

# Human Rights and the Environment

*13<sup>th</sup> Informal ASEM Seminar on Human Rights*

# Climate and Conservation With Justice: People, Planet, Power

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# From conservation with community rights to sustainable development and governance

- 1970s: Recognizing community rights in conservation
- 1980s: “Sustainable development” promoted by several
- 1991, *Caring For the Earth, A Strategy for Sustainable Living*: “Each human individual has a responsibility to respect the rights of others”
- 1990s: Recognition and enforcement of procedural rights: information, participation, environmental justice
- 2000s: Human rights in the links between poverty, climate change and the environment -> Rights-based approach to conservation and sustainable development: Gender equality; indigenous peoples’ rights; tenure and resource access rights; the right to water; equitable governance of nature’s use

## An attempt to link environment and human rights by legal measure

- IUCN's Draft International Covenant on Environment and Development:
  - “Parties undertake to achieve progressively the full realization of the right of all persons to live in an ecologically sound environment adequate for their development, health, well-being and dignity” (Article 14.1).
- The duty of states shall be extended to a duty of everybody:
  - “Parties shall ensure that all physical and legal persons have a duty to protect and conserve the environment” (Article 14.2).
- Environment and human rights are about sustainable development:
  - “Environmental conservation [is...] an indispensable foundation for sustainable development” (Article 1)

## An attempt to link environment and human rights by legal measure

- Recognition and fulfilment of procedural rights related to the environment, inter alia (Draft Covenant, Article 14):
  - Right to access environmental information
  - Right of all citizens to participate effectively during decision making processes
  - Right of indigenous peoples, local communities, and vulnerable or marginalized persons to be involved in relevant environmental decision-making at all levels
  - Right of effective access to administrative and judicial procedures, including for redress and remedies.
- “Nature as a whole and all life forms warrant respect and are to be safeguarded” (Draft Covenant, Article 2).

## Two questions on rights, environment, human wellbeing and development

1. What can “a safe, clean, healthy and sustainable environment” do to support the full enjoyment of human rights?
  - ecosystem goods and services underpin the rights to human wellbeing
  - natural ecosystems address hazards to human wellbeing (such as climate change)

We call these *nature-based solutions* to sustainable development, including climate change adaptation and mitigation
2. How can a human rights-based approach guide environmental decisions so that they ensure both effectiveness and equity?
  - “Conservation with Justice”: social and gender equity, human wellbeing, aspiration of everyone to live in dignity, cultural identity
  - Tenure security of rural people is key for good environmental management and also for their rights to food, water, health, etc.

## Respecting rights: A defensive approach

- Conservation must respect human rights in all circumstances and must never lead, imply or justify human rights violations
- In terms of substantive rights, the defensive approach covers the entire spectrum - from the right to life to all social, political, economic, cultural and environmental rights.
- We need a rights-based safeguard system, addressing risks of resettlement, climate change impact and loss of livelihood resources.

## Fulfilling rights: A proactive approach

- Identification of specific rights supported by conservation of ecosystems and their goods and services, which are needed for the right to an adequate standard of living: the rights to water, food, health, development
- Nature-based solutions to food, nutrition and water security and disaster risk reduction are rights-based conservation and development programmes
- Incorporating the rights of indigenous peoples over their lands, territories and resources is essential for valuing and conserving nature and for livelihood security
- Not campaigning but enabling actions: capacity building, awareness raising, empowerment, conflict resolution, fair negotiation, informed participation, etc.

# Climate change and gender action plans

- A rights-based approach to gender equity is needed to address the effects of climate change
- A human rights- and gender-based approach to climate change:
  - ensures that laws/policies adopted at national level fully respect the rights of women to equal treatment,
  - reinforces the obligations for fair and equitable distribution of benefits (e.g. funds, technology, extension services),
  - ensures women's participation in decision-making
- Since 2010 IUCN has supported governments (12 countries, 20 countries on the waiting list) to realize their commitments to women's human rights and the environment through Climate Change and Gender Action Plans, or ccGAPs, which include national policies on gender and climate change and roadmaps for specific actions.



## Steps toward the development of a ccGAP:

### Take stock

- Analysis of country's legislative and policy framework and institutional initiatives on gender and climate change
- Mapping of stakeholders
- Interviews with key stakeholders and potential champions
- Assessment of technical capacities

### Level the playing field

- Training for women and women's organizations
- Establishment of women's priorities in relation to gender and climate change

### Capture diverse voices

- Multi-stakeholder workshop(s) with gov't, civil society, int'l institutions, academia
- Assessment of gender and climate change in-country & action steps across priority sectors

### Prioritize and put into action

- Creation of action plan by national team designated by workshop
- Validation process with gov't staff
- Monitoring of implementation through progress reports and course corrections

## Principles of the Conservation Initiative on Human Rights - Eight international environment organizations (2009)

1. *Respect human rights*: Respect internationally proclaimed human rights; and make sure that we do not contribute to infringements of human rights while pursuing our mission.
2. *Promote human rights within conservation programmes*: Support and promote the protection and realization of human rights within the scope of our conservation programmes.
3. *Protect the vulnerable*: Make special efforts to avoid harm to those who are vulnerable to infringements of their rights and to support the protection and fulfilment of their rights within the scope of our conservation programmes.
4. *Encourage good governance*: Support the improvement of governance systems that can secure the rights of indigenous peoples and local communities in the context of our work on conservation and sustainable natural resource use, including elements such as legal, policy and institutional frameworks, and procedures for equitable participation and accountability.

## Exploring the concept of “nature rights”

- IUCN has launched “a process that considers the Rights of Nature as a fundamental element” for all actions of IUCN. There are challenges:
- Frameworks are human construct designed for relations among humans
- Ethics: “All life forms warrant respect and are to be safeguarded”: Is it ethical to apply this concept to life forms that threaten human life, such as malaria mosquitoes and other pathogens that kill millions of human beings every year?
- Many see in “rights of nature” a potential to strengthen environmental protection – like human rights frameworks did for humans
- The key is to frame the rights of people and the “rights of nature” in the context of sustainable development and good governance: Human rights and protection of nature are universal imperatives
- Biodiversity loss and climate change are two factors that may have crossed planetary boundaries for sustainability: Are “nature’s rights” necessary?

## From climate change and conservation with justice to equitable governance of nature's use

- Rights are a fundamental dimension of governance; the only way to secure rights in the long term is to make them a systemic part of decision-making
- Access to ecosystem goods and services is mediated by rights and entitlements and framed in norms, institutions and decision-making processes
- Governance of nature's use has to ensure that the environmental functions that underpin the enjoyment of human rights are safeguarded in the long term.
- IUCN's approach includes the promotion of key principles of good governance for nature's use, including: Rule of law; Accountability in decision-making: Policy coherence across sectors and levels of decision-making: Effectiveness, performance and direction; Respect of substantive and procedural rights

## Natural Resource Governance Framework, NRGF

- IUCN is designing a “Natural Resource Governance Framework” to assess and strengthen natural resource governance at all levels
- Governance is “the interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken, and how citizens or other stakeholders have their say in the management of natural resources - including biodiversity conservation.”
- NRGF will use indicators of equity and effectiveness that assess the state of governance of natural resources in different decision contexts and identify concrete approaches and measures for gradual improvements
- Application of the NRGF will build the capacity of stakeholders at all levels to enhance their contributions to better governance of the use of nature, including mitigation of climate change.

## Conclusions and challenges

- Rights-based conservation is needed for sustainable development, including climate change adaptation and mitigation
- Effective and equitable governance of nature's use is needed for sustainability, including protection against natural disasters
- Nature-based solutions can meet parts of global challenges, including climate change, food, nutrition and water security
- The existing international regulatory framework falls short vis-à-vis planetary boundaries, particularly on implementation
- It is all about people, planet and power...

Thank you