments

Instrument	Land and Resource Rights	Self-Determination and FPIC	Strengths and Challenges
Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1965 182 parties ^a	Article 5: Equality before the law without distinction as to race, including a right to own property. This right to	Does not directly address self-determination or FPIC, but the nondiscrimination principle applies to processes affecting land.	Strengths: Strong nondiscrimination principle. CERD Committee can review state reports and issue recommendations on Indigenous rights.

³⁹ ILO. [Ratifications of C169 - Indigenous and Tribal Peoples Convention, 1989 \(No. 169\)](#) (accessed 5 June 2025).

Instrument	Land and Resource Rights	Self-Determination and FPIC	Strengths and Challenges
	include indigenous land rights.		Challenges: Indirect application to land rights. Depends on Committee's interpretation and state compliance.
International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 ICCPR: 174 parties ^b ICESCR: 173 parties ^b	Article 1 (ICCPR and ICESCR): Right to self-determination, including disposal of natural wealth and resources. ICCPR Article 27: Minority cultural rights interpreted to include land essential for culture. ICESCR Article 15: Right to culture.	Article 1 (ICCPR and ICESCR): Right to self-determination. ICESCR: Indigenous Peoples must be meaningfully included in decision-making processes that may affect their way of life, particularly their right to land based on FPIC (Stagstrup 2025; Committee on Economic, Social and Cultural Rights 2024).	Strengths: Fundamental human rights treaties. Self-determination is a core principle. Treaty bodies provide interpretations. Challenges: Land rights are often inferred rather than explicit and rely on interpretation by the Committees on Civil and Political Rights and Economic, Social and Cultural Rights.
UN Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007^c Universal endorsement by UN member states	Articles 10, 25–32: Right to lands, territories, resources traditionally owned, occupied, or used; restitution and compensation; conservation.	Article 3: Self-determination. Articles 10, 19, 29, 32: FPIC for relocation, legislative and administrative measures, and project approvals.	Strengths: Thorough instrument with strong normative weight and global consensus. Challenges: Implementation is subject to political will. Implementation varies widely.
ILO Convention 169, 1989 24 ratifications, including Fiji and Nepal ^d	Articles 13–19: Recognition of ownership or possession of traditionally occupied lands. Rights to natural resources. Protection against removal. Procedures for land claims.	Article 7: Right to decide own development priorities (linked to self-determination within state). Article 6: Consultation for measures affecting them. Article 15: Consultation for resource exploitation. No explicit FPIC or veto.	Strengths: Legally binding for signatories and specific obligations on states. Low ratification. Requirement for consultation is weaker than consent. Enforcement can be weak, even in signatory states.

^a UN Human Rights. [Status of Ratification Interactive Dashboard](#) (accessed 4 June 2025).

^b UN Treaty Collection. [International Covenant on Civil and Political Rights, 1966](#) (accessed 4 June 2025)

^c UN General Assembly. [Universal Declaration of Human Rights](#).

^d ILO. [Ratifications of C169 - Indigenous and Tribal Peoples Convention, 1989 \(No. 169\)](#) (accessed 4 June 2025).

Source: Compiled by Author.

3.4 Historically Poor Integration of Climate and Biodiversity Action

The international legal framework governing climate change, biodiversity conservation, and the rights of Indigenous Peoples and local communities constitutes a complex and evolving architecture of rights and obligations. While each regime has distinct mandates, their implementation has historically been siloed, often overlooking the critical role of Indigenous Peoples and local communities in achieving global environmental and sustainable development goals.

In 2021, the Intergovernmental Panel on Climate Change (IPCC) and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) jointly examined the synergies and trade-offs between biodiversity protection and climate strategies. Their engagement highlighted that certain mitigation and adaptation measures can carry unintended risks for ecosystems and communities.

The resulting workshop report concluded that the policy and legal frameworks addressing the climate and biodiversity crises were fragmented at both local and global levels (Pörtner et al. 2021, 147). This disconnect has resulted in missed opportunities to design interventions that could simultaneously address both crises. The report further noted that the CBD and UNFCCC lacked clear mechanisms to align their objectives or address interactions between their domains (Pörtner et al. 2021, 149).

These insights informed the IPCC's Sixth Assessment Report and IPBES's broader analysis of linkages among biodiversity, climate, water, food, and health. Both assessments emphasize the profound human influence driving climate change and biodiversity loss, with cascading effects on ecosystems and human well-being. The convergence of these crises creates complex, interdependent challenges that must shape global priorities and policy responses.

Insights from this workshop also informed the IPCC's Sixth Assessment Report (Lee et al. 2023) and IPBES's 2025 assessment of the interconnections between biodiversity, water, food, and health (McElwee et al. 2024). These reports underscore humanity's profound impact on driving climate change and biodiversity decline, with severe consequences for ecological integrity and societal well-being. The intersection of these crises creates cascading and complex effects, shaping human quality of life and collective global priorities.

4 Regional Climate Change and Biodiversity Legal Frameworks in Asia and the Pacific

The regions of Asia and the Pacific have adopted various frameworks for collaboration on climate change and biodiversity action. The Pacific stands out as a region that has collaborated to adopt treaties with binding commitments on environmental conservation, including biodiversity and climate change.

While most agreements for collaboration contain aspirational statements of commitment, there is a clear growing appetite for regional cooperation on climate change and biodiversity.

Box 2 provides insights into key trends emerging in regional regulation of climate and biodiversity in Asia and the Pacific.

Box 2: Trends in Regional Approaches to Regulating Climate Change and Biodiversity

The Pacific Region leads in binding environmental treaties. The Pacific region stands out for its adoption of legally binding regional treaties, such as the Nouméa and Waigani Conventions, which focus on marine protection and hazardous waste management. The use of treaty-based instruments in the Pacific reflects a strong institutional commitment to enforceable environmental governance, in contrast to many other subregions where frameworks remain aspirational.

Central Asia has numerous climate frameworks—but limited recognition of Indigenous Peoples and local communities. Central Asia demonstrates a proliferation of regional climate and biodiversity cooperation instruments, including the Central Asia Regional Economic Cooperation (CAREC) Climate Action Plan, Rio Convention Synergies, and the Aral Sea Basin Action Plans. However, none of these agreements explicitly recognize Indigenous or local knowledge, customary rights, or benefit-sharing, highlighting a critical normative gap in the region’s approach to climate governance.

ASEAN and South Asia rely on soft law for climate and biodiversity collaboration, despite increasing vulnerability. While the Association of Southeast Asian Nations (ASEAN) and the South Asian Association for Regional Cooperation (SAARC) regions have developed various environmental and human rights instruments, most are nonbinding or declaratory in nature. Instruments like the ASEAN Biodiversity Plan (2024) and SAARC’s multiple climate declarations signal political will but lack enforcement mechanisms. This approach reflects a broader trend in Asia of favoring flexible cooperation while struggling with implementation amid mounting climate risks.

4.1 Central Asia

Central Asia has numerous regional frameworks designed to harmonize climate and biodiversity governance, coordinated by the Central Asia Regional Economic Cooperation (CAREC) Program. The CAREC Program has also adopted CAREC 2030, a long-term strategic framework to enhance regional cooperation for sustainable development in Central Asia (ADB 2017).

Nonbinding collaboration mechanisms include the CAREC Climate Action Plan (2025–2027) and the Rio Conventions Synergies initiative. The CAREC Climate Action Plan emphasizes adaptation, mitigation, water–energy–food resilience, and governance platforms across Central Asia (ADB 2024b). It builds on the CAREC Climate Change Vision of 2023 and focuses on four thematic areas: climate risk preparedness, the water–energy–food security nexus, low-carbon growth, and establishing a CAREC climate platform (ADB 2023b).

The Rio Conventions Synergies in Central Asia is a technical framework for integrating the objectives of the UNFCCC, CBD, and the United Nations Convention to Combat Desertification around ecosystem restoration.⁴⁰ The program addresses land degradation and promotes sustainable land management by enhancing complementary land, biodiversity, and climate action.

The Regional Climate Change Adaptation Strategy for Central Asia, 2023, is a nonbinding framework for coordinating climate resilience across Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan (GIZ 2023). It focuses on strengthening adaptive capacity by addressing water security challenges, extreme weather events, and ecosystem protection.

The International Fund for Saving the Aral Sea has developed four Aral Sea Basin Action Plans (ASBP 1–4) covering water management, ecosystem restoration, and pollution control from 2020 to 2030.⁴¹

Kazakhstan, the Kyrgyz Republic, and Tajikistan have also joined the Asian Forest Cooperation Organization, a treaty-based intergovernmental organization promoting cooperation on the SDGs, sustainable forestry, and carbon sequestration initiatives.⁴²

Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan are also parties to the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 1998 (Aarhus Convention).⁴³ The Aarhus Convention is groundbreaking for its emphasis on

⁴⁰ UNEP and GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit) lead this work. See Mirzabaev and Akramkhanov (2025).

⁴¹ Executive Committee of the International Fund for Saving the Aral Sea. [ASBP-4](#).

⁴² [Agreement on the Establishment of the Asian Forest Cooperation Organization](#). Seoul, 27 April 2018. United Nations Treaty Series No. [55833](#); and AFoCO. [Members](#).

⁴³ [Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters](#). Aarhus, 25 June 1998. United Nations Treaty Series, No. 37770.

participatory governance in environmental law, requiring its parties to ensure public access to environmental information, participation in decision-making, and access to justice in environmental matters.

Across these agreements and programs, there is no explicit recognition of Indigenous or local knowledge, customary rights, or formal benefit-sharing mechanisms.

4.2 East Asia

East Asian countries do not have any binding regional treaties on climate or biodiversity. However, the North-East Asian Subregional Programme for Environmental Cooperation (NEASPEC) serves as an intergovernmental cooperation framework addressing environmental challenges in North-East Asia.⁴⁴ NEASPEC focuses on pollution, nature conservation, marine area protection, low-carbon cities, and desertification and land degradation.

The East Asia Biodiversity Conservation Network undertakes cross-border botanical research and implements the Global Strategy for Plant Conservation.⁴⁵ The network builds capacity via Red List assessments and shares biodiversity data through the Global Biodiversity Information Facility.

4.3 South Asia

The South Asian Association for Regional Cooperation (SAARC) has spearheaded South Asia's climate and environmental diplomacy. Various agreements reflect a desire to collaborate on environmental and climate change law, given South Asia's vulnerability to climate change and biodiversity decline.

The SAARC Action Plan on Climate Change (1997) marked the region's first declaratory response to climate change (SAARC 1997). It outlines regional cooperation strategies for climate resilience but does not impose binding legal obligations on member states. The plan focuses on capacity-building, data exchange, and integrating climate considerations into national development.

The SAARC Convention on Cooperation on Environment (2010) institutionalizes legal cooperation across transboundary issues: air pollution, biodiversity, waste management, and climate mitigation.⁴⁶ It complements previous soft law instruments, offering a framework for binding commitments.

The Dhaka Declaration (2008) calls for the exchange of best practices, research collaboration, and adaptation measures to protect lives and livelihoods. It focuses on

⁴⁴ North-East Asian Subregional Programme for Environmental Cooperation. [About Us](#).

⁴⁵ [East Asia Biodiversity Conservation Network](#).

⁴⁶ [SAARC Convention on Cooperation on Environment](#). Deposited with the Secretary-General of SAARC. Took effect on 23 October 2013.

advocacy, awareness, capacity-building, and regional cooperation in climate action. The revised SAARC Action Plan on Climate Change (2008) structures climate cooperation in seven thematic areas: adaptation, mitigation, technology transfer, finance, capacity-building, education, and disaster management (SAARC 2008). It seeks synergy with the UNFCCC but recognizes South Asia's particular vulnerabilities.

The Delhi Statement on Cooperation in Environment (2009) acknowledges the critical importance of environmental cooperation, including disaster management, sustainable consumption, and ecosystem restoration (SAARC 2009). It seeks stronger SAARC partnerships with international organizations. The Thimphu Statement on Climate Change (2010) commits to a "Low-Carbon Development Strategy" and enhancing adaptive capacities (SAARC 2010). Though aspirational, the statement underscores the recognition of differentiated responsibilities and the need for sustainable growth pathways.

The SAARC Agreement on Rapid Response to Natural Disasters (2011) introduces an operational dimension by enabling coordinated disaster response through resource mobilization, expert deployment, and information sharing. It institutionalized regional solidarity in the face of increasing climate-induced disasters.⁴⁷

Collectively, these instruments reflect SAARC's incremental shift from declaratory environmentalism to early operational cooperation. However, geopolitical tensions and political inaction have hindered the desire for regional collaboration on shared climate vulnerabilities and sustainable development (Zafarullah and Huque 2018, 26 and 30).

4.4 Southeast Asia

Several frameworks guide human and environmental rights in Southeast Asia, with the Association of Southeast Asian Nations (ASEAN) functioning as the coordinating body. However, most of these frameworks do not impose binding obligations, making them largely aspirational.

The ASEAN Human Rights Declaration, 2012, outlines universal human rights principles, civil, political, economic, social, and cultural rights, emphasizing equality, dignity, and nondiscrimination (ASEAN 2012). The declaration affirms the right to a safe, clean, and sustainable environment (Article 28) and promotes equitable and sustainable development, poverty alleviation, and narrowing development gaps. However, it does not articulate any rights for Indigenous Peoples, impose legally binding obligations on ASEAN member states, or contain an enforcement mechanism.

⁴⁷ For more information about the range of SAARC agreements in place, see SAARC. [Environment Natural Disasters and Biotechnology](#). For more information about the range of SAARC agreements in place, see SAARC. [Environment Natural Disasters and Biotechnology](#).

In 2018, ASEAN developed the ASEAN Multi-Sectoral Framework on Climate Change to foster cooperation, particularly on food security (ASEAN 2018). However, this framework serves as a platform for dialogue rather than a source of binding legal obligations.

The ASEAN Biodiversity Plan, 2024, aligns with the Kunming–Montreal Global Biodiversity Framework (GBF) to conserve, restore, and sustainably use biodiversity while addressing regional challenges like climate change, pollution, and species extinction (ASEAN 2024). Covering 2024–2030, it sets ASEAN targets across the 23 GBF targets, including conserving 30% of land, waters, and seas, ecosystem restoration, invasive species control, pollution reduction, and sustainable consumption. The plan does not create binding obligations, serving only as policy guidance.

The ASEAN Guidelines on Recognition of Customary Tenure in Forested Landscapes, 2022, recognize the customary tenure rights of Indigenous Peoples and local communities and emphasize their importance in sustainable forest management (ASEAN 2022). The guidelines clarify that customary tenure systems of forested landscapes may encompass rivers, watersheds, mangrove forests, dynamic food systems, and cultural values associated with specific locations. Although they emphasize the need for legal frameworks to align with customary practices and support community rights, the guidelines are not legally binding.

The ASEAN Intergovernmental Commission on Human Rights (AICHR), United Nations Environment Programme (UNEP), Office of the High Commissioner for Human Rights, and UN Economic and Social Commission for Asia and the Pacific (UN ESCAP) have collaborated on a Regional Declaration on Environmental Rights in ASEAN (ASEAN 2022b). If adopted, the declaration would explore the linkages between human rights and the environment.

ASEAN countries have also been the biggest supporters of the Asian Forest Cooperation Organization, with Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic (Lao PDR), Myanmar, the Philippines, Thailand, Timor-Leste, and Viet Nam as members.⁴⁸

Wildlife trafficking poses a significant threat to biodiversity in ASEAN. The ASEAN Wildlife Enforcement Network (ASEAN-WEN), established in 2005, is a regional intergovernmental initiative combating illegal wildlife trade across Southeast Asia (ASEAN 2005). It integrates law enforcement agencies from all 10 ASEAN nations, facilitating intelligence-sharing, capacity-building, and policy coordination. ASEAN-WEN collaborates with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), International Criminal Police Organization (INTERPOL), and nongovernment organizations (NGOs) to dismantle transnational trafficking networks.

⁴⁸ AFoCO. [Members](#).

4.5 The Pacific

The Pacific's pioneering efforts to evolve international law to address the unique threats of sea-level rise are its most significant contribution to global climate governance. International law, as codified in the Montevideo Convention, ties the concept of statehood to having a defined physical territory (Labh 2025). However, climate change directly challenges this recognition, as rising seas threaten to submerge entire nations like Tuvalu and Kiribati.

In response, Pacific DMCs have engaged in a proactive legal and diplomatic campaign to decouple sovereignty from territory. This strategic shift is evident in the Pacific Islands Forum's 2021 Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise (Pacific Islands Forum 2021). The declaration asserts that maritime boundaries, once established, should be maintained permanently, irrespective of changes to coastlines caused by sea-level rise. This declaration, along with the Rising Nations Initiative launched at the UN, aims to build a global consensus that the statehood and sovereign rights of Pacific nations should persist even if their land territory is lost (Labh 2025). This concept represents a fundamental reimagining of sovereignty for the climate era.

Pacific DMCs have also signed more regional cooperation treaties with concrete obligations than any of ADB's other subregions.

The Secretariat of the Pacific Regional Environment Programme (SPREP), established in 1993, is the primary environmental coordinating mechanism for the Pacific.⁴⁹ SPREP works with 26 member states and territories to promote intraregional cooperation, offer technical assistance, and guide members toward sustainable development while preserving natural heritage. As the secretariat for pivotal regional conventions—the Nouméa and Waigani Conventions—SPREP functions as a policy architect and implementation hub, steering policies on climate resilience, ecosystem protection, waste management, and environmental governance.

The Convention on Conservation of Nature in the South Pacific, 1976, also known as the Apia Convention, aimed to conserve terrestrial and marine ecosystems through protected areas and biodiversity safeguards.⁵⁰ The convention became effective in 1990 but was largely superseded by the CBD and formally suspended in 2006 (SPREP 2019).

The Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, 1986, known as the Nouméa Convention, is the primary multilateral instrument for safeguarding coastal and marine environments.⁵¹ It also implements UNEP's regional Seas Programme in the Pacific. The Nouméa Convention requires its 12

⁴⁹ [Agreement Establishing SPREP](#). Opened for signature on 16 June 1993. Government of Samoa.

⁵⁰ *The Convention on Conservation of Nature in the South Pacific*. Signed 12 July 1976. Government of Samoa, Apia.

⁵¹ [Convention for the Protection of Natural Resources and Environment of the South Pacific Region](#). Opened for signature on 24 November 1986. SPREP.

members to prevent, reduce, and control marine pollution and promote transboundary harmonization of environmental management.⁵² The Dumping Protocol and Emergencies protocols, adopted in 1006, address oil spills and the dumping of hazardous substances, but ratification remains pending, illustrating evolving environmental governance in the Pacific.⁵³

The Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region, 1995, known as the Waigani Convention, bans the importation and dumping of hazardous and radioactive waste in the exclusive economic zones of Pacific Forum island states.⁵⁴ The convention operates in harmony with the Basel Convention, setting up thorough management plans for hazardous materials produced within the countries.⁵⁵

The Pacific has also adopted a series of treaties on fisheries management, including the 1982 Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest, the 1989 Convention for the Prohibition of Fishing with Long Drift Nets in the South Pacific, and the 1992 Niue Treaty on Cooperation in Fisheries Surveillance and Enforcement in the South Pacific Region.⁵⁶

Three treaty-established regional fisheries management organizations operate in the Pacific: (i) the Western and Central Pacific Fisheries Commission, (ii) the South Pacific Regional Fisheries Management Organisation, and (iii) the North Pacific Fisheries Commission.⁵⁷

The Pacific has outlined a unified regional vision for climate resilience, biodiversity stewardship, and inclusive governance under the 2050 Strategy for the Blue Pacific Continent (Pacific Islands Forum Secretariat 2022). Pacific leaders have committed to transformative climate action, sustainable ocean and land management, and protecting ecological integrity. The strategy highlights Pacific-led collaboration, encouraging regional unity and strategic partnerships. Dispute resolution is based on the “Pacific Way,” which emphasizes dialogue, consensus, and cultural respect to promote peace, equity, and shared prosperity across the Blue Pacific.

⁵² SPREP. [Nouméa Convention](#).

⁵³ SPREP. [Nouméa Convention](#).

⁵⁴ [Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft](#). Barcelona, 16 February 1976; [Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter](#). New York, 29 December 1972.

⁵⁵ See the [Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal](#). Basel, 22 March 1989.

⁵⁶ [Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest](#), Nauru, 11 February 1982; [Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific](#). Wellington, 29 November 1989; [Niue Treaty on Cooperation in Fisheries Surveillance and Enforcement in the South Pacific Region](#), Honiara, 9 July 1992.

⁵⁷ See the [Western & Central Pacific Fisheries Commission](#), the [South Pacific Regional Fisheries Management Organisation](#), and the [North Pacific Fisheries Commission](#).

5 Transboundary Environmental Regulation and Standards

5.1 Multilateral Development Banks

Multilateral development bank (MDB) safeguard policies and environmental and social standards typically establish much stronger connections between climate change, biodiversity, Indigenous Peoples’ rights (including FPIC), just transition, and benefit-sharing than most national legal frameworks.

MDBs have implemented safeguard systems to reduce and manage the environmental and social risks associated with their projects (Crishna Morgado and Taşkın 2019). These policies and standards, such as those adopted by ADB (ADB 2024c), the World Bank (World Bank 2017), the International Finance Corporation (IFC) (IFC 2012), and the European Bank for Reconstruction and Development (EBRD 2024), play a crucial role in ensuring that development projects worldwide align with environmental and social safeguards. These safeguards have increasingly aligned with the Paris Agreement and GBF.

As Table 4 demonstrates, most MDBs have established or are updating their performance standards. Furthermore, either MDB performance standards align with the Paris Agreement and GBF, or institutional climate change and environmental policies seek alignment with global climate and biodiversity goals.⁵⁸

Table 4: Environmental and Social Frameworks of Multilateral Development Banks

Institution	Safeguard Document	Current Version / Effective Date	Core Structure
World Bank	Environmental and Social Framework	2017 / Effective Oct 2018	Policy + 10 Environmental and Social Standards
IFC	Policy and Performance Standards on Environmental and Social Sustainability	2012 / Effective Jan 2012	Policy + 8 Performance Standards
ADB	Environmental and Social Framework	2024 / Effective Jan 2026	Policy + 10 Environmental and Social Standards
AfDB	Integrated Safeguards System	2013 / Updated 2023	Policy + 5 Operational Safeguards
EBRD	Environmental and Social Policy	2024 / Effective Jan 2025	Policy + 10 Environmental and Social Requirements
AIIB	Environmental and Social Framework	2024 / Effective Jun 2024	Policy + 3 Environmental and Social Standards
IDB	Environmental and Social Policy Framework	2020 / Effective Nov 2021	Policy + 10 Environmental and Social Performance Standards
OECD	Guidelines for Multinational Enterprises on Responsible Business Conduct	2023	Voluntary principles and standards for corporate due diligence

⁵⁸ For example, ADB’s Environmental and Social Framework notes that ADB has committed to full alignment with the Paris Agreement’s goals (see p. 2).

ADB = Asian Development Bank, AfDB = African Development Bank, AIIB = Asian Infrastructure Investment Bank, EBRD = European Bank for Reconstruction and Development, IDB = Inter-American Development Bank, IFC = International Finance Corporation, MDB = multilateral development bank, OECD = Organisation for Economic Co-operation and Development.

Source: Compiled by Author.

Even when national laws fail to incorporate or link climate change, biodiversity, FPIC, just transition, and benefit-sharing, MDB safeguards and policies can influence both global practices and domestic policy reforms.

MDB performance standards also have a normative influence within the private sector. The IFC's 2012 Policy Performance Standards on Environmental and Social Sustainability, currently under review, are widely adopted and regarded as the global gold standard for private sector projects operating under the Equator Principles (discussed below).⁵⁹ ADB's Environmental and Social Framework also applies to its private sector lending (ADB 2024c, 5).

5.1.1 ADB's Environmental and Social Framework

ADB approved a new Environmental and Social Framework (ESF) in November 2024, which will take effect in January 2026 (ADB 2024c and 2024e). The ESF significantly updates ADB's 2009 Safeguards Policy Statement, established well before the 2015 Paris Agreement. Further, an internal evaluation recommended that ADB adopt an integrated approach to risk categorization and adaptive risk management systems, improve capacity development, optimize grievance redress mechanisms, and expand training programs to cover biodiversity impacts and adaptation (ADB 2020b).

The ESF introduces a unified risk classification system that addresses both environmental and social factors, ranging from low to high risk. It adopts a more flexible, adaptive management approach and allows for the use of borrower environmental and social systems, contingent upon assessment and Board approval. The framework includes provisions for harmonizing approaches with cofinanciers to ensure consistency across projects.

Standards are significantly strengthened, with updated requirements for labor and working conditions, community health and safety (including the prevention of sexual exploitation, abuse, and harassment), and alignment with both the Paris Agreement and the Global Biodiversity Framework.

The ESF requires parties to seek FPIC from Indigenous Peoples when a project will (i) adversely impact their lands and natural resources, (ii) cause the relocation of Indigenous Peoples, or (iii) significantly impact cultural heritage (ADB 2024c, 108–114).

⁵⁹ In 2014, the Green Climate Fund (GCF) adopted interim environmental and social safeguards based on IFC Performance Standards. See GCF (2014). The Equator Principles are also based on the IFC Performance Standards. See IFC (2020). and Crishna Morgado and Taşkın (2019, 17).

The ESF also emphasizes equitable access to culturally appropriate social and economic benefits. Borrowers and clients must deliver project benefits and services in a manner that considers indigenous knowledge, language characteristics, institutions, and the Indigenous Peoples' perspectives on the nature and delivery of these benefits (ADB 2024c, 108–114, xiii). Compensation, development opportunities, and shared benefits from resource use or cultural heritage commercialization must align with Indigenous Peoples' traditions and collective decision-making processes (ADB 2024c, 109).

Stakeholder engagement and grievance mechanisms are also enhanced, and the ESF introduces broader protections for disadvantaged or vulnerable groups, ensuring that their needs are considered and addressed throughout the project cycle. Overall, the ESF is designed to improve risk management and deliver more equitable and sustainable outcomes in development projects.

ADB's decision to update its safeguards aligns with trends seen at other MDBs, such as the World Bank, and reflects a move toward greater context-specificity and potentially increased efficiency.⁶⁰

Collectively, these international frameworks serve as powerful normative and practical drivers for national environmental policies in Asia and the Pacific, especially when combined with financial support for implementing climate change and biodiversity laws and plans. The capacity for national implementation often influences the translation of these policies into practical actions, the level of policy coherence within national governments, and the political considerations associated with economic priorities and national sovereignty (UNEP 2019a).

In 2022, ADB launched NDC Advance, a technical assistance platform to support its DMCs in mobilizing finance, building capacity, and providing knowledge and other support to implement their NDCs (ADB 2022c). Given the known ambition and implementation gaps, such support remains critical.

Similarly, the success of ADB's more flexible ESF hinges on bridging the gap between international standards and national realities through sustained capacity development and diligent supervision (ADB 2020d).

5.2 Private Sector Frameworks

Private sector involvement is crucial for addressing climate and biodiversity challenges due to its role in driving investment, fostering innovation, and shaping land-use decisions. Recognizing the rights of Indigenous Peoples and local communities and facilitating benefit-sharing promotes equity, enhances legitimacy, and incorporates traditional knowledge—essential for effective, just, and sustainable outcomes in the global environment.

⁶⁰ See World Bank Group. [World Bank Australia Safeguards Partnership Program](#).

This section discusses emerging private sector frameworks addressing biodiversity and climate change risks.⁶¹ These frameworks shape how the private sector—such as the UN Guiding Principles on Business and Human Rights (UNGP), the Taskforce on Nature-related Financial Disclosures (TNFD), the Equator Principles, and the International Council on Mining and Metals (ICMM) standards—engages with Indigenous Peoples’ rights and benefit-sharing. However, they largely rely on voluntary commitments. Future updates to the Paris Agreement, GBF, industry approaches to disclosure, and national legal frameworks may further shape and strengthen these approaches.

5.2.1 United Nations Guiding Principles on Business and Human Rights

The UNGP, endorsed by the UN Human Rights Council in 2011, establish a global framework for preventing and addressing human rights abuses linked to business activities (United Nations 2011). They rest on three pillars:

1. **State duty to protect human rights.** Governments must enforce laws that prevent human rights violations by businesses and ensure accountability.
2. **Corporate responsibility to respect human rights.** Businesses must conduct due diligence to identify, prevent, and mitigate human rights risks in their operations.
3. **Access to remedy.** Individuals affected by business-related human rights abuses must have access to effective judicial and nonjudicial grievance mechanisms.

These principles emphasize the importance of transparency, accountability, and continuous improvement in human rights practices. They apply to all businesses and encourage companies to incorporate human rights considerations into their policies. However, these principles are not binding.

5.2.2 Transparency Framework for Nature

The Transparency Framework for Nature, anchored in the TNFD, establishes standardized reporting on nature-related risks, dependencies, and impacts.⁶² It integrates governance, strategy, risk management, and metrics to enhance corporate accountability and financial decision-making. By aligning with the GBF, the TNFD shifts financial flows toward nature-positive outcomes. The framework enables businesses to assess biodiversity risks, disclose impacts, and integrate nature considerations into investment strategies. By the November 2024 biodiversity COP, 25% of the world’s systemically important banks had committed to the TNFD. Furthermore, as of June 2025, more than 500 organizations have voluntarily committed to adopting its recommendations.⁶³

⁶¹ The author acknowledges that there are many CSO and private-sector initiatives to curb deforestation such as the [Forum for Sustainable Palm Oil](#), [Roundtable on Sustainable Palm Oil](#), and the Corporate Zero-Deforestation Commitments. This paper cannot cover all initiatives.

⁶² Taskforce on Nature-Related Financial Disclosures (TNFD). [Getting started with the TNFD Recommendations](#).

⁶³ TNFD. [TNFD Adopters](#).

5.2.3 Equator Principles

The Equator Principles provide a risk management framework for 129 financial institutions to assess environmental and social risks in project financing.⁶⁴ The latest iteration of the principles strengthens commitments to human rights and climate change, requiring climate change risk assessments that align with the requirements of the Task Force on [Removed] (Principle 2). Projects affecting Indigenous Peoples are subject to “a process of Informed Consultation and Participation” unless they fall under the special circumstances requiring FPIC under IFC Performance Standard 7 (Equator Principles Association 2020, 11–13). While the principles do not explicitly require consideration of just transition in projects, they require clients to remedy human rights impacts and offset environmental impacts. They also support the objectives of the Paris Agreement.

5.2.4 International Council on Mining and Metals: Principles and Performance Expectations

Given the historical impact of mining on Indigenous Peoples in Asia and the Pacific, it is relevant to consider the updated Principles and Performance Expectations released by the ICMM. One-third of the global metals and mining industry has ICMM membership.⁶⁵

Principle 3 of the ICMM Principles and Performance Expectations addresses human rights.⁶⁶ It requires ICMM members to uphold the UNGP and to cooperate in processes that remedy adverse impacts on the rights of employees and local communities. Further, the ICMM’s 2024 Position Statement on Indigenous Peoples clarifies that ICMM members are committed to obtaining the consent of affected Indigenous Peoples for anticipated impacts on their rights. This consent should be given freely, follow meaningful consultation and engagement, and be documented in an agreement (ICMM 2024, 1).

The ICMM’s shift to requiring FPIC is significant, as it was previously not required. This change followed the release of the UNGP, pressure from civil society to achieve the SDGs, and global public consultation in 2018 (ICMM 2022).

5.2.5 Extractive Industries Transparency Initiative

The Extractive Industries Transparency Initiative (EITI) Standard 2023 establishes global guidelines for the transparent management of oil, gas, and mineral resources (EITI 2023). It focuses on transparency, accountability, and citizen engagement to ensure that natural resource wealth benefits the public. To implement the standard, countries must meet several key requirements, including oversight from multiple stakeholders, disclosure of legal and institutional frameworks, transparent contracts and licenses, transparent revenue collection and distribution, social and environmental impact reporting, and the

⁶⁴ Equator Principles Association (2020) and Equator Principles. [Signatories & EPFI Reporting](#).

⁶⁵ ICMM. [Our Members](#).

⁶⁶ ICMM. [Principle 03: Human Rights](#).

facilitation of public debate (EITI 2023, 20). Additionally, countries must disclose information on beneficial ownership, gender equity, and energy transition (EITI 2023, 20).

EITI promotes transparency in extractive industries by mandating systematic disclosures of payments, revenues, contracts, and environmental effects (EITI 2023, 38–39). It encourages open data policies, giving the public access to detailed, machine-readable information (EITI 2023, 37). To ensure compliance, validation processes evaluate countries' progress on stakeholder engagement, transparency, and results, and corrective actions are taken when needed (EITI 2023, 11–14). The EITI Board, Members' Meeting, and International Secretariat oversee governance, promoting public discussion, reducing corruption, and supporting sustainable development through collaboration among multiple stakeholders (EITI 2023, 13–14).

5.2.6 System of Environmental-Economic Accounting

The System of Environmental-Economic Accounting supports the integration of environmental statistics with economic indicators. It provides universally accepted concepts, definitions, and classifications to ensure consistency and comparability in statistics produced across countries. Flexible by design, the framework allows countries to tailor its application to local priorities while applying standardized approaches and terminology. As a result, the System of Environmental-Economic Accounting enables the creation of a broad set of statistics and indicators that can inform a variety of policy needs and analytical uses.

Seventeen of ADB's DMCS have adopted the system, and 11 more intend to do so.⁶⁷

5.3 Updates on European Regulation with Extra-Territorial Application

5.3.1 Union Deforestation Regulation

Regulations with extraterritorial effect can significantly influence climate and biodiversity action in Asia and the Pacific. Such regulations can shape supply chain standards, incentivize sustainable practices, and compel compliance with stricter environmental and human rights requirements for market access.

In 2023, the European Union (EU) adopted an EU Deforestation Regulation (EUDR) (European Union 2023). The regulation acknowledges that (i) agriculture is linked to 90% of global deforestation; (ii) deforestation drives global warming, biodiversity loss, and reduced resilience to climate change; and (iii) the EU's consumption significantly contributes to global deforestation. To address these issues, the regulation introduces market access requirements designed to curb the sale of products and commodities from deforested areas worldwide (European Union 2023; Chandra and Sibuea 2025).

⁶⁷ System of Environmental Economic Accounting. [2024 Global Assessment](#).

Companies seeking to sell regulated commodities and derived products in the EU market must conduct due diligence and risk assessments to demonstrate that their products are deforestation-free and produced in compliance with the laws of the country of origin.⁶⁸ FPIC is explicitly included as a human rights principle that must be respected under the “relevant legislation of the country of production” criterion.⁶⁹ Regulated commodities include cattle, cocoa, coffee, palm oil, rubber, soy, and wood, which are major drivers of deforestation. The production of these goods must also comply with the laws of the origin country, including human rights regulations. Although the EUDR commenced in June 2023, initial compliance dates are set for 30 December 2025 for large and medium-sized companies and 30 June 2026 for micro and small enterprises.⁷⁰

The EUDR significantly impacts major Southeast Asian producers, particularly Indonesian and Malaysian palm oil and rubber exporters, exemplifying how nonregional regulations can change resource extraction practices in Asia and the Pacific (Yunus 2024).

Producers have expressed concerns about the EUDR’s potential discriminatory effects and the burden it places on smallholder farmers who struggle to meet the regulation’s traceability requirements. They also cite compliance challenges related to complex supply chains and potential conflicts with national sovereignty, as the EUDR arguably overrides local regulations (Center for Strategic and International Studies 2024). In response, some producing countries have indicated their intent to shift trade away from the EU, leading to the formation of joint task forces to navigate these concerns (Center for Strategic and International Studies 2024; Mark 2023). This resistance to the EUDR demonstrates the tensions that can arise when externally imposed standards clash with perceived national interests or capabilities (Center for Strategic and International Studies 2024).

Despite the criticisms, the regulation is a genuine attempt to curb deforestation by demanding that companies look into their supply chains (Cordon 2024). Box 3 provides additional insights into the challenges and benefits of this regulation.

⁶⁸ [European Union Deforestation Regulation](#). Articles 4–11. Small to medium-sized enterprises have less onerous obligations.

⁶⁹ [European Union Deforestation Regulation](#). Article 2(40)(g).

⁷⁰ EU. [Regulation on Deforestation-free Products](#).

Box 3: European Union Deforestation Regulation: A Pioneer in Climate and Biodiversity Regulation?

The European Union (EU) Deforestation Regulation is a noteworthy attempt at innovating in climate and biodiversity legislation with extraterritorial effects. The law acknowledges the interlinkages between EU commodity demand, agriculture, deforestation, climate change, and biodiversity loss. It aims to reduce deforestation by requiring companies to ensure that commodities—such as soy, palm oil, and timber—sold in the EU market originate from land that has not been deforested since 31 December 2020. Producers must ensure that their operations comply with local laws, including environmental and human rights provisions, such as the requirement for Free, Prior and Informed Consent. Recognizing the rights of Indigenous Peoples and local communities is essential to bring them into supply chain compliance.

Criticisms

- Compliance mechanisms may not be possible to meet in developing countries, potentially excluding farmers. Small and medium-sized enterprises (SMEs) and local producers in these regions may lack the technological and financial resources needed to trace supply chains to the plot level, thus cutting them off from income sources.
- Postponing implementation until December 2025 puts forests at risk.
- Although the regulation mandates that the Commission strengthen its support and incentives for protecting forests and transitioning to deforestation-free production, these incentives remain unclear.

How Is the EU Responding to Criticisms?

The Commission has introduced capacity-building initiatives, industry guidance, risk assessment tools, and multistakeholder dialogues to aid suppliers with compliance. Additionally, legislators have delayed enforceability and simplified due diligence obligations for SMEs.

Considerations

The EUDR seeks to establish an integrated climate–biodiversity law by reducing deforestation and embedding the rights of Indigenous Peoples and local communities. Innovation is challenging and often invites criticism. Critics argue that compliance mechanisms may overwhelm small producers in developing countries and that benefit-sharing mechanisms are ill-defined, factors that could undermine equitable implementation in producer countries. Supporters, including WWF, Greenpeace, ClientEarth, Forest Peoples Programme, and Rainforest Alliance, urge the EU to facilitate the timely implementation of the regulation. The regulation’s success in addressing deforestation and ensuring fairness will depend on the EU’s willingness to engage stakeholders, provide capacity-building and technological support, effectively monitoring compliance, and making responsive adjustments to avoid further marginalizing smallholders and Indigenous Peoples.

Sources: M. Rice and R. Godts. 2025. [Was it Produced Legally? Understanding the Legality Requirement in the EU Deforestation Regulation and How to Implement It](#). ClientEarth; E. Zhunusova et al. 2022. [Potential Impacts of the Proposed EU Regulation on Deforestation-Free Supply Chains on Smallholders, Indigenous Peoples, and Local Communities in Producer Countries Outside the EU](#). *Forest Policy and Economics*. 143; M. P. Lobo. 2025. [A Ground-Up Perspective on EUDR: Its Regional Impact and Unintended Consequences](#). Specialty Coffee Association; A. Beattie. 2024. [Why Brussels Can't See the Deforestation for the Trees](#). *Financial Times*. 18 July; and A Sud Ecologia e Cooperazione et al. 2024. [Hands Off the EU Deforestation Regulation](#). CSO Policy Statement. 15 October.

5.3.2 European Union Ocean Pact

The EU Ocean Pact took effect on 5 June 2025 (European Commission 2025). It is a nonbinding policy framework focused on six priority areas for ocean health, with supporting objectives and illustrative actions summarized in Table 5. The pact recognizes the need to protect the ocean, described as “the biggest carbon sink on our planet, absorbing 30% of anthropogenic carbon emissions,” making it essential for regulating the planetary climate (Section 2.1). It requires the EU Commission to propose an Ocean Act, building on the Maritime Spatial Planning Directive (MSP Directive) by 2027 to codify and enforce its objectives (Section 1.1).

Table 5: European Union Ocean Pact Key Objectives and Illustrative Actions

Priority Area	Key Objectives	Illustrative Actions	Section
Protect and restore ocean health	Evaluate and revise the Maritime Spatial Planning Directive; establish and manage marine protected areas; and develop European blue carbon reserves	Reach 30% of European Union (EU) seas under effective protection by 2030	2
Boost sustainable competitiveness of the blue economy	Develop Vision 2040 for fisheries and aquaculture; launch industrial maritime and ports strategies; and introduce a Blue Generational Renewal strategy	Introduce decarbonization measures for fisheries fleet via the Energy Transition Partnership; and roll out a new EU Industrial Maritime Strategy	3
Support coastal, island communities and outermost regions	Present a dedicated resilience and development strategy for coastal areas; consult on a new EU islands strategy; and update the strategy for outermost regions	Hold stakeholder dialogues in coastal zones; and tailor funding programs to local needs	4
Advance ocean research, knowledge, skills and innovation	Propose an EU Ocean Observation Initiative; adopt an Ocean Research and Innovation Strategy; and	€330 million earmarked for research under Horizon Europe for marine research and technology	5

Priority Area	Key Objectives	Illustrative Actions	Section
	operationalize a Digital Twin of the Ocean by 2030		
Enhance maritime security and defense	Strengthen EU Coast Guard cooperation; invest in surveillance drones and AI sensors	Pilot a European drone fleet; and remove unexploded ordnances from key sea lanes	6
Strengthen ocean diplomacy and international governance	Combat illegal, unreported, and unregulated fishing; support ratification of the High Seas Treaty; advance a global plastics treaty; pilot the International Platform for Ocean Sustainability (IPOS)	Deploy the €40 million Global Ocean program. IUCN will lead the first component of this program from June 2025 to May 2030 with a €20 million technical assistance package for biodiversity beyond national jurisdiction	7

AI = artificial intelligence, IUCN = International Union for Conservation of Nature.

Sources: European Commission. 2025. [The European Ocean Pact](#). Communication COM(2025)281 final; and J. Portala. 2025. [New EU Ocean Pact Will Direct Around €330M into Research and Science](#). *ScienceBusiness*. Article. 26 June.

The measures in the pact primarily bind EU member states—including their outermost regions and territories—through policy guidance and reporting requirements. Its extraterritorial influence stems from

1. requiring mandatory digital catch certification for all fish products imported into the EU starting January 2026 to curb illegal, unreported, and unregulated fishing;
2. providing €40 million in financial and technical support for partner countries to ratify and implement the High Seas Treaty; and
3. promoting EU-led ocean diplomacy platforms and international rule-making to extend governance norms beyond EU waters.

5.4 Convention on the Protection of the Environment through Criminal Law

In May 2025, the Council of Europe adopted the Convention on the Protection of the Environment through Criminal Law.⁷¹ This convention represents the world’s first legally binding international agreement to address environmental crimes, encompassing a wide range of criminal activities that exacerbate the global crises of climate change, pollution, and biodiversity loss.

Once the convention becomes operative, member states must take steps to align their legislation with the minimum standards for environmental offenses. The convention covers crimes committed within member country territories, on ships flying a member

⁷¹ [Convention on the Protection of the Environment through Criminal Law](#). Council of Europe. Strasbourg. 14 May 2025.

country's flag, on aircraft registered under a member country's laws, or by their nationals, including companies, even if the crime occurs abroad (Article 33).⁷²

The convention covers unlawful pollution and waste, habitat destruction, wildlife trafficking, illegal mining, and particularly serious offenses.⁷³ Particularly serious offenses refer to intentional actions that cause “particularly severe damage to the environment and should be recognised as a particularly serious crime,” which is comparable to ecocide.⁷⁴ The inclusion of such provisions would enable corporate criminal responsibility for mass destruction of the environment, including climate change (Climate Rights International 2025).

Additionally, the convention contains a chapter on prevention measures, including awareness-raising campaigns, and recognizes the important role of civil society and other stakeholders.

The convention aligns with the European Convention on Human Rights, the Paris Agreement, the UN Convention against Transnational Crime, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Like the EU Deforestation Regulation, the Convention on the Protection of the Environment through Criminal Law will likely have an impact on Asia and the Pacific through its extraterritorial effects.

⁷² The Convention is expected to enter into force upon 10 ratifications, including at least eight by member States of the Council of Europe. See Croisant and Milcamps (2025).

⁷³ [Convention on the Protection of the Environment through Criminal Law](#). Chapter IV.

⁷⁴ Council of Europe (2015); and Ecocide has been defined to mean unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts. See Stop Ecocide International. [June 2021: Historic Moment as Independent Expert Panel Launches Definition of Ecocide](#).

6 National Climate Change and Biodiversity Policy and Legal Frameworks

International agreements on climate change and biodiversity are a critical record of the global consensus on ambition. However, responses to climate change and biodiversity loss generally occur within the borders of individual nations. National policies and legal frameworks serve as the crucial bridge between international commitments and real-world results. They are not only essential drivers of progress but also sustain international efforts to address climate change and biodiversity goals (ADB 2020a). Moreover, without robust, legally binding, and effectively implemented frameworks, including implementation plans, the objectives of the Paris Agreement and the GBF, along with the pledges made in NDCs and NBSAPs, remain aspirational (Eskander et al. 2021, 44–82; Chan and Yuen 2025).

Part VI explores trends in legal frameworks for climate change and biodiversity across Asia and the Pacific.

There has been a dramatic proliferation of national climate-related laws and policies globally, increasing from 60 in 1997 to over 4,730 by mid-2025 (Eskander et al. 2021, 44–82; Evans 2017).⁷⁵ In Asia and the Pacific, there are at least 1,430 climate change plans, policies, communications, and laws.⁷⁶ This surge in regulation, planning, and reporting underscores the global understanding of the critical importance of providing stability, predictability, and accountability for a systemic response to the climate crisis through the rule of law.

Monitoring the development of biodiversity laws and policies is more challenging, as there are fewer dedicated databases tracking biodiversity legislation. As of mid-2025, the UN’s Ecolex database—currently the most comprehensive database for biodiversity law—listed 283 biodiversity laws in Asia and the Pacific, which does not accurately reflect the broad range of laws and policies impacting biodiversity conservation.⁷⁷

Tracking biodiversity laws and policies is also more complex because biodiversity law encompasses a wide range of areas and sectors. Biodiversity laws regulate genes, species, and entire ecosystems, making them more challenging to classify than laws related to climate change.

Additionally, unlike climate ambition, which is measured globally in consistent parts-per-million units of carbon dioxide, biodiversity has lacked standardized metrics for

⁷⁵ See also GRI and Climate Radar. [Climate Change Laws of the World](#) (accessed 30 June 2025). On 30 June 2025, the database reports having 1,342 laws and 3,389 policies.

⁷⁶ GRI and Climate Radar. [Climate Change Laws of the World](#) (accessed 30 June 2025). The database contains 1,430 laws, policies, UNFCCC submissions, and reports for South Asia, East Asia and the Pacific. Additionally, Central Asia and Europe have 2,186 documents.

⁷⁷ IUCN, UNEP, and FAO. [Ecolex](#) (accessed 30 June 2025).

assessment.⁷⁸ However, this is changing with the metrics adopted in the GBF (discussed in Part III). Practitioners can expect greater emphasis on biodiversity law, with more resources dedicated to tracking biodiversity policy, law, and litigation.

National priorities in climate and biodiversity regulation typically reflect specific national challenges. Central and West Asian countries are resource-dependent and face unique patterns of environmental degradation, water stress, and desertification exacerbated by a warming climate (World Bank 2024). Many East and Southeast Asian countries are rapidly industrializing and have immense and growing energy demands (Xie et al. 2022). South Asian countries contend with rising temperatures, erratic monsoons, glacial melt, sea-level rise, deforestation, habitat loss, and vulnerable communities against a backdrop of geopolitical tensions and infrastructure and energy gaps (Majid 2025).⁷⁹ Pacific DMCs face the existential threat of sea-level rise, presenting an immediate security crisis (Labh 2025).

The following section explores trends in climate governance across Asia and the Pacific. While much attention may be given to private sector governance, it has been omitted from this paper to avoid significantly increasing its length.

6.1 Ambition and Implementation Gaps

Globally, there has been a profound increase in climate change and environmental laws, including biodiversity laws, but they are not yielding the desired outcomes.

Despite the increased number of policies and laws for climate change and biodiversity, significant gaps exist between (i) our carbon emissions targets and current emissions, and (ii) our biodiversity targets and rising extinction rates. In short, the laws and policies are not ambitious enough (an ambition gap) and are not working as hoped (an implementation gap). Figure 3 illustrates the main drivers of these gaps.

⁷⁸ The GBF sets new goals and targets, which will now form the basis of metrics for biodiversity conservation.

⁷⁹ See also Universal Group of Institutions. [South Asia Trade Crisis: Challenges & Economic Impact 2025](#).

Figure 3: The Ambition and Implementation Gaps

The Ambition & Implementation Gaps

The total shortfall of 9.71 GtCO₂e is driven by two distinct problems: not promising enough (Ambition Gap) and not delivering on promises (Implementation Gap).

Composition of the Total Emissions Shortfall



What Drives These Gaps?

Each gap has its own set of challenges:

The Ambition Gap

Driven by strategic behavior and technological uncertainty, this is the failure to pledge what is necessary.

The Implementation Gap

Caused by domestic politics, weak policy design, and lack of public support, this is the failure to turn pledges into reality

GtCO₂e = gigatons of carbon dioxide equivalent.

Notes: There is no available analysis weighting the difference between the ambition gap and the implementation gap. The author has, therefore, given them equal weighting.

Source: Author..

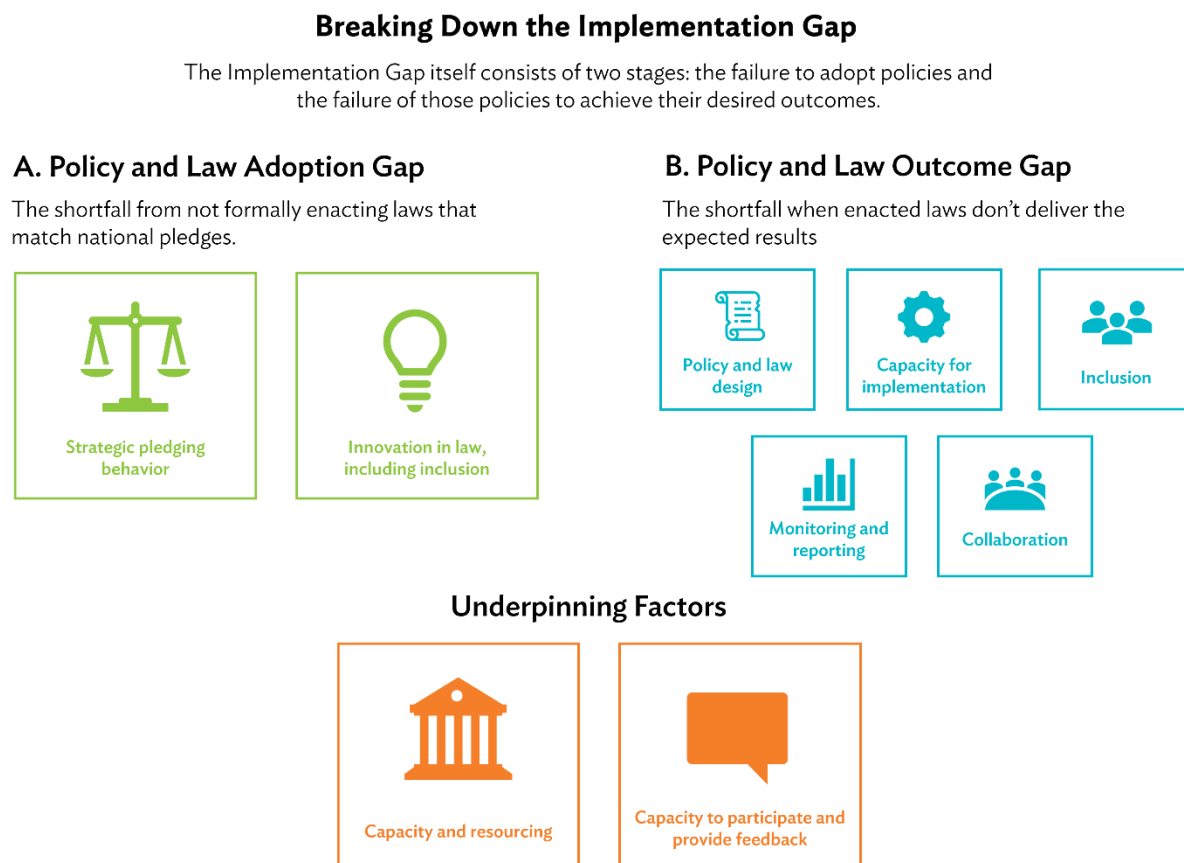
While foundational laws are often in place, their efficacy is frequently compromised by flawed or weak implementation. The implementation gap can further be broken down into

- (i) a policy and law adoption gap, where international commitments are not fully translated into domestic law; and
- (ii) a policy and law outcome gap, where enacted policies fail to achieve their intended results due to institutional, financial, and political barriers (Fransen et al. 2023, 752).

Implementation gaps also exist at subnational levels of government. A recent UN review of national climate plans noted that local climate action plans are often superficial. Typically, local climate plans are created using generic templates that do not address the unique needs of localities, developed with minimal public participation, and treated as distinct from environmental issues (United Nations 2024, 8, 17, 28–29). This failure to tailor plans to local needs is driven by several factors, including a lack of technical capacity and understanding of climate issues among local officials; a chronic shortage of financial and human resources; and the tragedy of urgency, where pressing daily needs consistently overshadow long-term climate planning (United Nations 2024).

Figure 4 summarizes the implementation gap and some contributing factors.

Figure 4: Breaking Down the Implementation Gap



Sources: Author; T. Fransen et al. 2023. [Taking Stock of the Implementation Gap in Climate Policy](#). *Nature Climate Change*. 13 (August 2023). p. 752.

The structure of legal and policy frameworks can also impact implementation. Hence, this paper discusses the architecture and status of framework laws and legislative targets for climate and biodiversity.

By fostering greater coordination, capacity-building, and community engagement at all levels, the region can continue to advance toward its climate and sustainability goals, ensuring that policy ambitions are matched by effective and inclusive implementation on the ground.

6.2 Understanding Climate and Biodiversity Legal and Policy Architecture

Legal and policy frameworks for climate change and biodiversity typically follow two distinct architectural models: (i) adopting a comprehensive “framework law,” or (ii) integrating climate and biodiversity considerations into a multitude of existing and new “sectoral” laws.

In Asia and the Pacific, countries more commonly regulate climate change and biodiversity through policy and existing sectoral laws (ADB 2020a). However, the choice between these models has profound implications for policy coherence, institutional authority, legal enforceability, and ultimately, the effectiveness of a nation's response to climate change and biodiversity decline.

However, classifying a country's legislative approach can be misleading. The existence of a framework law does not guarantee effective climate governance. A law may be largely symbolic, lacking essential elements such as well-designed binding targets, clear enforcement mechanisms, dedicated funding, or independent oversight.

The crucial determinant of success is the ability of regulatory agencies to promote real, tangible action. A well-coordinated sectoral strategy, supported by a strong national plan and a clear political commitment, may be more effective than a poorly designed or poorly enforced framework law.

Regardless of whether a climate framework law exists, sectoral regulation still needs to be updated or adjusted to align with national climate and biodiversity goals. Regulation in the corporate sector serves as an excellent example and is discussed further below.

6.2.1 Framework Legislation Explained

Framework legislation sets out a cohesive national strategic direction for climate and biodiversity policy and articulates a country's vision, priorities, and key targets necessary to address these challenges.⁸⁰ It also establishes the legal and institutional foundation for climate action and ideally contains transparency and accountability mechanisms.

Framework laws are designed to coordinate national climate responses by setting medium- and long-term goals—such as emissions reductions or net-zero commitments for climate change—and establishing institutional arrangements for governance. They can enhance policy coherence by creating clear mandates for government bodies and encouraging cross-sector collaboration. An example is Pakistan's Climate Change Act, 2017, which legislatively formalized the creation of the Pakistan Climate Change Council led by the Prime Minister (Government of Pakistan 2017).⁸¹

Framework laws also offer a stable, long-term foundation for climate and biodiversity policies, providing certainty for stakeholders and facilitating accountability through litigation. They help mainstream climate and biodiversity considerations across sectors, supporting inclusion, benefits sharing, just transition, and recognition of the rights of Indigenous Peoples. This legal clarity can enhance certainty for private sector investors

⁸⁰ GRI and Climate Radar. [Climate Change Framework Laws](#).

⁸¹ Note that Pakistan's Climate Change Council was initially constituted by the High Court of Lahore in the case of *Leghari v. Federation of Pakistan*, PLD 2018 Lahore 364.

and provide a strong legal foundation for citizens and civil society to hold governments accountable through climate litigation (Eskander et al. 2021, 44–82).

Climate change framework legislation is becoming increasingly common. Over half of ADB’s DMCs have adopted or are drafting climate framework legislation. This shift toward framework legislation has occurred rapidly over the past decade, as discussed in the section on Trends in Climate Change Governance in Asia and the Pacific.

Biodiversity framework laws are less common. Ideally, they should provide coherent, holistic legal approaches to conserving biodiversity, ensuring its sustainable use, and fairly sharing any benefits derived from using genetic resources. This review identified six stand-alone biodiversity statutes in ADB’s DMCs, which are summarized in the Biodiversity Law section below.

Recent litigation in Germany argues that the government has an obligation to adopt framework biodiversity laws (Hildt 2024). This case argues that biodiversity framework laws should be designed to halt biodiversity loss, coordinate restoration efforts, address the drivers of biodiversity loss, create legally binding frameworks, and protect ecosystems for future generations.⁸²

6.2.2 Sectoral Regulation Explained

Sectoral regulation pursues climate and biodiversity objectives through amendments or new provisions in sectoral laws, such as energy laws (to promote renewables), transport regulations (to set vehicle efficiency standards), forestry acts (to prevent deforestation), and broad environmental protection statutes.

Sectoral regulation can be a faster and more efficient route for changing national legal frameworks, especially because enacting framework legislation is a complex and time-consuming process. The inability to adopt framework law in a timely manner can also undermine short- to mid-term climate and biodiversity responses. Hence, incremental progress by leveraging existing institutional structures and expertise within line ministries—the hallmark of sectoral regulation—is often more politically palatable. The People’s Republic of China (PRC) exemplifies national climate regulation via sectoral administrative orders and policy frameworks, which were necessary after its draft climate change law stalled (Zhang et al. 2019, 537).

Poorly designed framework legislation can also add unnecessary layers of bureaucracy, hindering effective coordination among existing sectoral ministries and potentially introducing new barriers to implementation rather than resolving current challenges. When a law includes targets, caution is necessary to ensure they can adapt over time in response to technology, the best available science, and societal changes and needs. The sectoral approach may be more politically feasible, as it enables incremental progress

⁸² BUND. [FAQ: BUND Nature Conservation Lawsuit](#) (original in German).

by building on established institutional structures and the expertise already present within individual ministries (Kimura and Srinivasan 2008, 14–34).

The chief drawback of regulating through sectoral policies lies in the risk of creating a fragmented, inconsistent, and siloed legal landscape, which is common across Asia and the Pacific (UNEP 2019a). Without a central coordinating mechanism, sectoral laws may lack synergy, contain overlapping or conflicting mandates, and fail to address cross-cutting issues.⁸³ This fragmentation makes it difficult to assess overall progress toward national targets and can undermine the coherence of the country’s economy-wide climate strategy.

Biodiversity governance is overwhelmingly pursued via sectoral regulation, discussed further in the Biodiversity section.

6.2.3 Constitutional Integration of Climate and Biodiversity Rights

Constitutions may also contain rights that influence the dynamics of any legal framework. Expressly incorporating climate or biodiversity rights in constitutions is still nascent. If done, constitutional rights and obligations provide a clear legal underpinning for aligning national policies and laws with international commitments and human rights. They have also been instrumental in litigation.⁸⁴

In 2020, ADB reviewed constitutional rights related to climate change, biodiversity, and the environment in *Climate Change, Coming Soon to a Court Near You: National Climate Change Legal Frameworks in Asia and the Pacific* (ADB 2020a, 32–42). At that time, no constitutions in South Asia, Southeast Asia, or the Pacific contained an express right to a stable climate or to biodiversity. Any rights related to climate or biodiversity were indirectly linked to the right to life or the right to environment or expressed as a government policy or obligation (ADB 2020a, 32–42).

Table 6 provides examples of countries incorporating climate obligations or rights into their constitutions.

Table 6: Climate and Environmental Constitutional Provisions

Country	Relevant Articles/Sections	Climate and Environmental Provisions
Viet Nam (2013 Constitution)	Article 43, Article 63	Citizens have a right to live in a clean environment and an obligation to protect the environment. The state must manage and use natural resources, protect nature and biodiversity, and respond to climate change.
Thailand (2017 Constitution)	Chapter XVI, Section 257; Section 258(g)(1)	National reforms must balance sustainable development and a sufficient economy. Water-resource management must be efficient, fair, sustainable, and have regard to environmental and climate change.

⁸³ See, for example, a study of Viet Nam’s regulation. Du et al. (2023, 1280–1304).

⁸⁴ See ADB (2020) for a discussion of climate litigation based on constitutional rights and environmental constitutionalism across South Asia.

Country	Relevant Articles/Sections	Climate and Environmental Provisions
Tuvalu (2023 Constitution)	Preamble; Section 2(1)–(3); Section 2(5)–(6)	Constitution acknowledges the existential threat of sea-level rise and asserts permanence of Tuvalu’s statehood, maritime zones, and entitlements despite any loss of land due to climate change. The government is committed to responding to climate change, including mitigation, adaptation, and loss-and-damage measures.

Note: Tuvalu’s assertion that its statehood and maritime zones will remain despite sea level rise echoes the Pacific Islands Forum’s 2021 [Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise](#).

Sources: Government of Viet Nam. 2013. [The Constitution of the Socialist Republic of Viet Nam](#); Government of Thailand. 2017. [Constitution of the Kingdom of Thailand](#); and Government of Tuvalu. 2023. [The Constitution of Tuvalu Act 2023](#).

No constitutions in Asia or the Pacific explicitly confer a right to biodiversity for citizens. Instead, states are more likely to have a constitutional obligation to protect the environment and biodiversity as a matter of state policy. This is the case in Bangladesh, Bhutan, the PRC, Maldives, Nepal, Papua New Guinea, Thailand, Timor-Leste, and Viet Nam (ADB 2020a, 32–42). Thailand’s constitution grants citizens the right to “manage, maintain and utilise natural resources, environment and biodiversity in a balanced and sustainable manner, in accordance with the procedures as provided by law”(Government of Thailand 2017a, Article 43(2)). However, this provision constitutes a right to use biodiversity, rather than a right to a biologically diverse environment.

Courts in India and Sri Lanka have interpreted a constitutional right to life as encompassing the right to protect and preserve the environment and maintain ecological balance (ADB 2020a, 33–34).

For example, Sri Lanka’s constitution does not explicitly mention biodiversity or sustainable development (Government of Sri Lanka 2023). However, it requires citizens to protect nature and conserve its resources (Article 28(f)), while the government is mandated to “protect, preserve and improve the environment for the benefit of the community” (Article 27(14)). The Supreme Court of Sri Lanka has interpreted these obligations as requiring adherence to the public trust doctrine and the principle of intergenerational equity.⁸⁵ Hence, any decisions regarding the environment or natural resources must align with “the principle of intergenerational equity and [ensure] the long-term sustainability of our delicate eco-system and biological diversity vests” (p. 362).⁸⁶

The significance of constitutional protections for the environment, biodiversity, or climate lies in their provision of legal clarity and accountability for the protection of climate and biodiversity. They provide clear signals regarding a state’s commitment to

⁸⁵ The Public Trust Doctrine holds that certain resources are preserved for public use, and that the government holds these resources in trust for the benefit of its citizens. Intergenerational equity means that “the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.” See UNGA (1992).

⁸⁶ *Watte Gedara Wijebandara v Conservator General of Forests* 2009 1 Sri LR 337.

environmental protection. Such rights have also exploited in public interest climate and biodiversity litigation (ADB 2020c).

6.3 Climate Change Framework Legislation in Asia and the Pacific

Globally, climate change framework laws are still in the minority. As of mid-2025, the leading global database on climate change law, *Climate Change Laws of the World*, listed 74 climate framework laws worldwide.⁸⁷ Nine ADB DMCs are included in this list: Fiji (Government of Fiji 2021), Kiribati (Government of Kiribati 2020), Maldives (Government of Maldives 2021), the Federated States of Micronesia (Government of the FSM 2013), Nauru (Government of Nauru (2020), Pakistan (Government of Pakistan 2017), Papua New Guinea (Government of Papua New Guinea 2021), the Philippines (Government of the Philippines 2009), and Viet Nam (Government of Viet Nam).⁸⁸ A 2020 ADB report also identified framework laws in Indonesia, the Lao People’s Democratic Republic (Lao PDR), Nepal, Tuvalu, and Vanuatu (ADB 2020a).⁸⁹

Research for this paper identified draft or enacted climate framework laws in Armenia, Cambodia, Georgia, Kazakhstan, the Kyrgyz Republic, Malaysia, Thailand, Timor-Leste, and Türkiye (see the discussion below). As such, 23 countries—more than half of ADB’s 42 DMCs—have enacted or are working on climate framework laws. Southeast Asia has the highest proportion of countries with working or draft climate laws—eight out of nine DMCs.

Among the identified climate change laws from ADB DMCs, emissions reduction targets and adaptation targets are almost entirely absent. Instead, such targets are expressed in NDCs or climate change strategies.

The climate change framework laws identified generally do not incorporate principles of just transition, benefit-sharing, or inclusion and rights for Indigenous Peoples. This omission likely reflects the age of the laws, as many predate 2023. The international community’s increased emphasis on Indigenous Peoples and just transition has emerged as a priority issue since 2023. Furthermore, the Global Goal on Adaptation was not adopted until December 2023 (UNFCCC 2023), making it unlikely that laws passed before then considered adaptation targets or principles related to just transition and rights for Indigenous Peoples and local communities, including benefit-sharing.

Fiji’s Climate Change Act of 2021 is a notable exception (Government of Fiji 2021). This law declares that Fiji and the Earth face a climate emergency and establishes a long-term emissions reduction target of achieving net-zero greenhouse gas emissions by 2050

⁸⁷ GRI and Climate Radar. [Climate Change Framework Laws](#) (accessed 30 June 2025).

⁸⁸ Note that many other commentators do not consider Viet Nam’s Law on Environmental Protection a comprehensive framework climate change law. See the additional discussion below.

⁸⁹ See also Government of Indonesia (2009); Government of the Lao PDR (2019); Government of Nepal (2019); Government of Tuvalu (2016); and Government of Vanuatu (2016).

(Sections 6 and 38). Fiji's Climate Change Act exemplifies holistic lawmaking, emphasizing the mainstreaming of climate change across all sectors in Fiji.

Fiji's Climate Change Act also adopts a rights-based framework, creating carbon sequestration rights, mandating free, prior, and informed consent for relocation, and establishing links between ocean health and resilience. It sets targets for protecting 30% of Fiji's internal waters, archipelagic waters, territorial seas, contiguous zone, and exclusive economic zone (Section 81(2)), which incorporates key biodiversity targets into the climate change framework. Further innovative features of Fiji's Climate Change Act are discussed in Box 4.

Papua New Guinea's Climate Change (Management) Act 2015 (as amended) is another significant framework law from the Pacific. It embeds rights for Indigenous Peoples within the context of climate change and mandates inclusive governance, equitable benefit-sharing, and capacity building for vulnerable groups, consistent with the principle of just transition (Sections 11(1)(h–j)).

The Climate Change (Management) Act 2015 establishes a comprehensive legal framework for climate-compatible development through mitigation and adaptation (Section 10). It creates the Climate Change and Development Authority and the National Climate Change Board as coordinating bodies (Sections 8 and 11–28). The authority must develop and coordinate a National Climate Change Policy and ensuring the adoption of sector-specific mitigation and adaptation plans (Sections 11(1)(a)–(c)). These provisions promote intersectoral collaboration and holistic planning, which are vital for minimizing policy incoherence in climate action.

Additionally, the authority must recommend national reference levels, mandatory standards, and emission-reduction targets for specific greenhouse gases, as well as publish annual progress reports (Sections 3, 53–55, 57–60).

Papua New Guinea's Climate Change (Management) Act is distinctive because it incorporates principles of just transition and benefit-sharing, especially through REDD+ mechanisms. It affirms Indigenous Peoples' rights by making Free, Prior, and Informed Consent (FPIC) a precondition for climate-related land use or offset activities (Part VI, Sections 61–62). Section 69 obliges continual stakeholder engagement, while Section 73 mandates benefit-sharing agreements with landholders.

By embedding FPIC and landholder rights in Sections 3 and 61–62, the act aligns with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Article 19 and the Cancun safeguards for REDD+ (COP to the UNFCCC 2011). The law's emphasis on transparency, equitable participation, and benefit-sharing also mirrors the obligations under UNFCCC and the Nagoya Protocol (see Sections 11(1)(c) and (j)).

Box 4: A Blueprint for Framework Climate Legislation: Fiji's Climate Change Act 2021

Enacted to provide a comprehensive and robust response to the “climate emergency,” Fiji’s Climate Change Act 2021 sets a strong example of a law that enables integrated climate action while respecting rights. What makes it interesting?

Legally binding targets and institutional architecture. The act sets a legally binding target to achieve **net-zero** greenhouse gas emissions **by 2050**. To implement this long-term vision, it mandates the creation of 5-year carbon budgets (Part 9), which provide a clear pathway and accountability for decarbonization. It also creates a consistent institutional structure, defining the roles of the Director of Climate Change and International Cooperation Division (Section 11) and forming a National Climate Change Coordination Committee (Section 12) to ensure a whole-of-government strategy and reduce ministerial silos.

Rights-based approaches. This law creates several important rights, including Carbon Sequestration Property Rights (CSPR), which are exclusive and distinct legal rights to carbon sequestration and carbon stocks (Section 45).

CSPRs are a separate and distinct interest in land, entitling the holder to the carbon sequestered and stored in vegetation and soil on the land (Section 45). Indigenous Peoples may hold CSPRs and must grant their free, prior, and informed consent for the registration of CSPRs or REDD+ programs on their land (Sections 46(2) and 60). Acknowledging that adaptation in place may not always be feasible, Part 12 establishes planned relocation as a last resort for at-risk communities, requiring their full, free, and prior informed consent (Section 77). A dedicated Relocation and Displacement Trust Fund and comprehensive Standard Operating Procedures support this process. The law also links ocean health to climate resilience, setting a target to designate 30% of Fiji’s maritime zone as a marine protected area by 2030 and to achieve 100% sustainable ocean management by 2050 (Section 81), thereby aligning national commitments with the Kunming–Montreal Global Biodiversity Framework.

Mainstreaming climate Action across society. The act requires the integration of climate considerations throughout the economy. The government must incorporate climate change into all planning and conduct biannual reporting from designated focal points within each ministry, ensuring public sector transparency and accountability (Section 19). Section 94 amends Fiji’s Companies Act, imposing on directors a duty to **consider and evaluate climate change risks and opportunities** to the extent that they are foreseeable and intersect with the company’s interests. This amendment requires corporate boards to engage with climate change, serving as a potent tool for driving private sector action and investment.

Implementation requires continued support. The effectiveness of this law depends on the government’s ability to fulfill its commitments. The act sets tight deadlines for producing guidelines and regulations, and delays in their production undermine legal certainty. It also amends other laws, including those on disaster management, forestry, and land use, necessitating updates to avoid conflicts or gaps. For example, the act created carbon rights, meaning that the Forestry Act and State Lands Act require amendments to recognize and accommodate these new rights. Building the robust monitoring,

Continuation—Box 4: A Blueprint for Framework Climate Legislation: Fiji's Climate Change Act 2021 reporting, and verification (MRV) systems mandated by the act requires significant external support and investment in institutional, human, and technical capacity. Fiji is working closely with partners, including ICAT and GHGMI, to strengthen its capabilities, particularly in complex sectors such as agriculture. From scaling up renewable energy to financing relocation, success depends on sustained access to international climate finance and expert assistance.

FIJI'S CLIMATE CHANGE ACT 2021

A Blueprint for Framework Climate Legislation



Note: ADB supported the drafting of Fiji's Climate Change Act 2021 under technical assistance. Source: Government of Fiji. 2021. [Climate Change Act 2021](#).

6.4 Biodiversity Governance Structures in Asia and the Pacific

Biodiversity framework laws are much less common than climate change framework legislation. Only six of ADB's DMCs have stand-alone framework biodiversity laws: Bangladesh, Bhutan, India, Myanmar, Timor-Leste, and Viet Nam. Other jurisdictions use sectoral laws to regulate biodiversity governance. Table 7 lists the framework biodiversity laws in Asia and the Pacific.

However, several countries have enacted specific overarching biodiversity laws in response to the CBD. These framework laws are designed to serve as the central pillar of

biodiversity governance, establishing new legal obligations and dedicated institutional structures.

Table 7: Framework Biodiversity Laws in Asia and the Pacific

Country	Legislation	Key Features
Bangladesh	Biodiversity Act, 2017	These laws were adopted to protect biodiversity, ensure the sustainable use of its components, and promote equitable sharing of benefits accrued from biological resources. They established a National Committee, a network of local biodiversity management committees, and a conservation fund. They created a clear legal mandate for regulating access to resources and requires prior approval from the National Committee for intellectual property rights derived from the use of biological resources. Additionally, they require environmental impact assessments for projects with potential biodiversity impacts, prohibit harmful activities, declare heritage sites, and indirectly support climate resilience through ecosystem protection.
Bhutan	Biodiversity Act of Bhutan, 2022	These laws implemented international treaties, including the Convention on Biological Diversity (CBD), the Nagoya Protocol, and the International Treaty on Plant Genetic Resources for Food and Agriculture. They protected genetic resources and traditional knowledge while promoting conservation and sustainable use. They established access-and-benefit-sharing mechanisms, introduced systems for plant variety protection, created institutional arrangements, and established penalties for illegal access.
India	Biological Diversity (Amendment) Act, 2023	The 2022 Biological Diversity Act was revised to streamline access, benefit-sharing, and compliance mechanisms for biodiversity use. While it does not set explicit biodiversity targets, it aligns with the CBD, the Nagoya Protocol, and the Kunming–Montreal Global Biodiversity Framework (GBF). It expanded definitions (e.g., “benefit claimers” and “derivatives”) and retained a three-tiered institutional hierarchy—the National Biodiversity Authority, State Biodiversity Boards, and local Biodiversity Management Committees—to regulate access to biological resources and associated knowledge. It affirmed benefit-sharing obligations but does not explicitly reference Free, Prior, and Informed Consent (FPIC), though it recognizes local and Indigenous knowledge holders. The harmonization with climate frameworks is implicit, emphasizing biodiversity’s role in resilience and sustainable use, although no direct mitigation or adaptation targets are set.
Myanmar	Conservation of Biodiversity and Protected Areas Law, No. 12/2018	The framework establishes guidelines aligned with international biodiversity conventions for designating and managing protected areas, regulating wildlife and plant trade, and conserving ecosystems. It created governance bodies and penalties for violations, supports community participation, and promotes

Country	Legislation	Key Features
		research and education. However, it does not establish an explicit benefit-sharing mechanism for genetic resources, one of the CDB's key pillars.
Timor-Leste	Decree-Law No. 6/2020, Legal Framework for the Protection and Conservation of Biodiversity	The framework defines in situ and ex situ conservation measures and regulates access to genetic resources and traditional knowledge. It established a National System of Protected Areas; addresses threats such as invasive species and climate change; and promotes public participation, education, incentives, monitoring, and sanctions for violations.
Viet Nam	Law No. 20/2008/QH12 on Biodiversity	The framework promotes in situ and ex situ conservation, management of protected areas and biodiversity facilities, benefit-sharing for genetic resources, control of invasive species, risk assessment for GMOs, and biodiversity corridors. It promotes sustainable development, international cooperation, funding mechanisms, and compensation for biodiversity damage, ensuring ecological balance and conservation.

Sources: Government of Bangladesh. 2017. [Bangladesh Biodiversity Act, 2017](#); Government of Bhutan. 2022. [Biodiversity Act of Bhutan 2022](#); Government of India. 2023. [Biological Diversity \(Amendment\) Act, 2023](#); Government of Myanmar. 2018. [Conservation of Biodiversity and Protected Areas Law](#); Government of Timor-Leste. 2020. [Decree-Law No. 6/2020, Legal Framework for the Protection and Conservation of Biodiversity](#); and Government of Viet Nam. 2008. [Law No. 20/2008/QH12, Biodiversity Law](#).

6.5 Biodiversity Governance: Trends in Ambition in Asia and the Pacific

Reviewing biodiversity governance in Asia and the Pacific reveals a complex and dynamic landscape. While specific contexts differ, some major trends emerge. Overarching insights highlight shared challenges and diverse pathways in implementing the Kunming–Montreal GBF. These comparisons show common obstacles and unique regional strategies that shape collective efforts to conserve biodiversity.

One clear trend is the universal recognition of the GBF as the central organizing principle for biodiversity policy, supported by sectoral legal frameworks. Another trend is that most countries are still updating their national biodiversity strategies and action plans (NBSAPs) to align with the GBF. As of July 2025, only Afghanistan, the PRC, India, Indonesia, Malaysia, and Thailand had submitted GBF-aligned NBSAPs. Most other countries are in the process of updating their NBSAPs, indicating that ambition in biodiversity governance is still evolving. Therefore, discussing trends in biodiversity governance based on existing NBSAPs may not be a reliable indicator of national preferences.

To provide insights into the current status of biodiversity governance ambition, Appendix 2 of this paper presents tabular summaries of the various NBSAPs.

6.6 Implementation Gaps in Biodiversity Governance in Asia and the Pacific

Implementation gaps in climate and biodiversity governance are common and occur for similar reasons. Factors such as ineffective implementation of legal and policy frameworks, policy incoherence, limited institutional capacity, inadequate biodiversity funding, data and knowledge gaps, inconsistent monitoring, and low stakeholder engagement hinder the effective enforcement of biodiversity policies and laws.

Ineffective Implementation of Policy and Legal Frameworks and Policy Incoherence

Although countries have adopted NBSAPs, their effective implementation remains a challenge (Brockett et al. 2023; Karki et al. 2018). Many NBSAPs are developed within environmental ministries but are not fully adopted as national policy through legislation, leading to limited awareness and support from other crucial sectors such as agriculture, energy, water resources, and finance (Smallwood et al. 2022). In 2024, the CBD called for parties to mainstream biodiversity, as required by the GBF, in a manner supportive of the CBD's three objectives.⁹⁰

The failure to adopt and mainstream NBSAPs has resulted in limited awareness and support from other key sectors, including agriculture, energy, water resources, and finance (Smallwood et al. 2022). In its 2018 *Regional Assessment of Biodiversity and Ecosystem Services for Asia and the Pacific*, IPBES observed that “placing biodiversity goals within sectoral decision-making systems within those ministries not directly concerned with biodiversity issues ... remains a challenge” (Karki et al. 2018). IPBES recommended combining a range of policy tools (regulatory measures alongside economic and financial incentives) and adopting integrated strategies (ecosystem-based adaptation and disaster risk reduction) to support integrated and mainstreamed biodiversity governance (Karki et al. 2018).

Poorly designed laws with aspirational goals or that fail to incorporate clear quantitative targets or robust monitoring frameworks also undermine implementation (Brockett et al. 2023, 2; Pörtner et al. 2021; Smallwood et al. 2022, 53–54). Legal and policy reforms are also crucial for creating an enabling environment for effective biodiversity finance and results-based budgeting (van den Heuvel and Barois 2024).

The Philippines recently reviewed and reformed its protected areas system. Before 2018, the system was severely underfunded. Eighty-seven percent (94 of the 107) protected areas were not formally registered under the national legislation, making them paper parks—protected in name only (van den Heuvel and Barois 2024). The government passed the Expanded National Integrated Protected Areas System (E-NIPAS) law to register these areas. The E-NIPAS law also enabled the registration of an additional 91 protected areas. Following these reforms, \$75 million in budget allocations was

⁹⁰ CBD. 2024. [Recommendation Adopted by the Subsidiary Body on Implementation on 29 May 2024](#). CBD/SBI/REC/4/10, para. 3.

allocated to fund baseline studies of protected areas, the development of management plans, and the implementation of priority actions (van den Heuvel and Barois 2024).

Vague language in global instruments also contributes to weak implementation at the national level, particularly where parties have too much latitude in implementation. For example, GBF Target 7 commits parties to “reducing the overall risk from pesticides and highly hazardous chemicals by at least half” (Ekardt 2023, 11). Such language enables flexibility in policy adoption and policy outcomes, creating a gap.

Policy Incoherence

Policy coherence is fundamental for effective environmental governance and sustainable development. It requires coordinated government action across sectors to support shared objectives, foster synergies, and avoid contradictory outcomes.⁹¹ Yet, incoherence remains a pervasive global challenge, leading to fragmented efforts, conflicting mandates, and weak implementation of environmental laws and goals (UNEP 2019a, 10).

The literature highlights two common and interconnected factors driving policy incoherence: (i) the misalignment between environmental goals and harmful subsidies, and (ii) institutional fragmentation that hinders cross-sectoral coordination (UNEP 2019a).

Misalignment Between Environmental Goals and Harmful Subsidies. The contradiction between environmental goals and existing subsidy programs is a prominent source of policy incoherence. Governments routinely provide financial support or favorable tax treatment to strategic economic sectors, resulting in environmentally harmful subsidies (EHS) that undermine global biodiversity funding and hinder the transition to a green economy (Gerasimchuk et al. 2025, v).

Energy policy starkly illustrates policy incoherence in Asia and the Pacific. Many countries still depend heavily on fossil fuel consumption, supporting it with lucrative subsidies while imposing carbon taxes (ESCAP et al. 2022). Subsidies sustain fossil fuel dependence, directly opposing climate efforts, skewing energy markets, and depleting public funds that could be invested in clean energy (Lim et al. 2024; ADB 2023a, 78).

The International Monetary Fund reported a surge in subsidies globally in 2022, including in Asia and the Pacific (Pörtner et al. 2021, 135; Lim et al. 2024). Fossil fuel subsidies alone reached \$1.3 trillion in 2022, imposing an estimated \$5.7 trillion cost on the global economy in the form of eroding ecosystem services (Black et al. 2023). This trend posed a policy challenge for implementing carbon pricing mechanisms, such as carbon taxes or emissions trading schemes, which are still evolving and not widely adopted across Asia and the Pacific (UNEP 2019).

⁹¹ See Target 17.14 of Goal 17 of the Sustainable Development Goals; OECD (2016) and UNEP (2024b).

Resource-intensive industries have also contributed to widespread deforestation, pollution, and biodiversity loss. Agricultural and fisheries subsidies intensify large-scale production, leading to higher emissions and environmental degradation (Pörtner et al. 2021, 135).

EHS are frequently embedded within broader policy frameworks, yet their effects are rarely acknowledged (Gerasimchuk et al. 2025, 14). Policymakers may overlook their impacts, and beneficiaries often resist scrutiny due to the controversial nature of these subsidies, allowing them to persist and continue causing harm.

Trade policy also presents potential conflicts, especially if trade agreements contain weak environmental safeguards (Xue et al. 2024). The Regional Comprehensive Economic Partnership, now the world's largest free-trade agreement by size (\$26 trillion in gross domestic product) and population (2.3 billion), contains no environmental, labor, or state-owned enterprise provisions (Malingrey and Yann 2022; Park et al. 2021, 2 and 6). These omissions raise concerns about the agreement's potential to prioritize trade expansion over environmental sustainability (Black et al. 2023).

Despite these challenges, opportunities for policy alignment and synergy exist. Integrating environmental considerations explicitly into national development plans, budgets, and investment strategies can foster coherence (ADB 2024d). Transitioning toward green and blue economies can create new jobs in sectors such as renewable energy, sustainable agriculture, and ecosystem restoration, aligning economic goals and environmental goals (ESCAP et al. 2025). Nature-based solutions offer integrated approaches that can simultaneously address climate change (both mitigation and adaptation), biodiversity loss, and livelihood needs (ADB 2024g). Promoting sustainable infrastructure development and adopting circular economy principles to reduce waste and resource consumption can also create win-win scenarios.⁹² Realizing these synergies, however, requires deliberate cross-sectoral coordination and integrated policy design.⁹³

Addressing contradictory environmental goals and subsidies also requires greater transparency and accountability. Independent evaluations can stimulate public scrutiny and discourse (Gerasimchuk et al. 2025, 20). Embedding EHS assessments into mandatory review processes, such as environmental impact assessments and sectoral policy reviews, can also help prevent the perpetuation or creation of harmful subsidies (Gerasimchuk et al. 2025, 22).

Structural Barriers to Cross-Sectoral Coherence. Institutional silos within government structures pose deep-rooted barriers to policy coherence. Ministries are typically organized by sector—finance, health, environment, energy, mining—and operate independently, with limited mechanisms for collaboration. This fragmentation hampers integrated approaches and cross-sectoral problem-solving (UN 2024, 17).

⁹² UNODC. [Asia and the Pacific](#); and UNEP. [Policy Coherence](#).

⁹³ UNEP. [Policy Coherence](#).

Legal frameworks often compound the issue. Sectoral laws can be vague, overlapping, or contradictory, resulting in regulatory gaps and conflicts (UNEP 2023c, 28). When conservation and resource extraction laws collide—such as those governing oil palm plantations, timber, and mining in Indonesia—extractive interests frequently prevail (Nurhidayah 2019; UNEP 2023b, 28). These inconsistencies create competing mandates and leave critical issues unaddressed (UNEP 2019, 24).

Responsibility for environmental governance is commonly dispersed across multiple agencies. In the Lao PDR, for instance, oversight of agriculture, forestry, biodiversity, and energy was divided among several ministries. To address governance gaps, the government merged the Ministry of Natural Resources and Environment with the Ministry of Agriculture and Forestry in 2025, marking a step toward more integrated management (Ministry of Agriculture and Environment 2025).

Ministries also differ in priorities, resources, and institutional cultures. Environmental agencies often lack funding and political influence compared with those focused on economic development or resource extraction (UNEP 2019a, 3). Interdepartmental rivalries, compounded by regulatory overlap and underlap, further obstruct coordination (UN 2024, 17).

Effective biodiversity conservation depends on sustained collaboration and policy alignment. However, many coordination mechanisms lack long-term mandates and suffer from weak interagency communication (UN 2024). The absence of clear protocols for coordination across national, subnational, and local levels exacerbates institutional fragmentation.

Capacity constraints also hinder coherent action. Many departments lack expertise in climate science, biodiversity, and cross-sectoral linkages. High staff turnover erodes institutional memory and disrupts continuity (Mader and Uchiyama 2020, 4). Furthermore, central agencies and audit institutions often remain unaware of environmental commitments, limiting their ability to support cohesive policymaking (Gerasimchuk et al. 2025, 31).

Penalties

Weak penalties for environmental law violations remain a pervasive problem. They allow polluters to treat minimal fines as a routine business cost rather than a genuine deterrent (Pring and Pring 2016, 52; UNEP 2019). This dynamic is exacerbated by trust-based accountability systems, such as disclosure and reporting requirements, which lack robust sanctions and rely too heavily on reputational consequences (Higham et al. 2021, 3). As a result, businesses and non-compliant entities face few incentives to change their behavior, and environmental harm continues largely unchecked.

For example, in the Lao PDR, a third violation of an environmental compliance certificate issued for an environmental impact assessment result in a fine of K30 million

(approximately \$1,385 as of August 2025).⁹⁴ However, the Lao PDR Ministry of Agriculture and Environment can also suspend environmental compliance certificates for violations and require project owners to cease operations.⁹⁵

Suspension orders are far more costly than a minor fine, making them a powerful regulatory tool. However, they are also politically unpopular, leaving environmental agencies reluctant to pursue them (UNEP 2019, 28). Environmental agencies, therefore, require nuanced legal frameworks that include interministerial coordination mechanisms and diverse enforcement options. For example, environmental authorities in India have lacked the power to impose civil penalties or other enforcement measures beyond shutting down polluting operators, which is politically unpopular (UNEP 2019, 28). These limitations were a major reason for the limited success of environmental laws in India (UNEP 2019, 28). India updated its biodiversity law to introduce a range of monetary penalties to address some of these issues (Government of India. 2023).

Courts, too, are often left without the authority to impose sufficiently high fines or order effective remedial actions to address past environmental harm and deter future violations (Pring and Pring 2016, 52). Alternatively, judiciaries lack training in environmental law, and there are examples of judges imposing inadequate penalties (Boer and Clarke 2012, 18).

Limitations in Institutional Capacity

Beyond regulatory gaps, formidable barriers exist in implementing existing laws and policies. Weak enforcement capacity is pervasive, stemming from insufficient resources (financial, human, technological), lack of political commitment, and sometimes corruption (UNEP 2019).

A critical lack of human, institutional, and financial capacity hinders effective implementation of NBSAPs and multi-scale, multi-sector governance systems. Institutional and technical capacities are often fragmented, uncoordinated, and incoherent, lacking awareness-raising, knowledge management, and effective policy implementation. Policymakers and practitioners often lack access to practical guidance and examples of good practices. For protected areas, significant staffing gaps (200% to over 700%) and fiscal gaps (as high as 900%) severely undermine management effectiveness (Karki et al. 2018).

Institutional weaknesses further compound implementation challenges. Overlapping mandates between different government agencies (e.g., environment, forestry, agriculture, energy, local government) can create confusion, duplication of effort, or inaction (Faroque and South 2022, 389–406). Lack of technical capacity hampers

⁹⁴ Government of the Lao PDR. Decree No. 389/LB of 2022, Decree on Environmental Impact Assessment, Article 79(2).

⁹⁵ Government of the Lao PDR. Decree No. 389/LB of 2022, Decree on Environmental Impact Assessment, Article 79(2).

effective environmental assessment, monitoring, reporting, and verification (MRV) and the implementation of sophisticated approaches like nature-based solutions (NbS) or payment for ecosystem services (PES) (ESCAP et al. 2023).

Insufficient Finance

While climate finance is increasing, reaching \$1.46 trillion in 2022, it remains critically insufficient (Naran et al. 2024). Current estimates indicate that annual climate finance flows need to increase at least five times, reaching \$7.4 trillion each year through to 2030, to keep the global temperature rise to 1.5°C (footnote **Error! Bookmark not defined.**). The adaptation finance gap is particularly large. The funding required to cover the adaptation needs outlined in the Glasgow Climate Pact is estimated to be between \$187 billion and \$359 billion annually (UNEP 2024a). In comparison, public adaptation finance flows amounted to only \$28 billion in 2022 (footnote **Error! Bookmark not defined.**). This shortfall leaves vulnerable nations dangerously exposed to the escalating impacts of climate change.

Insufficient financial resources for conservation pose a significant obstacle to improving biodiversity ambition (UNEP–WCMC 2020; Mader and Uchiyama 2020). In 2022, the annual biodiversity finance gap was estimated to range from \$598 to \$824 billion, with total spending reaching \$121 billion between 2008 and 2017 (van den Heuvel and Barois 2024, 1; Seidl et al. 2020, 1–25). Public funds still dominate sources of biodiversity finance, with around 80% of finance still coming from public budgets (van den Heuvel and Barois 2024, 1).

The limited financial resources restrict governments from investing in monitoring systems, enforcement actions, conservation programs, and essential infrastructure. High transaction costs linked to implementing complex environmental procedures can also be a deterrent (Wong et al. 2022).

Government agencies involved in nature conservation also struggle to access funds to implement biodiversity action plans because they are commonly disconnected from budget processes (van den Heuvel and Barois 2024). Results-based budgeting is an important tool for integrating biodiversity targets into fiscal frameworks by aligning public spending with measurable conservation outcomes.

In 2024, the UNDP-Global Biodiversity Finance Initiative (BIOFIN) published a five-step framework for countries seeking to adopt a results-based management approach to align public spending with measurable conservation outcomes (van den Heuvel and Barois 2024, 1). The report examined the experiences of Indonesia, the Kyrgyz Republic, Mongolia, the Philippines, Thailand, and Viet Nam with biodiversity finance, highlighting several best practices.

Data and Knowledge Gaps and Inconsistent Monitoring

Considerable gaps persist in biodiversity knowledge, information, and data across Asia and the Pacific, particularly for marine biodiversity and less-studied taxonomic groups (Karki et al. 2018, 12). These gaps occur for several reasons.

Limited human, institutional, and financial capacity hampers effective biodiversity assessment and management. There is a clear shortage of experts in fields like taxonomy, system ecology, and climate science, as well as insufficient funding for vital research, monitoring, and NDC and NBSAP implementation (Karki et al. 2018, 5 and 38–39). Many countries encounter major challenges in establishing biodiversity baselines and conducting regular national assessments due to these resource constraints.

Data systems are inconsistent, fragmented, and often poor in quality. Data collection efforts are often uncoordinated, and the absence of standardized methods hinders data compilation and comparison across jurisdictions (Karki et al. 2018). Many existing studies and inventories are outdated. So, obtaining timely and complete datasets is difficult, especially for dynamic elements such as ecosystem conditions and processes (Karki et al. 2018, 12). These gaps are especially pronounced in under-researched ecosystems, such as freshwater, Arctic, marine and ocean environments, seabeds, and wetlands (Díaz et al. 2019, 55).

Basic information on extinction risks and population trends is also critically lacking for many taxa, including most invertebrates, fungi, and microbial species (Karki et al. 2018, 12). Even in historically well-surveyed marine areas, significant data gaps remain regarding the status and trends of species and ecosystems in Asia and the Pacific, especially in the deeper pelagic zones (Karki et al. 2018, 208).

Limited funding and expertise in ecosystem assessment present challenges for the verification process of NBSAP monitoring (Mirzabaev and Akramkhanov 2025, 46). Insufficient data and inadequate monitoring systems hinder efforts to track progress, evaluate policy effectiveness, and hold actors accountable, particularly in Central and West Asia (Mirzabaev and Akramkhanov 2025, 29).

Gaps arise from limited awareness and poor integration. Policymakers often fail to grasp or undervalue biodiversity's economic and socioeconomic importance (Mader and Uchiyama 2020, 4). Policymakers, planners, and field managers have also been unwilling to apply Indigenous and Local Knowledge in biodiversity management, excluding Indigenous Peoples and local communities from research and decisions and overlooking important context-specific data (Karki et al. 2018, 485–486).

Data gaps for vulnerable groups. Insufficient disaggregated data is available for vulnerable groups, such as Indigenous women, youth, children, and persons with disabilities, as well as across key demographic areas like age, migratory status, disability, sex, and location (Díaz et al. 2019, 56). These data gaps make certain populations

statistically invisible, complicating comprehensive impact assessments (Karki et al. 2018, 39).

Language barriers also hinder the inclusion of non-English scientific literature in global biodiversity databases, creating biases and widening knowledge gaps (Almond et al. 2022, 33). These interconnected challenges collectively hamper a robust and holistic understanding necessary for effective biodiversity conservation in Asia and the Pacific.

Limited Stakeholder Engagement

Indigenous peoples and local communities play a vital role in conserving biodiversity. The IPBES has emphasized that multi-stakeholder governance can hasten progress toward biodiversity goals and should be pursued urgently (Karki et al. 2018, XV). Yet, climate projects and conservation efforts have often advanced without genuine input or participation from Indigenous Peoples, local communities, and other stakeholders (Karki et al. 2018, 146).

Outdated practices, such as fortress conservation and centralized habitat management, combined with a lack of community consultations, have rendered protected areas ineffective (Knox 2025, 1–77; Karki et al. 2018, XV). For example, mangrove restoration projects in the Philippines and Sri Lanka have yielded poor outcomes due to inadequate planning and limited engagement with local stakeholders, resulting in weak community support for these projects (ESCAP et al. 2023, 64). The long-term survival rates of mangrove plantings were only 10%–20% in the Philippines and 20% in Sri Lanka (ESCAP et al. 2023, 64).

Fortress conservation removes human residents from protected areas based on the premise that people, including Indigenous Peoples and local communities, pose a threat to nature conservation (Knox 2025, 1–77). Across Asia, many Indigenous Peoples have been evicted from national parks, including “the Mongondow from the Dumoga-Bone National Park in Sulawesi, Indonesia; the Vedda from Madura Oya National Park in Sri Lanka; and Adivasi from parks and reserves throughout India” (Knox 2025, 22). These evictions have resulted in displacement and alleged human rights abuses and were contrary to the principles of the Convention on Biological Diversity (CBD) (Knox 2025, 1–77). Furthermore, urban demographic changes, including those affecting Indigenous Peoples and local communities, have also reduced indigenous and local knowledge, creating significant challenges for biodiversity conservation (Karki et al. 2018, 287).

Low stakeholder engagement hampers the effective enforcement of biodiversity policies and laws. Limited public awareness and few opportunities for meaningful public involvement further reduce political pressure for stronger biodiversity protection (Faroque and South 2022, 389–406).

Despite the clear benefits of including Indigenous Peoples and local communities in biodiversity initiatives, few national legal frameworks integrate consultation or free, prior, and informed consent into climate change or biodiversity legal or policy frameworks.

Instead, these processes are treated as disparate and unconnected legal frameworks. Part III discusses this issue further.

6.7 Shifting Toward Inclusive and Integrated Climate-Biodiversity Policies

The growing recognition of the deep interconnections between climate change and biodiversity loss—the “twin crises”—underscores the need for integrated policy approaches that address both simultaneously (Pörtner et al. 2021). Siloed approaches risk inefficiency, trade-offs, and missed opportunities for synergistic solutions (Pörtner et al. 2021).

A variety of policy tools and approaches are currently being deployed.

Nature-based Solutions (NbS), which leverage ecosystem functions to address societal challenges, are increasingly recognized for their potential to deliver climate mitigation and adaptation benefits, biodiversity conservation, and economic benefits (ADB 2024g). NbS may include ecosystem-based adaptation strategies, forest conservation and restoration (including REDD+ mechanisms), mangrove and wetland restoration, and sustainable agricultural practices (IUCN 2024b; Myers Madeira et al. 2013; Regmi 2024; ESCAP et al. 2023).

NbS and ecosystem-based adaptation exemplify such integrated approaches. Policies and projects that invest in the protection, restoration, and sustainable management of ecosystems such as forests, wetlands, mangroves, and coral reefs can deliver significant co-benefits for climate mitigation (through carbon sequestration), climate adaptation (e.g., coastal protection, water regulation, reduced disaster risk), and biodiversity conservation (habitat provision) (ADB 2024d). The Asian Development Bank (ADB) champions NbS through initiatives like its Nature Solutions Finance Hub (ADB 2024f).

Effective integration also requires inclusive planning processes. Concepts such as Participatory, Integrated, and Biodiversity-Inclusive Spatial Planning (PI-BISP), referenced in the GBF context, aim to systematically incorporate biodiversity considerations into land- and sea-use planning across all sectors, involving diverse stakeholders in the process (IUCN 2024a). Community-based adaptation planning empowers local communities to identify climate risks and develop appropriate responses based on their specific contexts and knowledge (UN Regional Collaborative Platform et al. 2021).

Furthermore, inclusivity in policy design and implementation is crucial for equity and effectiveness. This means actively involving and considering the differentiated impacts on various stakeholder groups, particularly women, youth, Indigenous Peoples, local communities, persons with disabilities, and the economically disadvantaged (ILO 2015). While climate policies and plans, such as NDCs, increasingly mention gender considerations, planning must evolve toward specific actions, targets, and resources to address gender inequalities and empower women as change agents (ESCAP et al. 2023).

Similarly, ensuring the meaningful participation of Indigenous Peoples and local communities and respecting their rights and knowledge is essential for the success of conservation and climate initiatives on their lands (ILO 2024). Initiatives like the Barefoot College’s “Solar Mamas” project demonstrate how empowering women in rural communities can drive clean energy adoption and local development (Bertzky et al. 2021). Achieving genuine inclusivity requires addressing structural barriers related to access, representation, tenure security, and power dynamics, moving beyond tokenistic consultation toward true empowerment and partnership (Kim et al. 2025).

Even where political will exists, deficits in funding, personnel, technical expertise, and coordinated institutional structures undermine governmental capacity to translate policies into effective action (IGES 2025).

Other tools include expanding protected area networks, social forestry programs involving local communities, environmental impact assessments (EIA) and strategic environmental assessments (SEA) for development projects, and market-based instruments like payments for ecosystem services (PES) (Kim et al. 2025; Dawson et al. 2021, 19).

While this proliferation of policy instruments demonstrates growing attention to environmental issues, their integration and effectiveness remain uneven across the region. Policies are often developed and implemented within sectoral silos (e.g., environment, energy, agriculture) without sufficient coordination, leading to potential conflicts or missed opportunities for synergy (ADB 2019). Challenges related to policy incoherence, gaps in implementation, weak enforcement, and overlapping jurisdictions frequently undermine the intended impact of these diverse tools (ESCAP et al. 2023).

6.8 Improving Biodiversity Governance

A good biodiversity law or governance system is characterized by its effectiveness, equity, responsiveness, and robustness, aiming to halt and reverse biodiversity loss. These systems should be comprehensive, adaptive, and inclusive, addressing the drivers of species extinction and promoting sustainable conservation practices.

A recent study identified some key principles for effective biodiversity conservation law and policy (Brockett et al. 2023, 1–17):

- **Threat-based laws.** Biodiversity laws should target specific biodiversity threats, using scientific and traditional knowledge to guide action. Responses should be scaled according to species risk levels, prioritizing those at greatest extinction risk.
- **Target-based laws.** Setting specific, measurable goals, targets, and indicators allows for the assessment of effectiveness, efficiency, and accountability. This approach can be seen in global frameworks like the GBF, which includes objectives such as conserving 30% of land and marine areas by 2030 (“30x30” target) and recommends their integration into national legislation.

- **Transparency and independence:** Laws and decisions should be transparent, with consultation and independent reviews. Decision-makers' discretion should be limited to prioritize species extinction prevention over socioeconomic factors.
- **Inclusive decision-making:** This principle emphasizes meaningful participation of all relevant stakeholders, especially Indigenous Peoples and local communities, recognizing their authority, rights, and traditional ecological knowledge.
- **Effective evaluation and review:** Provisions for systematic monitoring, evaluation, and adaptive management are essential to ensure laws are responsive to changing circumstances and new scientific findings.

The study also identified a range of mechanisms capable of supporting these principles:

- **Mainstream biodiversity and climate change.** Integrating biodiversity conservation and climate action as core considerations across all government sectors (e.g., forestry, agriculture, fisheries, land management) and societal domains.
- **Create protected areas and other effective area-based conservation measures (OECMs).** Establish and effectively manage protected areas and OECMs with clear conservation objectives, focusing on positive biodiversity outcomes. The types of areas established should recognize diverse governance models, such as community-conserved areas and privately protected areas.
- **Listing and recovery plans.** Implement processes for listing threatened species and ecological communities (e.g., using IUCN Red List criteria) and develop recovery plans that identify and protect critical habitats.
- **Fair and equitable benefit-sharing.** Ensure fair distribution of monetary and non-monetary benefits derived from the utilization of genetic resources and traditional knowledge, particularly with Indigenous Peoples and local communities.
- **Multilevel governance and coordination.** Foster collaboration and coordination across global, national, subnational, and local levels, involving all actors—governments, civil society organizations, NGOs, the private sector, and the scientific community—to ensure coherent policy and action.
- **Legal rights of nature.** An emerging legal approach that recognizes the legal personhood or rights of the environment itself, potentially offering a novel pathway for protection against degradation.

Challenges such as data gaps, fragmented institutional arrangements, weak governance, and insufficient financial resources need to be addressed to enhance the effectiveness and implementation of biodiversity conservation efforts.

Figure 5: Qualities of Effective Biodiversity Governance



Source: C. Brockett et al. 2023. [Best Practice Mechanisms for Biodiversity Conservation Law and Policy](#). *Cambridge Prisms: Extinction*. 1. e16. pp. 1–17.

7 The Intersection of Climate Change, Biodiversity, and Indigenous Peoples' Rights

7.1 National Legal Frameworks for Indigenous Peoples' Rights

Despite the near-universal acceptance of UNDRIP, national legal systems in most countries typically do not mandate FPIC or establish formal frameworks for benefit-sharing with Indigenous Peoples and local communities (UNEP 2023b, 98). Even where FPIC is mentioned in legislation, such as in the Philippines under its 1997 Indigenous Peoples Rights Act, it remains an exception rather than the norm (UNEP 2023b, 98). As such, most jurisdictions treat these safeguards as aspirational rather than legally enforceable mandates.

There is a wide gap between the international recognition of FPIC and its actual practice (Smith et al. 2019, 1–13). Many laws concerning FPIC lack clear implementation procedures or may be overridden in certain situations. Alternatively, FPIC may only apply to specific economic activities or categories of communities, rather than being viewed as universal obligations (UNEP 2023c). These shortfalls suggest that while FPIC principles are supported at an international level, their translation into binding domestic law is often inadequate.

Even in countries with stand-alone legislation to protect the rights of Indigenous Peoples, like the Philippines' Indigenous Peoples Rights Act of 1997, such legislation is scarce, and it rarely connects with climate change and biodiversity (UNEP 2023c, 98; Government of the Philippines 1997). In most jurisdictions, FPIC and benefits-sharing are viewed as guiding principles rather than legally binding requirements.

India grants Indigenous Peoples rights under the Forest Rights Act of 2006. This law grants Indigenous Peoples the right to hold and live in forest land for habitation or self-cultivation for their livelihood (section 3(1)(a)), as well as the right to access biodiversity and community rights to intellectual property and traditional knowledge related to biodiversity and cultural diversity (section 3(1)(k)).

Malaysia, Myanmar, and Niue have also adopted laws for ethnic protection (Government of Malaysia 1954; Government of Myanmar 2015; Government of Niue 2012). However, these laws do not grant property rights to Indigenous Peoples over their land or rights to free, prior, and informed consent. On 6 August 2025, Thailand's government passed a law to protect Indigenous Peoples' rights (Parpart 2025). An English version of this law is not yet available, but it reportedly includes provisions to recognize Indigenous identities, settle land disputes, and mitigate the effects of displacement caused by development projects (Sunuwar 2025b).

Nepal is also set to introduce a law for the protection of Indigenous Peoples' rights. In June 2025, Nepal's Supreme Court directed the government to develop legislation, policies, and initiatives in accordance with the standards set by ILO Convention No. 169

and UNDRIP (Sunuwar 2025a). The ruling affirms the right of Nepali Indigenous Peoples to FPIC before any actions that impact their lands, cultures, or livelihoods can proceed.

The Philippines' Indigenous Peoples' Rights Act (IPRA) is a landmark law (Government of the Philippines 1997). No other country in Asia or the Pacific has adopted such extensive legislation for the protection of Indigenous Peoples' rights.

What makes IPRA unique is the extent of rights it grants. It recognizes Indigenous Peoples' rights to their ancestral domains and lands, as well as their rights to self-governance and empowerment, social justice and human rights, and cultural integrity. IPRA provides for the delineation and Torrens titling of ancestral domains and lands.⁹⁶ It also mandates the FPIC of Indigenous communities for projects affecting their territories and for access to biological and genetic resources (sections 7 and 35).

However, the implementation of IPRA has faced numerous challenges, including conflicts with other national laws (such as the Mining Act), bureaucratic hurdles, lack of funding, manipulation of FPIC processes, and the persistent influence of the Regalian Doctrine (Daytec-Yañgot n.d.). This Spanish-era legal principle asserts state ownership of all lands and natural resources within the Philippines and is enshrined in Article XII, Section 2 of the 1987 Constitution (Republic of the Philippines 1987). However, the landmark 1909 Supreme Court decision in *Cariño v. Insular Government* held that lands held by Indigenous Peoples under claims of private ownership since time immemorial were never public lands and thus were not subject to state grant.⁹⁷

Many national constitutions, particularly in post-colonial states, established the principle of state sovereignty over all lands and natural resources within their territories (AIPP 2014; Daytec-Yañgot n.d.; IWGIA 2024). State ownership of lands and natural resources often directly conflicts with the rights that Indigenous Peoples assert over their traditional lands and natural resources, creating tension in the recognition of Indigenous Peoples' land rights. For this reason, even where constitutions recognize constitutional rights, they frequently contain contradictory principles of state ownership of lands and natural resources.

7.2 The Intersection of Climate Change and the Rights of Indigenous Peoples

An analysis of 24 climate change framework laws from Asia and the Pacific reveals a clear spectrum in the legal conceptualization of public participation, ranging from passive information sharing to the active empowerment of communities with decision-making authority.⁹⁸ This spectrum reflects differing governmental philosophies regarding the role of citizens and communities in climate governance.

⁹⁶ Indigenous cultural communities may seek either a Certificate of Ancestral Domain Title or a Certificate of Ancestral Land Title. Torrens title is a registerable instrument with the Philippines' Land Registration Authority.

⁹⁷ [Cariño v. Insular Government](#), 41 Phil 935 (1909).

⁹⁸ Annex 1 contains a high-level review of these laws.

At one end are frameworks that establish a procedural right to be heard. For instance, Kazakhstan’s *Environmental Code* guarantees public participation in decision-making and mandates public hearings for impact assessments, ensuring that community views are expressed and recorded (Government of Kazakhstan 2021a).

Similarly, Cambodia’s *Code on Environment and Natural Resources* establishes a principle of public participation that entitles affected persons to receive informed and timely inputs through a transparent and accountable process (Government of Cambodia 2023, Article 11). This provision creates a requirement for consultation that did not previously exist. However, it does not obligate the decision-making body to act on public input or grant communities the power to veto projects, treating participation merely as an input into a state-led process.

Further along the spectrum are laws that mandate deeper forms of engagement and local ownership. The Lao PDR’s *Decree on Climate Change* requires engagement with those directly and indirectly impacted and encourages the use of “local wisdoms,” suggesting a more collaborative approach (Government of the Lao PDR 2019, Articles 4 and 23).

Nepal’s *Environment Protection Act* prioritizes affected local communities in the implementation of environmental management plans, moving beyond mere consultation to active involvement (Government of Nepal 2019, Section 10(5)). Kiribati’s Act is built on a principle of “community engagement, participation and empowerment,” requiring diverse community representation on decision-making bodies and local ownership of plans. This model views communities not just as stakeholders to be consulted but as active partners in governance.

At the far end of the spectrum is the codification of a substantive right to consent—free, prior, and informed consent (FPIC). This right is the highest standard of participation, transferring ultimate decision-making authority to the affected community for specific, high-stakes issues. Fiji’s *Climate Change Act* provides a clear example, legally mandating the “full free and prior informed consent” of communities before any climate-induced relocation can occur (Government of Fiji 2021, Section 77). This right signifies a profound shift in power, recognizing that for decisions with irreversible impacts on culture, land, and identity, the community’s determination is paramount.

Papua New Guinea’s *Climate Change (Management) Act* also strongly emphasizes the rights of customary landowners to equitable participation in projects affecting their land (Government of Papua New Guinea 2015, Part VIII). Customary landowners have the right to FPIC over climate change-related projects or activities that affect their customary land. Projects under REDD, REDD+, the Clean Development Mechanism, or other voluntary carbon offset projects, as well as any future climate change emission reduction mechanisms, are also subject to FPIC (section 3).⁹⁹

⁹⁹ Papua New Guinea’s [National REDD+ Development Guidelines](#) also require FPIC for all REDD+ initiatives or voluntary carbon market projects that may impact the lives, land, or rights of customary landholders and local

The choice of legal language—ranging from hearing to participation to consent—is meaningful. It reflects a government’s willingness to share power with Indigenous Peoples and determines the extent to which communities can shape their climate futures.

However, the analysis also reveals a critical implementation gap.

In Cambodia, some commentators argue that the legal principle of participation is undermined by the practical exclusion of Indigenous groups from key decision-making processes (Bun 2025). This perspective demonstrates that while the presence of legal text is fundamental, implementation is also essential to ensure meaningful participation. Political will, institutional capacity, and civic space are all equally crucial for implementing these rights.

For rights-based approaches to be truly effective, legislation must go beyond ambiguous terms. It must clearly define the quality and legal significance of public participation, particularly when fundamental community rights are at stake.

7.3 The Intersection of Biodiversity and the Rights of Indigenous Peoples

Historically, FPIC and benefit-sharing mechanisms have rarely been integrated into domestic climate change or biodiversity strategies, including national REDD+ programs or biodiversity action plans aligned with conventions like the CBD or the Nagoya Protocol. Although international instruments (e.g., UNDRIP, ILO 169, and CBD Article 8(j)) recognize FPIC principles, they are often treated as external obligations rather than integral components of domestic environmental law, resulting in fragmented policy application (Buppert and McKeehan 2013).

The nonbinding nature of global targets often allows states to support broad aspirations without committing to obligations that compel specific actions (Pörtner et al. 2021, 159). For instance, while UNDRIP sets the goal of respecting Indigenous inherent rights, its nonbinding status leaves it to each signatory nation to incorporate it into national law and policy (Smith et al. 2019, 1–13). The concept of benefit-sharing itself is often described as an “aspirational and optimistic frame” rather than a legally robust framework (Morgera 2024, 4).

Although the GBF sets ambitious targets like “30x30,” it is not legally binding and lacks “clear rules on how to continuously improve ambition levels” (Ekardt et al. 2023). Its language, often using terms like “should” or “encourage” instead of “shall,” indicates soft obligations at best, similar to its predecessors. This implies that states are not legally bound by the instrument as a whole, although it may clarify existing binding provisions under the CBD (Ekardt et al. 2023).

The six framework biodiversity laws in Asia and the Pacific were adopted before or concurrently with the GBF and therefore do not fully reflect its goals and targets. A review of these laws also reveals varied and often limited implementation of FPIC for local and Indigenous communities. While some laws mandate consent, these provisions are frequently weakened by state-centric overrides, exemptions, and procedural flaws. Table 8 summarizes the FPIC requirements of these six laws.

Table 8: Summary of the FPIC Provisions Under Biodiversity Laws

Country	Legislation and (Year)	FPIC Required?	Relevant Provisions	Comments
Bangladesh	Bangladesh Biodiversity Act, 2017	No	National Committee (NC) must (i) consult with concerned local committees before deciding on an application for access; and (ii) advise the government on respecting, recognizing, and preserving the knowledge of the local community about biodiversity (section 10(h)). Section 30(1)(a): Requires pre-notification to local authorities and legitimate claimants before granting access rights Section 32(2): Requires a “discussion with the local people and authorities” prior to declaring a heritage site	The law establishes a state-centric, top-down system. While it requires consultation with local bodies, it does not grant them the power to give or withhold consent (veto power). The NC has final authority to approve access to biodiversity and traditional knowledge
Bhutan	Biodiversity Act of Bhutan (2022)	Yes, but with a significant national interest override	Section 66: Requires “prior informed consent of the providers of genetic resources or holders of associated traditional knowledge” Section 108: Promotes the development of “community protocols”	The State may overrule community rights for “national importance,” which significantly weakens the obligation to seek free, prior and informed consent (FPIC) (section 18)
India	Biological Diversity (Amendment) Act (2023)	Implicitly through “mutually agreed terms” with local bodies, but	Section 21: Approvals must secure fair and equitable benefit sharing based on “mutually agreed terms and conditions” between the applicant and the local	The requirement for mutually agreed terms implies a form of consent. However, the 2023 amendments exempt “codified traditional knowledge”

Country	Legislation and (Year)	FPIC Required?	Relevant Provisions	Comments
		with new exemptions	Biodiversity Management Committee Section 7: Requires prior intimation to the State Biodiversity Board for commercial utilization	and registered AYUSH practitioners, creating a significant loophole (section 7)
Myanmar	Conservation of Biodiversity and Protected Area Law (2018)	No	The law does not contain FPIC provisions	The legal framework is state-centric, with no legal requirement to obtain the consent of Indigenous Peoples or local communities for biodiversity projects on their lands
Timor-Leste	Legal Framework for the Protection and Conservation of Biodiversity (2020)	Yes, for traditional knowledge. For genetic resources, consent is from the state	Article 44: Access to traditional knowledge is subject to the “prior and informed consent of the community” Article 43: Access to genetic resources requires “prior and informed consent of the State”	The law is strong on FPIC for traditional knowledge. However, for genetic resources, the consent is state-driven, and the mechanism for community input is not clearly defined
Viet Nam	Biodiversity Law (2008)	Partially, but can be overridden by the state	Articles 57–58: Require written contracts on access and benefit-sharing with entities managing genetic resources, including local communities	The state may grant access licenses “in the interest of the country and community” without the consent of the resource managers, weakening the FPIC requirement (Article 59(5))

AYUSH = ayurveda, yoga & naturopathy, Unani, Siddha, and homeopathy; FPIC = free, prior and informed consent; NC = National Committee.

Sources: Government of Bangladesh. 2017. [Bangladesh Biodiversity Act, 2017](#); Government of Bhutan. 2022. [Biodiversity Act of Bhutan 2022](#); Government of India. 2023. [Biological Diversity \(Amendment\) Act, 2023](#); Government of Myanmar. 2018. [Conservation of Biodiversity and Protected Areas Law](#); Government of Timor-Leste. 2020. [Decree-Law No. 6/2020, Legal Framework for the Protection and Conservation of Biodiversity](#); and Government of Viet Nam. 2008. [Law No. 20/2008/QH12, Biodiversity Law](#).

7.4 Understanding FPIC and Meaningful Consultation

FPIC is a combined standard where each element—free, prior, informed, and consent—has a specific and essential meaning. Therefore, a consultation process is not truly free unless it is fully informed or informed unless it occurs before key decisions. Consent is only valid if it results from a process that is truly free, prior, and informed.

The FPIC terminology has accepted meanings. “Free” means that Indigenous Peoples and local communities must give consent “voluntarily without coercion, duress, or intimidation” (Accountability Framework Initiative 2019, 2). “Prior” denotes that consent must be given before the activity or project commences. Relevant information must be provided in a timely and culturally appropriate manner, enabling Indigenous Peoples and local communities to make an informed decision (Accountability Framework Initiative 2019, 2). Lastly, consent means that Indigenous Peoples and local communities have a choice to collectively determine whether to grant or withhold agreement for the activity or project (Accountability Framework Initiative 2019, 2).

The specifics of seeking FPIC vary, but there are generally three stages: (i) information gathering and engagement; (ii) consultation and negotiation; and (iii) decision-making, agreement, and implementation.¹⁰⁰ Understanding how to ensure that consultation is meaningful or when Indigenous Peoples reach consensus in the context of an FPIC consultation can be difficult. Several organizations have outlined best practice guidelines for seeking FPIC, and the Inter-American Court of Human Rights has issued two landmark decisions on the topic.¹⁰¹ The Accountability Framework Initiative also emphasizes that FPIC is not transactional. Instead, it is “an ongoing process that companies should engage in throughout the life of company operations” (Accountability Framework Initiative 2019).

Few judicial decisions consider the practical requirements of meaningful consultation. The Inter-American Court of Human Rights considered the obligation of states to conduct FPIC and undertake meaningful consultation in the context of the American Convention on Human Rights.¹⁰² Those decisions emphasized factors such as the need for good faith, culturally appropriate and accessible consultations, and clear, sufficient, and timely information about the nature, scope, and potential impacts of the proposed project, including environmental and health risks.

¹⁰⁰ See, for example, World Bank (2017); FAO (2016); Accountability Framework Initiative (2019); ADB (2024); IFC (2012); and Government of the Philippines (2012).

¹⁰¹ Footnote 100; [Case of the Saramaka People v. Suriname](#), IACHR Series C No 172 (Inter-American Court of Human Rights, 28 November 2007); H. Garscia. 2014. [Saramaka People v. Suriname](#). *Loy. L.A. Int'l & Comp. L. Rev.* 36. pp. 2305–2326; and [Case of the Kichwa Indigenous People of Sarayaku v. Ecuador](#), IACHR Series C No 245, IHRL 4384 (IACHR 2012) (Inter-American Court of Human Rights, 27 June 2012).

¹⁰² [Case of the Saramaka People v. Suriname](#), IACHR Series C No 172 (Inter-American Court of Human Rights, 28 November 2007); H. Garscia. 2014. [Saramaka People v. Suriname](#). *Loy. L.A. Int'l & Comp. L. Rev.* 36. pp. 2305–2326; and [Case of the Kichwa Indigenous People of Sarayaku v. Ecuador](#), IACHR Series C No 245, IHRL 4384 (IACHR 2012) (Inter-American Court of Human Rights, 27 June 2012).

There are few FPIC decisions from courts in Asia and the Pacific. However, a 2021 decision from the Supreme Court of Papua New Guinea examined the duty of meaningful consultation for environmental impact assessments (EIAs). This case offers excellent guidance on aspects of meaningful consultation, particularly as it discusses meaningful consultation in the context of routine EIA consultations.

In *Saonu v Mori*, the court characterized meaningful consultation as an ongoing, two-way dialogue that requires a genuine exchange of views, enabling stakeholders to provide informed feedback on proposed environmental impacts.¹⁰³ The court identified five key phases for meaningful consultation in the context of environmental impact assessments:

1. **Stakeholder Identification:** Proponents must identify affected groups by considering their social, economic, and cultural traits and evaluate how the project impacts them.
2. **Planning and Preparation:** Consultations must be accessible, well-timed, and organized to maximize participation. Formats should promote interaction and address stakeholder concerns.
3. **Prior Dissemination of Information:** Stakeholders must receive all relevant information in clear, understandable language before consultations. This includes details on environmental impacts, mitigation measures, and risks.
4. **Incorporating Feedback and Sharing Results:** Stakeholders' concerns and suggestions must be addressed, and the revised environmental impact statement should incorporate their input. Results of consultations should be shared transparently.
5. **Continuous Engagement and Grievance Mechanisms:** Stakeholders must remain involved throughout the project and have accessible channels for raising concerns.

The court emphasized that withholding information and failing to enable proper consultation would constitute a violation of natural justice. It also noted that public participation enhanced the quality of environmental impact assessment processes and contributed to the development of sustainable projects.

Although *Saonu v Mori* relates to EIA processes, the decision also provides practical guidance for policymakers, lawmakers, and practitioners on designing procedures for meaningful consultation in an FPIC context because the decision emphasizes the importance of ongoing engagement in building and maintaining trust and credibility.

However, it is essential to understand that meaningful consultation is one component of FPIC, not the sum. In countries lacking robust FPIC procedures, projects may consult FPIC guidelines published by multilateral development banks or the Accountability Framework Initiative (footnote 100).

¹⁰³ [Saonu v Mori](#) [2021] PGNC 384; N9170 (20 September 2021).

8 Achieving Policy Coherence: Integrating Environmental, Economic, and Financial Agendas

Sustainable development requires countries to navigate a delicate balance between protecting the environment, nurturing people and future generations, fostering economic growth, and maintaining financial stability. Policy coherence is necessary to achieve this balance.

The Sustainable Development Goals (SDGs) recognize the need for policy coherence as a core component of achieving sustainable development. Target 17.14 aims to achieve enhanced policy coherence to support sustainable development, with one indicator being the “number of countries with mechanisms in place to enhance policy coherence of sustainable development.”¹⁰⁴

UNEP has prepared a standardized methodology with eight “domains” to support countries in enhancing and assessing their national policy coherence (UNEP 2024b). These domains cover (i) institutionalization of political commitment, (ii) long-term considerations in decision-making, (iii) interministerial and cross-sectoral coordination, (iv) participatory processes, (v) policy linkages, (vi) alignment across government levels, (vii) monitoring and reporting for policy coherence, and (viii) financing for policy coherence (footnote **Error! Bookmark not defined.**). The range of these spheres indicates that countries should do more than aim for mere policy consistency. Long-term systemic change, with inclusive and mutually reinforcing actions that are integrated horizontally and vertically, is needed (UNEP 2024b, 6).

UNEP’s 2019 progress report on the environmental dimensions of the SDGs noted the limited availability of data on policy coherence (UNEP 2019a, 104). Nevertheless, UNEP stated that many countries had taken steps to strengthen policy coherence in support of sustainable development (footnote **Error! Bookmark not defined.**). These measures included the establishment of interministerial coordination platforms, national strategies promoting policy coherence, dedicated offices such as commissioners for future generations, and participatory structures to engage key stakeholders in decision-making processes (footnote **Error! Bookmark not defined.**). UNEP’s 2021 update report also recorded ongoing limitations in data regarding policy coherence (UNEP 2021a, 13 and 24).

Part VI(F)(b) of this paper discusses the challenge of continued policy incoherence within the legal and regulatory frameworks of many of ADB’s DMCs. Factors such as conflicting regulatory mandates, harmful subsidies, and institutional fragmentation continue to drive policy incoherence in many of these countries.

¹⁰⁴ UN. Goal 17. [Strengthen the Means of Implementation and Revitalize the Global Partnership for Sustainable Development.](#)

Preparing a detailed analysis of policy measures to reduce policy incoherence is outside the scope of this discussion paper. In any event, UNEP’s handbook on indicator 17.14.1 is an excellent resource outlining various options that governments may pursue to enhance policy coherence.¹⁰⁵

This section focuses on the need for integrated planning for sustainable development and the energy transition, along with considerations for fiscal reform, particularly in reforming environmentally harmful subsidies.

8.1 Sustainable Development Planning

Integrating environmental considerations systematically into national and subnational development planning, budgeting, and investment processes is fundamental for policy coherence (ADB 2024d).

Planning must move beyond siloed approaches that treat the environment as a separate sector managed solely by environment ministries. Integrated planning entails a whole-of-government approach, with all ministries (finance, planning, energy, agriculture, transport, etc.) considering environmental impacts and supporting the achievement of environmental SDGs.¹⁰⁶ Tools like integrated assessments, natural capital accounting, strategic environmental assessment (SEA), and budget alignment frameworks aid in this integration (ADB and UNEP 2019).

Initiatives like the joint UNDP-UNEP Poverty Environment Action for the SDGs (formerly the Poverty-Environment Initiative) work directly with countries (including Bangladesh, the Lao PDR, Myanmar, and Nepal) to mainstream poverty-environment linkages into national planning and finance processes.¹⁰⁷

ADB has also collaborated with UN agencies to compile tools for policymakers to integrate the environmental dimensions of the SDGs (ADB and UNEP 2019). Effective integration requires strong institutional coordination mechanisms, capacity building within planning and finance ministries, and robust monitoring and evaluation frameworks to track progress (footnote **Error! Bookmark not defined.**).

Participatory planning and processes are also needed to ensure a just transition and inclusion, particularly of Indigenous Peoples, women, children, and other people who are vulnerable to climate change.

Domain two of SDG target 17.14 encourages countries to create mechanisms that incorporate long-term considerations into decision-making, policy development, and planning (UNEP 2024b, 16–17). For example, Hungary’s Fundamental Law of 2011

¹⁰⁵ UNEP has articulated sub-indicators for each domain which demonstrate potential action items for governments. See UNEP (2024, 6).

¹⁰⁶ Footnote 105 and ADB (2024c).

¹⁰⁷ UNEP. [Supporting Good Governance](#).

facilitates the integration of sustainability within public policy frameworks and includes essential provisions regarding the rights of future generations (UNEP 2024b, 16–17). Finland also has a Committee for the Future that addresses matters related to the 2030 Agenda for Sustainable Development (UNEP 2024b, 18).

UNEP’s handbook on indicator 17.14 also emphasizes the importance of inclusive, participatory processes in developing laws, policies, plans, programs, and major development projects (domain four) (UNEP 2024b, 23). For example, the Government of Canada finalized its sustainable development strategy for 2019–2022 following a 120-day public consultation period that included consultations with Indigenous Peoples (UNEP 2024b, 25).

8.2 Integrated Planning for the Energy Transition

Shifting from fossil fuels to clean and renewable energy sources is central to climate mitigation efforts in Asia and the Pacific. The region is responsible for over half of global greenhouse gas emissions, primarily due to heavy coal reliance (ESCAP et al. 2023). Climate commitments under the Paris Agreement, energy security concerns, and the falling costs of renewable technologies will drive this transition (ADB 2021).

Case studies from Indonesia, the Philippines, and Viet Nam highlight the intricate policy dilemmas involved in transitioning away from coal, addressing growing energy needs, and managing social implications (ILO 2022).

Success requires integrated planning that aligns energy policy with fiscal measures, social safety nets, skills development programs, and economic diversification strategies (ILO 2015). MDBs like ADB are prioritizing support for this transition through their energy policies and financing mechanisms, often focusing on scaling up renewables, improving energy efficiency, and supporting grid modernization (ADB 2021; Susantono et al. 2021). The energy transition, therefore, necessitates a high degree of policy coherence across multiple domains—energy, finance, labor, social welfare, and regional development—which is currently a major challenge in many regional contexts (ILO 2022).

8.3 Fiscal Reform

8.3.1 Environmental Fiscal Reform

Environmentally harmful subsidies exceed \$2 trillion annually, far surpassing current public and philanthropic funding for biodiversity and climate.¹⁰⁸ Repurposing even a small portion of this public funding could significantly contribute to achieving social and environmental objectives (Gerasimchuk et al. 2025).

¹⁰⁸ Business for Nature. [Reform \\$2.6 Trillion Yearly Environmentally Harmful Subsidies to Deliver a Nature-Positive Economy](#); and Koplou and Steenblik (2024).

EFR offers a powerful toolset for promoting policy coherence by aligning fiscal instruments with environmental goals (IBRD and the World Bank 2005). Key components include phasing out environmentally harmful subsidies (especially for fossil fuels, but potentially also in agriculture and fisheries) and implementing mechanisms that price negative externalities, such as carbon taxes, emissions trading schemes, pollution charges, and resource extraction taxes. Such reforms can generate a double dividend—discouraging environmentally damaging activities while raising government revenue (IBRD and the World Bank 2005).

Additional fiscal space is crucial in Asia and the Pacific, where climate action, biodiversity conservation, and achieving the SDGs require significant investments, even with limited public budgets and rising debt levels (Lim et al. 2024).

Implementing EFR is politically complex. Subsidy removal can face strong public resistance, particularly if it disproportionately affects low-income households. Careful design is needed, often incorporating compensatory measures (e.g., targeted cash transfers) to protect vulnerable groups and ensure public acceptance (Lim et al. 2024). The effectiveness of carbon pricing mechanisms depends on their scope, stringency, and integration with other policies; current schemes in Asia are often limited (Lim et al. 2024). Designing EFR requires a context-specific approach, considering the country’s economic structure, institutional capacity, and political landscape (IBRD and the World Bank 2005). International institutions like the IMF and World Bank advocate for EFR and provide technical support to countries undertaking these reforms (Lim et al. 2024).

8.3.2 Considerations for Reforming Environmentally Harmful Subsidies

Overcoming EHS requires consideration of multiple factors. In 2025, the International Institute for Sustainable Development and Porticus published a playbook for reforming EHS (Gerasimchuk et al. 2025). Table 9 summarizes the opportunities identified by the playbook for removing EHS.

Table 9: Opportunities for Removing Environmentally Harmful Subsidies

Step	Action
Understand environmentally harmful subsidies	<ul style="list-style-type: none"> • Conduct audits of environmentally harmful subsidies (EHS) to initiate policy discussions. • Promote independent EHS reviews by research organizations and civil society explore the nature and impact of EHS. • Encourage businesses to assess their dependence on EHS through internal and third-party evaluations. • Call for standardized EHS definitions and approaches. • Integrate EHS analysis into existing government review processes, like environmental impact assessments.
Identify solutions	<ul style="list-style-type: none"> • Assist developing member countries with technical expertise for EHS assessment and restructuring. • Build finance ministry networks to leverage fiscal reform incentives. • Integrate subsidy reform requirements into international trade frameworks.

Step	Action
	<ul style="list-style-type: none"> • Strengthen civil society networks for effective policy influence. • Showcase successful reform examples through targeted messaging. • Demonstrate economic benefits of corporate subsidy reform to businesses and financial sectors. • Connect farm support programs with sustainable food system objectives.
Create political support	<ul style="list-style-type: none"> • Establish alliances of pioneering governments to promote subsidy reform through peer pressure and changed standards. • Collaboratively design alternative policies to counter resistance and build networks.
Act on policy windows and bring multiple streams together	<ul style="list-style-type: none"> • Build public support through targeted messaging on harmful agricultural subsidies. • Engage with farming communities during major policy transitions and reforms. • Extend divestment approaches from fossil fuels to broader development financing. • Establish flexible multi-donor pools dedicated to subsidy reform support • Analyze economic impacts of transitioning farm support toward sustainable practices. • Host dialogues to explore the interconnectedness and impact of EHS. • Catalog climate-harmful incentives and evaluate restructuring possibilities. • Leverage state utilities as allies who gain from competitive market structures.

Source: I. Gerasimchuk et al. 2025. [Reforming Environmentally Harmful Subsidies A Playbook](#). International Institute for Sustainable Development (IISD).

9 Advancing a Just Transition: Ensuring Equity, Rights, and Sustainable Livelihoods

The transition to environmentally sustainable economies, particularly the shift from fossil fuels and carbon-intensive industries necessary to meet climate goals, entails significant social and economic transformation.

Just transition emphasizes the need to manage these transformations in a fair, equitable, and inclusive way, ensuring that the benefits of climate action are widely shared and that those potentially negatively affected—workers, communities, and regions dependent on declining industries—are supported (ESCAP et al. 2023). Just transition involves proactively addressing the distributional consequences of climate policies and ensuring that changes contribute to decent work, social inclusion, and poverty eradication, guided by frameworks such as the Guidelines for a Just Transition of the International Labour Organization (ILO 2015).

Benefit-sharing mechanisms, such as eco-compensation and payments for ecosystem services, create financial incentives for ecosystem conservation. These mechanisms directly support climate and biodiversity goals while making conservation economically attractive to private sector investors and landowners. Eco-compensation and PES can also provide Indigenous Peoples and local communities with fair compensation for their traditional stewardship, ensuring they receive economic benefits from ecosystem services while respecting their rights and knowledge.

9.1 Frameworks and Strategies for Just Transitions in Environmental Action

The just transition imperative is particularly relevant for Asia and the Pacific. The significant dependence on fossil fuels, particularly in major economies like Indonesia and Viet Nam, indicates that the energy transition will lead to considerable workforce adjustments and regional economic restructuring (ESCAP et al. 2023).

Jobs in carbon-intensive sectors such as coal mining and fossil fuel power generation are at risk. However, new opportunities are emerging in renewable energy, energy efficiency, sustainable agriculture, and circular economy models (Lim et al. 2024). Managing these shifts requires deliberate policy interventions to avoid exacerbating or creating new inequalities, highlighting the growing recognition of the need for just transition growing within the region (UNEP 2023b).

9.1.1 Legal and Policy Frameworks

Globally, just transition principles are increasingly cited in nationally determined contributions (NDCs) and Long-Term Low Emission Development Strategies (LT-LEDS), although often without detailed implementation plans (ESCAP et al. 2023). Part VI also assesses the current linkages between NDCs and climate change laws, and just transition in Asia and the Pacific.

Translating just transition principles into comprehensive, adequately funded, and effectively implemented national strategies remains a significant challenge. The case of coal phase-out in Southeast Asia demonstrates that just transition considerations are often secondary to immediate concerns regarding energy security and economic development (ILO 2022). There are often substantial discrepancies between recognizing the necessity for just transition in high-level policy documents and providing the required resources and institutional capacity to effectively manage the complex social and economic aspects of the transition at the grassroots level (Mohideen and Kolantharaj 2024, 3; Lim et al. 2024, 14).

Several countries stand out for their work on incorporating just transition into initiatives into their climate governance frameworks.

Australia, the Republic of Korea, the Kyrgyz Republic, New Zealand, and Thailand have established committees or task forces to guide their national efforts (ESCAP et al. 2023, 52).¹⁰⁹ Regional initiatives, such as the Community of Practice on Just Energy Transition in Asia, supported by the ILO and UNOPS, also aim to facilitate knowledge exchange and policy development (ILO 2025).

Several climate laws in Asia and the Pacific incorporate the concept of just transition. The Philippines' 2009 *Climate Change Act* established the core idea of climate justice without using the modern term. Its legally mandated "gender-sensitive, pro-children and pro-poor perspective" was a pioneering provision that centered on the needs of the most vulnerable in all climate planning (Government of the Philippines 2009). This focus on protecting the vulnerable echoes the "leave no one behind" principle, which also guides Kiribati's Disaster Risk Management and Climate Change Act, 2019 (Government of Kiribati 2020, section 6(h)).

More recent laws explicitly refer to a just transition. Tuvalu's Climate Change Resilience Act 2019 uses the term just transition in its long title (Government of Tuvalu, 2019). Beyond that, the act seeks to promote and support Tuvalu's "islands, industries, and communities to adjust to the changes and impacts" related to climate mitigation (section 6(e)). Section 6(f) also emphasizes the need to support vulnerable communities and populations while promoting "social justice and intergenerational equity," which aligns with the principles of a just transition.

Fiji's 2021 law and Türkiye's 2025 law also explicitly incorporate the principle of just transition (Government of Fiji 2021, section 5(f); Alimci and Erdoğan 2025). Section 5(f) of Fiji's law specifically recognizes the need to support the workforce and manage the socioeconomic impacts of decarbonization. Türkiye's law aims to prioritize vulnerable

¹⁰⁹ The Kyrgyz Republic established the Coordination Council on Green Economy and Climate Change, chaired by the Prime Minister, to hardwire policy coherence into the governance architecture from the top down; and Thailand established the National Committee on Climate Change Policy in 2007 to provide a stable, authoritative platform for formulating national climate policy.

groups in climate action, manage employment impacts, and ensure a socially sustainable transition (Alimci and Erdoğan 2025).

Annex 1 of this paper further discusses the integration of just transition into NDCs and climate change legal frameworks in Asia and the Pacific.

9.1.2 Just Transition Governance Models in Asia and the Pacific

Countries in Asia and the Pacific are typically adopting one of four primary models for just transition governance.

Model 1: international partnership. This model features a formal partnership between a host country and the International Partners Group. The programs in Indonesia and Viet Nam under the Just Energy Transition Partnership are strong examples of this approach. The model's strengths lie in its ability to mobilize substantial international finance (\$20 billion for Indonesia, \$15.5 billion for Viet Nam) and leverage world-class technical expertise through internationally led working groups.¹¹⁰ Such partnerships can accelerate the development of sophisticated investment and policy plans.

This model faces various implementation challenges. Externally led processes often contend with complex and misaligned domestic political economies or lack the authority to oversee or influence negotiations and policy reforms across ministries. The Just Energy Transition Partnership Secretariat in Indonesia has encountered these difficulties (Fauzianto et al. 2025, 6). Additionally, this model is constrained by national consultation processes, which may fail to ensure genuine and safe participation for local civil society (Wischermann 2024).

Model 2: integrated state-led model: This approach, used in the Kyrgyz Republic and Thailand, relies on high-level national committees, often led by the head of government, to incorporate just transition principles into existing national development plans.¹¹¹ Its primary advantage lies in the potential for strong political buy-in and enhanced policy coherence across government ministries. By embedding just transition within core national strategies, such as Thailand's National Economic and Social Development Plan, this model can ensure that climate action is not siloed (ILO 2023, 1).

The main challenge for this model is adapting established bureaucratic structures, which may be technically oriented and lack the institutional culture or expertise to manage the complex social and labor dimensions of a just transition. It may also lack the dedicated, large-scale financing packages that define the Just Energy Transition Partnership model.

Model 3: sub-national model: Pioneered in regions like Jharkhand, India, and Nalaikh, Mongolia, this model involves creating dedicated task forces or strategies at the state or

¹¹⁰ EU. [Just Energy Transition Partnership \(JETP\) with Indonesia](#); and Nhung (2022).

¹¹¹ UNDP Kyrgyzstan. [Partnership Actions on Green Economy](#); and Government of Thailand (2017b, 5).

district level.¹¹² This subnational approach is highly effective in developing contextualized plans that respond to the specific socioeconomic realities of communities most affected by the transition, particularly those dependent on coal mining. For example, the Jharkhand Task Force is responsible for creating district-specific action plans covering seven thematic areas, ranging from livelihood transition to climate finance (Lohmeyer et al. 2025).

The primary risk of this model is the potential disconnect from national policy and funding streams. For subnational just transition initiatives to succeed, they must be effectively linked to and supported by a coherent national framework.

Model 4: regulator-driven model: Malaysia's Joint Committee on Climate Change (JC3), led by the central bank and securities commission in partnership with the financial industry, exemplifies this model.¹¹³ Its key strength is its effectiveness in mainstreaming climate-related financial risks and opportunities within the private sector. By developing tools like a Transition Finance Framework and supporting small and medium-sized enterprises through initiatives like the Greening Value Chain program, this model can rapidly mobilize private capital and embed transition planning into corporate governance (Bank Negara Malaysia 2024).

This model focuses on the financial and corporate aspects of the transition, which may risk overlooking social issues such as community development, the impacts of the informal sector, and the welfare of workers in nonfinancial sectors.

9.1.3 Good Practices for Just Transition

Effective just transition strategies typically involve a combination of key elements, requiring a coordinated, whole-of-economy and whole-of-society approach (ESCAP et al. 2023). Important considerations include the following:

- **Social dialogue.** Dialogue is fundamental for bringing together governments, employers' organizations, and workers' representatives (tripartism) to negotiate transition pathways and policies (ILO 2015).
- **Robust social protection systems.** These systems provide income support, unemployment benefits, and safety nets for displaced workers and affected communities (ILO 2015).
- **Investment in skills development, reskilling, and upskilling.** Significant investment is required to equip the workforce for emerging green jobs (ILO 2015).
- **Economic diversification.** Strategies for economic diversification are crucial for regions heavily dependent on fossil fuels, promoting investment in new sustainable industries aligned with local potential (ESCAP and UNEP 2024, 18–33).

¹¹² Climate Investment Funds. [Jharkhand's Task Force on Sustainable Just Transition, India](#); and Lohmeyer et al. (2025).

¹¹³ Joint Committee on Climate Change. [Who We Are](#).

- **Community participation.** Meaningful community participation in planning and decision-making ensures that local needs and concerns are addressed (Boer and Clarke 2012, 21–22).¹¹⁴
- **Tailored support for vulnerable groups.** Women, informal workers, youth, persons with disabilities, Indigenous Peoples, and local communities may face specific barriers or disproportionate impacts due to climate change and biodiversity loss. Therefore, they require targeted support to ensure a just transition (ILO 2015).

9.2 Benefit-Sharing Mechanisms: Eco-compensation and Payments for Ecosystem Services

Benefit-sharing mechanisms have become essential tools for financing conservation and climate mitigation efforts, making them increasingly pivotal instruments in environmental governance.

Payment for ecosystem services (PES) and eco-compensation schemes aim to mitigate the negative environmental impacts of human activities by implementing measures to offset or compensate for ecological damage (Development Asia 2017). Both schemes seek to create incentives for resource users, communities, or governments to take actions that protect or enhance ecosystem services, such as carbon sequestration in REDD+ projects or watershed protection in PES schemes (Wong et al. 2022). While they are often used interchangeably, they have different underlying concepts and ways they operate.

PES refers to a voluntary transaction in which buyers pay providers for maintaining a specific ecosystem service or land-use practice that ensures the continued supply of that service (Wunder 2005, 3–4). The agreement is contingent upon the provider continuing to supply the ecosystem service (Investment Agriculture Foundation of BC 2025).

Eco-compensation schemes are a broader policy mechanism. They aim to mitigate negative environmental impacts of human activities by implementing measures to offset or compensate for ecological damage (Development Asia 2017). Eco-compensation often involves monetary subsidies designed to progressively integrate market-based approaches (ADB 2016). This broader scope can include programs that compensate households, communities, or regional governments for land acquisition associated with environmental policy, such as the declaration of protected areas or restricted development zones for conservation (Development Asia 2017).

¹¹⁴ Further, in *Saonu v Morobe Provincial Government and Ors*, OS (JR) 35 of 2021, the PNG Supreme Court considered the requirements for meaningful consultation with Indigenous Peoples in relation to an EIA. Factors included stakeholder identification, planning and preparation for a consultation process, prior dissemination of all relevant information, incorporating feedback and sharing results, and maintaining continuous stakeholder engagement and easy access to a grievance mechanism. para. 56.

Both mechanisms may provide stakeholders with monetary or nonmonetary benefits in return for specific conservation actions or outcomes (Wong et al. 2022). Monetary benefits can include cash payments or revenue sharing, while nonmonetary benefits may involve assistance with clarifying land tenure, technical support, training, infrastructure development (such as schools and clinics), or support for sustainable enterprises (Myers Madeira et al. 2013).

Ecosystem services—the benefits humans derive from ecosystems—sit at the core of both concepts. These benefits include (i) provisioning services, such as food, water, or timber; (ii) regulating services, like climate regulation or flood control; (iii) supporting services, including soil formation or pollination; and (iv) cultural services, which encompass recreational or spiritual experiences (Cavelier and Gray 2014). Ecosystem services underpin humankind’s quality of life and our collective economic health.¹¹⁵

Benefits under these mechanisms can be distributed to individuals, households, community groups, or subnational governments (UNEP 2023b). Designs for benefit-sharing mechanisms can include input-based or performance-based mechanisms.

9.2.1 Input-based Mechanisms

Input-based mechanisms offer benefits upfront, enabling conservation actions. For example, they can fund capacity building or retraining for alternative livelihoods. Community-based natural resource management approaches exemplify these input-based mechanisms (Behr et al. 2012).

For example, the Jozani Chwaka Bay National Park (JCBNP) partnership in Tanzania links benefits to community inputs, such as conservation efforts and adherence to management plans, in relation to habitat conservation (Behr et al. 2012, 18). Before the partnership, villagers’ use of wood fuel and charcoal depleted the forest, and farmers also killed monkeys that ate their crops.

Through the partnership, the government gave village councils greater control over buffer zone resources in exchange for villagers ceasing farming, wood collection, and monkey hunting in core park zones. Farmers received compensation, and village conservation committees were allocated a portion of park revenues (Behr et al. 2012, 35).

Performance-based Mechanisms

Performance-based mechanisms distribute benefits only after predefined, measurable outcomes have been achieved (such as verified emission reductions or conserved hectares).¹¹⁶ PES is an example of a performance-based mechanism.

The PRC has the world’s largest PES schemes. One example is its Conversion of Cropland to Forest Program, also known as Grain-for-Green, which was prompted by the

¹¹⁵ International Institute for Environment and Development (IIED). [Markets and Payments for Environmental Services](#).

¹¹⁶ CBD. [National Biodiversity Strategies and Action Plans \(NBSAPs\)](#); and PwC (2012).

devastating Yangtze Basin floods of 1998. Grain-for-Green is the world's largest public PES scheme (Liu et al. 2008, 9477–9482; Zhang et al. 2000, 2135–2136). The government also paired the program with the Natural Forest Protection Program, which instituted a large-scale logging ban and catchment-specific production restrictions (Zhang et al. 2000, 2135–2136).

Grain-for-Green has achieved remarkable scale. It has enrolled over 32 million rural households and established new forest and vegetation cover on nearly 35 million hectares—14 million hectares of afforested farmland and over 20 million hectares of reforested degraded hillsides (Li and Liu 2022, 120–128). The program has successfully halted land degradation, enhanced watershed services, and sequestered a substantial amount of carbon (Ouyang et al. 2016). By 2005, the government had invested more than RMB 50 billion in Grain-for-Green, with annual disbursements during this period amounting to tens of billions of RMB to subsidize participating households (Bennett 2008).

However, the program's biodiversity benefits have been mixed. Initial plantings primarily consisted of stands of single species, such as eucalyptus, Japanese cedar, and bamboo, which provided limited biodiversity benefits and hindered natural forest recovery in some areas (Hua et al. 2016).

In response, policymakers revised the PRC's PES guidelines to incentivize the planting of native and mixed-species forests (Bryan et al. 2018). Premium payments for diverse forest compositions, enhanced technical support for adaptive management, and updated monitoring protocols now underpin an integrated strategy that bridges climate resilience, biodiversity conservation, and rural livelihoods. Early assessments indicate that mixed-species sites not only bolster species richness but also store more carbon, signaling a maturing PES framework poised to deliver co-benefits across environmental and social objectives (Liu et al. 2008).

9.2.2 Good Practices for Eco-Compensation Governance

Effective legal frameworks and institutional arrangements for PES and eco-compensation benefit from principles of good governance. Governments and schemes should consider embedding core principles to ensure the operational integrity, environmental effectiveness, economic efficiency, and social equity of eco-compensation schemes.

Embed Operational Principles

Various operational principles have the capacity to enhance the design of PES and eco-compensation schemes (Government of the UK 2013, 15).

1. **Voluntary Participation.** Legal frameworks must protect genuine freedom of choice, preventing coercion despite power imbalances (footnote **Error! Bookmark not defined.**).

2. **Beneficiary Pays Principle and Polluter Pays Principle.** Those who benefit from ecosystem services or cause environmental damage should bear the associated costs and, therefore, integrate these principles of environmental law (footnote **Error! Bookmark not defined.**). Legal frameworks should ideally establish clear criteria for identifying these actors and create transparent payment mechanisms. Clear legal frameworks also rely on robust definitions and methods for assigning responsibility.
3. **Direct Payment.** Payments should be made directly to the ecosystem service providers, even if facilitated by a broker (footnote **Error! Bookmark not defined.**).
4. **Additionality.** Payments must support only actions that exceed legal requirements or business-as-usual scenarios, ensuring genuine environmental improvements—additionality (footnote **Error! Bookmark not defined.**). Legal frameworks must specify precise methodologies for establishing credible baselines to assess and verify the additionality of projects.
5. **Conditionality.** Payments depend on the verified delivery of ecosystem services or agreed land management practices—conditionality (footnote **Error! Bookmark not defined.**). This performance-payment link defines PES efficiency. Legal frameworks must support robust monitoring, reporting, and verification systems with clear performance metrics.
6. **Permanence.** Schemes must produce long-term environmental benefits, especially for carbon sequestration or biodiversity conservation—permanence (footnote **Error! Bookmark not defined.**). Legal frameworks can support permanence through long-term contracts, conservation easements, or binding covenants. Achieving permanence also requires balancing long-term commitments with adaptive management while respecting landowner rights.
7. **Prevent Leakage.** Conservation efforts in one area can displace harmful activities elsewhere (footnote **Error! Bookmark not defined.**). Legal frameworks should integrate PES into broader landscape planning, promote cross-sectoral coordination, and aim for net-positive environmental outcomes.

Ensure Good Governance

While there is no standard recognized definition of good governance, ESCAP and the Council of Europe have identified key characteristics, including participation, rule of law, transparency, responsiveness, consensus orientation, equity, inclusiveness, effectiveness, and efficiency (ESCAP n.d.; Council of Europe n.d.). These principles are relevant to PES and eco-compensation schemes.

Part VI.H, *Best Practice for Improving Biodiversity Governance*, of this paper outlines key principles for effective biodiversity conservation law and policy—transparency and independence, inclusive decision-making, and effective evaluation and review. These principles are relevant to legal frameworks for eco-compensation mechanisms, especially since these frameworks should be integrated within biodiversity and climate legal frameworks.

Good governance is essential for legitimate, effective, and sustainable PES and eco-compensation schemes (ADB 2016). It requires clear institutional roles, coordination

mechanisms, and stakeholder participation. Without strong governance, PES and eco-compensation schemes risk mismanagement, elite capture, and failure.

Two characteristics of good governance are essential for eco-compensation and PES schemes because they help build trust. Transparency requires laws that ensure public access to information about scheme design, eligibility, funding, payments, and monitoring results. It promotes trust and prevents corruption. Accountability involves legally defined responsibilities for all actors, including government agencies and intermediaries, and enables stakeholders to hold these actors accountable.

Define and Value Ecosystem Services

Legal frameworks should define targeted ecosystem services to ensure they are identifiable and measurable. Whether it is watershed protection, biodiversity conservation, carbon sequestration, or landscape beauty, the service must be identifiable and, ideally, measurable. This clarity is fundamental for designing effective contracts, setting appropriate payment levels, and monitoring outcomes.

Legal frameworks can support transparent, scientifically credible methodologies for assessing ecosystem service baselines and changes. For instance, lessons learned from the PRC's experience with eco-compensation suggest that legal frameworks should establish institutions to oversee assessments and emphasize fair processes for agreeing on payment levels rather than legislating fixed values (ADB 2016, 74).

Frameworks for eco-compensation and PES must also move beyond reliance on public funds, embrace blended finance models, and enable private investment and nature-positive markets (UNEP Finance Initiative 2022).

9.2.3 Robust Legal Frameworks are Imperative for Success

The fundamental objective of both PES and eco-compensation schemes is to internalize environmental externalities, thereby creating economic incentives for the conservation and sustainable management of ecosystems (ADB 2010). These externalities arise when the costs of environmental degradation or the benefits of ecosystem services are not reflected in market prices, leading to the overexploitation of resources and underinvestment in their protection, a classic market failure where public goods are depleted (ADB 2010).

Strong legal frameworks play a key role in the operation of these schemes.

1. They establish rules of engagement, ensuring fairness, transparency, and accountability in processes such as participant selection, negotiation of terms, fund management, and monitoring of outcomes (Government of the UK 2013).
2. They clarify the rights and responsibilities of service providers, beneficiaries, and intermediaries (ADB 2010, 193). Legal frameworks also define property rights over land and resources, as well as the ecosystem services covered by the scheme (footnote **Error! Bookmark not defined.**).

3. They provide mechanisms for enforcing agreements and resolving disputes, which help build trust among participants and contribute to the ongoing effectiveness of the schemes (ADB 2010, 115 and 189).

Without legal frameworks, PES and eco-compensation initiatives risk being ad-hoc, inequitable, inefficient, and unsustainable. They risk failing to achieve their conservation objectives and potential livelihood benefits (Government of the UK 2013). Legal frameworks, therefore, are foundational elements for the effective and equitable functioning of these environmental policy instruments.

There must be clear objectives, well-defined conditionality (linking benefits to performance), robust monitoring, reporting, and verification (MRV) systems, as well as mechanisms to ensure “additionality” (i.e., that the actions would not have occurred without the incentive), are crucial (Myers Madeira et al. 2013).

Secure land and resource tenure for participants is often a prerequisite for long-term success. Additionally, meaningful stakeholder participation in design and implementation, transparency in benefit distribution, and strong institutional capacity for management and governance are vital (Wong et al. 2022).

However, many benefit-sharing mechanisms face challenges, including payments that are too low to cover the opportunity costs of forgone resource use, high transaction costs associated with monitoring and disbursement, difficulties in ensuring genuine additionality, the potential for elite capture of benefits, and susceptibility to political interference or changing priorities (Dugasseh and Andersen 2024, 299–318). For example, feedback on the JCBNP partnership in Tanzania indicated that financial benefits did not always cover costs and that disbursements were not always equitable (Behr et al. 2012, 35).

Equity is, therefore, a significant concern in the design and implementation of benefit-sharing mechanisms.

Decisions about who is eligible to receive benefits, what benefits are offered, and how they are distributed can have significant social consequences (ILO 2024). There is also a risk that such mechanisms can exacerbate existing inequalities if benefits flow primarily to landed elites or politically connected individuals, bypassing marginalized groups such as the landless poor, women, or ethnic minorities (Dugasseh and Andersen 2024, 299–318).

Eligibility criteria focused solely on additionality can unfairly exclude long-term forest stewards who have historically conserved resources but cannot demonstrate behavior change (Wong et al. 2022). It is critical to determine community membership and decision-making processes at the outset of establishing such a mechanism.

PES programs occurring on contested or unceded Indigenous lands raise complex issues of jurisdiction and rights recognition (Karki et al. 2018). Ensuring equity requires careful

attention to identifying all relevant stakeholders, understanding local power dynamics and social structures, facilitating consensus-building processes, ensuring inclusive participation in designing the benefit-sharing mechanism, tailoring benefits to meet diverse needs, establishing transparent distribution mechanisms, and providing accessible grievance procedures (Bertzky et al. 2021).

Case studies from REDD+ initiatives in Indonesia, Viet Nam, Peru, and the Democratic Republic of the Congo reveal a wide range of experiences (Dugasseh and Andersen 2024, 299–318).

Some studies highlight the importance of addressing tenure insecurity and ensuring local participation, while others demonstrate how low payments fail to compete with the drivers of deforestation (Wong et al. 2022). Experiences suggest that nonmonetary benefits, particularly those that strengthen land rights and local governance capacity, may offer greater long-term sustainability and equity than purely financial incentives (Myers Madeira et al. 2013). For instance, securing official tenure rights was a key lasting benefit of a project in Bolivia (Myers Madeira et al. 2013). Upfront financial support is often necessary to cover initial costs and build trust, especially for vulnerable groups (Myers Madeira et al. 2013).

The varied outcomes suggest that adopting hybrid approaches—combining nonmonetary support, such as tenure clarification and capacity building, with targeted and conditional financial incentives—can be beneficial.

A significant shortcoming observed in many benefit-sharing mechanisms is their tendency toward a technocratic design. This approach often overlooks the importance of local knowledge and sociopolitical contexts, power dynamics, and cultural values. As such, genuine influence in decision-making requires participation that extends beyond mere consultation (Wong et al. 2022).

9.3 Promoting Nature-Based Livelihoods and Community-Led Conservation

Supporting livelihoods directly linked to the sustainable management and conservation of nature offers a promising pathway for achieving integrated environmental, social, and economic goals in Asia and the Pacific (Act Alliance 2024). Nature-based livelihoods encompass a diverse range of financial activities derived from healthy ecosystems.

Examples abound across the region:

- Countries such as the PRC, the Philippines, and Thailand promote sustainable agricultural practices like agroecology, agroforestry, and organic farming to enhance soil health, biodiversity, and farmer incomes while reducing reliance on chemical inputs (Regmi 2024).

- Sustainable fisheries and aquaculture initiatives aim to manage stocks responsibly and improve processing efficiency, as seen with solar fish dryers in Cambodia (Regmi 2024).
- Ecotourism offers income opportunities linked directly to preserving natural landscapes and wildlife, supporting local communities, and funding conservation efforts (Regmi 2024).
- Sustainable forest management, which includes harvesting of non-timber forest products and community-based forestry enterprises, provides alternatives to deforestation (Myers Madeira et al. 2013).
- Large-scale reforestation and ecosystem restoration programs, such as Pakistan’s Ten Billion Tree Tsunami and the SAFE project across Bhutan, Cambodia, the Lao PDR, and Viet Nam, can create significant rural employment opportunities while delivering climate and biodiversity benefits (Regmi 2024).
- Other innovative examples include promoting beekeeping as an alternative to overgrazing in the Kyrgyz Republic (UNEP 2023a) and developing markets for “wildlife-friendly” products such as Ibis Rice in Cambodia (IUCN 2024a).

Community-led conservation initiatives often intertwine with nature-based livelihoods. Indigenous community conserved areas (ICCAs) in the Philippines illustrate how formal recognition of traditional governance systems empowers communities to protect ancestral domains and biodiversity (UNDP 2014).

Community forestry models, successfully implemented in countries like Nepal, devolve management rights and responsibilities to local user groups (Wong et al. 2022).

Communities also engage in monitoring environmental conditions and conservation outcomes, sometimes as part of benefit-sharing mechanisms (Wong et al. 2022). Participatory management of protected areas, involving local communities alongside government agencies, is recognized as crucial for effectiveness and equity (IUCN 2024b).

Several factors contribute to the success and growth of nature-based livelihoods and community conservation. As discussed above, secure access and rights to land and natural resources are fundamental (Nurhidayah 2019). Access to finance is also critical, ranging from microfinance for small enterprises to larger investments in sustainable infrastructure or green bonds.¹¹⁷ Innovative financing mechanisms, such as Thailand’s “tree banks,” can also play a role, by allowing trees to be used as collateral (Regmi 2024).

Capacity building and training are essential to equip communities with the necessary skills for sustainable resource management, enterprise development, and participation in green value chains (Regmi 2024). Access to markets for sustainably produced goods and services is vital for economic viability (UNDP 2014). Strong partnerships among communities, government agencies, nongovernment organizations (NGOs), and the

¹¹⁷ IUCN. [Livelihoods for Nature](#).

private sector are often crucial in providing technical support, establishing market linkages, and advocating for policy changes (Kim et al. 2025).

While numerous successful local initiatives exist, scaling up these approaches to achieve landscape-level or national impact requires addressing systemic barriers. Many promising examples remain confined to specific projects (Regmi 2024). Broader success necessitates supportive policy environments that recognize community rights, integrate conservation into development planning, remove perverse incentives (such as harmful subsidies), and create enabling conditions for sustainable enterprises through improved access to finance and markets (Regmi 2024). Moving beyond isolated projects toward systemic change that empowers local communities and values their role in stewardship is crucial for fostering resilient nature-based economies at scale.

10 Strategic Recommendations for Enhanced Environmental Governance

This discussion paper examines environmental governance throughout Asia and the Pacific to analyze how climate change and biodiversity conservation efforts might be improved. While notable progress has been made in regional cooperation and the establishment of legal frameworks and policy commitments, significant obstacles hinder effective implementation and the achievement of desired environmental outcomes.

Key challenges include an ongoing gap between ambition and implementation; weak enforcement of environmental laws; fragmented institutional capacity; pervasive policy incoherence that undermines environmental objectives; significant financing shortages; and deep-rooted equity issues, especially concerning the rights of Indigenous Peoples and local communities.

Despite these challenges, there are ample opportunities to catalyze change. Increasing political awareness, the potential of nature-based solutions, technological advancements, and the growing influence of the judiciary and civil society offer promising prospects for progress. This section synthesizes the report’s findings to outline a strategic road map of priority actions for policymakers, institutions, and stakeholders. These suggestions aim to close the implementation gap and guide the region toward a more sustainable, equitable, and resilient future.

10.1 Strengthen Legal and Policy Frameworks

The foundation of effective environmental governance lies in robust, coherent, and ambitious legal and policy frameworks. Without transparent, legally binding, and well-aligned national policies, international commitments remain aspirational. The following actions are essential for building this foundation, ensuring that national laws lead to meaningful progress on climate and biodiversity goals (Table 10).

Table 10: Opportunities for Strengthening Legal and Policy Frameworks

Priority Action	Key Measures
Enhance ambition and alignment	Revise nationally determined contributions and National Biodiversity Strategies and Action Plans to ensure full alignment with the Paris Agreement’s 1.5°C objective and the Global Biodiversity Framework targets. These plans should specify clear, quantifiable, and time-bound actions focused on absolute emission reductions as well as tangible ecosystem outcomes.
Ensure policy coherence	Develop comprehensive institutional frameworks, such as high-level interministerial committees, to systematically evaluate policies across all pertinent sectors, including energy, agriculture, finance, and trade. This approach will promote alignment with environmental objectives by identifying and resolving policy conflicts, such as those arising from environmentally detrimental subsidies, and by enhancing potential synergies.

Priority Action	Key Measures
Mainstream environment	Integrate environmental sustainability, climate resilience, and biodiversity conservation objectives explicitly into all national and subnational development plans, sectoral strategies, and public budgeting processes.
Close regulatory gaps	Update and strengthen environmental legislation to address emerging issues such as plastics and chemicals. Critically, ensure that penalties for noncompliance are sufficient to serve as a genuine deterrent.

Source: Author.

10.2 Bolster the Environmental Rule of Law

Strong laws are ineffective without consistent enforcement, accountability, and public trust. Strengthening the environmental rule of law is critical for translating policy into action. This requires strengthening the institutions responsible for enforcement, empowering the judiciary to adjudicate environmental cases, safeguarding the public’s procedural rights, and actively fighting corruption (Table 11).

Table 11: Opportunities for Strengthening the Environmental Rule of Law

Priority Action	Key Measures
Strengthen enforcement capacity	Increase funding for environmental enforcement agencies, covering staff, training, technology, and operations. Improve coordination among agencies, police, customs, prosecutors, and courts to ensure unified enforcement.
Enhance judicial capacity	Promote specialized training in environmental law and science for judges and prosecutors, ensure sufficient resources for environmental courts and tribunals, and uphold judicial independence.
Guarantee procedural rights	Enforce laws and implement systems for timely public access to environmental information. Require inclusive public participation in decision-making, including environmental impact assessments and policy development. Improve access to environmental justice through legal aid, streamlined procedures, and effective grievance mechanisms.
Combat corruption	Enact focused anti-corruption measures in high-risk environmental and natural resource sectors.

Source: Author.

10.3 Improve Institutional Performance

Effective policy implementation relies on capable, well-resourced, and coordinated institutions. Many environmental agencies in the region are underfunded and work in silos, hindering their ability to tackle complex, cross-cutting issues. Therefore, improving institutional performance is crucial for closing the implementation gap (Table 12).

Table 12: Opportunities for Improving Institutional Performance

Priority Action	Key Measures
Clarify mandates and improve coordination	Define agency roles clearly to prevent overlap, and set up lasting coordination platforms to eliminate silos.
Invest in capacity building	Develop long-term programs to strengthen technical, administrative, and financial management in environmental institutions at all levels.
Enhance data and monitoring	Invest in robust environmental monitoring, both ground-based and remote. Build modern data platforms for informed policy decisions, tracking progress, and transparent reporting.

Source: Author.

10.4 Ensure Just Transitions and Equity

For environmental action to be sustainable and socially acceptable, it must be equitable. The shift to a green economy risks leaving vulnerable populations behind if not managed with a deliberate focus on justice and human rights. Ensuring a just transition and protecting the rights of Indigenous Peoples and local communities are consistent with a strong rule of law and central to effective, long-term conservation (Table 13).

Table 13: Opportunities for Ensuring Just Transitions and Equity

Priority Action	Key Measures
Develop comprehensive just transition strategies	Develop national and regional just transition strategies through inclusive dialogue with workers, communities, and industries. Ensure these plans are well-funded, actionable, and focus on strong social protection, reskilling, and economic diversification in affected areas.
Uphold the rights of Indigenous Peoples and local communities	Formally recognize and secure the land tenure and resource rights of Indigenous Peoples and local communities. Implement thorough and culturally appropriate free, prior, and informed consent (FPIC) processes for all initiatives that may impact these groups. Ensure their substantive participation in governance frameworks and safeguard their traditional knowledge.
Design equitable benefit-sharing mechanisms (BSMs)	BSMs (such as REDD+ and PES) should be collaboratively developed with Indigenous Peoples and local communities to ensure equitable compensation, encompassing not only monetary rewards but also nonmonetary benefits such as tenure security. These mechanisms must effectively address opportunity costs, establish transparent channels for benefit distribution, safeguard vulnerable groups, and include accessible grievance procedures.

Source: Author.

10.5 Promote Inclusive Approaches

Environmental challenges affect all of society and cannot be addressed by governments alone. Inclusive governance, which guarantees meaningful participation from all stakeholders, results in more effective, equitable, and durable outcomes. Actively involving civil society, women, youth, Indigenous Peoples and local communities, and

the private sector throughout the policy process is essential for building widespread support and ownership of environmental actions (Table 14).

Table 14: Opportunities for Promoting Inclusive Approaches

Priority Action	Key Measures
Ensure meaningful stakeholder engagement	Establish formal mechanisms for the systematic and meaningful participation of all relevant stakeholders—including Indigenous Peoples and local communities, women, youth, civil society organizations (CSOs), academia, and the private sector—from policy design through to implementation and monitoring.
Integrate gender equality	Integrate gender analysis and gender-responsive measures into all climate and biodiversity policies and projects, which means that women should participate equally in decision-making processes and have equitable access to benefits.
Include groups who are vulnerable to climate change and biodiversity loss	Include targeted measures in policies and programs to protect people who are vulnerable to climate change and biodiversity loss, ensuring they are not unfairly impacted by environmental changes and can benefit equally from a green transition.

Source: Author.

10.6 Foster Regional Cooperation and Knowledge Sharing

Many pressing environmental issues, from climate change to transboundary pollution and wildlife trafficking, transcend national borders. Therefore, effective solutions rely on stronger regional cooperation. Enhancing regional platforms for dialogue, information sharing, and coordinated efforts can bolster international, regional, and national initiatives while also promoting collective progress toward common goals (Table 15).

Table 15: Opportunities for Fostering Regional Cooperation

Priority Action	Key Measures
Strengthen regional platforms	Deliver ongoing support to strengthen the capacity and impact of established regional organizations and networks (such as ESCAP, SPREP, ASEAN environmental bodies, and regional judicial networks). Leverage these platforms to enable policy dialogue, coordinate actions on transboundary challenges, and align standards where applicable.
Facilitate knowledge exchange	Encourage the structured exchange of best practices, innovative approaches, data, and insights among countries. Leverage regional resources, targeted workshops, and online knowledge hubs to facilitate learning and support effective policy implementation.
Promote transboundary cooperation	Strengthen cooperation to manage shared ecosystems and improve collaboration against transboundary environmental crime and climate risks.
Support South-South and triangular cooperation	Promote partnerships and knowledge sharing among developing member countries and with external partners to collectively enhance expertise and capacity.

Source: Author.

10.7 Key Takeaways

The strategic recommendations in this section provide a comprehensive road map for transforming environmental governance in Asia and the Pacific. These are not isolated proposals but interconnected actions that create a coherent and mutually reinforcing agenda. Strengthening legal frameworks is ineffective without supporting the rule of law to ensure enforcement. Similarly, improving institutional performance is essential for achieving policy coherence and effectively mobilizing climate and biodiversity finance.

At the heart of this agenda is the principle of a just transition, ensuring that transformation is not only environmentally sound but also socially equitable and inclusive. Upholding the rights of Indigenous Peoples and local communities, promoting gender equality, and ensuring meaningful participation from all sectors of society are not secondary concerns but fundamental pillars of a successful and lasting strategy.

Implementing this road map requires a fundamental shift away from the fragmented, siloed, and often unjust approaches of the past toward a truly integrated, whole-of-government, and whole-of-society model. The journey will need consistent political commitment, significant investments in institutional and human capacity, and a renewed dedication to regional solidarity.

The stakes for Asia and the Pacific—and indeed the world—could not be higher. By adopting these priorities, stakeholders can begin to close the significant gap between ambition and implementation, transitioning from an era of promises to one of concrete steps and lasting impact. This transformation is vital for navigating the triple planetary crisis and ensuring a sustainable, resilient, and prosperous future for all.

In all of this, it is worthwhile remembering that ensuring the rule of environmental law is a long-term commitment. Real change means rewiring mindsets and demanding accountability at every level, from the masses to the elites. Passing new laws, updating courtrooms and procedures, or training a handful of judges is a start. But lasting change occurs when a culture accepts that no one is above the environmental rule of law. It happens when justice is as much about attitude as it is about statutes (Carothers 1998).

This need to support widespread attitudinal shifts is one reason why we must demand inclusive environmental laws, policies, and actions. Not only does it make outcomes fairer and stronger, but it also catalyzes their longevity.

11 Conclusion

The trajectory of environmental law and governance in Asia and the Pacific presents a profound and unsettling paradox. Since the 1970s, a sophisticated architecture of international conventions, national laws, and policy commitments has been constructed to address the escalating crises of climate change and biodiversity loss. Yet, this proliferation of legal instruments has failed to arrest, let alone reverse, the alarming environmental decline (World Meteorological Organization 2024; Díaz et al. 2019).

Greenhouse gas emissions continue to set new records, and extinction rates are skyrocketing, highlighting a significant disconnect between the stated intent of international and national laws and their tangible outcomes. This paper argues that environmental law's failures are not merely a matter of insufficient ambition but are rooted in deep structural deficiencies within prevailing governance models. The analysis reveals a persistent implementation gap, fueled by systemic policy incoherence, institutional fragmentation, and a profound justice deficit that collectively undermine the efficacy of the environmental rule of law across the region ().¹¹⁸

A synthesis of the findings reveals that while global instruments such as the Paris Agreement and the Kunming-Montreal Global Biodiversity Framework (GBF) provide critical benchmarks, their translation into national action is fraught with challenges.¹¹⁹ The delayed submission and inadequate ambition of many nationally determined contributions (NDCs) and National Biodiversity Strategies and Action Plans (NBSAPs) are early indicators of this systemic inertia (GEF 2024, 4–5).

The implementation gap itself is multifaceted, comprising a failure to formally enact laws that match national pledges (a policy adoption gap) and the subsequent failure of those enacted laws to deliver their intended results (a policy outcome gap) (Fransen et al. 2023, 752). This chasm is sustained by weak institutional capacity, chronic underfunding, and political economies that prioritize short-term economic gains over long-term environmental sustainability.¹²⁰

Perhaps the most critical impediment identified is the pervasive policy incoherence that characterizes governance across the region. Governments frequently pursue contradictory objectives, championing climate action while simultaneously providing trillions of dollars in environmentally harmful subsidies (EHS) that prop up the fossil fuel, agriculture, and fishery sectors. These subsidies create powerful market distortions that directly counteract climate mitigation and biodiversity conservation efforts, rendering environmental policies ineffective.¹²¹

¹¹⁸ See Part VI(F).

¹¹⁹ [Paris Agreement](#), Paris, 12 December 2015, United Nations Treaty Series, No. 54113; and [Convention on Biological Diversity](#), Rio de Janeiro, 5 June 1992, United Nations Treaty Series, Vol. 1760, No. 30619, p. 79.

¹²⁰ See Part VI(F).

¹²¹ See Part VI(F)(b); and Lim et al. (2024); and ADB (2023, 78).

This policy incoherence is not accidental but is embedded in the very structure of government, where institutional silos prevent the integrated, cross-sectoral planning necessary to address complex, interdependent challenges.¹²² Ministries of finance, energy, and trade often operate with mandates that are misaligned with or directly hostile to the objectives of environmental agencies, which are themselves typically under-resourced and politically marginalized (UNEP 2019, 3; UN 2024, 17). Without mechanisms to ensure a whole-of-government approach, environmental considerations remain peripheral to core economic decision-making, perpetuating a fundamentally unsustainable development model.

Furthermore, this paper underscores the critical justice and equity deficit that plagues environmental action.

The concept of just transition is gaining traction in international discourse but remains poorly integrated into the national climate strategies of most countries in Asia and the Pacific.¹²³ Plans for phasing out carbon-intensive industries often lack concrete provisions for social protection, workforce reskilling, and economic diversification, risking the creation of new inequalities for affected workers and communities.¹²⁴

The rights of Indigenous Peoples and local communities, who are the stewards of 80% of Earth's remaining biodiversity, are similarly neglected.¹²⁵ Despite the near-universal endorsement of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the principle of Free, Prior, and Informed Consent (FPIC) is rarely codified as a legally binding requirement in domestic law.¹²⁶ Instead, top-down and exclusionary conservation models, such as fortress conservation, have historically resulted in the displacement and marginalization of the very communities essential for effective environmental stewardship (Knox 2025, 1–77; Karki et al. 2018, XV). Benefit-sharing mechanisms, intended to create equitable outcomes, frequently fail due to technocratic design, elite capture, and a failure to address underlying inequities in land tenure and political power.¹²⁷

Moving forward, the analysis suggests that incremental adjustments to existing frameworks will be insufficient. A fundamental reorientation of environmental governance is required, grounded in a strengthened commitment to the environmental rule of law. This commitment necessitates more than the mere enactment of laws; it demands the establishment of a system where laws are ambitious, coherent, and consistently enforced, and where procedural rights—access to information, public participation, and justice—are guaranteed and accessible to all citizens.

¹²² See Part VI(F)(b).

¹²³ See Part III(A)(2) and Part IX.

¹²⁴ See Annex I.

¹²⁵ See Part VII; United Nations (2025, 3); and Tran et al. (2025).

¹²⁶ See Part VII; and [United Nations Declaration on the Rights of Indigenous Peoples](#), UN General Assembly Resolution 61/295, 13 September 2007 (UNDRIP).

¹²⁷ See Part VII; and Wong et al. (2022).

Achieving this vision requires confronting policy incoherence head-on. Environmental fiscal reform, including the systematic repurposing of environmentally harmful subsidies (EHS) and the implementation of carbon pricing, offers a powerful pathway to align economic incentives with ecological imperatives.¹²⁸ Such reforms can create the fiscal space needed to scale up investments in nature-based solutions (NbS), which offer synergistic benefits for climate mitigation, adaptation, and biodiversity conservation.¹²⁹

The normative influence of multilateral development banks through strengthened environmental and social safeguards, such as the Asian Development Bank's 2024 Environmental and Social Framework, can further catalyze this shift by embedding higher standards for climate alignment, biodiversity protection, and Indigenous Peoples' rights into development finance.¹³⁰

Ultimately, the challenges confronting Asia and the Pacific are emblematic of a global struggle to transition from aspirational environmentalism to effective, just, and transformative governance. The path forward demands a paradigm shift toward deep integration—integrating climate and biodiversity action, embedding environmental objectives into the core of economic and financial planning, and centering human rights and equity in all environmental decision-making.

Asia and the Pacific, with their immense economic dynamism, profound vulnerabilities, and rich diversity of cultures and ecosystems, are not merely passive recipients of global environmental change. They are the critical arena where the success or failure of humanity's response to the planetary crisis will be determined. By embracing governance models founded on the robust application of the rule of law, genuine policy coherence, and an unwavering commitment to a just transition, the region can navigate its immense challenges and forge a sustainable and equitable future.

¹²⁸ See Part VIII.

¹²⁹ See Part IX.

¹³⁰ See Part V.

Opportunities to Strengthen Environmental Governance



Growing Political Awareness

Increased recognition of the severity of the triple planetary crisis



Potential of Nature-Based Solutions

NBS offer cost-effective, integrated approaches



Technological Innovation

Advances in renewable energy, monitoring technologies, and digital tools



Strengthening Role of Judiciary and Civil Society

Courts and CSOs are increasingly active in environmental advocacy, litigation and monitoring



Regional Cooperation

Existing platforms provide opportunities for shared learning, coordinated action, and addressing transboundary issues



Mobilizing Finance

Growing global focus on sustainable finance, MDB commitments, and mechanisms like the GEF

Appendix 1

Trends in Climate Change Governance in Asia and the Pacific

11.1.1 Trends in Central and West Asia

Legal and Policy Landscape

Until recently, most countries in Central and West Asia lacked stand-alone climate statutes, embedding mitigation and adaptation goals within broader environmental laws and national development plans. But that governance structure is changing. Kazakhstan, Pakistan, and Türkiye have enacted climate laws, while Armenia, Georgia, and the Kyrgyz Republic are preparing draft climate laws. Table A1.1 lists and summarizes these laws in Central and West Asia’s DMCs.

Table A1.1: Enacted and Draft Climate Laws: Central and West Asia

Country	Legislation Name	Status	Key Features
Armenia	Draft Law on Climate (2023)	Draft	In the consultation stage. Seeks to create a legal framework for climate mitigation and adaptation, establish a council and greenhouse gas (GHG) permit system, and attract investment.
Georgia	Draft Climate Law	In development	Drafting phase launched in 2022. Aims to consolidate fragmented climate-related provisions across various laws and by-laws into a coherent legal structure. It will define responsibilities, enhance transparency, and strengthen environmental governance.
Kazakhstan	Environmental Code (2021)	Enacted	Enshrines carbon neutrality by 2060 goal; operational emissions trading system since 2013; mandates reporting and green technology incentives.
Kyrgyz Republic	Draft Law “On Climate Activities” (2025)	Draft	Covers adaptation and mitigation measures; currently in public hearing; forms part of the country’s Green Economy Strategy.
Pakistan	Pakistan Climate Change Act (2017)	Enacted	Establishes Climate Change Authority and Council; mandates sectoral climate action plans; underpins NDC implementation and periodic reporting.
Türkiye	Climate Law No. 7552 (2025)	Enacted	Sets net-zero target by 2053; introduces a national emissions trading system and carbon border adjustment mechanism; establishes carbon budget framework; and mandates adaptation planning and compliance reporting.

NDC = nationally determined contribution.

Sources: *Ecolur*. 2023. [Main Climate Document of Armenia in Discussion Stage](#). Article. 29 November; Westminster Foundation for Democracy. 2022. [Georgia Launches Work on Climate Change Law](#). Press Release. 10 October; Government of Kazakhstan. 2021. [Environmental Code of the Republic of Kazakhstan](#); O. Центр. 2025. [Public Hearing of the Draft Law of the Kyrgyz Republic “On Climate Activities.”](#) Aarhus Centers of Kyrgyzstan. News release. 24 January; Government of Pakistan. 2017. [The Pakistan Climate Change Act, 2017](#); Gide. 2025. [The Turkish Climate Law No 7552](#). News release. 11 July.

Pakistan's Climate Change Act of 2017 established a high-level Climate Change Council and a Climate Change Authority (Government of Pakistan 2017). However, its primary function is coordination and supervision. The law does not contain legally binding emissions targets, which are defined in policy documents such as Pakistan's NDC. Kazakhstan's 2021 Environmental Code features a dedicated chapter on GHG regulation, a national carbon budget, an explicit legal basis for its NDC, and a required emissions trading system (Government of Kazakhstan 2021b).

Türkiye's Climate Law of 2025 establishes a comprehensive legal framework for climate governance and sets a 2053 net-zero target.¹³¹ Central to the law is a national emissions trading system (ETS) designed to price carbon and enhance competitiveness under the EU's Carbon Border Adjustment Mechanism. It also introduces carbon credit markets, green finance tools, and institutional mandates for climate mitigation and adaptation. Enforcement includes substantial fines, while a transitional phase allows for gradual ETS implementation and regulatory development through secondary legislation.

Armenia and Georgia have relied on interagency councils and action plans rather than single legislative instruments, but both are developing a climate law (Government of Armenia 2021).

Armenia's draft climate law aims to establish a legal framework for GHG mitigation and climate adaptation, as well as to integrate climate finance into public financial systems (Ecolur 2023). The law will be crucial for coordinating national policy, attracting investment, and integrating climate finance into public systems. Key proposals include establishing a new Climate Change Council to oversee policy and implementing a GHG permit system to regulate emissions (Ecolur 2023). The law entered the national discussion phase in 2025.

With its draft law, Georgia seeks to consolidate fragmented climate provisions into a unified legal framework (Westminster Foundation for Democracy 2022). The law will clarify institutional roles, enhance coordination, and improve coherence among existing strategies. It aims to strengthen governance, ensure transparency, and support inclusive decision-making for sustainable, low-emission development. Georgia's Parliament will guide its creation through policy papers and broad consultations.

The Kyrgyz Republic's draft Law "On Climate Activities" aims to establish a national framework for climate action by regulating the roles and responsibilities of state bodies. It outlines objectives, institutional foundations, and policy directions for both mitigation and adaptation while providing provisions for climate finance and investment, scientific support and capacity building, and international cooperation (Центр 2025). Additionally, the Kyrgyz Republic has embedded an energy-efficiency target in its 2019–2023 Green Economy Program and set GHG-intensity targets in its National Green Growth Strategy

¹³¹ Climate Change Laws of the World. [Law 7552 – Climate Law](#) (accessed 10 August 2025); Gide (2025); Kiliñç Law and Consulting (2025).

for 2030.¹³² Its inaugural 2021 NDC also aligns with commitments under the Paris Agreement (Government of the Kyrgyz Republic 2021).

Azerbaijan's updated NDC in 2023 commits to reducing GHG emissions by 35% by 2030 and 40% by 2050, based on a 1990 baseline (Government of Azerbaijan 2023). The NDC emphasizes a combination of domestic capacities, international cooperation, and sectoral policies, along with legislative measures and strategic programs, to achieve its climate goals.

Tajikistan has integrated climate action into its National Development Strategy 2016–2030, prioritizing sustainable resource use and SDG 13 (Government of Tajikistan 2016). The National Strategy for Adaptation to Climate Change outlines sectoral adaptation measures in water and agriculture through 2030 (Government of Tajikistan 2019). The 2021–2025 Medium-Term Development Program mainstreams climate action through environmental protection and capacity-building initiatives.¹³³ Turkmenistan relies on its 2021 National Strategy on Climate Change and the 2023 NDC to guide its climate policy (Government of Turkmenistan 2021). Uzbekistan updated its NDC in 2021 and adopted a Strategy on the Transition of the Republic of Uzbekistan to a “Green” Economy for 2019–2030, which outlines seven goals, including increased energy efficiency and renewable energy development.¹³⁴

Alignment with the Paris Agreement and Rights-Based Principles

The NDCs submitted by Central and West Asia's DMCs demonstrate a commitment to the Paris Agreement, although the level of ambition and detail varies considerably. Kazakhstan's updated NDC pledges an unconditional emissions reduction of 15% by 2030 from a 1990 baseline, with a conditional target of 25% contingent on international support.¹³⁵ In its 2023 updated NDC, Azerbaijan aims for a 40% reduction in emissions by 2050 compared to a 1990 baseline.¹³⁶ This commitment is less ambitious than the targets expressed in its 2015 Intended NDC.¹³⁷

Pakistan's updated NDC explicitly includes cross-cutting themes of biodiversity, gender, and youth empowerment.¹³⁸ It incorporates biodiversity conservation into climate strategies such as nature-based solutions (NbS) and sustainable development.

¹³² Climate Change Laws of the World. [Program for the Development of a Green Economy in the Kyrgyz Republic for 2019–2023](#) (accessed 10 August 2025); and Climate Change Laws of the World. [Program for the Development of a Green Economy in the Kyrgyz Republic for 2019–2023](#) (accessed 10 August 2025).

¹³³ Climate Change Laws of the World. [Medium-Term Development Program 2021–2025](#) (Decree No. 168) (accessed 10 August 2025).

¹³⁴ Government of Uzbekistan (2021); and Climate Change Laws of the World. [Strategy on the Transition of the Republic of Uzbekistan to a “Green” Economy 2019–2030](#) (accessed 8 July 2025).

¹³⁵ NDC Partnership. [Kazakhstan](#) (accessed 8 July 2025).

¹³⁶ NDC Partnership. [Azerbaijan](#) (accessed 8 July 2025).

¹³⁷ Azerbaijan committed to a 35% reduction in GHG emissions by 2030 compared to the 1990 base year in Government of Azerbaijan. 2015. [Azerbaijan's INDC to the UNFCCC](#).

¹³⁸ NDC Partnership. [Pakistan](#) (accessed 11 July 2025).

Additionally, it commits to expanding protected areas from 12% to 15% of the total land area by 2023 to preserve rare fauna and flora (Government of Pakistan 2021, 63).

A critical examination of these NDCs reveals a significant gap in the integration of rights-based principles within most DMCs in Central and West Asia. While some documents reference to vulnerable groups at a high level, there is a systemic lack of specific, actionable provisions for ensuring a just transition, protecting the rights of Indigenous or local communities, and establishing robust benefit-sharing mechanisms.

For example, Kazakhstan’s updated NDC emphasizes the importance of women and communities in adapting agricultural practices, participating in decision-making, planning and executing projects, raising awareness, and promoting the responsible use of resources such as water and energy (Government of Kazakhstan 2023, 3 and 19). Although the document mentions Indigenous Peoples’ knowledge in the context of adaptation efforts, it does not specify how Indigenous communities will participate, influence decision-making, or share benefits from low-carbon investments.

The Kyrgyz Republic’s NDC emphasizes resilience through adaptation in water, agriculture, energy, health, and forestry, advocating for “climatic justice” (Government of the Kyrgyz Republic 2021, 3). The document highlights the importance of “integrating a gender approach into the analysis and decision-making processes in the field of sustainable development and climate change” (Government of the Kyrgyz Republic 2021, 17). It also commits to recognizing “the role of women in the development of policies, not only as recipient[s] of policy, but also as important agents of its development and implementation” (Government of the Kyrgyz Republic 2021, 18). However, there are no specific commitments related to Indigenous Peoples, and the document lacks concrete frameworks to ensure community-level safeguards, rights-based benefit distribution, or just-transition funds.

Translating commitments related to women and children, Indigenous Peoples, and just transition into concrete policy measures, clear budget allocations, or targeted social protection programs for workers and communities adapting to changes in the energy sector remains a complex task across Central and West Asia. This work is critical in contexts where energy policy changes have significant social implications and where traditional land and water rights play a vital role in local livelihoods. The absence of legally grounded frameworks for a just transition creates a significant risk of future social inequality and conflict.

Ambition and Implementation Gaps

Substantial gaps in both ambition and implementation persist within the climate regulatory frameworks of Central and West Asia’s DMCs. The Climate Action Tracker has assessed the climate policies of only Azerbaijan and Kazakhstan. It rates Azerbaijan’s climate action as “critically insufficient,” noting that its updated NDC appears to have weakened its 2030 target, while Kazakhstan’s rating is “insufficient” (Climate Action Tracker 2024a, 2024b). These ratings indicate a gap in ambition, at least among some subregional countries.

The implementation gap is arguably even more severe. A recent review of Central Asia’s climate change politics highlighted a persistent gap between declared policy goals and actual implementation (Skalamera 2025, 86). Several interconnected factors contribute to this failure.

1. **Political-economic obstacles.** Entrenched fossil-fuel interests can dilute or delay decarbonization efforts, resulting in policies that lack real-world effectiveness (GIZ and HYDROC 2023). Without strong legal protections, formal commitments risk being informally undermined.
For instance, in Kazakhstan and Uzbekistan, powerful vested interests in the fossil fuel sector actively obstruct genuine decarbonization efforts, creating a “contrasting adaptation” in which green policies are formally adopted but informally undermined (Skalamera 2025, 86).
2. **Pervasive institutional and capacity barriers.** These barriers include weak coordination between ministries, a lack of technical expertise, political challenges, and insufficient financial resources to implement ambitious plans (Karki et al. 2018, 5). For example, few transactions have occurred under Kazakhstan’s ETS due to generous benchmarks, overly generous permit allocations, and a low carbon price (Climate Action Tracker 2024).
3. **Fragmented governance and sectoral silos.** Siloed approaches to governance hinder the development of integrated solutions. Countries often manage the critical nexus between water, energy, food, and ecosystems (the WEFEE nexus) in isolation, which proves to be a significant handicap in a region where climate change primarily manifests through water stress and land degradation (Skalamera 2025, 85–104).
4. **Financing gaps.** Domestic budgets often fall short of the investments needed for mitigation and adaptation (ADB 2023). Reliance on external funds creates uncertainty, while underdeveloped domestic climate-finance mechanisms slow disbursement and uptake.

11.1.2 Trends in East Asia

Prevailing Legal and Policy Landscape

The PRC and Mongolia present a complex legal and policy mosaic, shaped by divergent governance models.

The PRC adopts a highly centralized, policy-driven approach through its “1+N” framework, where overarching guidance from central leadership (“1”) is operationalized through sectoral and regional implementation plans (“N”) (Xie et al. 2022). The government has formulated mitigation and adaptation plans since 2010, including the national Five-Year Plans that integrate climate and energy targets into broader economic planning. It has also launched pilot programs related to low-carbon industrial parks, climate mitigation and adaptation projects, and climate-related capacity-building initiatives (Xie et al. 2022; Zhang et al. 2019). The PRC launched the national Emissions

Trading Scheme in 2021. Despite ongoing discussions since 2009, a national climate change law has yet to be established (Zhang et al. 2019, 536–551).

Mongolia’s previously fragmented climate change policy and legal framework has undergone reforms aimed at enhancing resilience to climate change. Vision 2050, approved in 2020, outlines Mongolia’s goals for transitioning to a low-emission, green economy and addressing climate change (Banzragch 2025, 48–87). The Action Plan 2021–2030, an implementation plan for Vision 2050, includes cross-sectoral actions such as green procurement, promoting renewable energy, afforestation, and managing carbon sequestration.

The Air Law 2012 serves as the primary legislation for climate change, regulating GHG emissions—classified as atmospheric pollutants—and promoting green energy and energy efficiency. It also established the National Climate Committee to coordinate responses to climate change and desertification, alongside the National Billion Tree Program. The Environmental Protection Law 1995 emphasized sustainable development, while the Renewable Energy Law 2007 and Energy Efficiency Law 2015 provided technical frameworks but lacked provisions for promoting green energy or energy transition (Banzragch 2025, 48–87). Furthermore, although Mongolia has an Environment and Climate Fund, its funding is inadequate to meet mitigation and adaptation needs (Banzragch 2025, 48–87).

In 2024, Mongolia passed laws to enhance the resilience of herder communities to climate change: the Law on Mitigation of Climate Change Negative Impact on the Livestock Sector and the Law on Herders (Central Asia Pastoralist Alliance 2024). The mitigation law focuses on building resilience in the livestock sector and supporting herders affected by climate disruptions (Самбууням 2024). It encourages herders to form voluntary cooperatives, allowing them to pool resources and meet shared needs, thereby increasing the profitability of their livestock products (Самбууням 2024). The Law on Herders addresses climate adaptation for herders, including disaster response, subsidized loans, and sustainable pasture management (Banzragch 2025, 48–87).

While not designated as DMCs, both the Republic of Korea and Taipei,China, have adopted noteworthy framework laws. In 2021, the Republic of Korea enacted the Framework Act on Carbon Neutrality and Green Growth, committing to achieving net-zero emissions by 2050.¹³⁹ The law initially required a 35% reduction in GHG emissions by 2030 compared to 2018 levels, but the Republic of Korea subsequently strengthened the target to a 40% reduction in GHG emissions by 2030 through the Enforcement Decree, the law’s implementing regulation.¹⁴⁰ Article 3 of the law outlines eight criteria for the national transition to carbon neutrality, including climate justice and a just transition.

¹³⁹ Climate Change Laws of the World. [Carbon Neutral Green Growth Framework Act to Tackle the Climate Crisis](#) (accessed 9 July 2025).

¹⁴⁰ Climate Change Laws of the World. [Carbon Neutral Green Growth Framework Act to Tackle the Climate Crisis](#) (accessed 9 July 2025).

The Republic of Korea's climate planning also requires democratic participation. Government authorities must consult local communities when formulating or modifying local plans (Articles 11(3) and 12(1)), regional climate adaptation measures (Article 40(2)), or designating special districts for just transition (art. 48(1)). Authorities must also engage citizens in policy development and involve local communities through carbon neutrality support centers to ensure that regional needs and stakeholder opinions are considered (Articles 51(1) and 68(1)).

Taipei, China enacted the Climate Change Response Act in 2015, which not only makes its net-zero goal legally binding but also introduces a carbon fee as a key policy tool.

Alignment with the Paris Agreement and Rights-Based Principles

The PRC's updated NDC from 2021 commits to peaking carbon dioxide (CO₂) emissions before 2030 and achieving carbon neutrality before 2060 (Government of the PRC 2021). It also sets targets to reduce carbon intensity by over 65% from the 2005 level, increase the share of non-fossil fuels in primary energy use to around 25%, and expand the installed capacity of wind and solar power to over 1.2 billion kilowatts by 2030. However, the PRC's NDC does not explicitly mention just transition, the rights of vulnerable groups—including ethnic minorities—or other social equity issues. Instead, it emphasizes broad strategies for green and low-carbon development, climate adaptation, and international cooperation.

Mongolia's NDC aligns with the Paris Agreement by committing to a 22.7% reduction in GHG emissions by 2030, supported by policies like Vision 2050 (Banzragch 2025, 48–87). The NDC encompasses various sectors, including energy, agriculture, industry, and waste management. It also outlines qualitative adaptation objectives for pastoralism, crop cultivation, water management, forestry, biodiversity, disaster risk reduction, public health, livelihoods, and social protection.¹⁴¹ These social protection measures aim to provide social safeguards, insurance, and prevention measures to reduce the vulnerability of social groups and build their resilience to climate change impacts (Government of Mongolia 2020). Mongolia estimates it will require about \$11.5 billion in funding to achieve its updated goals: \$6.3 billion for mitigation and \$5.2 billion for adaptation.

Ambition and Implementation Gaps

Despite having strong legal frameworks, East Asia continues to experience gaps in ambition and implementation. While the PRC has exceeded its renewable energy targets, it still faces significant challenges related to coal dependence, methane emissions, and industrial decarbonization. As a result, the Climate Action Tracker rates the PRC's NDC as inconsistent with achieving a 1.5 °C target, given its current emissions levels (Climate Action Tracker 2025b).

¹⁴¹ NDC Partnership. [Mongolia](#) (accessed 10 July 2025).

The PRC's NDC emphasizes emissions targets, low-carbon technologies, and sectoral transformation. However, it overlooks workforce reskilling, community consultation, and equitable distribution of climate finance, highlighting a gap between mitigation ambitions and commitments to social justice.

Mongolia's ambition gaps are tied to limited mitigation targets, a heavy reliance on coal, and insufficient integration of measures to ensure a just transition for those vulnerable to climate change (Banzragch 2025). For instance, the NDC lacks a plan for a just transition from coal, does not address gender or youth inclusion, and omits nature-based solutions and other advanced environmental safeguards, reflecting a limited adoption of progressive measures.¹⁴²

East Asia also faces significant implementation challenges.

The PRC faces several challenges in implementing its climate change action plans. Despite rapid growth in renewable energy, economic expansion continues to drive demand for fossil fuels. Updated regulations are necessary to facilitate the transition from energy intensity goals to direct carbon emissions targets, along with ensuring industry compliance (Nilsson et al. 2021). Land-based mitigation efforts, such as those in agriculture and wetlands, remain underdeveloped due to limited policy integration and technical capacity (Mal et al. 2024). At the subnational level, uneven capacity across provinces and local protectionism hinder coordinated climate action. Some cities have also adopted targets that conflict with national targets (Nilsson et al. 2021, 7–8). Balancing economic growth, energy security, and climate goals remains a complex challenge for the PRC's evolving strategy.

Mongolia's implementation gaps are pronounced, with fragmented legal frameworks, overlapping institutional mandates, and inadequate procedural norms for monitoring and enforcement. Funding mechanisms remain insufficient, and sectoral integration of climate goals is weak (Banzragch 2025, 48–87). Addressing these gaps requires a comprehensive climate change framework law to enhance ambition, streamline institutional coordination, and establish robust accountability and financing systems for effective NDC implementation.

11.1.3 Trends in South Asia

Prevailing Legal and Policy Landscape

Maldives and Nepal have adopted climate change framework laws, and by mid-2025, Sri Lanka has signaled its intention to draft a climate law. Otherwise, the predominant legal structure consists of sectoral and policy-led approaches to climate change.

¹⁴² NDC Equity Tracker. [Mongolia: Overall NDC Equity Score](#) (analysis conducted in November 2023).

India, the region's largest economy and emitter, manages its climate policy through strategic instruments rather than binding legislation. The National Action Plan on Climate Change and its eight associated missions, along with State Action Plans, are carried out through a suite of existing sectoral laws that govern energy, environment, forests, and adaptation (Government of India 2008; AG Group 2023). Regulating climate change through policy has sparked an ongoing domestic debate about the potential benefits of a dedicated framework law to bring greater coherence to these disparate efforts (Bhushan and Gopalakrishnan 2021).

Bangladesh and Bhutan rely on national strategies and plans. Bangladesh has adopted the Mujib Climate Prosperity Plan 2022–2041, while Bhutan has the Climate Change Policy of the Kingdom of Bhutan 2020 and the Bhutan National Adaptation Plan.¹⁴³

Nepal's climate law history is unique. In a world first in 2018, the Supreme Court of Nepal ordered the government to enact a climate law to facilitate the implementation of its suite of climate policies, particularly the National Climate Change Policy 2011.¹⁴⁴ The court ruled that simply listing direct policies and plans was insufficient to combat climate change. This shortcoming amplified the existential threat of climate change, undermining the constitutional rights of Nepalis to (i) live with dignity, (ii) live in a healthy and clean environment, (iii) access basic health-care services, and (iv) receive food and protection from starvation. The decision led to the passage of the updated Environment Protection Act 9 of 2019 and Forests Act 12 of 2019.¹⁴⁵ Both laws explicitly address climate change, highlighting a litigation-driven approach to legislative reform.

As of mid-2025, Sri Lanka is in the process of drafting a climate change law, as announced by the Prime Minister in 2024 (EconomyNext 2024). Until a specific climate law is adopted, Sri Lanka relies on sector-specific statutes such as the National Environment Act of 1980, the Fauna and Flora Protection Ordinance of 1937, and the Coast Conservation Act of 1981 (Government of Sri Lanka 1980). Additionally, Sri Lanka adopted a National Policy on Climate Change in 2023, which established an MRV system, mandated climate impact assessments for projects, and introduced market-based tools like carbon pricing (Government of Sri Lanka 2023). Adaptation measures outlined in the policy focus on resilient infrastructure, climate-smart agriculture, and the protection of natural buffers such as mangroves and wetlands for coastal protection.

Maldives also has climate framework legislation, including a conditional net-zero target by 2030, along with its Climate Change Policy Framework for 2015–2025.¹⁴⁶ The Climate

¹⁴³ Climate Change Laws of the World. [Mujib Climate Prosperity Plan 2022–2041](#); Climate Change Laws of the World. [Climate Change Policy of the Kingdom of Bhutan 2020](#); and Climate Change Laws of the World. [Bhutan National Adaptation Plan 2023](#) (accessed 10 July 2025).

¹⁴⁴ [Advocate Padam Bahadur Shrestha vs Prime Minister and Office of Council of Ministers and Others](#), Case No. 074-WO-0283, Supreme Court of Nepal, 25 December 2018 (2075/09/10 BS).

¹⁴⁵ Climate Change Laws of the World. The [Environment Protection Act 9/2019 \(2076\)](#); and Climate Change Laws of the World. [Forests Act 12/2019](#) (accessed 10 July 2025).

¹⁴⁶ Climate Change Laws of the World. [Climate Emergency Act, No. 9 of 2021](#) (accessed 11 July 2025); and Government of Maldives (2015).

Emergency Act of 2021 establishes a comprehensive legal framework covering mitigation, adaptation, monitoring, and the sustainable use of resources. It also establishes a Climate Change Directorate and a Special Envoy, setting annual carbon budgets. The act includes provisions for funding renewable energy, MRV systems, and integrated cross-sectoral initiatives.

Alignment with the Paris Agreement and Rights-Based Principles

South Asian NDCs and national policies have historically emphasized adaptation. This focus reflects the subregion's extreme vulnerability to climate impacts, including sea-level rise in Bangladesh and Maldives and glacial melt in the Himalayas (South Asia Center 2022).

India surpassed its 2025 emissions intensity target by 2020, achieving a 33%–36% reduction, and now aims for a 45% cut by 2030 (Government of India 2021, 2022). Implementation is supported by the Perform, Achieve, and Trade scheme, the Indian Carbon Market, and afforestation efforts (Bureau of Energy Efficiency 2024). India also leads global initiatives such as the International Solar Alliance and Mission LiFE (International Solar Alliance 2023; NITI Aayog 2023).

There are examples in South Asia of nations beginning to integrate rights-based principles into their climate policies and plans. For example, Nepal's NDC process has been praised for its extensive and inclusive stakeholder consultations, consistent with the principle of "Leave No One Behind" (Abhishek Yadav 2020). Local governments, civil society (including youth, women, and Indigenous Peoples), the private sector, academia, experts, parliamentarians, and development partners participated in NDC consultations (Abhishek Yadav 2020).

Ambition and Implementation Gaps

Climate ambition in South Asia remains mixed.

Bhutan is one of the few countries worldwide that is carbon negative, but it is currently focused on maintaining that status due to its rising emissions (Climate Action Tracker 2021). Climate Action Tracker rates Nepal's unconditional target as "1.5°C compatible" (Climate Action Tracker 2023). However, its conditional target, which relies on international support, is insufficient, highlighting a significant ambition gap that financing could address.

India has made substantial progress in installing renewable energy capacity, but its demand for fossil fuels remains high. Consequently, its overall ambition does not align with a 1.5°C pathway (Bhushan and Gopalakrishnan 2021).

Closing the implementation gap across South Asia remains a formidable challenge. Financial constraints and fragmented governance systems are delaying the effective implementation of climate action plans (Agarwal et al. 2021). Bangladesh and Nepal have struggled to mobilize adequate domestic and international resources relative to

their vulnerabilities (Masud et al. 2023, 119). Additionally, financial flows are misaligned with actual vulnerabilities, complicating adaptation efforts and long-term resilience planning (Kumar 2018; Pahuja et al. n.d.).

Translating high-level national plans into action at subnational levels is also challenging, especially in larger economies. For example, India's National Action Plan on Climate Change and the corresponding State Action Plans on Climate Change are central to its climate vision. However, limited institutional capacity, fragile interdepartmental coordination, and failures to conduct climate impact and vulnerability assessments, as well as to define readily implementable action plans, undermine the implementation of these state action plans. Furthermore, a recent IMF paper noted that budgetary allocations do not align with vulnerabilities (Kumar 2018; Pahuja et al. n.d.).

Climate policies and NDCs are increasingly incorporating considerations of biodiversity, just transitions, and the rights of Indigenous Peoples. Nonetheless, substantial climate finance will be essential to turn these ambitions into concrete actions.

For instance, Sri Lanka's National Policy on Climate Change 2023 acknowledges that a just transition is central to ensuring inclusivity and equity in the shift toward a sustainable and climate-resilient economy (Government of Sri Lanka 2023). The policy outlines eight cross-cutting strategic actions to ensure that the government adopts a just transition approach toward achieving a carbon-neutral economy (Government of Sri Lanka 2023, 22–23). It also addresses the need for sustainable management of natural resources, biological diversity, and ecosystem services as adaptation priorities (Government of Sri Lanka 2023, 16–17). These action items are cross-cutting and will require coordination, technical capacity, and funding for effective implementation. However, the policy does not explicitly recognize the land tenure and co-management rights of Indigenous Peoples.

Litigation has played a pivotal role in addressing ambition and implementation gaps in South Asia. In the absence of strong, comprehensive legislative mandates, courts have intervened, in framing climate change as a fundamental human rights issue and directing governments to take action. The Supreme Court of Nepal's landmark decision explicitly linked the government's failure to address climate change to a violation of constitutional rights to a dignified life and a healthy environment, which directly compelled legislative action.¹⁴⁷

Sri Lanka also submitted official submissions to the International Court of Justice (ICJ) for its advisory opinion on climate change, which are deeply rooted in international human rights law. Sri Lanka argued that inaction on climate change by high-emitting states violates the fundamental rights of its citizens (Gawarammana et al. 2025). The submission draws on ancient Buddhist principles of environmental stewardship and intergenerational responsibility, weaving cultural heritage into modern legal arguments.

¹⁴⁷ [Advocate Padam Bahadur Shrestha vs Prime Minister and Office of Council of Ministers and Others](#), Case No. 074-WO-0283, Supreme Court of Nepal, 25 December 2018 (2075/09/10 BS).

While not classified as an ADB South Asian DMC, Pakistan’s legal system is more closely connected to South Asian nations than to those in Central and West Asia. In 2018, the High Court of Lahore ordered the government to achieve 66% of its priority actions under its climate change policy framework, establishing a climate change commission to oversee this work.¹⁴⁸

11.1.4 Trends in Southeast Asia

Prevailing Legal and Policy Landscape

Southeast Asian nations have been proactive in adopting climate change laws, with eight of ADB’s Southeast Asian DMCs having either an existing or draft climate laws. However, these laws typically do not set targets for emissions or adaptation, nor do they integrate considerations for biodiversity, just transition, or rights for Indigenous Peoples. In contrast, the draft laws from Malaysia and Thailand include emissions reduction targets. Table A1.2 summarizes the climate laws in Southeast Asia.

Table A1.2: Summary of Climate Laws in Southeast Asia

Country	Legislation Title	Status	Key Features
Cambodia	Royal Kram No. 0623/007: Code on Environment and Natural Resources (2023)	Enacted	Section 6 (Articles 64–85) strengthens national capacity for adaptation, resilience, and greenhouse gas (GHG) reduction; designates the Ministry of Environment and Natural Resources as lead on planning (Article 66) and reporting (Article 80).
Indonesia	Law No. 31 of 2009 on Meteorology, Climatology and Geophysics	Enacted	Defines “climate change,” “mitigation,” and “adaptation”; tasks BMKG with a national master plan, observation networks, data management, monitoring, reporting, and verification (MRV) requirements, and international cooperation.
Lao People’s Democratic Republic	Decree on Climate Change (2019)	Enacted	Establishes a national climate coordination body; mandates integration of climate action into national and sub-national

¹⁴⁸ See *Leghari v. Federation of Pakistan*, PLD 2018 Lahore 364.

Country	Legislation Title	Status	Key Features
			development plans; sets MRV and reporting obligations.
Malaysia	Draft National Climate Change Bill (RUUPIN)	Draft	Aims to achieve net-zero emissions by 2050; establishes a statutory climate governance framework; mandates long-term low-emission development strategies; and provides for public and stakeholder consultations.
Philippines	Climate Change Act of 2009 (Republic Act No. 9729)	Enacted	Mainstreams climate into government planning; creates a Climate Change Commission; requires periodic vulnerability assessments, adaptation/mitigation measures, and regular reporting.
Thailand	Draft Climate Change Act	Draft	Seeks carbon neutrality and net-zero GHG targets; requires a national Climate Change Master Plan and Climate Change Fund; introduces mandatory GHG reporting, carbon credits, an emissions trading system (ETS), and a carbon tax.
Timor-Leste	Draft Climate Change Base Law	Draft	Targets limiting global warming to 1.5 °C; outlines decarbonization, emissions reduction, and sustainable development; establishes a National Council for Climate Action and a national fund to support climate-affected communities.
Viet Nam	Law on Environmental Protection No. 55/2014/QH13	Enacted	Harmonizes environmental protection with economic growth, biodiversity, and climate change response; Chapter IV specifically addresses climate change mitigation and adaptation; mandates a National Environmental Protection Plan.

Sources: Government of Cambodia. 2023. [Code on Environment and Natural Resources](#); Government of Indonesia. 2009. [Law No. 31 of 2009 on Meteorology, Climatology and Geophysics](#); Government of the Lao PDR. 2019. Decree on Climate Change; A. Mardhiah. 2025. [Malaysia Pushes for National Climate Change](#)

[Bill to Achieve Net Zero by 2050](#). *The Malaysian Reserve*. 5 February; Government of the Philippines. 2009. Republic Act No. 9729, [Climate Change Act of 2009](#); T. Vanikiyeti. 2024. [The Impact of Thailand's Climate Change Bill](#). Norton Rose Fulbright. Article. March; and Government of Viet Nam. 2014. [Law on Environmental Protection](#).

The Philippines and Indonesia were early adopters of climate legislation. The Philippines passed its Climate Change Act in 2009, which established a Climate Change Commission to coordinate national policy and integrate climate change considerations into government policy and planning (Government of the Philippines 2009).

Indonesia's Law on Meteorology, Climatology, and Geophysics (Law No. 31 of 2009) established the Meteorology, Climatology, and Geophysics Agency to coordinate national climate action (Government of Indonesia 2009). This law also established a national system for observing weather, climate, and geophysical elements—such as air pressure, temperature, rainfall, and seismic activity—and for monitoring air pollution and greenhouse gases.

Indonesia's climate governance is also anchored in the Environmental Protection and Management Law of 2009, complemented by the National Action Plan for GHG Emission Reduction (RAN-GRK, 2011).¹⁴⁹ Indonesia has also established advanced market-based instruments—including a carbon tax and emissions trading system—through Presidential Regulation No. 98/2021.¹⁵⁰ This regulation covers five priority sectors: forestry and peatland, agriculture, energy and transport, industry, and waste management.

Cambodia passed a Code on Environment and Natural Resources in 2023, which took effect from June 2024 (Government of Cambodia 2023). Section 6 of the law (Articles 64–85) aims to strengthen and improve national capacity for adaptation, climate resilience, and greenhouse gas emission reduction. The provisions clarify that the Ministry for Environment and Natural Resources is responsible for climate planning (Article 66) and reporting (Article 80). Myanmar's Climate Change Policy (2019) and Climate Change Master Plan (2018–2030) provide long-term guidance for integrating climate action into national development.¹⁵¹

The Lao PDR adopted a Decree on Climate Change (No. 321 of 2019), which provides a national framework for climate mitigation and adaptation, along with mechanisms for climate finance (Government of the Lao PDR 2019).

Although Viet Nam's Law on Environmental Protection (2014) is recognized as a climate change law by some databases, national climate adaptation goals remain dispersed

¹⁴⁹ Climate Change Laws of the World. [Law 32/2009 Environmental Protection and Management](#) (accessed 21 July 2025).

¹⁵⁰ Climate Change Laws of the World. [Presidential Decree 61/2011, National Action Plan to reduce GHG emissions \(RAN-GRK\)](#) (accessed 21 July 2025).

¹⁵¹ Climate Change Laws of the World. [Myanmar National Climate Change Policy](#) (accessed 21 July 2025); and Climate Change Laws of the World. [Myanmar Climate Change Master Plan \(2018–2030\)](#) (accessed 21 July 2025).

across a wide array of sectoral legislation (Government of Viet Nam 2014). This fragmentation poses significant challenges for policy coherence and increases the risk of legal conflicts (Du et al. 2023, 1280–1304).

As of July 2025, Malaysia had a draft National Climate Change Bill, *Rang Undang-Undang Perubahan Iklim Negara*, which aims to achieve net zero by 2050 (Mardhiah 2025). The Government of Malaysia released a consultation paper on the bill in October 2024 and is currently seeking feedback from industry, NGOs, state governments, and the public (Government of Malaysia 2024).

Thailand’s draft climate law also strives for carbon neutrality and requires the creation of a climate change master plan and a climate change fund (Vanikieti 2024). It will introduce mandatory GHG reporting, carbon credits, an emissions trading scheme, and a carbon tax.

Timor-Leste has a draft Climate Change Base Law emphasizing the goal of limiting global temperature increases to 1.5°C above pre-industrial levels. It outlines measures for decarbonization, emissions reduction, and sustainable development. The law will establish a National Council for Climate Action and create a national fund to assist communities affected by climate change (Da Silva Teixeira & Associados and Pollination 2024).

Although it is not a DMC, it is worth noting that Singapore has adopted a strong, policy-led approach centered on its Carbon Pricing Act of 2018 (Government of Singapore 2018). The law imposes a progressively increasing carbon tax on major emitters, which will rise to S\$50–S\$80 per ton of carbon dioxide (tCO₂e) (\$38–\$ per tCO₂e) by 2030.¹⁵² However, commentators believe that a much higher carbon price will be necessary to drive the large-scale adoption of zero-carbon technologies in Singapore.¹⁵³

Alignment with the Paris Agreement and Rights-Based Principles

Adaptation and loss and damage also feature heavily in many Southeast Asian NDCs, highlighting shared subregional priorities and the need for climate finance (UNFCCC 2024, 5). There is also growing recognition of the importance of nature-based solutions within the NDCs. For example, in its Enhanced NDC of 2022, Indonesia committed to restoring 2 million hectares of peatland and rehabilitating 12 million hectares of degraded land by 2030 (Government of Indonesia 2022, 6). These initiatives contribute to protecting critical carbon sinks, such as forests and peatlands, and support biodiversity goals.

The incorporation of rights-based principles, such as just transition and the protection of Indigenous communities, remains limited in NDCs and climate policies across the subregion (Bößner et al. 2025, 41). For example, the planning, design, and

¹⁵² Climate Action Tracker. [Singapore: Country Summary](#) (28 August 2024).

¹⁵³ Climate Action Tracker. [Singapore: Country Summary](#) (28 August 2024).

implementation of the energy transition have typically lacked meaningful stakeholder participation, especially from marginalized groups (ASEAN Centre for Energy 2025). Without adequate consultation, the energy transition risks disrupting livelihoods and leaving affected communities behind.

While Southeast Asian countries acknowledge that local buy-in is essential—for example, involving Indigenous communities in climate-related forest management and nature-based solutions—they often fail to enshrine rights such as Free, Prior, and Informed Consent (FPIC) within the text of their NDCs (ESCAP and UNEP 2024). A 2022 study found that Indigenous Peoples are often “invisible as agents, rights-holders, and knowledge-bearers” (Bijoy et al. 2022, 25). The same study found that no climate policy in Southeast Asia recognized the rights of Indigenous Peoples to self-determination (Bijoy et al. 2022, 26). Furthermore, even where policies and laws acknowledge the vulnerability of Indigenous Peoples and local communities to climate change, the legal frameworks frequently lack concrete mechanisms to ensure equitable benefit-sharing.

The experiences of Indigenous Peoples and local communities in renewable energy projects and climate change initiatives underscore the importance of embedding robust legal protections within NDCs, climate policies, and laws. Renewable energy projects often put pressure on land and resources, leading to conflicts with Indigenous Peoples and local communities, whose rights are not always adequately protected by national laws (Bößner et al. 2025).

Ambition and Implementation Gaps

Significant ambition gaps persist across Southeast Asia. Most of ADB’s DMCs in the subregion have enhanced their NDC commitments compared with earlier submissions, improving emission reduction targets and broadening the scope of mitigation efforts. Emissions reductions typically focus on the energy, forestry, and agriculture sectors, reflecting the subregion’s economic structure (Baird et al. 2021). Nevertheless, while these NDCs indicate increased ambition, independent analyses find that current pledges still fall short of the Paris Agreement’s benchmarks, highlighting the need for future NDCs to align more closely with net-zero commitments (Qiu et al. 2024, 1–13).

For instance, Indonesia’s 2022 Enhanced NDC modestly increased its 2030 emissions reduction target from 29% to 31.9% unconditionally (and from 41% to 43.2% conditionally) (Government of Indonesia 2022). Similarly, Thailand’s second NDC in 2022 slightly raised its ambition and articulated clear sectoral targets.¹⁵⁴ Viet Nam’s updated 2022 NDC also increased its ambitions, targeting an unconditional emissions reduction of 15.8% and a conditional reduction of 43.5% by 2030 compared to business-as-usual levels.¹⁵⁵

¹⁵⁴ NDC Partnership. [Thailand](#) (accessed 23 July 2025).

¹⁵⁵ NDC Partnership. [Viet Nam](#) (accessed 23 July 2025).

Better alignment of NDCs 3.0 with the updated LT-LEDS and their net-zero pledges could provide a more strategic pathway for countries to lower emissions, including transitioning away from fossil fuels.

The implementation gap poses a significant challenge for the subregion, and the disconnect between national and subnational governance is a key impediment to successful climate action.

For instance, subnational climate regulations in Indonesia and the Philippines face considerable challenges. A recent study found that local climate regulations in these countries are often superficial, project-based, and lack tailored provisions for local needs (Sulistiawati and Rembeth 2025, 1–28). The slow transmission of national priorities to local levels results in limited awareness and understanding of climate change among subnational governments (Sulistiawati and Rembeth 2025, 1–28). Climate issues are not prioritized, with resources and attention focused on urban areas or immediate concerns (Sulistiawati and Rembeth 2025, 1–28). Additionally, there is inadequate integration of non-state actors and fragmented coordination between national and local levels (Sulistiawati and Rembeth 2025, 1–28). Capacity constraints, including financial, institutional, and human resources, further hinder effective implementation (Sulistiawati and Rembeth 2025, 1–28).

The review underscored the need for stronger institutional frameworks and vertical coordination to bridge ambition gaps and ensure cohesive climate action across governance levels in Southeast Asia (Sulistiawati and Rembeth 2025, 1–28). Addressing these issues will require stronger oversight, targeted capacity-building, and improved multilevel governance to close the ambition gap and foster cohesive, effective climate action across the region.

This policy outcome gap in Southeast Asia is further exacerbated by direct policy conflicts at the national level, such as the continued provision of fossil fuel subsidies and the locking-in of long-term, inflexible power purchase agreements for coal-fired power plants in countries like Indonesia and Malaysia, which create powerful economic barriers to a clean energy transition (Climate Finance Asia 2025).

11.1.5 Trends in the Pacific

Prevailing Legal and Policy Landscape

The Pacific Islands region has become a hub of legal and policy innovation at the regional level. However, climate framework laws in the Pacific remain in the minority, with only 5 of ADB's 14 Pacific DMCs having enacted a climate law. Table A1.3 summarizes the climate laws in the Pacific.

Table A1.3: Climate Laws in the Pacific

Country	Legislation	Status	Key Features
Federated States of Micronesia	Climate Change Act 2013	Enacted	National policy planning; mandates reporting; creates an interagency oversight body.
Fiji	Climate Change Act 2021	Enacted	Whole-of-government framework; monitoring, reporting, and verification (MRV) system; carbon markets; climate finance strategy; nationally determined contribution (NDC) integration.
Kiribati	Disaster Risk Management and Climate Change Act 2019	Enacted	Establishes principles, institutions, and community-focused adaptation, resilience, emissions reduction, and inclusive disaster response for Kiribati's climate action. Prioritizes community engagement, participation, and empowerment of all, including vulnerable groups.
Nauru	Environmental Management and Climate Change Act 2020	Enacted	Defines institutional roles; implements UNFCCC obligations; establishes permitting and enforcement mechanisms.
Papua New Guinea	Climate Change (Management) Act 2015	Enacted	Creates Climate Change and Development Authority; National Board; REDD+ rules; Green Growth Trust Fund; climate emergency powers.
Tuvalu	Climate Change Resilience Act 2019	Enacted	Mandates climate change plans, coordination, reporting, and funding integration to implement national climate policy.
Vanuatu	Meteorology, Geological Hazards and Climate Change Act (No. 25 of 2016)	Enacted	Seeks to ensure high-quality meteorological, geological, and climate services. Establishes governance structures, including the National Advisory Board on Climate Change and Disaster Risk Reduction, and promotes climate change adaptation, mitigation, and disaster risk reduction.

REDD+ = Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, UNFCCC = United Nations Framework Convention on Climate Change.

Sources: Climate Change Laws of the World. [Federated States of Micronesia Climate Change Act](#); Government of Fiji. 2021. [Climate Change Act 2021](#); Government of Kiribati. 2019. [Disaster Risk Management and Climate Change Act 2019](#); Climate Change Laws of the World. [Environmental Management and Climate Change Act, No. 34/2020](#) (accessed 5 August 2025); Climate Change Laws of the World. [Climate Change \(Management\) Act 2015 \(No. 19 of 2015\)](#) (accessed 5 August 2025); and Government of Tuvalu. 2019. [Climate Change Resilience Act 2019](#); and Government of Vanuatu. 2016. [Meteorology, Geological Hazards and Climate Change Act No. 25 of 2016](#).

Fiji's Climate Change Act 2021 is a prominent example of world-class climate legislation, establishing a whole-of-government framework for climate action (Government of Fiji 2021). It creates an MRV system, carbon markets, and a climate finance strategy. The law mandates that the government align national policies, plans, and actions with Fiji's NDCs, focusing on achieving long-term emissions reduction targets and carbon budgets. Further details can be found in Box 4.

The Federated States of Micronesia (FSM) enacted its Climate Change Act in 2013, requiring government departments to develop climate change plans in line with national

policy.¹⁵⁶ The Office of Environment and Emergency Management coordinates implementation, ensures public access, and advises the President. Annual progress reports to Congress and funding requests in the national budget reflect a precautionary approach, integrating climate change into policies and fostering accountability. However, the law does not explicitly mention a commitment to a just transition, public participation, or specific rights for Indigenous Peoples.

The Disaster Risk Management and Climate Change Act 2019 outlines nine principles for climate action in Kiribati, emphasizing the mainstreaming and integration of climate change and disaster planning across all sectors and levels, with a focus on local action (Government of Kiribati 2019). Priority is given to local ownership and ensuring that no one is left behind, particularly vulnerable groups (see Section 6(h)). The law established the Kiribati National Expert Group on Climate Change and Disaster Risk Management and the National Disaster Management Office to coordinate responses to climate and disaster challenges in Kiribati. It does not commit to emissions reductions or adaptation targets.

Nauru adopted the Environmental Management and Climate Change Act in 2020.¹⁵⁷ The law integrates environmental and biodiversity protection with climate change, defines institutional roles and establishes an MRV system, along with permitting and enforcement mechanisms. In 2015, Papua New Guinea adopted the Climate Change (Management) Act, which established its Climate Change and Development Authority, a National Board, REDD+ rules, a Green Growth Trust Fund, and climate emergency powers.¹⁵⁸

Tuvalu passed the Climate Change Resilience Act in 2019, which sets emissions targets, establishes a national forum, council, and levy, and funds resilience projects (Government of Tuvalu 2019). Section 17 also requires the government to adopt a precautionary approach in decision-making related to climate change or environmental impacts.

Vanuatu enacted the Meteorology, Geological Hazards and Climate Change Act (No. 25 of 2016), which focuses on enhancing the quality of weather, flood, and climate forecasts to improve information sharing and preparedness for extreme weather conditions (Government of Vanuatu 2016). The legislation also created the National Advisory Board on Climate Change and Disaster Risk Reduction to oversee and guide these efforts.

¹⁵⁶ Climate Change Laws of the World. [Federated States of Micronesia Climate Change Act](#). Climate Change Laws of the World. [Federated States of Micronesia Climate Change Act](#).

¹⁵⁷ Climate Change Laws of the World. [Environmental Management and Climate Change Act, No. 34/2020](#) (accessed 5 August 2025).

¹⁵⁸ Climate Change Laws of the World. [Climate Change \(Management\) Act 2015 \(No. 19 of 2015\)](#) (accessed 5 August 2025).

Most other Pacific DMCs use integrated national policies and joint action plans that combine climate change adaptation with disaster risk management, reflecting the intertwined nature of these challenges in the region (UNFCCC 2024).

Alignment with the Paris Agreement and Rights-Based Principles

Climate justice and survival underpin the Pacific's engagement with the Paris Agreement. The NDCs of Pacific DMCs, while representing a minuscule fraction of global emissions, contain some of the world's most ambitious targets, with many nations aiming for 100% renewable energy and net-zero emissions (Comstock 2018). The entire regional discourse is framed through the lens of justice, emphasizing the profound inequity of facing the ultimate consequences of a crisis they did little to cause.

However, despite some notable exceptions, the inclusion of rights-based principles requires greater attention across the Pacific.

Fiji's climate law is particularly notable for its provision for planned relocation of at-risk communities, directly addressing threats to the rights to life, housing, and culture.¹⁵⁹

Nauru's law emphasizes public and stakeholder involvement in environmental management and decision-making processes (Government of Nauru 2020). However, participation is limited to environmental impact assessments and monitoring (see Sections 14 and 15(f)), as well as biodiversity prospecting applications under Section 24(b). Biodiversity prospecting requires permits, and applicants must enter into access agreements with the government and landowners to ensure equitable sharing of benefits (Sections 22 and 26(5)-(6)).

While Nauru's climate law does not explicitly mention a just transition, the Climate Change and Environment Protection Fund may support critical environmental restoration activities, food security, and the management of sensitive ecosystems, thereby ensuring resources for vulnerable communities (see Section 40). Unfortunately, the fund has a limited number of allowable funding sources, which may constrain project financing (see Section 40(2)).

Papua New Guinea's Climate Change (Management) Act established participatory rights by requiring FPIC from customary landholders (see Part VIII) and mandates benefit-sharing mechanisms under Part IX.¹⁶⁰ The law emphasizes stakeholder consultation, including with landholders and governments, before agreements. It promotes biodiversity integration through REDD+, mangrove planting, and ecosystem-friendly adaptation measures.

¹⁵⁹ Climate Change Laws of the World. [Fiji](#) (accessed 22 July 2025).

¹⁶⁰ Government of Fiji (2021). Consent must be obtained from 85% of adult members resident on the land (see Section 89(2)).

Although Papua New Guinea’s law also does not explicitly mention a just transition, it emphasizes a sustainable and inclusive economic transition while minimizing adverse impacts on communities and ecosystems (preliminary clause). The climate change and green growth trust fund established under the law may finance programs that support women, children, vulnerable, and displaced groups.

Vanuatu’s Meteorology, Geological Hazards and Climate Change Act also does not explicitly discuss biodiversity or the concept of a just transition (Government of Vanuatu 2016). Its focus is primarily on meteorology, geological hazards, climate change adaptation and mitigation, disaster risk reduction, and related governance structures.

Ambition and Implementation Gaps

In the Pacific, the ambition gap primarily lies with the international community, not the Pacific countries themselves. Their domestic ambition is high, but its implementation largely depends on international support.

ADB’s Pacific DMCs have demonstrated a strong commitment to the Paris Agreement. Although responsible for only about 0.03% of global GHGs, they align their climate goals with limiting warming to 1.5 °C (UN Climate Change RCC for Asia and the Pacific and IGES Institute for Global Environment Strategies 2025, 6). All 14 Pacific small island developing states (SIDS) submitted their first NDCs around 2015–2016, and 11 have since submitted updated or enhanced NDCs with greater ambition (UN Climate Change RCC for Asia and the Pacific and IGES Institute for Global Environment Strategies 2025).

A common trend among Pacific DMCs is their strong dedication to expanding renewable energy sources as a climate mitigation measure (DeFreeze 2024). Most Pacific DMCs are working toward 100% renewable electricity, with Papua New Guinea’s enhanced NDC of 2020 aiming for 78% installed capacity of renewable energy by 2030 (UN Climate Change RCC for Asia and the Pacific and IGES 2025, 13). Most DMCs, including Fiji, the Marshall Islands, the Federated States of Micronesia, Nauru, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, and Vanuatu, have also set or reaffirmed net-zero emissions targets by 2050 (DeFreeze 2024; UN Climate Change RCC for Asia and the Pacific and IGES 2025, 17). For example, Fiji’s 2020 NDC update explicitly commits to achieving carbon neutrality by 2050 alongside its 2030 goal, and Niue aims to be net zero by 2024 (UN Climate Change RCC for Asia and the Pacific and IGES 2025, 17).

These commitments reflect the urgent threat of climate change in the Pacific—staying below 1.5 °C is critical as rising sea levels and extreme weather jeopardize their existence. However, while ambition is high in Pacific NDCs, many targets are conditional on receiving international support. For example, Vanuatu’s enhanced NDC links its rapid fossil fuel phaseout to increased climate finance and estimates it would require approximately \$1.2 billion to meet its revised and improved NDC commitments (UN Climate Change RCC for Asia and the Pacific and IGES 2025, 14).

The slow global progress on climate change presents a major hurdle for the Pacific. The Climate Action Tracker finds that the combined effect of all countries’ current policies

and pledges still puts the world on a path toward approximately 2.7 °C of warming by 2100 (Al Jazeera 2021). This finding highlights a significant global ambition gap, posing a substantial risk for Pacific nations.

While the Pacific countries' NDCs primarily align with the 1.5 °C goal and call for more decisive international action, many major emitters' NDCs still fall short. The first global stocktake in 2023 confirmed that NDCs are collectively insufficient to meet the Paris Agreement's goals (CMA 2023, para 24). This grim reality underscores the importance of Pacific states continuing to set an example and advocate for greater ambition from larger countries.

The Pacific's commitment to the Paris Agreement is reflected not only in setting targets but also in leading comprehensive climate legislation and strategies (for example, Fiji has passed a Climate Change Act to implement its NDC measures). Overall, the trend is clear—Pacific NDCs consistently focus on the 1.5 °C goal and high ambition, often surpassing the commitments of much larger economies in both spirit and scope.

The implementation gap in the Pacific is not defined by a lack of political will, but rather by a profound and persistent deficit in financial and technical capacity (Comstock 2018). Key challenges include a shortage of skilled technical staff in government ministries, significant difficulties in accessing complex international climate finance mechanisms, and the logistical and financial hurdles of implementing infrastructure projects across geographically dispersed and remote islands (Mani and Glade 2022). Greater emphasis is also needed on integrated solutions for biodiversity and climate change, including participatory rights, and rights for Indigenous Peoples and local communities, along with rights to benefit sharing.

Appendix 2

Status of National Biodiversity Strategies and Action Plans in August 2025

Table A2.1: Central and West Asia National Biodiversity Strategies and Action Plans

Country	Current NBSAP Date	Status	Key Stated Priorities
Afghanistan	2014 (revised 2024–2030)	GBF aligned	Ensure that at least 10% of the country is designated as protected areas and maintain the population numbers of targeted species. This does not address GBF targets 7, 11, 17, 18, 23, or Goals C and D.
Armenia	2000–2004 (updated for 2016–2020)	Aichi-aligned	Address the underlying causes of biodiversity loss and mainstream biodiversity, species conservation, sustainable use, raising public awareness, and create synergistic policy frameworks.
Azerbaijan	2017–2020	Aichi-aligned	Promote the sustainable use of genetic resources, improve the status of rare and threatened flora and fauna, enlarge the total extent of protected areas in the republic by 12% in terrestrial areas and 2% in coastal areas, enhance biodiversity management, plan biodiversity usage, and strengthen institutional capacities.
Georgia	2014–2020	Aichi-aligned	Conserve at least 17% of terrestrial and inland water areas and 10% of coastal and marine areas. Focus on species conservation, public education, have 60% of government agencies adopt sustainable production and consumption plans, ensure sustainable management of at least 60% of forests, wetlands, and grasslands, reduce pollution, and create a baseline of biodiversity data with an effective monitoring system.
Kazakhstan	1999 (updated)	Aichi-aligned	Implement in-situ and ex-situ conservation, promote sustainable use, renew degraded ecosystems, improve the management structure and biodiversity legal framework, and establish protected areas along with a biological monitoring system.
Kyrgyz Republic	2014–2024	Aichi-aligned	Mainstream biodiversity conservation, reduce impacts, improve protection and monitoring systems, enhance the system of protected areas, and increase their total area to 10% of national territory. Aim to restore more than 10% of degraded land and incorporate the principles of the ecosystem approach using traditional knowledge.
Tajikistan	2003 (updated 2016)	Aichi-aligned	Focus on conservation and sustainable management of biodiversity, poverty alleviation, and economic growth. Improve institutional, legislative, and scientific bases, biosafety, and sustainable use.

Country	Current NBSAP Date	Status	Key Stated Priorities
Türkiye	2018–2028	Aichi-aligned	Target ecosystem restoration, promote sustainable resource use, and mainstream biodiversity in development. Aim to protect 17% of terrestrial and 10% of marine zones. Capacity building and fair benefit-sharing are central to the implementation and monitoring framework.
Turkmenistan	2018–2023	Aichi-aligned	Aim for a sustainable balance between the economy and ecosystems, promote the green economy, and focus on preserving biodiversity at the species and genetic diversity levels.
Uzbekistan	2019–2028	Aichi-aligned but under revision	Expand protected areas from 5% to 14%, combat ecosystem degradation, rehabilitate endangered species, bolster international collaboration, raise awareness, and implement a national afforestation program.
Pakistan	2017–2030	Aichi-aligned	Conserve biodiversity at priority sites by protecting at least 17% of terrestrial and inland water areas and 10% of coastal and marine areas. Identify and eradicate invasive alien species, reduce direct pressures on biodiversity, decrease pollution from agriculture, restore at least 25% of degraded forest ecosystems, revise draft legislation on access and benefit-sharing, adopt and implement participatory biodiversity action policies, and mobilize finances.

GBF = Kunming–Montreal Global Biodiversity Framework, NBSAP = National Biodiversity Strategies and Action Plan.

Sources: Government of Afghanistan. 2024. [National Biodiversity Strategy and Action Plan for Afghanistan 2024–2030](#); Government of Armenia 2015. [Strategy of the Republic of Armenia on Conservation, Protection, Reproduction and Use of Biological Diversity](#); Government of Azerbaijan. 2016. [National Strategy of the Republic of Azerbaijan on Conservation and Sustainable Use of Biodiversity for 2017–2020](#); Government of Georgia. 2014. [National Biodiversity Strategy and Action Plan of Georgia 2014–2020](#); Government of Kazakhstan. 1999. [National Strategy and Action Plan on Conservation and Sustainable Use of Biological Diversity in the Republic of Kazakhstan](#); Government of the Kyrgyz Republic. 2014. [Biodiversity Conservation Priorities of the Kyrgyz Republic Till 2024](#); Government of Tajikistan. 2003. [National Strategy and Action Plan on Conservation and Sustainable Use of Biodiversity](#); Government of Türkiye. 2018. [National Biodiversity Action Plan 2018–2028](#); Government of Turkmenistan. 2018. [National Biodiversity Strategy and Action Plan](#); Government of Uzbekistan. 2019. [Strategy for the Conservation of Biological Diversity in the Republic of Uzbekistan for the Period 2019–2028](#); Government of Pakistan. 2017. [Pakistan National Biodiversity Strategy and Action Plan](#).

Table A2.2: East Asia National Biodiversity Strategies and Action Plans

Country	Dates	Status	Key Stated Priorities
People’s Republic of China	2023–2030	GBF-aligned	Four priority areas: biodiversity mainstreaming, addressing threats to biodiversity loss, sustainable use and benefit-sharing of biological resources, and modernizing biodiversity governance. Twenty-seven priority areas and 75 projects aim to conserve at least 30% of land and oceans by 2030, including expanding protected areas to 18% and designating 12% of land as Other

Country	Dates	Status	Key Stated Priorities
			Effective Area-Based Conservation Measures. Plans include restoring at least 30% of degraded ecosystems by 2030.
Mongolia	2015–2025	Aichi-aligned	Focus on species conservation and addressing pasture degradation. Expand the network of 99 protected areas, covering 17.38% of total territory, by adding an extra 911 protected areas that cover 10.3% of land area. Aim to reduce pasture degradation by up to 70%. Create a legal environment for the use and protection of food and agricultural genetic resources and promote partnerships and funding.

GBF = Kunming–Montreal Global Biodiversity Framework, NBSAP = National Biodiversity Strategies and Action Plan.

Sources: CBD. n.d. [China Releases National Biodiversity Conservation Strategy and Action Plan](#). News release; and Government of Mongolia. 2015. [National Biodiversity Program \(2015–2025\)](#).

Table A2.3: South Asia National Biodiversity Strategies and Action Plans

Country	Current NBSAP Date	Status	Key Stated Priorities
Bhutan	2002 (updated 2014)	Aichi-aligned	Focus on Gross National Happiness, protected areas, sustainable resource use, and maintaining 60% forest cover.
India	2024–2030	GBF-aligned	Adopt the 30x30 target, emphasize ecosystem restoration, sustainable use, benefit sharing, and mainstream biodiversity across all sectors.
Maldives	2016–2025	Aichi-aligned	Protect coral reefs, establish protected areas, manage marine resources sustainably, encourage community participation, promote self-reliance through traditional values and culture, ensure biosafety, and develop financial mechanisms.
Nepal	2014–2020	Aichi-aligned	Implement community-based management, focus on poverty alleviation, and maintain ecosystem integrity. By 2020, ensure the conservation of at least 17% of terrestrial and inland water areas and 10% of coastal and marine areas.
Sri Lanka	2016–2022 (Draft Policy)	Aichi-aligned (under revision)	Protect and conserve wetland ecosystems, enhance ecosystem services, and ensure sustainable use of wetlands and traditional practices by local communities.

GBF = Kunming–Montreal Global Biodiversity Framework, NBSAP = National Biodiversity Strategies and Action Plan.

Sources: Government of Bhutan. 2014. [National Biodiversity Strategies and Action Plan](#); Government of India. 2024. [India's Updated National Biodiversity Strategy and Action Plan 2024–2030](#); Government of Maldives. 2016. [National Biodiversity Strategy and Action Plan 2016–2025](#); Government of Nepal. 2014. [Nepal National Biodiversity Strategy and Action Plan 2014–2020](#); and Government of Sri Lanka. 2016. [National Biodiversity Strategic Action Plan 2016–2022](#).

Table A2.4: Southeast Asia National Biodiversity Strategies and Action Plans

Country	Date	Status	Key Stated Priorities
Cambodia	2016– 2030	Aichi- aligned	Key targets include valuing ecosystem services, conserving and restoring biodiversity, eradicating poverty, promoting sustainable land use, and ensuring fair and equitable benefit-sharing.
Indonesia	2025– 2045	GBF- aligned	Aims to strengthen ecosystem integrity, optimize the sustainable use of biodiversity, and improve governance through science, capacity building, finance, and law enforcement. Thirteen strategies, 20 targets, and 95 action groups support these objectives, including the designation of at least 30% of the area for protection. It incorporates strategies for enhancing transparency and reducing negative business impacts on biodiversity.
Lao PDR	2016– 2025	Aichi- aligned	The goal is to protect and ensure the sustainable use of biodiversity while strengthening traditional and modern knowledge systems, governance, law enforcement, and institutional capacity. This includes enhancing implementation mechanisms to achieve the national target of 70% forest cover by 2020 and reducing waste.
Malaysia	2022– 2030	GBF- aligned	The initiative empowers stakeholders, reduces pressures on biodiversity, safeguards ecosystems, conserves at least 30% of degraded ecosystems, and aims to restore at least 30% of degraded ecosystems by 2030.
Myanmar	2015– 2020	Aichi- aligned	Increase awareness of biodiversity, integrate biodiversity values into national and local development and poverty eradication strategies, eliminate environmentally harmful subsidies, promote sustainable production, halve the rate of natural habitat loss, and manage marine resources. By 2020, the goals include conserving 15% of coral reefs, 8% of land area, and 2.6% of coastal and marine areas, as well as implementing the Nagoya Protocol and recognizing customary land tenure.
Philippines	2015– 2028 (updating)	Aichi- aligned, under revision for GBF	By 2028, the Philippines aims to maintain or improve the conservation status of threatened species, prevent a net loss of natural forest cover, and sustain key fish stocks. At least 10% of each major marine and coastal habitat will be strictly protected. The Philippines pioneered national access and benefit-sharing legislation before ratifying the Nagoya Protocol in 2015.
Thailand	2023– 2027	GBF- aligned	By 2030, the goal is to conserve 30% of terrestrial and marine ecosystems and restore 30% of degraded habitats. The initiative promotes integrated stakeholder engagement, establishes a biodiversity data system, and develops comprehensive mechanisms for access and benefit-sharing. It seeks to enhance capacity, participation, and the integration of biodiversity into all levels of government policies and plans.

GBF = Kunming–Montreal Global Biodiversity Framework, NBSAP = National Biodiversity Strategies and Action Plan.

Sources: Government of Cambodia. 2016. [National Biodiversity Strategy and Action Plan](#); Government of Indonesia. 2025. [Indonesia Biodiversity Strategy and Action Plan: IBSAP 2025–2045](#); Government of the Lao PDR. 2016. [National Biodiversity Strategy and Action Plan 2016 - 2025](#); Government of Malaysia. 2022.

[National Policy on Biological Diversity](#); Government of Myanmar. 2015. [National Biodiversity Strategy and Action Plan 2015–2020](#); Government of the Philippines. 2015. [Philippine Biodiversity Strategy and Action Plan 2015–2028](#); and Government of Thailand. 2023. [Thailand's The National Biodiversity Action Plan \(2023–2027\)](#).

Table A2.5: Pacific National Biodiversity Strategies and Action Plans

Country	Dates	Status	Key Stated Priorities
Cook Islands	2001	Pre-dates Aichi	Biodiversity conservation goals include the conservation of endangered species, ecosystem protection, and sustainable use of resources, with an emphasis on community participation and landowner engagement. Key actions include managing protected areas, conducting herbal plant surveys, and establishing a Biodiversity Trust Fund for long-term sustainability.
Fiji	2020–2025	Aichi-aligned	Targeted biodiversity conservation encompasses terrestrial, freshwater, and marine ecosystems. Key actions include expanding protected areas to 30% offshore, protecting threatened species, managing invasive alien species, integrating biodiversity into national planning, and promoting sustainable use. Proposes legal reforms, financing mechanisms, and traditional practices aimed to support implementation and ensure long-term ecological resilience.
Kiribati	2016–2020	Aichi-aligned	Articulates nine priority areas, including protected areas, invasive species control, ecosystem management, and traditional knowledge. Key actions include expanding marine protection, promoting organic agriculture, enhancing biosecurity, and preparing for the ratification of the Nagoya Protocol. Proposes an Environment Fund to support biodiversity efforts.
Marshall Islands	2000	Aichi-aligned	Key themes include marine biodiversity protection, biosafety legislation, the revival of traditional knowledge, and sustainable fishing practices. Promotes holistic planning, monitoring systems, and financial tools such as trust funds to support biodiversity conservation and climate resilience. Emphasizes the revival and strengthening of traditional systems like “mo” for monitoring and management, augmented by modern scientific techniques and formal education. The goal is to conserve 20% of terrestrial areas and 30% of marine areas by 2020 under the Micronesia Challenge.
FSM	2018–2023	Aichi-aligned	Outlines 11 strategic themes, including ecosystem and species protection, agrobiodiversity, biosecurity, and climate resilience. Support is given to traditional knowledge, sustainable financing, and biodiversity mainstreaming, aiming to conserve 20% of terrestrial areas and 30% of marine areas by 2020 under the Micronesia Challenge. A major review was anticipated in 2023 following annual assessments.
Nauru	2013	Aichi-aligned	Outlines eight thematic areas including ecosystem and species management, biosecurity, agrobiodiversity, and traditional knowledge. The target is to increase protected areas from 2% to 30% by 2025 and restore mined lands. Establishing pilot conservation areas and supporting financial sustainability through a Conservation Trust Fund were also recommended.

Country	Dates	Status	Key Stated Priorities
Palau	2015– 2020	Aichi- aligned	Outlines seven strategic areas including protected areas, species protection, biosecurity, and agrobiodiversity. The aim is to conserve 20% of terrestrial areas and 30% of marine areas under the Micronesia Challenge. Key actions include expanding the Protected Areas Network, developing a biosecurity plan, mainstreaming biodiversity, and ensuring zero forest loss through sustainable management and restoration.
Papua New Guinea	2019– 2024	Aichi- aligned	Supports biodiversity conservation through ecosystem-based approaches, sustainable use, and restoration efforts. Targets include protecting 17.9% of terrestrial areas and 9% of marine areas, establishing 1 million hectares of marine protected areas, and reforesting 4,200 hectares annually. It integrates biodiversity into national planning and promotes traditional knowledge and sustainable financing.
Samoa	2015– 2020	Aichi- aligned	Adopted all 20 Aichi targets, emphasizing the mainstreaming of biodiversity, ecosystem restoration, and sustainable use. The goal is to protect 17% of land and 30% of marine-managed areas, as well as to restore 3% of degraded ecosystems annually. Integration of traditional knowledge and the aim to ratify the Nagoya Protocol are also highlighted, along with promoting biodiversity in national development and education.
Solomon Islands	2009	Aichi- aligned	Outlines 12 thematic goals for biodiversity conservation, including species protection, invasive species control, and benefit-sharing. Protected areas covered less than 0.5% of the territory, with 17 sites earmarked for expansion; however, no quantitative restoration targets were specified.
Tonga	2018– 2030	Aichi- aligned	Set targets for forest, marine, species, and agrobiodiversity conservation, including invasive species control and benefit-sharing. The aim is to protect 17% of land and maintain 30% of marine areas, promote restoration, and integrate biodiversity into national planning. The plan emphasized inclusive partnerships, traditional knowledge, and sustainable livelihoods.
Tuvalu	2012– 2020	Aichi- aligned	Emphasizes traditional knowledge, pollution control, and invasive species management. Thirteen thematic areas were outlined, with a goal to protect 15% of land by 2015. It also supported restoration through community projects, although it did not set quantitative restoration targets.
Vanuatu	2018– 2030	Aichi- aligned	Established seven strategic areas, including protected areas, forest and marine management, species recovery, and invasive species control. The targets include 17% terrestrial, 10% marine, and 30% forest conservation. Restoration efforts were promoted through coastal and forest rehabilitation, although no quantitative restoration targets are specified.

FSM = Federated States of Micronesia.

Sources: Government of the Cook Islands. 2002. *Cook Islands Biodiversity Strategy and Action Plan*; Government of Fiji. 2020. *National Biodiversity Strategy and Action Plan 2020–2025*; Government of Kiribati. 2016. *National Biodiversity Strategies and Action Plan 2016–2020*; Government of the Marshall Islands. 2000. *The Republic of the Marshall Islands National Biodiversity Strategy and Action Plan Team*;

Government of the FSM. 2018. *The Federated States of Micronesia National Biodiversity Strategy and Action Plan 2018–2023*; Government of Nauru. 2013. *Nauru’s Biodiversity Strategy and Action Plan*; Government of Palau. 2015. *The Republic of Palau Revised National Biodiversity Strategy and Action Plan 2015–2025*; Government of Papua New Guinea. 2019. *Papua New Guinea National Biodiversity Strategy and Action Plan 2019–2024*; Government of Samoa. 2015. *Samoa’s National Biodiversity Strategy and Action Plan (NBSAP) 2015–2020*; Government of Solomon Islands. 2009. *Solomon Islands National Biodiversity Strategy and Action Plan*; Government of Tonga. 2018. *Kingdom of Tonga’s National Biodiversity Strategy & Action Plan to 2030*; Government of Tuvalu. 2012. *Tuvalu National Biodiversity Strategy and Action Plan 2012–2016*; and Government of Vanuatu. 2018. *Vanuatu National Biodiversity Strategy and Action Plan 2018–2030*.

References

- Accountability Framework Initiative. 2019. [Operational Guidance on Free, Prior and Informed Consent](#).
- Act Alliance. 2024. [Asia Pacific: A Rights-Based Approach to Climate Change](#).
- Alimci, E. and E. Erdoğan. 2025. [Law No. 7552 on Climate](#). Tunca Attorney Partnership. News release. 18 July.
- Almond, R. E. A. et al., eds. 2022. [Living Planet Report 2022—Building a Nature-Positive Society](#). World Wildlife Fund (WWF).
- Asian Development Bank (ADB). 2009a. [The Economics of Climate Change in Southeast Asia: A Regional Review](#).
- ADB. 2009b. [Safeguard Policy Statement](#).
- ADB. 2010. [Payments for Ecological Services and Eco-Compensation: Practices and Innovations in the People’s Republic of China](#). *Proceedings from the International Conference on Payments for Ecological Services*. 6–7 September 2009.
- ADB. 2012. [Green Growth, Resources and Resilience: Environmental Sustainability in Asia and the Pacific](#).
- ADB. 2016. [Toward A National Eco-Compensation Regulation in the People’s Republic of China](#).
- ADB. 2017. [CAREC 2030](#).
- ADB. 2018. [Strategy 2030](#).
- ADB. 2020a. [Climate Change, Coming Soon to a Court Near You: National Climate Change Legal Frameworks in Asia and the Pacific](#).
- ADB. 2020b. [Climate Change, Coming Soon to a Court Near You: International Climate Change Legal Frameworks](#).
- ADB. 2020c. [Climate Change, Coming Soon to a Court Near You: Climate Litigation in Asia and the Pacific and Beyond](#).
- ADB. 2020d. [Corporate Evaluation: Effectiveness of the 2009 Safeguard Policy Statement](#).
- ADB. 2021. [Energy Policy: Supporting Low-Carbon Transition in Asia and the Pacific](#).
- ADB. 2022a. [ADB Launches Just Transition Support Platform](#). News release. 14 November.
- ADB. 2022b. [Regional Technical Assistance for Enabling a Just Transition to Low-Carbon and Climate-Resilient Economies and Societies in Asia and the Pacific](#) (TA 10049-REG).
- ADB. 2022c. [NDC Advance: Accelerating Climate Actions in Asia and the Pacific](#).
- ADB. 2023a. [Climate Change Action Plan 2023–2030](#).
- ADB. 2023b. [Regional Action on Climate Change: A Vision for CAREC](#).

- ADB. 2023c. [2021 Energy Policy of the Asian Development Bank: Supporting Low-Carbon Transition in Asia and the Pacific](#).
- ADB. 2023d. [Climate Finance Landscape of Asia and the Pacific](#).
- ADB. 2024a. [Asia–Pacific Climate Report 2024: Catalyzing Finance and Policy Solutions](#).
- ADB. 2024b. [Central Asia Regional Economic Cooperation Program Climate Change Action Plan 2025–2027](#).
- ADB. 2024c. [Environment and Social Framework](#).
- ADB. 2024d. [Environment Action Plan 2024 -2030: Toward a Nature-Positive Asia and the Pacific](#).
- ADB. 2024e. [Infographic: Introducing ADB’s Environmental and Social Framework](#).
- ADB. 2024f. [Nature Solutions Finance Hub for Climate and the Environment](#).
- ADB. 2024g. [Scaling Nature-Positive and Mainstreaming Investments in Asia and the Pacific: New ADB Environment Action Plan](#).
- ADB. 2025. [The Model Forest Act Initiative \(MoFAI\): A Global Partnership to Improve the Legal Protection of Native Forests](#).
- ADB and United Nations Environment Programme (UNEP). 2019. [Strengthening the Environmental Dimensions of the Sustainable Development Goals in Asia and the Pacific: Tool Compendium](#).
- AG Group. 2023. [Analysis Report on National Action Plan on Climate Change](#).
- Agarwal, R. et al. 2021. [Climate Change in South Asia: Further Need for Mitigation and Adaptation](#). *IMF Working Paper/21/217*.
- Al Jazeera. 2021. [World on Track for 2.4C Warming Despite 2030 Pledges: Analysis](#). News article. 9 November.
- Andersen, I. 2024. [Accelerating implementation of the Global Biodiversity Framework](#). Speech delivered for the Fourth Meeting of the Convention on Biological Diversity’s Subsidiary Body on Implementation. 21 May.
- Asia Indigenous Peoples Pact (AIPP). 2014. [Overview of the State of Indigenous Peoples in Asia](#).
- ASEAN. 2005. [Joint Press Statement of the ASEAN Ministers Responsible for Implementation of CITES, Bangkok](#). News release. 1 December.
- Association of Southeast Asian Nations (ASEAN). 2012. [ASEAN Human Rights Declaration](#).
- ASEAN. 2018. [ASEAN Multi-Sectoral Framework on Climate Change](#).
- ASEAN. 2022a. [ASEAN Guidelines on Recognition of Customary Tenure in Forested Landscapes](#).
- ASEAN. 2022b. [AICHR, UN Discuss Milestones Towards a Regional Instrument on Environmental Rights in ASEAN](#).

- ASEAN. 2024. [ASEAN Biodiversity Plan](#).
- ASEAN Centre for Energy. 2025. [A Guide to a Just and Inclusive Energy Transition in ASEAN](#).
- Asia-Pacific Centre for Environmental Law (APCEL) and National University of Singapore (NUS). 2025. [APCEL Book Launch: Environmental Courts and Tribunals in Asia-Pacific](#). News release. 24 February.
- Bahrin, N. A. 2024. [Climate Change Bill: What You Have to Know In 2 Minutes](#). Azmi & Associates. News release. 15 October.
- Baird, M., R. Guzman, and J. Nepomuceno. 2021. [An Assessment of the Nationally Determined Contributions \(NDCs\) of the States of Southeast Asia](#). Asian Research Institute for Environmental Law and Heinrich Böll Stiftung.
- Bank Negara Malaysia. 2024. [Joint Statement by Bank Negara Malaysia and Securities Commission Malaysia from the 12th Joint Committee on Climate Change \(JC3\) Meeting](#). News release. 29 February.
- Banzragch, U. 2025. [An Analysis of the Climate Change Legal Regime in Mongolia](#). *Chinese Journal of Environmental Law*. 9.
- Behr, C. et al. 2012. [Benefit Sharing in Practice: Insights for REDD+ Initiatives](#). Program on Forests (PROFOR).
- Beauchamp, E. 2024. [What Is the UAE Framework for Global Climate Resilience, and How Can Countries Move It Forward?](#) *IISD*. 15 February.
- Bennett, M. T. 2008. [China's Sloping Land Conversion Program: Institutional Innovation or Business as Usual?](#) *Ecological Economics*. 65 (4). pp. 699-711.
- Bertzky, M. et al. 2021. [Assessment Report: Comparative Analysis of Benefit-Sharing Mechanisms in REDD+ Programs](#). World Wildlife Fund.
- Bhushan, C. and T. Gopalakrishnan. 2021. [Environmental Laws and Climate Action: A Case for Enacting a Framework Climate Legislation in India](#). International Forum for Environment, Sustainability and Technology.
- Bijoy, C. R. et al. 2022. [Nationally Determined Contributions in Asia: Are Governments Recognizing the Rights, Roles and Contributions of Indigenous Peoples?](#) Asia Indigenous Peoples Pact and Forest Peoples Programme.
- BiologyInsights. 2025. [Deforestation in Southeast Asia: The Changing Face of Biodiversity](#). 29 April.
- Black, S., A. A. Liu, and I. W. H. Parry. 2023. [IMF Fossil Fuel Subsidies Data: 2023 Update](#). International Monetary Fund. News release. 24 August.
- Boer, B. and P. Clarke. 2012. [Legal Frameworks for Ecosystem-Based Adaptation to Climate Change in the Pacific Islands](#). Secretariat of the Pacific Regional Environment Programme (SPREP).
- Bößner, S., H. Zhu, C. Deitsch, and W. Babis. 2025. [Energy Transition Policies in Southeast Asia and China: Scoping Out The 'Just' Aspect](#). Stockholm Environment Institute.
- Brockett, C. et al. 2023. [Best Practice Mechanisms for Biodiversity Conservation Law and Policy](#). *Cambridge Prisms: Extinction*. 1, e16.

- Bromley, H. 2024. [Biodiversity Finance Factbook](#). BloombergNEF.
- Brown. 2024. [Study: REDD+ Doesn't Work Without Indigenous Peoples, But Fails to Engage Them](#). *Mongabay*. Article. 24 October.
- Bryan, B. A. et al. 2018. [China's Response to a National Land-System Sustainability Emergency](#). *Nature*. 599 (7713). pp. 193-204.
- Bun, R. 2025. [How Cambodia's New Environmental Code Undermines Indigenous Peoples' Rights \(Commentary\)](#). *Mongabay*. 30 July.
- Buppert, T. and A. McKeehan. 2013. [Guidelines for Applying Free, Prior and Informed Consent: A Manual for Conservation International](#). Conservation International.
- Bureau of Energy Efficiency. 2024. [Carbon Market Framework and PAT Scheme Overview](#). Ministry of Power.
- Carothers, T. 1998. [The Rule of Law Revival](#). *Foreign Affairs*. 77 (2). pp. 95-106.
- Cavelier, J. and I. M. Gray. 2014. [GEF Investments on Payment for Ecosystem Services Schemes](#). Global Environment Facility (GEF).
- Center for Strategic and International Studies. 2024. [Palm Oil Powerhouses: Why the EU's Deforestation-Free Regulation Does Not Work in Southeast Asia](#). Blog post. 30 May.
- Central Asia Pastoralist Alliance. 2024. [Key Legislative Updates in the Pastoral Sector Across Central Asia and Mongolia](#).
- С а м б у у н я м, М. 2024. [Government to Implement "New Cooperative - Wealthy Herder" Program](#). *Montsame*. Article. 11 April.
- Chan, T. and C. Yuen. 2025. [Turning Promises into Progress: Why NDCs Need Clear Implementation Plans](#). Grantham Research Institute on Climate Change and the Environment (GRI). Commentary. 25 June.
- Chandra, A. and R. Sibuea. 2025. [Seizing the EUDR Compliance Opportunity in Southeast Asia](#). EY. News release. 12 March.
- Cordon, C. 2024. [Why This Imperfect Law Is the Best Shot at Fighting Deforestation](#). *Time*. 12 November.
- Crishna Morgado, N. and O. Taşkın. 2019. [Managing Environmental Risks in Development Banks and Development Finance Institutions - What Role for Donor Shareholders?](#) OECD.
- Climate Action Network. 2024. [Briefing: CBD COP16](#). Briefing Paper. October.
- Climate Action Network International. 2024. [Guidelines for NDCs 3.0: Delivering on the GST Outcome and Beyond](#).
- Climate Action Tracker. 2025a. [Mid-year Check on 2035 Climate Plans](#). Article. 19 June.
- Climate Action Tracker. 2025b. [China](#). Update. 17 June.
- Climate Action Tracker. 2024a. [The CAT rates COP29 host Azerbaijan's climate action "Critically insufficient."](#) Update. 25 September.
- Climate Action Tracker. 2024b. [Kazakhstan](#). Updated. 31 January.
- Climate Finance Asia*. 2025. [Climate Finance Asia Calls for Policy and Financial Reforms to Accelerate Coal Phase-Out in Asia](#). Article. 20 June.

- Climate Rights International*. 2025. [Council of Europe Adopts Key Environmental Crimes Convention](#). News release. 15 May.
- Committee on Economic, Social and Cultural Rights. 2024. [Views Adopted by the Committee under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, Concerning Communications No. 251/2022 and No. 289/2022](#).
- Comstock, M. 2018. [Pacific Island Countries' Leadership on NDC Implementation](#). NDC Partnership. Blog. 17 April.
- Conference of the Parties (COP) to the UNFCCC. 2011. [The Cancun Agreements](#). Decision 1/CP.16.
- Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA). 2023. [Decision 1/CMA.5: Outcome of the First Global Stocktake](#). Para. 24.
- Conference of the Parties to the Convention on Biological Diversity (CBD). 2022a. [Decision 15/5. Monitoring Framework for the Kunming-Montreal Global Biodiversity Framework](#). CBD/COP/DEC/15/5. 19 December. p. 1, para. 4.
- Conference of the Parties to the CBD. 2022b. [Mechanisms for Planning, Monitoring, Reporting and Review](#). CBD/COP/DEC/15/6. 19 December. Article 6.
- Conference of the Parties to the CBD. 2024. [Review of Implementation: Progress in National Target Setting and Updating of National Biodiversity Strategies and Action Plans](#). CBD/COP/DEC/16/1. Article 3.
- Croissant, G. and P-N. Milcamps. 2025. [Council of Europe Adopts First International Convention on Protection of Environment Through Criminal Law](#). Linklaters. News release. 23 May.
- Council of Europe. n.d. [12 Principles of Good Democratic Governance](#).
- Council of Europe. 2015. [Convention on the Protection of the Environment through Criminal Law: Explanatory Report](#). CM(2025)52. para. 19.
- Da Silva Teixeira & Associados and Pollination. 2024. [Draft Timor-Leste Climate Change Base Law](#). Articles 8(3)(b) and 9.
- Dawson, N. M. et al. 2021. [The Role of Indigenous Peoples and Local Communities in Effective and Equitable Conservation](#). *Ecology and Society*. 23 (3).
- Daytec-Yañgot, C. L. n.d. [FPIC: A Shield of Threat to Indigenous Peoples' Rights?](#).
- DeFreese, M. 2024. [The Small Island States Making Big Strides Towards 100% Renewable Energy](#). World Economic Forum. Article. 31 May.
- Development Asia. 2017. [Eco-Compensation and What It Means for the World](#). News release. 15 August.
- Díaz, S. et al., eds. 2019. [Summary for Policymakers of the Global Assessment Report on Biodiversity and Ecosystem Services](#). Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) Secretariat.
- Du, H. et al. 2023. [A Framework for Reviewing Laws and Policies for Climate Resilience: The Case of the Vietnamese Mekong Delta](#). *Journal of Environmental Planning and*

Management. 66 (6).

Dunne, D. 2025. [Revealed: More than Half of Nations Fail to Protect 30% of Land and Sea in UN Nature Plans](#). *CarbonBrief*. 24 February.

Dugasseh, F. A. and M. S. Andersen. 2024. [Non-carbon benefits of REDD+ Implementation and Sustainable Emission Reductions - A Review](#). *Forests, Trees and Livelihoods*. 33(4). pp. 299-318.

Eales, B. and P. C. McCormack. 2024. Mind the Gap: Biodiversity and Climate Change. In P. C. McCormack and R. Caddell, eds. [Research Handbook on Climate Change and Biodiversity Law](#). Edward Elgar Publishing. p. 357.

Ecolur. 2023. [Main Climate Document of Armenia in Discussion Stage](#). Article. 29 November.

EconomyNext. 2024. [Sri Lanka Drafting Laws That Will Address Climate Change: President](#). Article. 8 May.

Ekardt, F. et al. 2023. [Legally Binding and Ambitious Biodiversity Protection Under the CBD, the Global Biodiversity Framework, and Human Rights Law](#). *Environmental Sciences Europe*. 35 (80). p. 3.

Equator Principles Association. 2020. [Equator Principles: EP4](#).

Eskander, S., S. Fankhauser, J. Setzer. 2021. [Global Lessons from Climate Change Legislation and Litigation](#). *Environmental and Energy Policy and the Economy*. 2. pp. 44-82.

European Bank for Reconstruction and Development (EBRD). 2024. [Environmental and Social Policy](#).

European Commission. 2025. [The European Ocean Pact](#). Communication COM(2025)281 final.

European Union. 2023. [Regulation \(EU\) 2023/1115 of the European Parliament and of the Council of 31 May 2023](#) (European Union Deforestation Regulation).

Evans, S. 2017. [Mapped: Climate Change Laws Around the World](#). *CarbonBrief*. News release. 11 May.

Extractive Industries Transparency Initiative (EITI). 2023. [EITI Standard 2023](#).

Fa, J. E. et al. 2020. [Importance of Indigenous Peoples' Lands for the Conservation of Intact Forest Landscapes](#). *Frontiers in Ecology and the Environment*. 18 (3). pp. 135-140.

Faroque, S. and N. South. 2022. [Law-Enforcement Challenges, Responses and Collaborations Concerning Environmental Crimes and Harms in Bangladesh](#). *International Journal of Offender Therapy and Comparative Criminology*. 66 (4). pp. 389-406.

Fauzianto, R. et al. 2025. [Indonesia's Just Energy Transition Partnership \(JETP\): A Retrospective of Progress and Navigating Changes](#). Rocky Mountain Institute (RMI). p. 6.

Food and Agriculture Organization of the United Nations (FAO). 2016. [Free Prior and Informed Consent: An Indigenous Peoples' Right and a Good Practice for Local Communities](#).

Fransen, T. et al. 2023. [Taking Stock of the Implementation Gap in Climate Policy](#). *Nature Climate Change*. 13. pp. 752–755.

General Conference of the International Labour Organization (ILO). 1989. [Indigenous and Tribal Peoples Convention, 1989 \(No. 169\)](#). 27 June 1989.

Gerasimchuk, I. et al. 2025. [Reforming Environmentally Harmful Subsidies A Playbook](#). International Institute for Sustainable Development (IISD).

Gide. 2025. [The Turkish Climate Law No 7552](#). News release. 11 July.

Green Climate Fund (GCF). 2014. [Interim Environmental and Social Safeguards of the Fund](#).

Green Environment Fund (GEF). 2024. [GEF - Project Implementation Report \(PIR\)](#).

GIZ. 2023. [Regional Climate Change Adaptation Strategy for Central Asia](#).

GIZ and HYDROC. 2023. [Regional Climate Change Adaptation Strategy for Central Asia](#). Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

Government of Armenia. 2021. [Prime Minister 's Decree 719-A-2021 Establishing the Inter-Agency Coordinating Council on Implementation of Requirements of the UNFCCC and the Paris Agreement](#).

Government of Azerbaijan. 2023. [The Republic of Azerbaijan Updated document on Nationally Determined Contributions \(NDC\)](#).

Government of Bhutan. 2021. [Kingdom of Bhutan Second Nationally Determined Contribution](#).

Government of Cambodia. 2023. [Code on Environment and Natural Resources](#).

Government of the Federated States of Micronesia (FSM). 2013. [Federated States of Micronesia Climate Change Act, 2013](#).

Government of Fiji. 2021. [Climate Change Act 2021](#).

Government of Georgia. 2021. [Georgia 's 2030 Climate Change Strategy](#).

Government of India. 2006. [Forest Rights Act 2006](#).

Government of India. 2008. [National Action Plan on Climate Change](#).

Government of India. 2021. [India: Third Biennial Update Report to the UNFCCC](#). MoEFCC.

Government of India. 2022. [India ' s Updated Nationally Determined Contribution](#).

Government of India. 2023. [Biological Diversity \(Amendment\) Act, 2023](#).

Government of Indonesia. 2009. [Law No. 31 of 2009: Law on Meteorology, Climatology, and Geophysics](#).

Government of Indonesia. 2022. [*Enhanced Nationally Determined Contribution Republic of Indonesia*](#).

Government of Indonesia. 2022. [*Enhanced NDC of the Republic of Indonesia*](#). p. 6.

Government of Kazakhstan. 2021a. [*Environmental Code of the Republic of Kazakhstan*](#) (unofficial English translation).

Government of Kazakhstan. 2021b. [*Environmental Code of the Republic of Kazakhstan*](#). Part 18, Chapter 20, Articles 283-286.

Government of Kazakhstan. 2023. [*Updated Nationally Determined Contribution of the Republic of Kazakhstan to the Global Response to Climate Change*](#). pp. 3 and 19.

Government of Kiribati. 2020. [*Disaster Risk Management and Climate Change Act*](#).

Government of the Kyrgyz Republic. 2021. [*Updated Nationally Determined Contribution*](#).

Government of the Lao PDR. 2019. [*Decree on Climate Change*](#).

Government of Malaysia. 1954. [*Aboriginal Peoples Act*](#).

Government of Malaysia. 2024. [*Consultation Paper: Proposed Rang Undang-Undang Perubahan Iklim Negara*](#).

Government of Maldives. 2015. [*Climate Change Policy Framework*](#).

Government of Maldives. 2021. [*Act No. 9/2021, Climate Emergency Act*](#).

Government of Maldives. 2025. [*Maldives' Third Nationally Determined Contribution*](#).

Government of the Marshall Islands. 2025. [*The Republic of the Marshall Islands Nationally Determined Contribution 2031-2025*](#).

Government of Mongolia. 2020. [*First NDC*](#).

Government of Myanmar. 2015. [*Ethnic Rights Protection Law*](#).

Government of Nauru. 2020. [*Environmental Management and Climate Change Act 2020*](#).

Government of Nepal. 2019. [*The Environment Protection Act, 2019 \(2076\)*](#).

Government of Nepal. 2025. [*Nationally Determined Contribution \(NDC\) 3.0*](#).

Government of Niue. 2012. [*Tāoga Niue Act*](#).

Government of Niue. 2025. [*Nationally Determined Contribution 3.0*](#).

Government of Pakistan. 2017. [*The Pakistan Climate Change Act, 2017*](#).

Government of Pakistan. 2021. [*Updated Nationally Determined Contributions 2021*](#). p. 63.

Government of Papua New Guinea. 2020. [*Papua New Guinea's Enhanced Nationally Determined Contribution 2020*](#).

Government of Papua New Guinea. 2021. [*Climate Change \(Management\) Act 2015*](#), amended by Act No. 25 of 2021.

Government of the PRC. 2021. [*Updated First NDC: China's Achievements, New Goals and New Measures for Nationally Determined Contributions*](#).

Government of the Philippines. 1997. [*Republic Act No. 8371: The Indigenous Peoples' Rights Act of 1997*](#).

Government of the Philippines. 2009. Republic Act No. 9729, [Climate Change Act of 2009](#).

Government of the Philippines. 2012. [NCIP Administrative Order No. 3, Series of 2012](#), The Revised Guidelines on the Exercise of Free and Prior Informed Consent (FPIC) and Related Processes.

Government of Samoa. 2021. [Samoa ' s Second Nationally Determined Contribution](#).

Government of Singapore. 2018. [Carbon Pricing Act 2018](#).

Government of Sri Lanka. 1937. [Fauna and Flora Protection Ordinance](#) (as amended).

Government of Sri Lanka. 1980. [National Environmental Act, No. 47 of 1980](#) (as amended).

Government of Sri Lanka. 1981. [Coast Conservation Act, No. 57 of 1981](#) (as amended by Act 49 of 2011).

Government of Sri Lanka. 2023. [The Constitution of the Democratic Socialist Republic of Sri Lanka](#).

Government of Sri Lanka. 2023. [National Policy on Climate Change](#).

Government of Tajikistan. 2016. [National Development Strategy 2016 -2030](#).

Government of Tajikistan. 2019. [Government Order No. 482/2019: National Strategy for Adaptation to Climate Change to 2030](#).

Government of Tonga. 2020. [Tonga ' s Second Nationally Determined Contribution](#).

Government of Thailand. 2017a. [Constitution of Thailand](#). Article 43(2).

Government of Thailand. 2017b. [Thailand Country Programme on Climate Change](#).

Government of Thailand. 2022. [Thailand ' s 2nd Updated Nationally Determined Contribution](#).

Government of Turkmenistan. 2021. [National Strategy of Turkmenistan on Climate Change \(New Edition\)](#).

Government of Tuvalu. 2016. [Climate Change and Disaster Survival Fund Act 2015](#).

Government of Tuvalu. 2019. [Climate Change Resilience Act 2019](#).

Government of Vanuatu. 2016. [Meteorology, Geological Hazards and Climate Change Act No. 25 of 2016](#).

Government of Viet Nam. 2014. [Law on Environmental Protection](#).

Government of the United Kingdom (UK). 2013. [Payments for Ecosystem Services: A Best Practice Guide](#).

Hammerschlag, A. 2025. [The UN Ocean Conference Tries to Turn Promises into Protection](#). *Associated Press*. Article. 10 June.

Hashweh, D. n.d. [Global Goal on Adaptation](#). Presentation.

van den Heuvel, O. and H. Barois. 2024. [Results-Based Budgeting for Biodiversity: A Guidebook](#). UNDP-Global Biodiversity Finance Initiative (BIOFIN).

Higham, C. et al. 2021. [Accountability Mechanisms in Climate Change Framework Laws](#). Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy, London School of Economics and Political Science.

- Hildt, L. 2024. [A Leap Forward for Biodiversity Litigation](#). Verfassungsblog. Blog. 29 October.
- Hua, F. et al. 2016. [Opportunities for Biodiversity Gains Under the World’s Largest Reforestation Programme](#). *Nature Communications*. 7 (12717). pp. 1–11.
- Hughes, A. C. 2017. [Even as More New Species are Found, Southeast Asia Is in the Grip of a Biodiversity Crisis](#). *The Conversation*. 5 January.
- Institute for Global Environmental Strategies (IGES). 2025. [IGES to Serve as Secretariat for Initiative to Develop Asia-Pacific Synergy Report](#). Press release. 26 February.
- IGES. n.d. [Developing the “Asia-Pacific Synergy Report: Addressing the SDGs and the Triple Planetary Crisis.”](#) Press release.
- Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). 2018. [The Regional Assessment Report on Biodiversity and Ecosystem Services for Asia and the Pacific: Summary for Policymakers](#). p. 18.
- International Bank for Reconstruction and Development (IBRD) and the World Bank. 2005. [Environmental Fiscal Reform: What Should be Done and How to Achieve It](#).
- International Council on Mining and Metals (ICMM). 2022. [Mining Principles: Performance Expectations](#). News release. 15 June.
- ICMM. 2024. [Indigenous Peoples and Mining: Position Statement](#). p. 1.
- International Finance Corporation (IFC). 2012. [Performance Standards on Environmental and Social Sustainability](#).
- IFC. 2020. [Equator Principles Association and IFC Join Forces to Build Capacity of Banks on Environmental and Social Risk Management](#). Press release. 2 November.
- IISD. 2025. [Summary Report 25-27 February 2025: Resumed Session of the 2024 UN Biodiversity Conference - CBD COP 16 / CP-MOP 11 / NP-MOP 5](#).
- International Labour Organization (ILO). 2015. [Guidelines for a Just Transition Towards Environmentally Sustainable Economies and Societies for All](#).
- ILO. 2022. [A Just Energy Transition in Southeast Asia: The Impacts of Coal Phase-out Jobs](#).
- ILO. 2023. [Policy Brief: Green Jobs and Just Transition Policy Readiness Assessment in Thailand](#).
- ILO. 2024. [Advancing a Just Transition with Indigenous Peoples](#). News release. 9 December.
- ILO. 2025. [Summary Report Community of Practice on Just Energy Transition in Asia \(JET COP\)](#). In person technical meeting. Jakarta (Indonesia), 18-19 March 2025.
- International Solar Alliance. 2023. [Sixth Assembly Report](#).
- Investment Agriculture Foundation of BC. 2025. [What Is a Payment for Ecosystem Services \(PES\) Program?](#) News release. 29 April.
- IUCN. 2024a. [An Overview of Participatory, Integrated, and Biodiversity-Inclusive Spatial Planning and Target 1 Under the Convention on Biological Diversity, Kunming-Montreal Global Biodiversity Framework](#). IUCN World Commission on Protected

Areas (WCPA).

IUCN. 2024b. [Oceania Nature-based Solutions guided by IUCN Global Standard: Mr. Singh Sheds Light](#). Story. 23 May.

IWGIA. 2024. [The Indigenous World 2024: Laos](#).

Karki, M. et al., eds. 2018. [The IPBES Regional Assessment Report on Biodiversity and Ecosystem Services for Asia and the Pacific](#). Secretariat of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). p. 375.

Kilingç Law and Consulting. 2025. [Türkiye' s Net Zero Journey with the Climate Law Numbered 7552: Emission Trading, Green Transformation and New Obligations](#). News release. 11 July.

Kim, D., P. Das, and N. Canales. 2025. [Advancing the Right to a Healthy Environment in Southeast Asia: Addressing Implementation Gaps and Opportunities](#). Stockholm Environment Institute.

Kimura, H. and A. Srinivasan. 2008. [Sectoral Approaches: Prospects and Challenges in Asia](#). In: A. Srinivasan. *The Climate Regime Beyond 2012: Reconciling Asian Developmental Priorities and Global Climate Interests*. IGES. pp. 14-34.

Knox, J. H. 2025. [Dismantling the Fortress: Reforming International Conservation](#). *Harvard Environmental Law Review*. 49 (1). pp. 1-77.

Koplow, D. and R. Steenblik. 2024. [Environmentally Harmful Subsidies Update: \\$2.6 Trillion/Year and a Continuing Threat to Nature](#). Earth Track. News release. 17 September.

Kumar, V. 2018. [Coping with Climate Change: An Analysis of India' s State Action Plans on Climate Change](#). Centre for Science and Environment Centre for Science and Environment.

Labh, N. 2025. [Reconsidering Sovereignty Amid the Climate Crisis](#). Carnegie Endowment for International Peace.

Lee, S. and L. Baumgartner. 2022. [How Just Transition Can Help Deliver the Paris Agreement](#). UNDP. p. 6.

Lee, H. et al., eds. 2023. [Summary for Policymakers](#). In *Climate Change 2023: Synthesis Report*. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change. IPCC.

Ц е н т р , О . 2025. [Public Hearing of the Draft Law of the Kyrgyz Republic “On Climate Activities.”](#) Aarhus Centers of Kyrgyzstan. News release. 24 January.

Li, S. and M. Liu. 2022. [The Development Process, Current Situation and Prospects of the Conversion of Farmland to Forests and Grasses Project in China](#). *Journal of Resources and Ecology*. 13 (1). pp. 120–128.

Lim, C. H. et al. 2024. [Unlocking Climate Finance in Asia Pacific: Transitioning to a Sustainable Future](#). *IMF Departmental Papers*. 2024 (001). International Monetary Fund (IMF).

- Liu, J. et al. 2008. [Ecological and Socioeconomic Effects of China's Policies for Ecosystem Services](#). *Proceedings of the National Academy of Sciences (PNAS)*. 105 (28). pp. 9477–9482.
- Lohmeyer, J., B. Nyamaa, S. Otgonbaatar. 2025. [Just Energy Transition Forum Mongolia: From Coal to Renewable Energy](#). News release. 10 July. IISD.
- McElwee, P. D. et al., eds. 2024. [Thematic Assessment Report on the Interlinkages Among Biodiversity, Water, Food and Health: Summary for Policymakers](#). IPBES.
- MacLellan, L. 2021. [Is the Paris Climate Agreement Legally Binding?](#) Experts Explain. World Economic Forum. Article. 22 November.
- Mader, A. D. and C. Uchiyama. 2020. [Policy Brief: Biodiversity Challenges and Solutions in Asia and the Pacific](#). Secretariat of the CBD.
- Majid, A. 2025. Regional Collaboration Could Unlock South Asia's Economic Potential. World Economic Forum. Article. 19 May.
- Mal, M., H. Zhu, and F. X. Johnson. 2024. [Prospects and Challenges for Land-Based Climate Change Mitigation in Support of Carbon Dioxide Removal in China](#). Stockholm Environment Institute Working Paper. February.
- Malingrey, L. and D. Yann. 2022. [Mainstreaming Sustainable Development in Regional Trade Agreements: Comparative Analysis and Way Forward for RCEP](#). *ARTNeT Working Paper Series*. No. 213. Asia-Pacific Research and Training Network on Trade (ARTNeT).
- Mani, J. and O. Glade. 2022. [Fiji Achieves Climate Change Act with ICAT Support](#). GHG Management Institute. Article. 22 March.
- Mardhiah, A. 2025. [Malaysia pushes for National Climate Change Bill to achieve net zero by 2050](#). *The Malaysian Reserve*. 5 February.
- Mark, E. 2023. [How effective is the European Union's deforestation regulation?](#) *East Asia Forum*. 20 October.
- Masson-Delmotte, V. et al., eds. 2018. [Summary for Policymakers](#). In IPCC. *Global Warming of 1.5°C. An IPCC Special Report on the Impacts of Global Warming of 1.5°C Above Pre-Industrial Levels and Related Global Greenhouse Gas Emission Pathways*. Cambridge University Press.
- Masud, M. A., J. Sahara, and M. H. Kabir. 2023. [A Relationship between Climate Finance and Climate Risk: Evidence from the South Asian Region](#). *Climate*. 11 (6). p. 119.
- Ministry of Agriculture and Environment. 2025. [Report Lao PDR's National High-Level Meeting and Inception Workshop on Food Systems and Climate Action Convergence Initiative](#).
- Mirzabaev, A. and A. Akramkhanov. 2025. [Integrative Land-Biodiversity-Climate Action: Leveraging Synergies Through Ecosystem Restoration in Central Asia. A Case for the Economics of Land Degradation Initiative](#). Economics of Land Degradation (ELD) Initiative.
- Mohideen, R. and J. Kolantharaj. 2024. [Managing Gender-Inclusive, Just Energy Transitions in South Asia](#). *Oxford Open Energy*. 3 (2024). p. 3.

- Morgera, E. 2024. [*Fair and Equitable Benefit- Sharing in International Law*](#). Oxford University Press. p. 4.
- Muavesi, M-G. and P. Parkinson. 2022. [*2022 Advancing environmental law in the Pacific: Towards 2030 and Beyond: Highlights of the Inaugural IUCN Oceania Environmental Law Conference 2021 \(Oceania Environmental Law Congress\) & the Environmental Law Roundtable Dialogue*](#). IUCN.
- Myers Madeira, E. et al. 2013. [*Sharing the Benefits of REDD+: Lessons from the Field*](#). The Nature Conservancy.
- Nadarajah, H. 2023. [*Environmental Intelligence: The Ambitious New Global Biodiversity Framework: The View from Southeast Asia*](#). Asia Pacific Foundation of Canada.
- Naran, B. et al. 2024. [*Global Landscape of Climate Finance 2024: Insights for COP29*](#). Climate Policy Initiative.
- Nhung, H. 2022. [*Over \\$15 billion Available for Vietnam's Green Transition*](#). *Vietnam Investment Review*. News article. 15 December.
- Nilsson, A., S. Smit, and T. Kuramochi. 2021. [*Non-state and Subnational Climate Action in China: An Overview of the Current Landscape, Emission Reduction Potential and Implementation*](#). Working paper. NewClimate Institute.
- Ng, W-S. 2023. [*Advancing the Goals of the Paris Agreement through Regional Cooperation*](#). SLOCAT Blog. 21 November.
- NITI Aayog. 2023. [*Mission LiFE: Lifestyle for Environment*](#). Government of India.
- Nurhidayah, L. 2019. [*Forest and Biodiversity Protection in Indonesia: Prospects and Challenges*](#). *Asia-Pacific Centre for Environmental Law*. Report 1801.
- OECD. 2016. [*Better Policies for Sustainable Development 2016: A New Framework for Policy Coherence*](#). OECD Publishing.
- Ouyang, Z. et al. 2016. [*Improvements in Ecosystem Services from Investments in Natural Capital*](#). *Science*. 352 (6292). pp. 1455-1459.
- Pacific Islands Forum. 2021. [*Declaration on Preserving Maritime Zones in the Face of Climate Change-related Sea-Level Rise*](#).
- Pacific Islands Forum Secretariat. 2022. [*2050 Strategy for the Blue Pacific Continent*](#).
- Pahuja, N. et al. n.d. [*Mainstreaming Sustainable Development and Enhancing Climate Resilience: New Opportunities for States in India*](#). The Energy and Resources Institute. Policy Paper.
- Parpart, E. 2025. [*House Passes Ethnic and Indigenous Rights but Key Protections Weakened. Thai Enquirer*](#). News article. 6 August.
- Park, C-Y., P. A. Petri, and M. G. Plummer. 2021. [*The Economics of Conflict and Cooperation in the Asia-Pacific: RCEP, CPTPP and the US-China Trade War*](#). *East Asian Economic Review*. 25 (3). pp. 233-272.
- Pörtner, H. et al. 2021. [*Scientific Outcome of the IPBES-IPCC Co-Sponsored Workshop on Biodiversity and Climate Change*](#). IPBES Secretariat. p. 29.
- Pring, G. and C. Pring. 2016. [*Environmental Courts & Tribunals: A Guide for Policy Makers*](#). UNEP.

- PwC. 2012. [Assessing Options for Effective Mechanisms to Share Benefits: Insights for REDD+ Initiatives](#). Program on Forests (PROFOR).
- Qiu, J., S. Seah, and M. Martinus. 2024. [Examining Climate Ambition Enhancement in ASEAN Countries' Nationally Determined Contributions](#). *Environmental Development*. 49. 100945. pp. 1–13.
- Rai, N. D. et al. 2021. [Beyond Fortress Conservation: The Long-Term Integration of Natural and Social Science Research for an Inclusive Conservation Practice in India](#). *Biological Conservation*. 254. p. 108888.
- Raine, A. and E. Pluchon. 2019. [UN Environment—Advancing the Environmental Rule of Law in the Asia Pacific](#). *Chinese Journal of Environmental Law*. 3 (1). pp. 117–126.
- Rao, N. V., V. Bhaskaran, and H. Nagendra. 2023. [Can Green Tribunals Help to Resist Neo-Liberalism in Environmental Governance—The Case of India](#). *Land Use Policy*. 131. 106739.
- Raoul Wallenberg Institute (RWI). 2020. [The Human Right to a Healthy Environment in Southeast Asia: National Courts](#). *RWI Discussion Brief No. 2*.
- Reed, J. et al. 2024. [Avoid Cherry-Picking Targets and Embrace Holistic Conservation to Pursue the Global Biodiversity Framework](#). *Conservation Letters*. 18. e13104. pp. 1–6.
- Regmi, S. 2024. [Nature-based Solutions to Boost Employment Opportunities in Asia](#). Asia-Pacific SDG Partnership. News release. 24 October.
- Republic of the Philippines. 1987. [The Constitution of the Republic of the Philippines](#).
- Rights and Resources Initiative, Woods Hole Research Center, and Landmark. 2016. [Toward a Global Baseline of Carbon Storage in Collective Lands: An Updated Analysis of Indigenous Peoples' and Local Communities' Contributions to Climate Change Mitigation](#). Rights and Resources Initiative.
- Sand, P. H. 2015. [The History and Origin of International Environmental Law: Introduction](#). Edward Elgar Publishing Limited.
- Sangeeta, M. and L. Ruci. 2019. [Achieving Forest Conservation in Fiji Through Payment for Ecosystem Services Schemes](#). *Pacific Conservation Biology*. 25 (4). pp. 386–393.
- Secretariat of the Convention on Biological Diversity (SCBD). 2000. [Cartagena Protocol on Biosafety to the Convention on Biological Diversity](#).
- SCBD. 2010. [COP 10 Decision X/2: Strategic Plan for Biodiversity 2011–2020](#). Aichi Targets.
- SCBD. 2011a. [Convention on Biological Diversity: Text and Annexes](#).
- SCBD. 2011b. [Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity: Text and Annex](#).
- SCBD. 2022. [Kunming-Montreal Global Biodiversity Framework](#). CBD/COP/DEC/15/4. 19 December.
- SCBD. 2024. [CBD/COP/DEC/16/4: Programme of Work on Article 8\(j\)](#).
- SCBD. 2025a. [COP 16 Has Fulfilled Its Promise to the World](#). Article. 27 February.

- SCBD. 2025b. [CBD/COP/16/L.26: Monitoring Framework for the Kunming-Montreal Global Biodiversity Framework](#). Annex I, Article 19.
- SCBD. 2025c. [Decision CBD/COP/16/2/Rev.1](#). Item 11, Annexes I–IV. pp. 66–94.
- SCBD. 2025d. [The Cali Fund Launches in the Margins of the Resumed Session of COP16](#). Press release.
- Secretariat of the Pacific Regional Environment Programme (SPREP). 2019. [Circular 19/46](#). 12 July.
- Seidl, A. et al. 2020. [Finance for Nature: A Global Estimate of Public Biodiversity Investments](#). *Ecosystem Services*. pp. 1–25.
- Setzer, J. and C. Higham. 2025. [Global Trends in Climate Change Litigation: 2025 Snapshot](#). Grantham Research Institute on Climate Change and the Environment, London School of Economics and Political Science.
- Skalamera, M. 2025. [The Varying Levels of Contrasting Adaptation in Central Asia’s Climate Change Politics](#). *Central Asian Survey*. 44(1). p. 86.
- Smallwood, J. M. et al. 2022. [Global Biodiversity Governance: What Needs to Be Transformed?](#) In I. J. Visseren-Hamakers and M. T. J. Kok, eds. *Transforming Biodiversity Governance*. Cambridge University Press. p. 53.
- Smith, T. et al. 2019. [Indigenous Peoples, Local Communities, and Payments for Ecosystem Services](#). *The Canadian Geographer*. 63. 10.1111. pp. 1–13.
- South Asia Center. 2022. [Rising Sea Levels and the Climate Crisis in Bangladesh, the Maldives, and Sri Lanka](#). Panel Synopsis. 12 May.
- South Asian Association for Regional Cooperation (SAARC). 1997. [SAARC Action Plan on Climate Change](#).
- SAARC. 2008. [Dhaka Declaration and SAARC Action Plan on Climate Change](#).
- SAARC. 2009. [SAARC Ministerial Statement on Cooperation in Environment](#).
- SAARC. 2010. [Thimphu Statement on Climate Change](#).
- Stagstrup, J. 2025. [Extraction and Indigenous Culture: UN Bodies’ Views on the Indigenous Right to Culture, the Indigenous Right to Land, and Resource Extraction](#). *EJIL: Talk*. 11 March.
- Sulistiawati, L. Y. 2024. [Climate Change Related Litigation in Indonesia](#). *Communications Earth & Environment*. 5 (522). pp. 1–9.
- Sulistiawati, L. Y. and I. A. Rembeth. 2025. [Climate Change Regulations in Subnational Governments of the Southeast Asian Countries: Case Studies from Indonesia and the Philippines](#). *Journal of Energy & Natural Resources Law*. pp. 1–28.
- Sunuwar, D. K. 2025a. [Historic Victory: Nepal’s Supreme Court Mandates Nationwide Implementation of Treaties for Indigenous Peoples’ Rights](#). *Cultural Survival*. News release. 16 June.
- Sunuwar, D. K. 2025b. [Thailand Enacts Historic Bill to Protect Indigenous Peoples’ Rights, Ending Decades of Exclusion and Marginalization](#). *Cultural Survival*. News

- article. 3 September.
- Supreme People's Court of the People's Republic of China (PRC). 2024. [China Sets Up Comprehensive Environmental Judicial System](#). News release. 6 June.
- Supreme Court of the Philippines. 2010. [Rules of Procedure for Environmental Cases](#). AM No. 09-6-8-SC.
- Susantono, B. et al., eds. 2021. [Financing Clean Energy in Developing Asia](#). ADB.
- Thuy, P. T. 2013. [Approaches to Benefit Sharing: A Preliminary Comparative Analysis of 13 REDD+ Countries](#). *Working Paper 108*. CIFOR.
- Tran, M. et al. 2025. [Advancing Indigenous Peoples' Rights for Inclusive and Sustainable Environmental Governance in ASEAN](#). *SEI Brief*. Stockholm Environment Institute.
- United Nations (UN). 1992. [United Nations Framework Convention on Climate Change](#). Adopted 9 May 1992; entered into force 21 March 1994. United Nations, Treaty Series. Vol. 1771. p. 107.
- United Nations (UN). 2011. [Guiding Principles on Business and Human Rights](#). Adopted by the UN Human Rights Council, Resolution 17/4. 16 June.
- United Nations (UN). 2024. [Synergy Solutions for Climate and SDG Action: Bridging the Ambition Gap for the Future We Want](#).
- United Nations (UN). 2025. [State of the World's Indigenous Peoples: Climate Crisis—Volume VI](#). p. 3.
- UN Climate Change Regional Collaboration Centre (RCC) for Asia and the Pacific and IGES Institute for Global Environment Strategies. 2025. [What Does Mitigation Ambition Mean for the Pacific?](#) p. 6.
- United Nations Department of Economic and Social Affairs (UN DESA) and the United Nations Framework Convention on Climate Change (UNFCCC) Secretariat. n.d. [Developing the “Asia-Pacific Synergy Report: Addressing the SDGs and the Triple Planetary Crisis.”](#) Press release.
- United Nations Development Programme (UNDP). 2014. [Biodiversity for Sustainable Development: Delivering Results for Asia and the Pacific](#).
- UNDP. 2022a. [Environmental Justice Securing Our Right to a Clean, Healthy and Sustainable Environment](#).
- UNDP. 2022b. [How Just Transition Can Help Deliver the Paris Agreement](#).
- UN ECA. 2025. [Only 13 of the 195 Parties to the Paris Agreement Communicated Their NDC 3.0 by the Deadline of 10 February 2025](#). News release. 13 February.
- United Nations Economic and Social Commission for Asia and the Pacific (ESCAP). 2025. [Asia and the Pacific SDG Progress Report: Engaging Communities to Close the Evidence Gap 2025](#).
- ESCAP. n.d. [What Is Good Governance?](#).
- ESCAP and UNEP. 2024. [2024 Review of Climate Ambition in Asia and the Pacific: From Ambitions to Results: Sectoral Solutions and Integrated Action](#).

- ESCAP, ADB, and UNDP. 2025. [*Delivering a Just Transition: Advancing Decent Work, Gender Equality, and Social Protection.*](#)
- ESCAP, United Nations Environment Programme (UNEP), and United Nations Children's Fund (UNICEF). 2022. [*2022 Review of Climate Ambition in Asia and the Pacific: Raising NDC Targets with Enhanced Nature-Based Solutions.*](#)
- ESCAP, UNEP, ILO, RCC Asia-Pacific of the Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC/RCC Asia-Pacific), and United Nations Industrial Development Organization (UNIDO). 2023. [*2023 Review of Climate Ambition in Asia and the Pacific: Just Transition Towards Regional Net-Zero Climate Resilient Development.*](#)
- United Nations Environment Programme (UNEP). 2019a. [*Environmental Rule of Law: First Global Report.*](#)
- UNEP. 2019b. [*Environmental Rule of Law: Tracking Progress and Charting Future Directions.*](#)
- UNEP. 2019c. [*Measuring Progress: Towards Achieving the Environmental Dimension of the SDGs.*](#) p. 104.
- UNEP. 2021a. [*Measuring Progress: Environment and the SDGs.*](#) pp. 13 and 24.
- UNEP. 2021b. [*Emissions Gap Report 2021: The Heat Is On – A World of Climate Promises Not Yet Delivered.*](#)
- UNEP. 2022. [*Environmental Courts and Tribunals - 2021: A Guide for Policy Makers.*](#) p. 13.
- UNEP. 2023a. [*Eight Ways Asia Is Using Nature to Adapt to the Climate Crisis.*](#) Story. 13 November.
- UNEP. 2023b. [*Enhancing Capacity for the Implementation of the Kunming-Montreal Global Biodiversity Framework at National and Regional Levels.*](#) News release. 8 September.
- UNEP. 2023c. [*Environmental Rule of Law: Tracking Progress and Charting Future Directions.*](#) p. 98.
- UNEP. 2024a. [*Adaptation Gap Report 2024.*](#) News release. 7 November.
- UNEP. 2024b. [*Policy Coherence for Sustainable Development Handbook on Indicator 17.14.1 of the Sustainable Development Goals.*](#)
- UNEP. 2025. [*Governments Adopt First Global Strategy to Finance Biodiversity: Implications for Financial Institutions.*](#) News release. 3 March.
- UNEP Finance Initiative. 2022. [*High-Level Roadmap: Aligning Financial Flows with the Kunming-Montreal Global Biodiversity Framework.*](#)
- UNEP and ESCAP. 2012. [*An Assessment of Access to Information, Public Participation and Access to Justice in Environmental Decision-Making in Asia-Pacific.*](#) Technical Briefing Paper prepared for Expert Meeting on Human Rights and the Environment.
- UNEP–World Conservation Monitoring Centre (WCMC). 2020. [*Biodiversity-Related Capacity-Building: Informing the Preparation of a Long-Term Strategic Framework for Capacity-Building Beyond 2020.*](#)

- COP to the Paris Agreement (CMA). 2018a. CMA. [Decision 4/CMA: Annex 1—Further Guidance in Relation to the Mitigation Section of Decision 1/CP.21](#).
- CMA. 2018b. [Decision 18/CMA.1: Modalities, Procedures and Guidelines for the Transparency Framework for Action and Support Referred to in Article 13 of the Paris Agreement](#).
- CMA. 2021. [Glasgow–Sharm el-Sheikh Work Programme on the Global Goal on Adaptation Referred to in Decision 7/CMA.3](#).
- CMA. 2023. [Decision 2/CMA.5: Global Goal on Adaptation](#).
- CMA. 2024a. [Message to Parties to the Paris Agreement](#). LA/MTP/NDCs/BTRs/BC. 16 December.
- CMA. 2024b. Report of the Conference of the Parties Serving as the Meeting of the Parties to the Paris Agreement (CMA). [Decision 1/CMA.5: Outcome of the First Global Stocktake](#).
- UNFCCC. 2024. [Climate Finance Access and Mobilization Strategy for the Member States of the Association of Southeast Asian Nations](#). p. 5.
- UNFCCC Secretariat. 2024. [Pacific Nations Making Progress on Climate Transparency at NDC 3.0 Regional Forum](#). Blog. 23 August.
- United Nations General Assembly (UNGA). 1992. [Rio Declaration on Environment and Development](#). A/CONF.151/26. (Vol. I). 12 August.
- UNGA. 2007. [United Nations Declaration on the Rights of Indigenous Peoples](#).
- UN Regional Collaborative Platform, UNESCAP, and UNEP. 2021. [Enabling Ambitious Climate Action in Asia-Pacific - What Progress, What Next?](#) Policy Brief.
- Universal Group of Institutions. [South Asia Trade Crisis: Challenges & Economic Impact 2025](#).
- Vanikieti, T. 2024. [The Impact of Thailand’s Climate Change Bill](#). Norton Rose Fulbright. Article.
- Westminster Foundation for Democracy. 2022. [Georgia Launches Work on Climate Change Law](#). Press Release. 10 October.
- Wischermann, J. 2024. [Viet Nam: The Just Energy Transition Partnership \(JETP\) has High Political Costs](#). Heinrich Böll Stiftung. News release. 10 March.
- Wong, G. et al. 2022. [Designing REDD+ Benefit-Sharing Mechanisms: From Policy to Practice](#). Center for International Forestry Research (CIFOR).
- World Bank. 2017. [The World Bank Environmental and Social Framework](#).
- World Bank. 2024. [Climate and Environment \(CLIENT\) Program in Central Asia](#). Brief. 7 July.
- World Bank Group. 2010. [Philippines: World Bank Provides Three New Buses for SC’s Justice on Wheels Project](#). News release. 4 January.
- World Commission on Environmental Law (WCEL)-IUCN. 2016. [IUCN World Declaration on the Environmental Rule of Law](#). Adopted in Rio de Janeiro, 26–29 April 2016.

- World Meteorological Organization. 2024. [Record Carbon Emissions Highlight Urgency of Global Greenhouse Gas Watch](#).
- World Resources Institute (WRI). 2022. [COP27: Key Takeaways and What 's Next](#).
- WRI. 2025. [STATEMENT: Resumed COP16 Talks Conclude with a Strategy to Boost Biodiversity Finance. Statement](#). 28 February.
- Wunder, S. 2005. [Payments for Environmental Services: Some Nuts and Bolts](#). Center for International Forestry Research (CIFOR) Occasional Paper No. 42. pp. 3-4.
- Xie, C., L. Qian Xia, and A. Bian. 2022. [How is China Tackling Climate Change?](#) Grantham Research Institute on Climate Change and the Environment (GRI). Explain. 25 July.
- Xu, H. et al. 2025. [Embracing Global Biodiversity Toward a Better Planet](#). *Eco-Environment & Health*. 4. 100147. pp. 1-4.
- Xue, F., C. Tinggui, and X. Minghao. 2024. [Effects of Regional Comprehensive Economic Partnership Entry into Force on Aquatic Products Trade Among Parties](#). *Sustainability*. 16 (23). 10620.
- Yadav, A. 2020. [Nepal Leaps with High Quality 2020 NDC and Improved Development Ranking](#). NDC Partnership Blog. 17 December.
- Yunus, M. 2024. [The Ripple Effects of EU Deforestation Laws in Southeast Asia](#). *Lowy Institute*. 15 October.
- Zafarullah, H. and A. S. Huque. 2018. [Climate Change, Regulatory Policies and Regional Cooperation in South Asia](#). *Public Administration and Policy*. 21 (1). pp. 26 and 30.
- Zhang, J., X. Jian, and X. Pan. 2019. [Regional Legislation to Address Climate Change in China: Necessity and Feasibility](#). *International Journal of Climate Change Strategies and Management*. 11 (4).
- Zhang, P. et al. 2000. [China's Forest Policy for the 21st Century](#). *Science*. 288 (5474). pp. 2135-2136.