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Strategy for Engagement with the Convention on Biological Diversity by the EMG Issue Management Group on Human Rights and the Environment

Addressing the current biodiversity crisis requires transformative change that acknowledges the profound interrelationship between humans and nature. Integrating a human rights-based approach within the post-2020 Global Biodiversity Framework (GBF) will result in more effective action that is consistent with UN values and the recent recognition of the human right to a clean, healthy and sustainable environment by the UN Human Rights Council. The UN Secretary General’s Call to Action for Human Rights (Call to Action) urges strengthening of the synergies between human rights and all pillars of the work of the United Nations, multilateralism that places human rights at its very centre, and the advancement of the human right to a healthy environment. Outcome 4 of the Common Approach to Integrating Biodiversity and Nature-Based Solutions for Sustainable Development into the United Nations Policy and Program Planning and Delivery (the Common Approach) specifically concerns the implementation of the Call to Action in the context of biodiversity. Similarly, the UN System Chief Executives Board’s call to action on building an inclusive, sustainable and resilient future with indigenous peoples affirms the Executive Heads’ commitment to supporting Member States in the promotion, protection and realisation of the rights of indigenous peoples, including with respect to their traditional lands and territories which are essential for a biologically, culturally and linguistically diverse planet.

In the lead-up to the fifteenth meeting of the Conference of the Parties (CBD COP15) the EMG IMG on human rights and the environment and its members have agreed to work together to advocate for human rights-based biodiversity action. This document includes strategic priorities, key resources, and potential joint activities in this regard. In furtherance of Objectives 1 and Outcome 4 of the Common Approach, the IMG will support efforts to integrate human rights, including the right to a healthy environment, throughout the vision, goals, targets, and indicators of the GBF. The IMG welcomes the existing references to a rights-based approach in the draft GBF and looks forward to supporting States to retain and strengthen human rights considerations throughout the framework. Furthermore, members of the IMG, as appropriate within their respective mandates, may advocate for policies on conservation, sustainable use, and benefit-sharing within the GBF that respect, protect, and fulfill human rights. This includes by promoting human rights safeguards, accountability for all actors including businesses, transparent reporting and monitoring, inclusive and rights-based finance, and a robust, clear set of indicators reflecting human rights principles. It also includes the promotion and protection of international labour rights and standards which are critical for ensuring a just transition towards environmentally sustainable societies and economies for all. In addition, as evident from both the Call to Action and the Common Approach, a HRBA requires respect for the rule of law, including environmental and human rights law, incorporating rights of meaningful public participation, access to information, and access to justice.

The IMG will develop a joint public briefing note on priorities for rights-based biodiversity action at COP15 and will coordinate to effectively integrate human rights in joint UN system activities at the COP, including

through proposing joint UN system side events in collaboration with the IMG on Biodiversity. It will promote policy coherence and peer learning, and also explore possibilities for engagement with the CBD including through the new programme of work being developed for the implementation of Article 8j as well as Ad Hoc Technical Expert Groups (AHTEGs).

The IMG will focus on the following strategic priorities:

1. Supporting the Rights of Indigenous Peoples and Local Communities
2. Gender Equality
3. Youth
4. Environmental and Human Rights Defenders
5. Biodiversity Financing

Key Resources relevant for the whole Strategy

- [UN Secretary General's Call to Action for Human Rights](#) (2020)
- [Common Approach to Integrating Biodiversity and Nature-Based Solutions for Sustainable Development into the United Nations Policy and Program Planning and Delivery](#) (2021)
- UN System Chief Executives Board's [call to action on building an inclusive, sustainable and resilient future with indigenous peoples](#)
- Human Rights Council, [The Human Right to a Clean, Healthy, and Sustainable Environment](#) (2021)
- UNEP & OHCHR, [Key Messages on Human Rights and Biodiversity](#) (2021)
- Special Rapporteur on Human Rights and Environment, [Report on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment](#) (2017)
- OHCHR, [Human Rights Indicators, a Guide to Measurement and Implementation](#) (2012)
- Working Group on Businesses and Human Rights, [Guiding Principles on Businesses and Human Rights at 10: Taking Stock of the First Decade](#) (2021)
- UN System Chief Executives Board, [Call to action on building an inclusive, sustainable and resilient future with indigenous peoples](#) (2020)
- Special Rapporteur on the rights of indigenous peoples, [Report on conservation measures and their impact on indigenous peoples' rights](#) (2016)
- UNECE, Aarhus Convention, [Maastricht Recommendations on Public Participation in Decision-making](#) (2015)
- UNECE, Aarhus Convention, [Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums](#) (2005)
- UNECE, Aarhus Convention and the Protocol on PRTRs, [Geneva Declaration on Environmental Democracy for Sustainable, Inclusive and Resilient Development](#) (2022)
- ILO: [Guidelines for a just transition](#) (2015)
- Natural Justice, [Applying a Human Rights-Based Approach](#) (2021)

Potential Activities

- Develop a joint public briefing note on the integration of a HRBA into the GBF reflecting the points above by June 2022.

- Explore synergies with the work of the IMG on Biodiversity and the other Rio Conventions, focusing on potential joint activities in this area, including collaborating on side events and position statements during intersessional meetings and COPs.
- Coordinate opportunities for joint advocacy to promote a HRBA within the GBF.
- Consider longer term goals for work in this area.
- Develop, in coordination with Focus Area 1 and the IMG on Biodiversity, a document that describes opportunities for integrating human rights in NBSAPs, in time for COP 15.

1. Indigenous Peoples and Local Communities

Many indigenous peoples and local communities rely upon the natural environment for subsistence and are disproportionately affected by the negative impacts of biodiversity loss and other environmental harms. Their traditional knowledge, innovations and practices and customary sustainable use of biodiversity are protected under human rights law, including the UN Declaration on the Rights of Indigenous Peoples, as well as Article 8(j) and Article 10 (c) of the CBD. Indigenous peoples and local communities can make a substantial contribution to meeting biodiversity targets when these rights and their rights to their traditional lands, resources and territories are secured and supported.

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization offers robust provisions, including the obligations to seek prior informed consent, and benefits sharing based on mutual agreed terms, relating to traditional knowledge associated with genetic resources, as well as access to genetic resources held by indigenous peoples and local communities where the rights of these communities have been recognized by a Party. The Common Approach highlights that Indigenous Peoples must have their rights upheld and must not be discriminated against. In our Common Agenda, the Secretary General highlights the need for new approaches to support the participation in public affairs of marginalised groups, including indigenous peoples. The ILO's [Decent Work Agenda](#) also has a critical role to play in supporting and promoting the traditional occupations and knowledge of indigenous peoples, as well as their rights of participation relating to policies and programmes that may affect them, as set out in the ILO's Indigenous and Tribal People's Convention 1989 (No.169) .

On this basis, the IMG will promote the meaningful and effective participation of indigenous peoples and local communities within the CBD and GBF frameworks. This includes with respect to Free, Prior and Informed Consent in area-based measures, the inclusion of customary sustainable use in the GBF, implementation of the traditional knowledge indicators ([Decision XIII/28](#)), management regimes, and the discussions on Digital Sequencing Information on genetic resources (DSI) under the Nagoya Protocol. There is a need for an equitable benefit-sharing solution to DSI that takes into account the traditional knowledge associated with genetic resources, rights, worldviews, and perspectives of indigenous peoples and local communities. Likewise, conservation measures that forcibly displace indigenous peoples and local communities, impacting on their cultural identity and traditional knowledge, as well as threatening the traditional governance systems that have enabled the sustainable development of land for generations, must be avoided. The IMG will work to ensure the rights of indigenous peoples and local communities are respected, protected and fulfilled in the outcome of discussions related to potential GBF

conservation targets like “30 by 30”, which calls for 30% of the Earth’s land and oceans to be protected by 2030.

Key Resources

- [Our Common Agenda \(2021\)](#)
- UN Special Rapporteur on Human Rights and the Environment, [Policy Brief No. 1: Human Rights-Based Approaches to Conserving Biodiversity: Equitable, Effective, and Imperative \(2021\)](#)
- UN-DESA, [State of the World’s Indigenous Peoples, Volume V, Rights to Lands, Territories and Resources \(2021\)](#)
- CBD, [Report of the Third Global Thematic Dialogue for Indigenous Peoples and Local Communities on the Post-2020 Global Biodiversity Framework \(2021\)](#)
- [The State of Indigenous Peoples’ and Local Communities’ Lands and Territories \(2021\)](#)
- [Local Biodiversity Outlooks 2 \(2020\)](#)
- UN System Chief Executives Board, [Call to action on building an inclusive, sustainable and resilient future with indigenous peoples \(2020\)](#)
- ILO: [Report: Implementing the ILO Indigenous and Tribal Communities Convention No.169](#)
- Special Rapporteur on the Rights of Indigenous Peoples, [Report on Conservation and the Rights of Indigenous Peoples \(2016\)](#)
- [Cornered by PAs: Adopting Rights-Based Approaches to enable Cost-Effective Conservation and Climate Action \(2020\)](#)

Potential Activities

- Develop 2-3 common talking points on the rights of Indigenous Peoples and Local Communities to include in joint public briefing note on HRBA to be prepared by the IMG.
- Support increased opportunities for indigenous peoples and local communities to engage with the CBD and GBF process.
- Consider joint submissions or events in connection with COP 15 agenda items related to the rights of IPLCs, including in collaboration with the IMG on biodiversity.¹
- Explore engagement with the CBD working group on Article 8(j).
- Co-lead or support the organization of a joint event on the rights of Indigenous Peoples and Local Communities in collaboration with the other Rio Conventions.

2. Gender Equality

Women make vital contributions to biodiversity as managers, leaders, and defenders of natural resources; biodiversity outcomes are enhanced when conservation measures recognize their rights. The sustainable use of biodiversity can also empower women, particularly indigenous women. Conversely, given the gendered nature of resource management and the unequal implementation of women’s rights in many countries, women and girls are often disproportionately affected by the negative impacts of biodiversity loss. Environmental pressures, including those related to work in rural areas, can also be linked to gender-based violence. The CBD recognizes the vital role of women in biodiversity action and calls for their full and effective participation in implementation of the Convention. The Call to Action highlights the need for the application of a gender lens to all activities with which the UN is involved and the importance of gender-balanced decision making. In decision 14/34 at CBD COP14, Parties agreed that the process to

¹For example: on protected areas and other effective area-based conservation measures; enhancing integration with respect to provisions related to Art. 8(j) and related provisions; and DSI on genetic resources.

develop the post-2020 global biodiversity framework would be gender-responsive by systematically integrating a gender perspective and ensuring appropriate representation, particularly of women and girls, in the process. The Advice note to which the decision refers highlights the need for collaboration among the Rio Conventions relating to gender, alongside the importance of highlighting gender-related dimensions in multilateral discussions.

Through the activities identified below, the IMG will support effective engagement of women and girls in the GBF process, as well as their equal access, ownership, and control over biological resources; and equal access to benefits from the conservation and sustainable use of biodiversity, including access to decent work/equal pay as mandated in the ILO Conventions listed below. As appropriate within their respective mandates, members of the IMG may engage in the discussions of the post-2020 Gender Plan of Action currently underway, to advocate for gender mainstreaming in the implementation of the CBD, including through the establishment of clear gender-specific actions and indicators. They may also advocate for a dedicated target for gender equality and the rights of women and girls in biodiversity conservation in the post-2020 global biodiversity framework, based on the priorities identified in the Gender Plan of Action.

Key Resources

- CBD: [Draft Post-2020 Gender Plan of Action](#) (2022)
- CBD: [Draft Post-2020 Gender Plan of Action and linkages with Post 2020 GBF](#) (2021)
- CBD: [Developing and measuring a gender-responsive Post-2020 Biodiversity Framework](#) (2021)
- CBD: [Addressing Gender Issues and Actions in Biodiversity Perspectives](#)
- CBD Decision 14/34 with accompanying [Advice](#) and [Guidance](#) (2018)
- https://www.cbd.int/gender/doc/cbd-towards2020-gender_integration-en.pdf
- EMG, [Nexus Dialogue on Gender and Biodiversity](#) (2021)
- UNEP & UN Women, [Integrating a Gender Perspective in the Post-2020 Global Biodiversity Framework](#) (2021)
- OHCHR & UN Women, [Realizing Women’s Right to Land and Other Productive Resources](#) (2020)
- Women4Biodiversity, [Advancing Women’s Rights, Gender Equality and the Future of Biodiversity in the Post-2020 Global Biodiversity Framework](#) (2021)
- IUCN, [Gender-Based Violence and Environment Linkages](#) (2020)
- Biodiversity International, [Creating Mutual Benefits: Examples of Gender and Biodiversity Outcomes from Biodiversity International’s Research](#) (2017)
- OHCHR, UNEP and UN Women [Key Messages on human rights, the environment, and gender equality](#) (2021)
- ILO: [C100- Equal Remuneration Convention](#) (1951)
- ILO: [C111 Convention on Discrimination in Respect of Employment and Occupation](#) (1958)
- ILO: [C122 Employment Policy Convention](#) (1964)
- ILO: [C190: Violence and Harassment Convention](#) (2019)

Potential Activities

- Develop 2-3 common talking points on gender equality to include in joint briefing note on HRBA to be prepared by the IMG.
- Support increased opportunities for women and girl’s engagement with CBD and GBF processes.
- Advocate for a dedicated target on gender equality and the rights of women and girls in conservation action.

- Coordinate advocacy related to discussions of the draft post-2020 Gender Plan of Action taking place in Geneva from 14 – 29 March 2022.
- Explore and build upon synergies between the CBD’s draft post-2020 Gender Plan of Action and those of the other Rio Conventions, through, for example, joint events, joint communication or outreach strategies or alignment of indicators.

3. Youth

The Common Approach seeks to advance human rights, including the right of youth and future generations to enjoy a healthy environment. Children and youth also have clearly defined rights under the Convention on the Rights of the Child that apply in the context of the implementation of the CBD. For example, Article 13 of the CBD requires that biodiversity action should include efforts to strengthen environmental education, as recognized by Articles 28 and 29 of the Convention on the Rights of the Child. There should be opportunities for young people to communicate, empower and mobilize themselves and take action for societal and environmental transformation, including through training, online platforms and youth-led groups, organizations and networks. Further, protection of children and youth from child labour is important to ensure that they obtain the education necessary to defend and promote their right to a healthy environment and do not fall victim to exploitation. The Call to Action and Our Common Agenda include recommendations for more meaningful youth engagement, including through better political representation and transforming education to promote intergenerational cohesion and more inclusive societies. This is echoed in the Berlin Declaration on Education for Sustainable Development, which calls for empowerment of young people as change agents for sustainable development, and as co-creators of individual and societal transformation.

Intergenerational equity is also a fundamental principle of international environmental law and sustainable development that is recognized in the Preamble and Article 2 of the CBD. Additionally, the Call to Action and Our Common Agenda highlight the need to consider methods of taking the rights of future generations into account in decision-making. In view of this, and on the basis of the activities highlighted below, the IMG will support the meaningful engagement of children and youth in the GBF and CBD processes. Members of the IMG, as appropriate within their respective mandates, will seek specific references in the GBF to the rights of future generations and consideration of the long term/intergenerational impacts of the solutions being proposed to the biodiversity crisis.

Key Resources

- Human Rights Council, [Resolution on Realizing the Rights of the Child Through a Healthy Environment](#) (2020)
- UNESCO, [Framework for the Implementation of Education for Sustainable Development](#) (2019)
- UNESCO, [Education for sustainable development: a roadmap](#) and [ESD for 2030 Toolbox](#) (2020)
- UNESCO, [Berlin Declaration on Education for Sustainable Development](#) (2021)
- [STEP UP!](#) A joint commitment by Heads of United Nations Entities to promote the right of children, youth and future generations to a healthy environment and their meaningful participation in decision-making at all levels, in relation to climate action and climate justice.
- [Our Common Agenda \(2021\)](#)
- [Alliance 8.7](#)

Potential Activities

- Develop 2-3 common talking points on the rights of youth and future generations to include in joint public briefing note on HRBA to be prepared by the IMG.
- Engage with the Global Youth Biodiversity Network (GYBN) to explore opportunities to support increased youth engagement with the CBD process.
- Consider ways of taking intergenerational equity into account in decision-making, including through engagement with the other Rio Conventions.
- Explore and build upon synergies with the youth components in the implementation strategies of other the Rio Conventions and UN Decades, such as the UN Decade on Ecosystems Restoration, the UN Decade of Ocean Sciences and the International Decade of Indigenous Languages

4. Environmental Human Rights Defenders

Individuals and communities around the world are engaged in efforts to prevent harm to natural systems and uphold the human right to a healthy environment. In doing so, they face unprecedented personal risk. According to Global Witness, 227 environmental defenders were killed in 2020, the highest number recorded for a second consecutive year. A report by Frontline Defenders has found that 69% of human rights defenders killed overall were engaged in struggles to defend land, indigenous rights, and environmental rights. Environmental human rights defenders act in the context of broader communities and civil society groups dealing with interlinked challenges, including protecting the rights of indigenous peoples, women and girls. The Call to Action underscores the need for UN support to member states at field level for the development of protection mechanisms for human rights defenders and environmental activists, particularly young people, women and girls. Priorities 4 and 10 of the Common Agenda point to enhanced dialogue with civil society in order to capitalize on the convening power of human rights. The Common Approach notes that protecting environmental human rights defenders and activists also contributes to fulfilling the right to a healthy environment, while also emphasising the role of justice and accountability measures in protecting against threats to them.

The development of the GBF is an opportunity to strengthen practical measures to support and protect environmental human rights defenders. Members of the IMG, as appropriate within their respective mandates, will advocate for a target or indicator related to environmental human rights defenders in the post-2029 GBF. The IMG will also support efforts to guarantee the rights to life of environmental human rights defenders as well as their freedom of association, freedom of assembly, freedom from harassment and other forms of abuse, swift and fair investigation of threats against them and redress for abuse, including in the context of the GBF.

Key Resources

- High Commissioner for Human Rights, [Opening Statement to the High-Level Dialogue on Environmental Defenders](#) (2021)
- IUCN, [Virtual Dialogue on Environmental Human Rights Defenders in the Pandemic](#) (2021)
- Global Witness [Last Line of Defence](#) (2021)
- Frontline Defenders, [Global Analysis 2020](#) (2021)

- Human Rights Council, [Resolution Recognizing the Contribution of Environmental Human Rights Defenders to the Enjoyment of Human Rights, Environmental Protection, and Sustainable Development](#) (2019)
- Special Rapporteur on the Situation of Human Rights Defenders, [Report on the Situation of Environmental Human Rights Defenders](#) (2016)
- UNECE, Aarhus Convention, [Rapid Response Mechanism for the protection of environmental defenders](#)

Potential Activities

- Develop 2-3 common talking points on the protection of environmental human rights defenders to include in joint briefing note on HRBA to be prepared by the IMG.
- Explore any synergies with the work of the IMG on biodiversity in this area and co-lead/support the organization of a UN system-wide side event on environmental human rights defenders [at CBD COP 15].
- Support the implementation of technical guidance for UNCTs on protection of environmental human rights defenders developed under the Call to Action.

5. Biodiversity Financing

Integrating human rights considerations into the policies, processes and actions of biodiversity funds ensures policy coherence. Objective 6 of the Common Approach calls for public and private finance to accelerate green, just and inclusive socio-economic transitions and the creation of decent work and quality jobs. It goes on to elaborate that the United Nations can shape the discourse around how current financial flows can prevent or account for negative impacts on nature, while simultaneously increasing financial flows toward nature-positive projects. A human rights-based approach can pro-actively shape the way biodiversity finance is programmed, and guard against the risk of such finance being used to support projects that result in human rights violations, exacerbate social and economic inequalities and/or deepen inequity between countries. Sustainable finance of social protection floors is also necessary to alleviate poverty, vulnerability and social exclusion, as set out in ILO Recommendation 202.

The IMG will support an approach to biodiversity finance that helps to unpack the rights and responsibilities of the different actors involved, including governments, international and national financial institutions, financial intermediaries, businesses, workers, and other affected individuals and communities. It will also emphasise the critical importance of the effective participation in decisions around funding, as well as direct access to funds, of individuals and communities, in particular indigenous peoples and local communities, women and persons in vulnerable situations. Finally, the IMG will call for the scaling up of nature positive and human rights enhancing finance, to bridge the gap between the resources needed to tackle the biodiversity crisis and what is currently available.

Key Resources

- OHCHR report on human rights, biodiversity finance and nature-based solutions (forthcoming)
- International Recovery Platform, Practical Lessons for Recovery from the COVID-19 Pandemic: Principles for Recovery (Kobe, Japan, 2020)

Potential Activities

- Develop 2-3 common talking points on biodiversity finance and human rights, including private biodiversity finance, and nature-based solutions, to include in joint briefing note on rights-based biodiversity action to be prepared by the IMG.
- Co-lead or support the organization of joint UN system side event on financing for sustainable development at CBD COP15, potentially in collaboration with the inter-agency task force on financing for sustainable development and the IMG on Biodiversity.