

**Electronic Discussion Healthy Ecosystems and Human Rights:
Sustaining the Foundations of Life Report**



E-Discussion: Healthy Ecosystems and Human Rights: Sustaining the Foundations of Life

4-22 May 2020

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Background

This report is the result of the electronic discussion conducted by UNDP on “Healthy Ecosystems and Human Rights: Sustaining the Foundations of Life”. The objective of the e-consultation was threefold: (1) Inform the Special Rapporteur on Environment and Human Rights’ new report on human rights and associated obligations related to healthy biodiversity and ecosystems; (2) Contribute to improve UNDP’s policy and programmatic approaches to deliver the SDGs; (3) Inform UNDP’s COVID-19 response, providing pathways for more integrated development and recovery approaches, including preparedness, mitigation, and the prevention of future pandemics.

The e-consultation was held in the context of the Secretary General’s Call to Action on Human Rights, which includes the rights of future generations, and as part of UNDP’s commitment to work more closely with the Special Procedures Mechanisms.

The consultation comprised the ten questions included in the ‘UN Special Rapporteur’s Call for Inputs’. These were grouped into four themes by UNDP to increase the response rate:

- Theme 1: Adverse impacts of environmental degradation on human rights
- Theme 2: Best practices to eliminate harm to nature and safeguard human rights
- Theme 3: States and businesses obligations to address environmental degradation
- Theme 4: Rights-based approaches to protect the environment and empower communities

UNDP’s Global Policy Network hosted the consultation for three weeks, from 4-22 May 2020 through three of UNDP’s Communities of Practice: Nature-Based Solutions and Climate Action; HIV and Health; and Governance for Peaceful and Inclusive Societies. The consultation was open to the entire UNDP and was moderated by thematic leaders and co-facilitators from the Environment, Climate and Energy; HIV, Health and Development; and, Rule and Law, Security, Justice and Human Rights teams¹. The following chapter presents some of the key points of the discussions.

¹ Moderators: Midori Paxton, Head, Ecosystems and Biodiversity, Nature, Climate and Energy; Mandeep Dhaliwal, Director, HIV, Health and Development; Katy Thompson, Head, Rule of Law, Security and Human Rights. Co-facilitators: Eva Gurría, Policy Specialist, Nature for Development Programme, Nature, Climate and Energy; Andrea Nannipieri, Facilitator, Community of Practice on HIV and Health; Martin Cadena, Facilitator, Community of Practice on Nature-Based Solutions and Climate Actions; Sungeun Choi, Programme Analyst, Rule of Law, Security and Human Rights Team, Crisis Bureau; Ann Cathrin Pedersen, Project Manager, Environmental Governance Programme, Nature, Climate and Energy.

Summary

From 4 to 22 May 2020 we received 43 contributions from 41 UNDP Country Offices as well as from Regional Hubs and from Headquarters². All ten questions in the e-consultation received at least one contribution.

The question that generated most responses (11) was about providing specific examples of constitutional provisions, legislation, regulations, policies, programs or other measures that employ a rights-based approach to prevent, reduce, or eliminate harm to biodiversity and ecosystems, or to restore and rehabilitate biodiversity and ecosystems.

Many replies reiterated the importance of understanding the complex interaction between human rights, biodiversity loss, ecosystem degradation and human health including the value of nature-based solutions to curb the threat of future **zoonotic and non- communicable diseases through the conservation, restoration and sustainable use of natural resources**.

The UNDP's COVID-19 Nature Offer acknowledges these interactions and proposes a series of actions to support recovery efforts that deliver on the SDGs for people, nature and prosperity. Other inputs to the e-discussion on rights to a healthy environment stressed the increasing health risks from pollution (now more pronounced given its effects on COVID-19 infected patients); the risks from COVID-19 waste (including protecting gear, to which UNDP has responded with a [Health Care Waste Management Offer](#)); and the global health care climate footprint-(equivalent to the annual greenhouse gas emissions from 514 coal-fired power plants).

Replies from colleagues focused on finance for nature stressed the **importance of ensuring COVID-19 recovery plans are nature and climate-sensitive** and reiterated the significance of nature-friendly investments and subsidies that do no harm to biodiversity. Examples of the latter were presented by colleagues leading UNDP's Biodiversity Finance Initiative (BIOFIN), with specific cases from Switzerland, Italy, Kyrgyzstan and Germany, and the [International Development Finance Club](#) (working on harmonizing actions from development banks around biodiversity finance).

Many of the inputs also highlighted **the human rights-biodiversity-climate change nexus** as an example of the complexity of the planetary emergency. The Central American Dry Corridor (CADC) was cited as a region significantly affected by climate change and declining biodiversity during the last decade. Prolonged droughts have affected biodiversity and ecosystem services and destroyed more than half of the corn and bean crops of the subsistence farmers along the CADC- leaving them without food reserves and affecting their food security. About 1.4 million people are in urgent need of food assistance, and now facing the looming impact of COVID-19 making the situation more dire.

Several examples were shared by colleagues focused on how nature loss disproportionately impacts the **livelihoods** of people living in poverty and vulnerable situations, thus perpetuating patterns of exclusion and discrimination; and on how nature loss can be a key driver for **migration issues, thus contributing** to wider **humanitarian crisis**. Specific examples were shared from Central America.

² Algeria, Angola, Argentina, Bangladesh, Bhutan, Bolivia, Botswana, Brazil, China, Colombia, Costa Rica, Cuba, DRC, Ecuador, Egypt, Germany, Guyana, India, Kyrgyzstan, Liberia, Madagascar, Malaysia, Mexico, Mongolia, Morocco, Namibia, Nepal, Nigeria, Philippines, Rep Congo, Somalia, South Africa, Suriname, Switzerland, Tanzania, Thailand, Timor Leste, Ukraine, Uruguay, Vietnam, Zimbabwe

The inputs also highlighted the importance of connecting **multiple stakeholders** to strengthen national and regional policies that deliver for all. That included the importance of ensuring **meaningful participation** from civil society, academia, youth, and indigenous peoples and local communities in decision-making processes.

Along the same lines, discussions stressed the importance of more **gender-responsive and youth-focused approaches** to safeguard nature and human rights. The UNDP's **Social and Environmental Standards** was shared as a tool to ensure gender-sensitive and rights-based programming approaches, and to safeguard and support environmental human rights defenders.

A main gap in the implementation of **rights-based approaches** highlighted in the discussion was (HRBA) reprisals against **human rights defenders**, including budget cuts to organizations, threats and intimidation, arbitrary arrest, sexual violence, and loss of life. A key tool to implement HRBA is shared by colleagues is the global expansion of environmental courts and tribunals, especially in the global south, as a means of expanding citizen access to justice and remedy in matters relating to the degradation of ecosystems and environmental impacts more generally.

The inputs from colleagues demonstrated many ways in which biodiversity and ecosystem services, whose value is often not properly understood or accounted for, are fundamental for the full enjoyment of a wide array of human rights including the right to life, health, food, water, and culture; and for the rights to equal protection, equal opportunity to benefit from sustainable development, and the rights of future generations to inherit a clean, healthy, and sustainable environment.

Weekly Summaries

After each week of the consultation, lead moderators provided summaries of the discussion as partial products, and to allow new participants to engage rapidly in the conversation. They also provided additional resources and connected each week's contributions to UNDP's policy and programming.

Week 1

Thank you all so much for your valuable contributions during this first week of the e-consultation. **We received 26 replies from the Global Policy Network, and colleagues shared stories from 24 different countries:** [Uruguay](#), Colombia, [Ecuador](#), [Bolivia](#), [Madagascar](#), Kyrgyzstan, Liberia, Argentina, Guyana, Costa Rica, Suriname, Brazil, Mexico, Cuba, Namibia, [Philippines](#), South Africa, Mongolia, Switzerland, Germany and Bangladesh. GPN colleagues also shared case studies from the Central American Dry Corridor, the Sundarbans and the [Trans Frontier Conservation Area between Namibia, Botswana, Zimbabwe and Angola](#). From the private sector, colleagues shared the examples of [Mirova](#) (asset manager) and [Danone](#).

During the first week of the e-consultation, we learned about UNDP-supported initiatives focused on **conservation, restoration and the sustainable use of natural resources. We also learned about legal approaches to protect nature and safeguard the rights of indigenous peoples and local communities** (IPLCs). Colleagues also emphasized the **significance of multi-stakeholder approaches**, of the importance of traditional knowledge and [active participation of IPLCs in all decision-making processes](#) affecting their livelihoods, and [the positive impacts of finance for nature schemes](#) and flexible financial instruments that invest in people and nature.

During the **first seven days of the e-consultation** I read your contributions focused on the conservation of watersheds, the restoration of mangroves and drylands, as well as the sustainable use of resources (including the implementation of extraction protocols). I also read examples of national implementation plans for the [Nagoya Protocol](#) and the National [Biodiversity Strategies and Action Plans \(NBSAPs\)](#); of constitutional court rulings and national laws to protect people and nature; and of the benefits of protected areas -both national and transnational- and of indigenous and community conserved areas ([ICCAs](#)) for healthy ecosystems and human wellbeing.

All inputs from week 1 of the e-consultation reminded us of the importance of [integrated policies to advance the 2030 Agenda](#). Colleagues' inputs also reminded me that to deliver holistic policy and programming - the kind that permeate across geographies and thematic areas within UNDP- we must advance sustainable development approaches that focus on the nexus between human wellbeing, biodiversity conservation, climate change, human rights, rule of law, conflict prevention, impact investment and finance. This integrated approach will deliver results for people, planet and prosperity.

The [World Economic Forum](#) has ranked **biodiversity loss as one of the top global risks facing the world, along with the failure to address climate change, extreme weather events and natural disasters**. The severe global health, social and economic impacts of COVID-19 are stark examples of risks associated with nature loss and degradation of natural ecosystems.

In the words of the UNDP Administrator, “**Our economies, our societies, our communities have to rediscover how to live with nature.** And how they do that in the coming years will in large part determine whether the magnitude of pandemics, natural disasters, crises becomes more and more intense, or whether we can re-establish a degree of coexistence with nature that actually stabilizes our communities, our societies, our economies, and therefore becomes a way of thinking about the future of development with different parameters.”

We would love to hear more from you on the topics which have received less attention during this first week: 1) best practices from the private sector to eliminate harm to nature and safeguard human rights; 2) states and businesses’ obligations to address environmental degradation; and 3) rights-based approaches to protect the environment and empower communities. We also hope to hear more from colleagues, in all regions, on 4) how to unleash the power of nature and healthy ecosystems to deliver on people-centered approaches for sustainable development.

[UNDP’s Nature offer on COVID-19](#) provides options for unleashing the power of nature for sustainable and just COVID response and recovery efforts, as well as for prevention of future zoonotic pandemic outbreaks. It provides possible interventions that could be deployed within the framework of UNDP’s Integrated Response to COVID-19, articulated around the three objectives: helping countries to (i) prepare for and protect people from the pandemic and its impacts; (ii) respond during the outbreak; and (iii) recover from the economic and social impacts in the months and years to come. These is the kind of **integrated response mechanisms we need to deliver on the SDG suite.**

Finally, I want to thank [Eva Gurría](#) for helping me facilitate this first week of virtual exchanges on “Healthy Ecosystems and Human Rights”.

With this I am happy to hand over the moderation of week 2 of the e-consultation to my colleague [Mandeep Dhaliwal, Director, HIV, Health and Development](#) inviting all UNDP colleagues to continue contributing to the success of this e-consultation. We are eager to hear from all of you!

Warm regards,

Midori

Week 2

Thank you very much for the thoughtful contributions during this second week of the e-consultation. We have received 33 responses to date. We have learned from country experiences in Bhutan, Vietnam, Tanzania, Ukraine, and Honduras. We have also learned more about innovative UNDP collaborations, such as [Sustainable Health in Procurement](#) and the [Central African Forest Initiative](#). More case studies and insights on how to integrate environment and health actions are included in the recent UNDP publication [Bigger Change Faster - Integrated Development, Health and Environment Actions for a Sustainable Future](#).

This week as COVID-19 continues to teach us to listen to nature, UNDP colleagues highlighted several key points across the four themes including:

- The imperative to avoid the procurement of commodities for health that have an adverse effect on the environment and advancing sustainable supply chains and health procurement;
- The importance to invest more and better to address non-communicable diseases (NCDs) and the drivers behind them and the need to strengthen governance of NCDs. UNDP, WHO and partners are working towards this through (1) Investment case analyses; (2) Whole-of-society coordination; (3) Parliamentary and civil society awareness and advocacy;
- The value of promoting silvo-pastoral systems that increase connectivity and have a positive effect on biodiversity while contributing to poverty alleviation and food security;
- The need to attend to the potential tensions between intellectual property, customary law, traditional knowledge, biopiracy and/or bioprospecting and the rights of indigenous populations and local communities as the demand for pharmaceutical development increases, and;
- The key role of integrated policy solutions as an accelerator to advance rights to life, health, and the environment.

We were also reminded that the [SDG Global Action Plan for Healthy Lives and Well-being for All](#) - the commitment from 12 global health organizations, including UNDP, to strengthen collaboration for health and development- is a strong platform to accelerate country action on climate, environment, and health.

I would like to highlight three more important examples of where UNDP has adopted an integrated approach to environment and health:

1. UNDP is supporting countries to transition to clean cooking methods, with a threefold impact in reducing GHG emissions, unsustainable firewood consumption, and household air pollution.
2. The Health and Energy Platform of Action (HEPA), co-led by WHO, UNDP, UNDESA, and the World Bank, aims at strengthening the political and technical cooperation between the health and energy sectors at both global and country-level, to accelerate the transition to clean energy, with an initial focus on clean cooking and health care facilities.
3. During the COVID-19 pandemic, UNDP is supporting countries to prepare, respond and recover, recognizing that the recovery should be [environmentally sustainable](#), climate-sensitive, energy-efficient,

and long-lasting to attend the root causes -the disturbance of nature- that could make these outbreaks more frequent. To this end, specific recommendations have been put in place for [Health Care Waste Management](#).

For next week, I encourage you to enrich the discussion by sharing further solutions, lessons learned, and good practices from UNDP's work, especially under themes 3 -states and business obligations- and 4 -rights-based approaches to protect the environment.

Many thanks to Andrea and Martin for helping me facilitate this virtual exchange on "Healthy Ecosystems and Human Rights".

With this, it is my pleasure to hand over the moderation of week three, the final week of the e-consultation to [Katy Thompson](#), Head, Rule of Law, Security, and Human Rights. We look forward to hearing from you!

With best wishes,

Mandeep

Week 3

The e-discussion on Healthy Ecosystem and Human Rights came to the end and I thank you all for your valuable contributions. We received 42 responses during the past three weeks from UNDP colleagues all around the world.

In the final week, we have learned good practices from the Arab region on how sustainable use of ecosystems can help communities achieve their rights to food, water, and livelihoods. UNDP's active engagement with youth and women, supporting their meaningful participation and shaping decisions to protect biodiversity and ecosystem, was highlighted as a strategy too. We also heard that [UNDP's Social and Environmental Standard](#) is an important tool to ensure gender-sensitive and rights-based programming approach and to safeguard and support environmental human rights defenders. Colleagues also shared examples of clean cooking projects from [Nigeria](#) and DRC and community -based climate mitigation approach including the development of safeguards system for respecting and addressing the rights of indigenous people and local communities ([UNDP REDD+ programme](#))

We were reminded that information from the Human Rights Council sessions as well as relevant resolutions ([HRC/RES/26/9](#), [HRC/RES/40/11](#),[HRC/RES/42/48](#)) and reports ([A/HRC/34/49](#), [A/HRC/43/53](#),[A/HRC/43/55](#), [A/HRC/43/30](#)) can enrich UNDP's programming and policy on human rights and the ecosystem. UNDP will continue to engage with [the human rights mechanisms](#) including the special procedures of the Human Rights Council, the human rights treaty bodies, and the Universal Periodic reviews, to support States to consider environmental mainstreaming and the integration of climate change considerations with human rights.

The rich and insightful discussion over past three weeks have demonstrated that biodiversity is necessary for ecosystem services to support full enjoyment of wide range of human rights - right to life, health, food, water, and culture. As I mentioned in my welcoming message, actions must be taken at all levels and by all actors in society. The business sector is not an exception here. UNDP, through its [Business and Human Rights in Asia \(B+HR Asia\) programme](#), supports governments in devising policies for responsible business based on the [UN Guiding Principles on Business and Human Rights](#) and advises companies on how to assess and address human rights risks in their supply chains. UNDP also strengthens access to justice and remedies for victims of business-related human rights abuses by working with NHRIs, Courts, and CSOs. The UN Guiding Principles on Business and Human Rights (UNGPs) do not address climate change explicitly. Nevertheless, the UNGPs are relevant to climate efforts on the part of States, businesses and other stakeholders. UNDP will continue to engage with States and businesses to minimize biodiversity loss and ecosystem degradation and meet human rights standards articulated in the Guiding Principles on Business and Human Rights.

All your contributions will be shared with the [Special Rapporteur on Environment and Human Rights](#) and inform his new report on human rights and associated obligations related to healthy biodiversity and ecosystems, which will be presented to the General Assembly in October 2020. The e-discussion officially ended but we encourage you to continue sharing further solutions, lessons learned, and good practices that can inform UNDP's work on recovery and building back better from COVID-19.

Finally, on behalf of the moderators, once more a big thank you for taking the time to share your expertise with us for this consultation specifically and for your work that contributes to safeguarding biodiversity and human rights.

Best wishes,
Katy

Annexes

Annex I. Inputs' compilation

This Annex comprises all the contributions made by UNDP during the three-week consultation. In the following section, questions are numbered in accordance with the questionnaire developed by the Special Rapporteur for Human Rights and the Environment, irrespective of how they were grouped and numbered during the UNDP e-consultation. Some contributions cut across several questions but will be listed only in one place to avoid duplication.

Consultation Questions

Q1. Please provide examples of ways in which declining biodiversity and degraded ecosystems are already having adverse impacts on human rights (could include, among others, the rights to life, health, water, food, culture, non-discrimination, sustainable development, Indigenous Peoples rights, etc.).

- Communities in various countries that depend on clean water in streams and rivers are affected by declining water quality and pollution due to gold mining activities (for example, in Guyana and Suriname). This affects peoples' right to water and food (as fish may become unfit for human consumption). UNDP will be implementing two UNDP-GEF-approved projects that will be supporting more sustainable mining practices in both countries.

Mining is also affecting indigenous peoples' rights to cultural integrity, land rights and a clean environment, as illegal miners enter indigenous peoples' lands; for example, in Brazil (with the implicit support of the Federal government).

Agrobusiness and local communities are in conflict in various ecosystems in the Latin America and the Caribbean (LAC) region, for example, in the Cerrado biome of Brazil, where there have been claims of land grabbing for the purpose of large-scale monoculture plantations, such as soy. Similarly, the impacts of climate change on biodiversity and ecosystems negatively affect the global South's right to a safe and sustainable environment, even though the majority of emissions have actually been caused by developed countries.

Finally, the current COVID-19 pandemic has highlighted the connections between the declining health of ecosystems, increased proximity of humans to wildlife, and the repercussions of human interference with the wild and human health.

- An unfortunate example of the terrible impacts of environmental degradation on human rights is currently taking place in the Central American Dry Corridor (CADC). The CADC is a tropical dry forest region on the Pacific coast which covers El Salvador, Guatemala, Honduras and Nicaragua in Central America. The CADC has been significantly affected by climate change and declining biodiversity during the last decade. Prolonged droughts have affected biodiversity and ecosystem services and destroyed more than half of the corn and bean crops of the subsistence farmers

along the CADAC- leaving them without food reserves and affecting their food security. About 1.4 million people are in urgent need of food assistance, and now facing the looming impact of COVID-19 making the situation more dire.

- Unfortunately, this is a recurring picture in most parts of the world. Continually, nature is exploited without consent of the rights of indigenous peoples and local communities, Economic interests, led by both public and private sector interests, result in many occasions in detrimental impacts to nature. There are numerous examples such as the release of toxic hazardous waste from industrial activities contributing to the deterioration of ecosystems. affecting food security for many communities, as well as their access to water, healthy livelihoods, and their rights to a safe and enjoyable environment.

Around the world human rights are violated by industrial farming practices and large infrastructure development projects that have destroyed ecosystems; caused biodiversity loss; negatively impacted human health (i.e. zoonotic and pollution-related diseases); diminished traditional livelihood of the local communities and indigenous peoples; and, in many parts of the world -particularly in the tropics- contributed to what is deemed as ethnocide.

- Ecosystems are vital to sustaining life. Without healthy ecosystems, human rights are meaningless. Bangladesh is home to the Sundarbans, the largest mangrove forest in the world. Mangrove forests is one of the most productive ecosystems on the planet. The Sundarbans support a high diversity of marine and terrestrial life, (serves as a spawning site for many species of fish). It is an UNESCO declared World Heritage Site since 1997and fundamental for the livelihoods of many coastal populations southwest of Bangladesh.

The Adivasi (indigenous) Munda community have been living in the Sundarbans for generations. They have traditionally depended on the Sundarbans for their livelihoods which includes harvesting honey, fish and crab for trade and food. It is estimated that around one million people, including woodcutters, thatch collectors, honey collectors and fisherfolk communities, depend on the forest resources (Sadque,2000). The advent (from the 1980s) and progressive introduction of shrimp farming have had a negative socio-economic impact on the Munda community. Many agricultural lands were converted to shrimp harvesting ponds resulting in saline water intrusion, changes in soil composition and biodiversity loss. The gradual degradation of the ecosystem has taken away the food security, health and livelihood of the Munda and the rural farming communities. It has resulted in the loss of employment, forcing indigenous peoples to seek lower paid jobs elsewhere. This in turn has accelerated the integration of the Munda community with neighboring communities, rapidly contributing to the loss of their cultural identity, and the Adivasi Munda peoples traditions. Furthermore, water channels blocked due to shrimp ponds have disrupted the traditional water management systems. The ongoing digging of canals and mangrove deforestation has weakened the riverbanks, increasing the vulnerability of indigenous peoples and local communities, including the Munda community to cyclones and tidal waves.

Bangladesh ratified the UN Convention on Biological Diversity (CBD) in 1994. Article 10 c, of the CBD is directly relevant to the example given above, wherein it encourages states “ as far as possible and as appropriate; to protect and encourage customary use of biological resources in accordance with the traditional cultural practices that are compatible with conservation and sustainable use requirements”.

- Degraded ecosystems, compounded by the adverse impacts of climate change are a direct threat to several of the above-mentioned rights, particularly because the livelihoods of so many people directly depend on such ecosystems. The unfortunate situation in the Central America Dry Corridor, as mentioned above, is a good example of this. Extending from southern Mexico to Panama, the ecological region known as the Dry Corridor has been experiencing severe droughts and floods. One of the most severe drought periods- between 2014 and 2017- put 2.5 million people at risk of food insecurity. Important to note that more than 30% of jobs in El Salvador, Guatemala and Honduras are in agriculture. Degradation of natural ecosystems continues throughout the region, with widespread effects at the landscape level (including depletion of forests and grasslands), threatening the provision of a wide range of ecosystem services to local communities. Long and short-term impacts of this phenomena include soil erosion as a result of reduced vegetation cover (increasing incidence of flooding); and reduced infiltration of water in degraded watersheds and catchment areas, thereby resulting in reduced recharge of groundwater g. Finally, droughts in the region also cause fluctuations in food prices, increase of pests, zoonotic diseases, as well as financial and political instability.

The ongoing situation of habitat degradation severely affects the already poor and vulnerable communities, exposing them to increased economic difficulties and oftentimes leaving them with no other choice but to leave their homes in search of economic opportunities. In this particular region, there is also a very high level of migration as result of systemic violence: Central America’s North Triangle - Guatemala, Honduras and El Salvador- is one of the most violent in the world, due in great part to the widespread fear and terror campaign from local gangs. According to UNHCR, some 500,000 people irregularly enter Mexico every year, via Guatemala fleeing violence. During this journey migrants are victims of extortion, robbery, kidnapping, forced labor and sexual exploitation. In this specific scenario, climate change and degraded ecosystems play a critical role in the ongoing humanitarian crisis in this region.

- Biodiversity provides numerous [ecosystem functions that are necessary for maintaining human health and well-being](#). Climate change is an integral part of that ecosystem, and is a driver for human health in direct and indirect ways, thus restricting attainment to the right to health, and life. Climate change not only threatens ecosystems and leads to biodiversity loss, but the health effects are manifold: projected increase in incidence of vector-borne diseases such as malaria and

dengue, and of waterborne diseases such as cholera; heat stress mortality and threats of decreased nutrition; and increased severe weather related injury and death.

Further examination of this complex interactions between the ecosystem and human health, taking into account the socio-economic drivers, and the communities that are most impacted, necessitates the operationalisation of [“planetary health”](#) research and programming. Some examples of research around this concept in the Asia Pacific can be found in [Malaysia](#) where the emergence of the Nipah virus has been linked to agricultural intensification. In [Thailand](#), scientists are exploring the incidence of dengue and provincial level weather variability, to prepare for early warning systems for outbreak prevention and response.

In the wake of COVID-19, there is a need to apply a wider ecological lens to epidemiological response for future pandemics, drawing from [epidemics such as Ebola](#) and other zoonotic diseases, and attempt to record both the quantitative and socio-anthropological aspects of the causes and impact of epidemics.

Global environmental change, including biodiversity loss, ecological changes, and climate change are also some of the drivers behind [non-communicable diseases \(NCDs\), which accounts for 71 percent of global deaths](#), resulting in substantive [economic losses \(USD 47 trillion globally for the next 20 years\)](#), and widening inequities within poorer countries with low-and-middle income countries bearing the brunt of both health and economic costs. Risk factors for NCDs are closely linked to the environment. For example, about 50 percent of chronic obstructive pulmonary disease can be attributed to air pollution.

The health effects of air pollution have a strong evidence base: [600,000 children die prematurely from air pollution globally](#), and in the Asia Pacific, [2.3 billion people](#) are exposed to air pollution higher than the WHO permissible limits. Technology and policy solutions across multi-sectors such as industry, transport, agricultural practices, among others and are needed to reduce this burden, and a “right to clean air” can act as an accelerator to establish the fundamental rights to life, health, and the environment. In 2019, India launched the [National Clean Air Program](#), as a 5-year action plan to address air pollution.

- Prior to the COVID-19 pandemic, efforts to take on complicated immunization and vaccination projects were increasing, but in response to the pandemic, research labs and pharmaceutical companies have raced to develop an effective vaccine and treatment. Given the growing urgency and demand for pharmaceutical development, particular attention should be paid to the often competing roles of intellectual property concepts, customary law, traditional knowledge, biopiracy and/or [bioprospecting](#) as they relate to biodiversity conservation and climate change, with a particular focus on the rights of indigenous populations and local communities.

While the COVID-19 situation has presented many challenges, it has also presented opportunities as we move from emergency responses to recovery. As we work with governments, civil society, communities and the private sector to build back better, we, as UNDP, must ensure that at the rights of indigenous populations and local communities are kept central.

As an example, previously in Bhutan, UNDP together with GEF supported the Government through the [“Access to Genetic Resources and Benefit Sharing in Bhutan”](#) to address threats to biodiversity, such as biopiracy. The project strengthened the Government’s efforts to harness the benefits of its still largely unexplored wealth of genetic resources through the establishment of the national Access and Benefit Sharing (ABS) framework that is consistent with the Nagoya Protocol’s provisions. The Government also continues to invest in efforts to document and protect traditional knowledge while develop its national biotechnology industry beyond existing traditional medicine production for domestic use.

-(Arab Region) While the impact of declining ecosystem capacity on individual rights such as the right to food or the right water has been well documented, less attention has been placed on the cumulative implications of ecosystem decline across an array of social and economic rights, and thus the overall right to development. A key focus under the 2030 Agenda is to better understand multi-dimensional risks to the overall human rights agendas and fundamental freedoms.

This is particularly important for [the poor and vulnerable whose rights are impacted disproportionately from ecosystem change](#). Tens of millions globally will be pushed into poverty or displacement in coming decades owing to ecosystem decline and loss of livelihoods. Ecosystem decline therefore has a strong impact on the right to equal protection and the equal opportunity to social and economic benefits of development. An important angle as we enter the final decade on road to SDG targets, and in context of ongoing negotiations among UN Member States over the contours of the new Convention on the Right to Development.

Q3. Please provide specific examples of good practices in preventing, reducing, or eliminating harm to biodiversity and ecosystems, or restoring and rehabilitating biodiversity and ecosystems. Examples may occur at the international, national, sub-national, or local level.

-The concept of Community-based conservancy was firstly introduced and tested in 2012-2014 in the local communities located close to the national park, Chui region, Kemin district Kyrgyzstan. Previously it was uncontrolled hunting ground belonged to the state, the local communities were prohibited from grazing the cattle and hunting officially. The local hunters earned incomes by conducting illegal hunting tours for the foreign hunters. By 2013, poaching and illegal grazing thrived in this area resulted in a significant population decrease of roe deer, deer, and wild boars and has almost become extinct by 2013.

In 2014, the Law on Hunting was adopted by the Government, which provided for the right for public/ community-based organizations to also participate in a competition for the distribution of hunting grounds. The local community members (aka former poachers) decided to form a community-based organization called “Shumkar-Tor” with the support of international organizations. Through the awareness-raising and institutional capacity building, local hunters were able to have a better view and understanding of natural resource management, sustainable land use, and wildlife conservation. Now, eco, ethno and agro-tourism, beekeeping, and other non-detrimental types of land-use are practiced and become the sources of revenues for local

communities. Tourists who visit a nearby nature park are also benefited from the services of tourism provided by communities

Members of community-based conservancy as voluntary inspectors carry out monitoring animal poaching to stop the practice, with the possibility of receiving 30% of the fine paid by the poachers. The annual survey of wildlife animals serves evidence of the successful work of the community-based organizations, monitoring results in 2013 shows only 37 roes in the territory of the Chon-Kemin by community organization Shumkar-Tor, on the other hand in 2018 the registration showed 232 roes, i.e. 8-fold increase in the number of 5 years of existence of the community organization, and the appearance of wild animals at close range near human settlements indicates the absence of anxiety and poaching in the area.

In this way, empowering local communities to manage an area provides them a sense of ownership and responsibility and as a result, biodiversity and ecosystems are preserved. This experience was further spread in other regions and currently, 6 community-based conservation organizations are active covering the total area of 560 thousand hectares in 4 regions of the country.

Community conservation organizations could replace commercial hunting concessions, which in practice limit the rights of local communities to use and manage the lands and thus constantly cause grievances from both local communities and NGOs that demand a moratorium on hunting.

-Inspired by the successful experiences of UNDP Colombia and El Salvador, in September 2019 we launched **Plantatón Uruguay**. In this initiative, our office is working closely with UNDP Salvador, where more than 350 sites have already been reforested throughout the country. We intend to restore forests by planting native trees and controlling invasive alien species.

In Uruguay, Plantatón has strong support from civil society through the Network of Environmental NGOs, which, like UNDP with its Small Grants Program and its work in Protected Areas, has strong links with many community based organizations, with whom the areas to carry out the plantations are prioritized, and the actions are organized and implemented.

It is also integrated by the national government through the Ministry of Housing, Land Planning and Environment, and the Ministry of Livestock, Agriculture and Fisheries.

It is an incipient initiative, but with great potential to restore degraded ecosystems, especially the banks of rivers, and to improve the quality of water, which in general terms is highly degraded since 94% of the territory is under agricultural, forestry production and livestock with the use of fertilizers and pesticides, and only 1% of the country are protected areas.

It also aims to improve the quality of life of a rural population very vulnerable to environmental degradation and to generate livelihoods locally through the generation of nurseries, the sale of

plants and compost for plantations, and the recovery of landscapes for the development of ecotourism led by local communities.

Plantatón Uruguay intends to help the country to fulfil its commitment to restore 200,000 hectares of forests as a process of adaptation to climate change and conservation of biodiversity.

From Uruguay we encourage other UNDP offices to join this initiative, and we propose to jointly develop a “Plantatón LAC” program, with the aim of restoring forests and improve quality of life in the region.

Plantatón LAC can also contribute with concrete actions within the framework of the Decade for the Restoration of Ecosystems 2021-2030 of the United Nations and to give great visibility to UNDP.

- (LAC) Various UNDP-GEF projects have supported sustainable land management practices to reduce degradation and desertification, such as through restoration of natural springs, tree planting, building of cisterns, etc.

Other projects have been put in place to reduce human-wildlife conflict, including through fencing of areas that are used for animal husbandry, compensation for any loss of livestock and public education campaigns about the importance of predators. Our projects have also worked to promote production of alternative sources of protein to reduce pressure on prey populations and have worked to reduce illegal wildlife trafficking.

Over many years, UNDP-GEF projects have supported the establishment and consolidation of national protected areas systems. For example, in Uruguay, the protected areas that have been established are thanks to several consecutive UNDP-GEF projects.

UNDP-GEF also has a number of projects in different countries to reduce the levels of deforestation associated with the production of commodities, such as soy, cattle, palm oil and coffee.

- States have the obligation to ensure that development policies and plans are aligned with an environmentally- conscious agenda. It is simply in the best interest of the population. Unsustainable economic growth and development pathways have proven to set us up for failure.

As such, sectoral strategies must be re-assessed taking into account ongoing climate change patterns and future projections. What is profitable now may not be available in 10 years and therefore the way that Governments measure “development progress” and sectoral targets may be significantly upended once climate change is factored in.

In regards land-use for food security for example business-as-usual industrial agriculture has proven to be not only harmful to the environment and adding to global CO2 emissions, but also

as it is unsustainable, eroded and degraded lands can no longer support what used to be profitable livelihoods. On the other hand, there are a plethora of practices that Governments can promote such as agroforestry, silvo- pastoralism, regenerative agriculture, tree intercropping, etc., which are considered no- regret solutions, as they will capture carbon while increasing soil moisture, crop yields, biodiversity, employment, and climate resilience.

A key issue to address in this sector in many countries is indigenous peoples' land management and rights. I will not get into the technical details here, however Governments need to recognize indigenous communities territories, as well as their traditional knowledge and adaptive capacity to safeguard the environment. These communities contribute almost nothing to carbon emissions and global warming, however they are often highly vulnerable to climate change impacts and risks.

Businesses and producers also need to urgently factor in climate projections and short and long-term risks into their income-generating plans. Blended and flexible financial instruments need to be made available by banks to the private actors trying to make a shift to sustainable and nature-friendly production or business. Particularly, SME's need to be able to tap into flexible finance in order to cover for the higher up-front investments often required to ensure environmental sustainability.

In Cuba, through an Adaptation Fund- funded project, UNDP supported local communities to restore 7,318 Ha of mangroves which significantly reduced the vulnerability of coastal communities in Artemisa and Mayabeque provinces to coastal flooding. Further, more than 4,000 Ha of landward edge woodlands were enriched by planting native species and encouraging natural regeneration. Good practices include:

- The restoration of mangrove areas and coastal forests was achieved through innovative techniques that not only increase the coverage and diversity of these forests, but also increase their health or resilience to extreme events related to climate change.
- The application of methods that generate an increase in microbial activity in the soil, such as water restoration, increases the carbon sequestration capacity of these wetland ecosystems, adding its value as a contribution to climate change mitigation.
- The hydrographic basin approach must be taken into account. In other words, it is necessary to consider the management effects upstream and downstream of the intervention area. In addition, indicators of impact and tasks must be included to ensure the sustainability of the project in the long term.
- The correct application of the principles of ecological restoration in the mangrove ecosystem is important as it to have a diagnosis of the ecosystem's health.

- These days we receive a lot of messages from countries informing us that the Ministries of Environment will have their budget cut due to the crisis. Therefore, imagining public actions to finance biodiversity is getting more complicated. However, what can be done is to reduce finance that is harming biodiversity. This can be related to harmful subsidies or to businesses. BIOFIN and the OECD had a virtual global conference last month on how to finance biodiversity. Multiple case were presented and for reducing harmful subsidies examples from Swiss, Italy, Kyrgyzstan and Germany were presented, the recording and presentations can be found here: <https://lnkd.in/gYhYcHc>

Another session was dedicated to actions taken by the finance and private sector. The French Agency for Development which acts as a development bank informed the participants of the conference that the International Development Finance Club (<https://www.idfc.org/>) was working on harmonizing actions from development banks to better understand how much was spent to finance biodiversity as well as how to reduce negative impacts from certain investments. The CEO of Mirova (Asset management company specialized in sustainable investment) also explained the importance of collaboration with the public and its support to scale up small sustainable companies. Danone, a multinational food-product corporation provides financial and technical support to more than 100,000 farmers worldwide. In **Mexico**, for example, it provides strawberry producers with technical and financial support for sustainable soil practices and better water management. It has transformed the value chain of strawberries they use while increasing producers' income. [Relevant link](#) and [session 3](#)

- A good example on preventing harm to biodiversity and ecosystems comes from a **UNDP-GEF project (Conservation, sustainable use of biodiversity, and maintenance of ecosystem services of internationally important protected wetlands)** which concluded recently in Costa Rica and managed to protect under national policy about 600,000 hectares of wetlands of international importance. The project facilitated the approval of the first national policy for the protection of wetlands in Costa Rica. The National Wetland Policy was approved by Executive Decree 40244 and published in the official newspaper La Gaceta No 68, Alcance No 76, in April 2017. The project also contributed to the removal of invasive species such as *Typha dominguensis* that were eutrophying the wetlands. It must be underscored that these wetlands are essential for the livelihoods of local communities as they provide key ecosystem services which include water purification, flood control, groundwater replenishment and spawning grounds for fish.

- Referring to the establishment and/or strengthening of Indigenous and Community Conserved Areas (ICCA). ICCA are area-based designations that provide contemporary expressions of the ancient and ongoing relationships between Indigenous peoples (and also non-Indigenous local communities) and their local environments – with a particular emphasis on conservation outcomes together with other social and cultural objectives closely linked to basic human rights.

ICCA not only help broaden the reach and quality of diverse governance types of protected and conserved areas aimed at achieving the Convention of Biological Diversity (CBD) Aichi 2020 targets, in particular, Aichi Targets 11[PAs increased and improved]; 14 [Ecosystem services safeguarded]; and, 18 [TK respected and safeguarded] as well as several SDGs, but they are instrumental in recognizing and supporting Indigenous peoples and local communities and their efforts to govern, manage, protect and conserve their collective Territories on their own terms, including through self-determined governance institutions, customary laws and protocols, and systems of Indigenous and local knowledge and customary sustainable use.

The recently closed UNDP supported GEF financed project “Strengthening National Systems to Improve Governance and Management of Indigenous Peoples and Local Communities Conserved Areas and Territories” in the Philippines has a wealth of information, best practices and lessons learned that can be studied and fully or partially replicated in other countries and regions.

Here is a photo-story about the Philippines ICCA project, this communication piece illustrates very well the point I am trying to convey through this message <https://undp-biodiversity.exposure.co/philippines-icca-project>

-Climate change and health issues were recently thought to be topics and issues for the future. Within a short time, we are experiencing the negative consequences. [A recent study report by Health care Without Harm](#) indicates that Health care’s climate footprint is equivalent to 4.4% of global net emissions (2 gigatons of carbon dioxide equivalent). The same report indicates that the global health care climate footprint is equivalent to the annual greenhouse gas emissions from 514 coal-fired power plants. From this and from your discussion, it is important that we put measures in place now. And for this reason, we in UNDP have been working through the Planetary health workstream using the Sustainable Health in Procurement Project (SHiPP) to develop and promote good practices in countries we are implementing the project. We chose to use procurement as an entry point, making sure that we are being proactive rather than reactive. The message is not to procure commodities that will have an adverse effect on the people and the planet. The health sector procures several things that are meant to improve the health of the people. Unfortunately, some of them have contributed to pollution and occurrence of many diseases. The risk is more pronounced now with the intense ongoing procurement for COVID19 commodities. While we want to save lives, it is important that we procure commodities that are not going to increase air, water and land pollution. This will help us to Build back Better beyond COVID19. Through the SHiPP, we are working with both manufacturers and Procurers to ensure that only the right products ever reach the hospitals. We are working in over 10 countries to bring best practices on the ground. In **Vietnam** for example, the Government worked with the project through the UNDP country office to draft new registration that ban single use plastics in the health sector. In **Tanzania**, the SHiPP has conducted a study that’s shows different avenues for reducing energy and water consumption in health facilities. These are all measures that are and will contribute to a cleaner planet, that is safe for all. In **Ukraine** the waste management assessment report has contributed to knowledge best practices that can be adopted anywhere.

- The outbreak of COVID19 has resulted in increased pressure on national governments/countries to save lives of their people by ensuring availability of prescribed health commodities such as Personal Protective Equipment (PPEs). As such, countries have imported tons of health commodities which are being used in many health facilities around the world. Because of the urgency with which countries have to respond, there will be pressure to overlook the importance of [environmental](#) and [social dimensions of sustainability](#) in the procurement processes thereby infringing on people's rights. To ensure that the response to COVID19 does not cause harm to nature and safeguard human rights, countries should consider the following when procuring health commodities:

1. **Packaging:** Prioritize products that are packaged in eco-friendly materials that will not have adverse effects on Planet and People.

2. **Recycling:** Prioritize commodities that can be recycled and reused as well as minimize procurement of single use commodities which would contribute to [waste generation](#).

3. **Waste Management:** More attention must be paid to the [COVID19 waste](#) being generated by health facilities as it can in addition to polluting the environment be contagious. Recommended technology such as [autoclaves and microwaves](#) are now available to help facilities treat and manage infectious waste.

4. **Energy saving products:** Demand and consumption of energy is expected to increase exponentially during this period. Prioritize eco labeled and renewable energy products. In Tanzania, UNDP through the SHIPP has partnered with the University of Dar es Salaam to identify ways to reduce energy consumption.

5. **Water use:** Just like energy, water use by health sector will increase due to the increased number of patients being admitted worldwide. Procure water efficient devices.

6. **Women Participation:** It is widely documented that [women and girls experience adverse impacts of business activities](#) differently and often disproportionately. Prioritize women led/owned enterprises in supply of commodities.

7. **Anti-Corruption:** [UNDP has a long-standing commitment to transparency, with Country Offices publishing financial, procurement and programme information on respective websites on an annual basis](#). With increased pressure to deliver COVID related goods and services comes the risk and vulnerability to corruption in the procurement process.

8. **Human Rights:** [Strengthening the rule of law and promoting human rights are cornerstones of UNDP's work to achieve structural transformation for sustainable human development](#). Under a human rights-based approach, procurement plans, policies and programs should be anchored in an approach and system of rights and corresponding obligations established by international law. If fully or partially integrated, the proposed measure will ensure timely but also a sustainable COVID19 response in countries where UNDP is coordinating the response.

- Collecting fuels for cooking and other household uses can be a major deforestation driver. Nearly 40% of the world—2.9 billion people—rely on inefficient stoves and firewood, charcoal or other polluting fuels for cooking. This comes with considerable environmental, social and health costs.

UNDP's Energy team has over 20 clean cooking projects. In this space, we are shifting from a focus on clean technologies to a new integrated approach with partners through the Health and Energy Platform of Action HEPA. This comprehensive approach aims to address policy issues and scale up action and financing for clean cooking.

One of the approaches we have advocated was a more comprehensive, value-chain approach, covering the full range from source of the biomass (like woodlots), through the carbonization process (improved kilns, more efficient), through commercialization and distribution channels all the way to the end consumer and end use in cooking stoves. For truly sustainable solutions, it is critical to guarantee to cover the entire chain.

In most cases the emphasis has been on the end use (the stoves), without much attention to the other parts of the value chain. There have also been projects targeting the other end of the chain: the woodlots, or sustainable forest management, but not including cookstoves.

One example of this comprehensive approach is our Sustainable Fuelwood Management in Nigeria project (PIMS 5356). In Nigeria, the unsustainable production and use of biomass resources for energy is one of the key drivers of deforestation and land degradation. UNDP and UN-REDD+ are supporting the country's efforts to improve community-based woodland management, while promoting clean energy for cooking, in four areas: sustainable fuelwood supply; fuelwood demand management; domestic industry for clean cookstoves and other clean energy alternatives; and financial models for sustainable fuelwood management.

Another interesting new project from the wider Nature, Climate and Energy team is a USD 15 million REDD+ joint project in DRC, where there is an attempt to introduce LPG cookstoves, in an attempt to substitute charcoal based cooking and as a direct response to a driver of deforestation. This project is funded by CAFI through the National REDD+ Fund and handled by the Climate & Forest team. UNDP is working on strengthening the enabling environment; and UNCDF (CleanStart team) is supporting the private sector through an incubator, using a Challenge Fund mechanism. This project also includes the Global LPG Partnership who will support the development of the institutional, legal & regulatory as well as fiscal framework for LPG in DRC, as well as the development of the LPG distribution system, in particular through the development of a de-risking mechanism for the constitution of the float of cylinders by the private sector.

Last but not least, the health aspects of clean cooking are more relevant than ever. Household air pollution is linked to a staggering 3.8 million premature deaths per year, and recent studies tend to show that air pollution may make some people more vulnerable to respiratory diseases such as COVID-19. This requires a focus on cleaner fuels, ideally gas or electricity, or if biomass, it should be of a higher tier (as per the World Bank multi-tier methodology).

You can also find on UNDP Climate's Youtube channel a short social media video raising awareness of the benefits of clean cooking.

Q10. For businesses, what policies or practices are in place to ensure that your activities, products, and services across the entire supply chain (extraction/sourcing, manufacturing, distribution, sale, and end-of-life management) minimize biodiversity loss and ecosystem degradation, and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?

-- These days we receive a lot of messages from countries informing us that the Ministries of Environment will have their budget cut due to the crisis. Therefore, imagining public actions to finance biodiversity is getting more complicated. However, what can be done is to reduce finance that is harming biodiversity. This can be related to harmful subsidies or to businesses. BIOFIN and the OECD had a virtual global conference last month on how to finance biodiversity. Multiple case were presented and for reducing harmful subsidies examples from Swiss, Italy, Kyrgyzstan and Germany were presented, the recording and presentations can be found here: <https://lnkd.in/gYhYcHc>

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-At the last Biodiversity COP14 global summit hosted by Egypt, UNDP served as a partner for Biodiversity Law and Governance Day, bringing together UN, academic and civil society partners to review key trends on this nexus including rights-based approaches. Three key trends noted at the dialogue of importance.

First, recent years have seen the growing inclusion of environmental provisions into national constitutions, with over 140 constitutions today including right and obligations related to ecosystems. Of these 92 contain substantive rights, 30 procedural rights, 83 impose an individual duty related to the environment, and 140 impose a duty on the government to address ecosystem protection.

Second has been the global expansion of environmental courts and tribunals as a means of expanding citizen access to justice and remedy in matters relating to the degradation of ecosystems and environmental impacts more generally. Today, there are over 1,200 environmental courts and tribunals with the vast majority in countries of the global South,

receiving cases filed by civil society groups to enforce State action to prevent ecological harms and to punish corporate actors for violations under domestic environmental law. This has been a key element in operationalizing a rights-based approach to preventing and addressing ecosystem harm and addressing the growing calls for change expressed by social movements and protests.

Third has been the rise of new conceptual frameworks that challenge dominant paradigms and understandings of rights. Chief among these has been the right of nature paradigm. Conventional rights-based solutions focus on rights of humanity to development and ensure access to natural resources and ecosystem services. However, the anthropocentric nature of the rights regime is increasingly seen as part of the problem rather than the solution. Alternatively, countries are increasingly exploring traditional worldviews and ways of thinking about nature as being imbued with its own agency and right to exist. New legislative frameworks and court decisions have arisen in places like **Australia, Ecuador, India, New Zealand and the US** in this regard, granting ecosystems such as watersheds legal personhood and rights under the law.

Q9. There is substantial evidence that consumption in high-income States is adversely affecting biodiversity and ecosystems in low and middle-income States. What are ways in which high-income States should assist low-income States in responding to biodiversity loss and ecosystem degradation, while simultaneously contributing to sustainable development in those low-income States?

-(LAC) Low-income States must be financially compensated for efforts to preserve forests and biodiversity, otherwise they will cease to do so. This funding should come from high-income States. There are different ways that this can be done, such as through debt for nature swaps or debt relief, results-based payments, payment of premiums for certified products or guaranteed markets for responsibly sourced products, etc.

- CAFI brings a handful of donors and Central African partner countries together to protect the Congo basin rainforest, its people and ecosystems. We combine policy dialogue at the highest level with results driven programmes on the ground, to mitigate climate change and contribute to sustainable development.

The Initiative bridges ministries from the land-use, energy, agriculture, land tenure and family planning sectors and contributes with technical expertise on sustainable natural resource management, to boost sectoral reforms necessary to halt the rapid ecosystem degradation in the region. The main direct drivers of deforestation and forest degradation in Central Africa is small holder farming and dependence of firewood for energy. Population growth, an important indirect driver, further increases pressure on the forest. Our programmes aim to safeguard human rights and contribute to sustainable development by:

- Increasing availability of alternative sustainable energy to people in the region
- Strengthening food security through more efficient agriculture and by redirecting farming to savannah areas

- Improving family planning as a long-term solution for sustainable growth
- Strengthening the capacity of civil society to take part in REDD+ programme work
- Safeguarding the rights of indigenous people to take part in sustainable forest management
- Supporting economic transition on sustainable timber exploitation in line with international commitments

Consumers in high-income countries use timber resources from the region as well as minerals. CAFI is supporting programs on forest monitoring to help governments prevent and sanction illegal forest use. In addition, several countries are negotiating trade agreements to ensure legal and sustainable sourcing of timber for export markets (VPA FLEGT, Lacey Act etc.). To help meet their obligations and domestic targets, CAFI also supports sustainable logging in DRC and Gabon. Regarding minerals, CAFI will support programs in **DRC and Rep Congo** to ensure that extractive industries have as little negative impact as possible on forests, peatlands and communities by defining norms and increasing government capacities to enforce norms.

Q2. To protect a wide range of human rights, what are the specific obligations of States and responsibilities of businesses in terms of addressing the main direct drivers of harm to biodiversity and ecosystems (e.g. land conversion, degradation of habitat, climate change, overexploitation, pollution, invasive species) and the indirect drivers (unsustainable production and consumption, population growth, trade, conflict and inequality)?

- In Uruguay, Plantatón has strong support from civil society through the Network of Environmental NGOs, which, like UNDP with its Small Grants Program and its work in Protected Areas, has strong links with many community based organizations, with whom the areas to carry out the plantations are prioritized, and the actions are organized and implemented.

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-(LAC) States have a responsibility to put in place environmental legislation and ensure that there is capacity to implement it to address issues such as pollution and climate change. This legislation must also include proper checks and balances on industry, including through legitimate environmental impact assessment processes so that issues like land conversion, loss of habitat and pollution are minimized and so that any residual impacts on biodiversity and ecosystems are offset.

States also have a responsibility to provide comprehensive health services, including family planning, and education to both girls and boys, which will lead to higher quality of life and lower population growth (with population growth being one of the indirect drivers of harm to ecosystems).

States should ensure that the weakest members of society are protected and that social and environmental safeguards are put in place, through, for example, unemployment insurance, welfare payments, etc.

Businesses should promote sustainable production and assess and minimize the impact of their products using a cradle to grave approach. They should also ensure that systems are in place to trace the origins of the products they produce, to ensure that they are not made as a result of deforestation and land degradation, etc.

-A number of good practices from the Arab region on ways to sustain use of ecosystems while helping communities achieve their rights to food, water and livelihoods. The region is the world’s most water scarce, food import-dependent region, with temperatures rising faster than the world average. Meanwhile communities face high levels of vulnerability and displacement owing to both conflict and decline of ecosystems. A few examples:

One example is in **Algeria**, where the Amazigh are an indigenous peoples group with strong tradition relationships with local ecosystems; retaining a traditional, nomadic lifestyle and close connection to biodiversity. Through a project on the Sustainable Use of Ecosystem Services in Algeria’s Cultural Parks, and support of the Global Environment Facility, UNDP helps integrate biodiversity action into the Cultural Park system in Algeria, improving the balance between conserving ecosystems and resilience of traditional knowledge. The project supports activities in five cultural parks accounting for 44% of Algerian territory. A particular focus is placed on Tassili

N'Ajjer and Ahaggar parks, together forming the second largest contiguous protected area in the world. UNDP helps establish policies to empower traditional conservation practices, and new forms of devolution to ensure ecosystems conservation while safeguarding rights and livelihoods of traditional ecosystem users. Indigenous communities are empowered to identify and experiment with alternative solutions, share traditional knowledge on adaptive management, and take a lead role in biodiversity conservation.

In **Somalia**, the last decade has seen the onset of two famine episodes, with severe drought and ecosystem fragility exacerbating challenges of social vulnerability, poverty and displacement. Nearly 70% of Somalia's population depend on agricultural and pastoralist livelihoods, with livestock accounting for 40% of GDP and more than 50% of export earnings. Farmers and pastoralists are increasingly sensitive to more frequent droughts and decline of ecosystems. To address these challenges, UNDP has implemented a programme on Enhancing the Climate Resilience of Vulnerable Communities and Ecosystems, through support of the Least Developed Country Fund (LDC-F). The initiative develops the capacity of local communities for ecosystem-based adaptation to climate change, with a particular focus on community-based systems to enhance the state of local ecosystems needed for water access and grazing land. This helps address and combat poverty and inequality while achieving the right to food and water.

Lastly in neighboring **Egypt**, the Nile Delta ecosystem is home to 90% of Egypt's agricultural production, but also stands as one of the most vulnerable ecosystems on the planet owing to sea level rise. Climate change and declining functioning of delta ecosystems will reduce food security, impact poor farmers and displace millions in the decades to come. To address these challenges, UNDP helps implement an initiative to Enhance Climate Change Adaptation in the Nile Delta supported by the Green Climate Fund. The programme helps develop new coastal barriers to reduce the impacts of future sea level rise, and new coastal zone management policies and regulations to reduce vulnerability of communities and preserve their rights to food and livelihoods.

Q6. [If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment, has this right contributed to protecting, conserving and restoring biodiversity and healthy ecosystems? If so, how? If not, why not?](#)

-As said by the SR on Human Rights and the Environment, over 80 percent of UN States (156 out of 193) recognize this right in their constitution, legislation, or through ratification of a regional treaty.

The previous Special Rapporteur for human rights and environment, John Knox called for States to recognise the right to the environment at international level [hinting toward formal recognition at the UN] at the end of his term. The Human Rights Council's Core Group for human rights and environment consists of Costa Rica, Maldives, Morocco, Slovenia and Switzerland.

The report [A/73/188](#) was then prepared jointly by former Special Rapporteur John Knox and the current Special Rapporteur Mr. David Boyd examining the relevance and importance of the potential recognition of the right to a healthy environment by the UN.

At the latest 43rd session of the Council, the Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment ([A/HRC/43/53](#)) was presented (as per council resolution 37/8) during [an Interactive Dialogue](#) with the SR. What struck me as encouraging and noteworthy was the grand compilation of 500 or so good practices from 178 States! While addressing the Council, the SR, building on this point, stressed on how vital it would be for the Council to adopt the resolution on this topic and thus taking a step toward actual implementation.

Another platform, where I heard in detail about inspiring examples from the SR David Boyd- was during his keynote speech at *the 2020 Global Symposium on Human Rights, the Sustainable Development Goals (SDGs) & the Law*. What's more – I also listened to the address of our very own Tim Scott during the session *on Securing Co-Benefits of Human Rights, Biodiversity & Freshwater Ecosystems Protections* and how UNDP is working hard in States like **Kenya and Mozambique** among others in the field of human rights and environment. You can find more information at the symposium's link.

Q3. Please provide specific examples of constitutional provisions, legislation, regulations, policies, programs or other measures that employ a rights-based approach to prevent, reduce, or eliminate harm to biodiversity and ecosystems, or to restore and rehabilitate biodiversity and ecosystems.

diversity

From Experiences from LAC and in particular in my country **Ecuador**, I would like to share with you some resources to elaborate on the **Theme 4: Rights-based approaches to protect the environment and empower communities / Q7**.

[Experiences from LAC](#)- Three Andean countries of **Latin America, Colombia, Ecuador and Bolivia** have considered indigenous cosmovision on building their primary public policy, recognizing Nature as a subject of rights through the Constitution in [Ecuador](#) (2008), [a law in Bolivia](#) (2010-2012) and [a Constitutional Court decision in Colombia](#) (2018) for the Amazon (see here more examples around the world, as well as [other resources](#)).

Just passing few days from the Earth's Day (22 April) and facing the deep socio-economic impacts of covid-19, it is important to recognize the importance to work and to build more constitutional provisions, regulations, policies, programmes and actions to prevent, reduce and eliminate the harm to biodiversity and ecosystems, as well as to work on restoration and rehabilitation in parallel. As a response on it this, the Nature, Climate and Energy Team has prepared its offer aligned to the Covid-19 UNDP's Integrated Response (as well as specific ones, check the Nature and Covid-19 offer in teams).

Of course, many of UNDP's interventions are directed to support country needs to strengthening public policies; in that sense, it will be really important to know your experiences and learn on them to build/participate in our future interventions in a post-covid-19 scenario.

It should be noted that in Colombia, a UNDP-GEF project (Conservation of biodiversity in landscapes impacted by mining in the Choco Biogeographic Region) contributed to the conservation of the Atrato river by providing technical support for the innovative case filed to the Constitutional Court of Colombia for the protection of this river which has been strongly impacted by mercury from mining. The court ruled that the Atrato River is a "subject of rights," including rights to "protection, conservation, maintenance, and restoration." Furthermore, the court instructed the government to work with the indigenous peoples in the river basin to restore the river and realize the promise that legal rights afford. The government must report to the court on progress reached to ensure the recovery of the Atrato river.

- Thanks for sharing the Ecuador example Ana Maria, just to add that even though **Ecuador** is the first country in the world to recognize Rights of Nature in its Constitution -rather than treating nature as property under the law, Rights for Nature articles acknowledge that nature in all its life forms has the right to exist, persist, maintain and regenerate its vital cycles- there are actually other countries that have followed Ecuador's example, in other regions, including New Zealand, Australia, United States, Bangladesh and India. Note that some of these countries have adopted such rights at the sub-national level.

- (LAC) UNDP-GEF As mentioned in a few of the previous posts, Ecuador has put in place constitutional provisions related to the right to a clean environment. Specifically, the Constitution mentions that "the right of the population to live in a healthy and ecologically balanced environment that guarantees sustainability...is recognized." Similarly, in Colombia, the Constitution establishes (article 79) the right for its citizens as a whole to enjoy a healthy and safe environment.

- The legislation of Kyrgyzstan, in general, provides the rights to citizens, local self-government authorities, and non-governmental organizations (NGOs) to participate in the review of the environmental impact assessments to judge the adequacy of the process and quality of the EIA report alongside with state review. This is reflected in the Law "On environmental assessment".

The civil environmental review is the recommendatory document. It may be published in the media, handed over to local state administrations and local self-government authorities, law initiators, policymakers and other stakeholders. This tool makes it possible to point out the shortcomings of the organization conducted this EIA and the government body that accepts the EIA report and go beyond just environmental impact assessment, but also to draw attention to social issues and rights of communities living with a potential EIA object.

Despite the fact that this type of environmental review is enshrined in law, public environmental review is not widespread. The reasons for this - the public has no information about the right of citizens, local authorities and public figures to conduct a public environmental review; citizens and the majority of NGOs do not have the skills to conduct a public environmental review.

In 2008 **Liberia** developed the Community Rights Law (CRL) seeking to empower communities and protect their rights to forest resources. The law provides a legal framework under which forest host communities are empowered to sustainably manage forest resources, thus allowing them to access, manage, use and benefit from forest resources for their sustenance, livelihood improvements and community development. This law was a landmark achievement for the country acknowledging that poor governance of natural resource (i.e. timber) has been responsible for fanning and financing of the civil war in Liberia; with excessive deforestation and wanton violation of human rights, including murder and rape. While the implementation of the CRL has had some challenges, it has however obligated duty bearers and stakeholders to ensure that community people, including women, are allowed to have a voice and contributing role in the establishment and management of protected areas. Additionally, since the passage of the law stakeholders have recognized the need to institute programs and measures for supporting sustainable livelihood activities in forest host communities. These initiatives are intended to incentivize communities and discourage the unsustainable use of forest resources that threatens biodiversity and ecosystems, while positioning communities to participate in and lead conservation and environmental management efforts. See Community Rights Law attached.

-The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. In line with this, States hold a crucial role in guaranteeing human rights; whereas Governments play critical functions in ensuring that these rights are not only protected but implemented to realize the ultimate benefits arising from the provisions.

There are countries in Africa that specifically provides for environmental protection in their constitutions; such as **Namibia, Kenya, and South Africa**, to mentioned but only three. The way these are provided for varies; such that some have made these provisions to be ‘an individual environmental right’ whereas some have made ‘a constitutional objective’ to be attained via other provisions. As the Namibian case will demonstrate policy and practice aspects will be needed to shape these provisions into workable solutions.

Namibia is one of the few countries in the world that has made superlatively explicit provisions to protect its people and environment in the mother law. Article 95 (l) of the Namibia Constitution stipulates that “the state shall actively promote and maintain the welfare of the people by adopting policies which include the maintenance of ecosystems, essential ecological processes, and biological diversity of Namibia, and utilization of living natural resources on a sustainable basis, for the benefits of all Namibians.” Through these provisions, Namibia is essentially protecting people and planet while sustaining the foundation of life by enabling Namibian citizens to engage in environmental protection while sustainably utilizing resources for the current and future generations.

Given the interconnectedness of a healthy economy and a healthy nation; Namibia’s policy and legislative developments seem to be largely shaped by putting the people at the centre of

environmental management. Thus, many aims to redress inherent inequalities employing a rights-based approach to prevent, reduce, or eliminate harm to biodiversity and restore ecosystems while promoting sustainable use and benefit-sharing between the state and the people. These include the Amendments to the Nature Ordinance Act of 1996, the Community-Based Natural Resources (CBNRM) Policy (2013) and Programme, adopted and rolled out immediately after independence (1990), Forest Act, and the Access to Biological and Genetic Resources and Associated Traditional Knowledge, Act 2 of 2017 (ABS) Act. Namibia national laws largely follows international laws; thus, some of its provisions are enabled by for example the National Biodiversity Strategy and Action Programme (NBSAP) and other frameworks following multilateral agreements.

The Nature Conservation Amendment Act, 1996 (Act 5 of 1996), provides the mechanisms for implementing the Conservancy Programme. It amended the Nature Conservation Ordinance, 1975 (Number 4 of 1975), by “providing conditional rights to communities to manage game animals and to benefit from this management. It sets the formation of a conservancy as the condition upon which ownership over wild game and use rights over other game species will be given to communal area residents.”

While the amendments to the Act provided rights for Conservancies, Namibia needed to take additional steps to ensure a full range of provisions that goes beyond wildlife. Consequently, the Namibia’s CBNRM Policy (of March 2013) is bolder – underscoring the need for conservation efforts to follow a people-development-centered approach by promoting the “integration of conservation of natural resources” and “development of rural communities and people.” The Namibia CBNRM is unique in that it provides for public bodies to collaborate with local communities, and civil society organizations; which safeguards the protection as well as the empowerment of the communities.

In modelling the rights-based approach, Namibia’s CBNRM takes into consideration that “if natural resources have sufficient value to rural communities, and allow for rights to use, benefit and manage, then appropriate incentives for people to use natural resources in a sustainable way will be created.” It further denotes that “CBNRM can contribute considerably to meeting Government conservation and development goals, particularly if applied alongside other complementary strategies and approaches.” To give teeth to the community’s rights, CBNRM serves as an additional economic opportunity whereby local communities decides the “extent to which they may integrate wildlife, forestry, tourism, fisheries, water and other natural resources into their livelihood activities”, while guided by policy directives.

The policy framework for CBNRM stems from the Namibia’s constitution, and it is specifically structured to have a CBNRM programme that recognizes the “rights and development needs of local communities, the need to promote biodiversity conservation and empowers present and future generations to manage and benefit from wildlife, forestry, fisheries and other natural resources, in an integrated manner”. These rights include “rights to access, use, control and benefit.” Further, it also aims to “empower rural populations to be actively engaged in and benefit

from the management of natural resources without compromising on biodiversity conservation.”. CBNRM also has an explicit objective “to protect intellectual property rights of communities with regard to the management, use and commercialization of their natural resources.”

Namibia has also developed the Access to Biological and Genetic Resources and Associated Traditional Knowledge, Act 2 of 2017. Through the ABS legislation, Namibia specifically made provisions to “regulate access to biological or genetic resources and associated traditional knowledge and innovation, practices and technologies associated with the aforementioned to protect the rights of local communities over biological and genetic resources and associated knowledge to provide for a fair and equitable mechanism for benefit sharing.”

Moreover, Namibia has taken action to legislate specific provisions. For instance, through its Environmental Management Act 7 of 2007, it aims to promote the sustainable management of the environment and the use of natural resources by establishing principles for decision-making on matters affecting the environment. The act is further regulated by the Environmental Impact Assessment Regulations, in which the geography, physical, biological, social, economic and cultural aspects of the environment is recognized. Namibia has also passed funding instruments to ensure that the Act is provided for with resources for its implementation. This include the Environmental Investment Fund of Namibia (EIF), which is a fund created by Act 13 of 2001 of the Parliament of the Republic of Namibia with the overall aim of continuing the Constitutional legacy by specifically supporting individuals, projects and communities that ensure the sustainable use of natural resources.

Lastly, the NBSAP recognizes that the “rangelands, marine and freshwater fisheries, forests and protected areas are the basis of livelihoods for most of the Namibia population”, and underscores that maintaining and enhancing the health and viability of these assets is crucial to achieve the national development objectives of “high and sustained economic growth, employment creation and increased income equality”.

While the Namibian provisions (in legislations, policies and programmes) are still evolving, applied and currently their viability being tested, owing to new threats to ecosystems such as those presented by COVID-19; the positive conservation results (healthy wildlife and healthy people) in Namibia have been attributed to its explicit safeguards for the environment in the Constitution, and the adoptions of people-centered legislation, policies and programmes. It is therefore vital to enable by giving rights of use and co-management to local people, the first and primary 'environmental guards'.

There are a number of southern African countries who have similar CBNRM (Zim has the CAMPFIRE) approaches, and engaging with Namibia on some elements of these. At cross-border levels (transboundary there are TFCAs =transfrontier conservation areas; which follows similar approaches in engaging with communities in the management of the ENRs and enabling/empowering them to benefit and be part of the management of the resources. One which is advanced is the KAZA =Kavango Zambezi TFCA involving Namibia, Botswana, Zimbabwe,

Zambia and Angola. KAZA Mission is “To sustainably manage the Kavango Zambezi ecosystem, its heritage and cultural resources based on best conservation and tourism models for the socio-economic wellbeing of the communities and other stakeholders in and around the eco-region through harmonization of policies, strategies and practices.” More information can be found on [this site](#), specifically, KAZA enables [Partners & Stakeholders](#) "Local communities participate with enthusiasm in management of the TFCA through the Transboundary Natural Resources Management Forum. The aim of this forum is to maximize skills and resources to promote sustainable land use, conservation of wildlife and landscapes, and rural development."

There are also similar approaches for e.g. the /Ai/Ais-Richtersveld Transfrontier Conservation Area, involving Namibia and South Africa. More on this site <https://tfcportal.org/node/112>

The /Ai/Ais-Richtersveld Transfrontier Park is one of the last areas preserving the Nama people's traditional lifestyle of nomadic pastoralism. This Richtersveld NP is a contractual park which means that the land belongs to the community and managed by the government agency SANParks on behalf of these communities. While some community members continue to reside in the park and are entitled to graze a total of 6000 head of livestock, the majority choose to live in four settlements adjacent to Richtersveld National Park.

After the Governments of Namibia and South Africa signed the international treaty in 2013, they established a joint management board. The board includes community representatives, ensuring joint-decision making and benefit sharing in the ARTP.

- Nǀa Jaqna Conservancy in Namibia as another good example of how rights-based approaches can effectively protect the environment and empower communities.

With 912,000 ha of communal land, Nǀa Jaqna Conservancy combines the sustainable management of endemic wildlife and natural resources with the empowerment of Namibia's !Kung San people. (Symbols 'ǀ' and '! ' represent distinct click sounds unique to Khoisan languages.) Established as a conservancy in 2003, the organization trains local !Kung San as wildlife managers, committee members and game guards. Objectives include re-establishing game populations and sustainable forest management through sound planning, management and monitoring. The governance structure for the conservancy, is prescribed by Namibian law as part of its successful Community Based Natural Resource Management Programme. In addition, the Nǀa Jaqna Conservancy has evolved a highly consultative governance model that matches the unique leadership system of the !Kung San people.

The Nǀa Jaqna Conservancy in the north-east region of Otjozondjupa, was gazetted in December of 2003 under the Ministry of Environment and Tourism's Community-based Natural Resource Management (CBNRM) Programme as a result of peoples' lack of land rights and fear of lack of ownership. Because of this, the !Kung San people have since been granted management and utilization rights to the natural resources within the Conservancy and exclusive rights to benefit from the development of tourism in the area.

The Conservancy provides the !Kung San people with a degree of land security; it is a way for people to earn income from the land by utilizing natural resources in a sustainable manner.

This is another practical example of how Namibian land policy effectively allows for the creation of conservancies within existing communal areas in which traditional leaders enter into collaborative land management agreements with the state. The conservancy management structure gives members of the conservancy shared rights to that land, while the government holds the land in trust for the people, who have a say in how the land is managed and how it is used. No others can enter or occupy the land without permission from the local traditional authority and the conservancy.

This group won the prestigious Equator Prize back in 2008. You may learn more about them here: <https://www.equatorinitiative.org/2017/05/29/n%e2%89%a0a-jaqna-conservancy/>

Also you may find several more practical and inspiring examples among the 245 winners that received the Equator Prize during the past 18 years here: <https://www.equatorinitiative.org/equator-prize/all-winners/>

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In Uruguay, Plantatón has strong support from civil society through the Network of Environmental NGOs, which, like UNDP with its Small Grants Program and its work in Protected Areas, has strong links with many community based organizations, with whom the areas to carry out the plantations are prioritized, and the actions are organized and implemented.

It is also integrated by the national government through the Ministry of Housing, Land Planning and Environment, and the Ministry of Livestock, Agriculture and Fisheries.

It is an incipient initiative, but with great potential to restore degraded ecosystems, especially the banks of rivers, and to improve the quality of water, which in general terms is highly degraded since 94% of the territory is under agricultural, forestry production and livestock with the use of fertilizers and pesticides, and only 1% of the country are protected areas.

It also aims to improve the quality of life of a rural population very vulnerable to environmental degradation and to generate livelihoods locally through the generation of nurseries, the sale of plants and compost for plantations, and the recovery of landscapes for the development of ecotourism led by local communities.

Plantatón Uruguay intends to help the country to fulfil its commitment to restore 200,000 hectares of forests as a process of adaptation to climate change and conservation of biodiversity.

From Uruguay we encourage other UNDP offices to join this initiative, and we propose to jointly develop a “Plantatón LAC” program, with the aim of restoring forests and improve quality of life in the region.

Plantatón LAC can also contribute with concrete actions within the framework of the Decade for the Restoration of Ecosystems 2021-2030 of the United Nations and to give great visibility to UNDP.

- Managing the mining sector and addressing its environmental, social and human rights impact have been persistent challenge for **Mongolia** for over two decades. Last year, in 2019 a truly remarkable progress was made when Constitutional amendments included provisions on rights-based approaches to protect the environment and empower communities. Article 6.2 of the Constitution of Mongolia proclaims that state policy on use of natural resources shall be based on long-term development policy and shall aim at safeguarding the right to live in healthy and safe environment for all citizens of current and future generations, and accumulating the benefits of subsoil resources in National Wealth Fund for fair and equal distribution. The Article also legislates that citizens have the right to know about the environmental impact of extracting subsoil resources, as part of their right to live in healthy and safe environment.

Now the Government is working to draft changes to relevant legislation and regulations, which would be again critical for translating the Constitutional provisions into practices.

- As a first step, vulnerable and marginalized communities need to be consulted on their needs, capacities and identified solutions. They need to be involved directly in "co-crafting" any biodiversity conservation, ecosystem-based adaptation, and/ or other interventions. They need to be given specific roles, as agents of change (these are "actors", not "beneficiaries") and any intervention must ensure their wellbeing, sustainable livelihoods, cultural heritage, and human rights.

- I want to share with you an interesting case on the **right-based management system** that intends to restore water resources, however, with lack of **systematic thinking**, ends up bringing unanticipated impacts to some other component of the ecosystem. I hope it can draw attention to the importance of engaging multi-stakeholders and applying systematic approaches when we restore biodiversity and ecosystems.

It is a water rights transfer system piloted in north China since 2003. This system uses right-based approach to transform water use structure to increase water use efficiency. Local government first deployed agriculture engineering measures (e.g. canal lining, changing flood irrigation to drip irrigation) to improve the agricultural water use efficiency. Then the amount of saved water is counted as a virtual quota that can be bought by industry to satisfy their increasing water needs. The investments obtained from industry sectors for water rights in turn benefit water-saving technologies in agricultural system.

This system has effectively increased the irrigation water use efficiency in Ningxia Hui autonomous region, for example, from 0.38 in 2005 to 0.55 this year and has transferred more than 1 billion cubic meters of river water from agriculture to industry while not increasing the

total amount of surface water consumption. However, while we are celebrating the achievements in having effectively saved river water, there remain unanticipated stresses on groundwater to be addressed. The groundwater storage is acceleratedly declining these years, which results in drying wells, drier land and reduced groundwater recharge to wetland. One of the possible reasons is that the water-saving measures may have significantly reduced the surface recharge to groundwater, which have brought threats to some groundwater-dependent groups and would bring harm to the holistic ecosystem health in the long term. I am drafting a paper to reveal this neglected connection between different water components and highlight the importance of boundary setting for management system and stakeholders' participation (especially vulnerable groups) in decision making. Happy to share with you when it is published.

Hope this case stimulates some further thoughts on how to avoid uneven recognition of human rights (current v.s. future generations, majority v.s. minority) to the enjoyment of healthy ecosystems.

-Hi All: here is a submission from the Climate & Forests space

A rights-based approach is critical in the forest, agriculture and land-use sector, where already vulnerable communities are at greater risk of the impacts of climate change, deforestation, land-degradation, illegal land-grabbing and other threats to healthy ecosystems. This is particularly true in forest-based communities, such as indigenous peoples or local communities such as extravistas and quilombolas in Brazil. UNDP's rights-based approach recognizes the unique position of the approximately 70 million indigenous peoples and 350 million rural people who reside in or near forests that depend on forests for their livelihoods and the unique and important role these communities can play in forest management and monitoring, which reduce deforestation.

UNDP has supported national and subnational governments for over 10 years to take a rights-based approach to climate mitigation (essential for healthy ecosystems) through management of land, forests, and agriculture. This means the development of safeguards systems that respect and address the rights of indigenous peoples and local communities (for example, through consultation and free, prior, and informed consent, as well as grievance mechanisms), as well as incorporating a gender perspective and mitigating social and environmental risks. It also means supporting governments to develop community-based programs and management systems that benefit these communities that are protecting and restoring forests and land.

The UNDP-led community-based REDD+ (CBR+) programme has supported \$50,000 grants in six pilot countries to support indigenous communities and civil society organisations directly contribute to REDD+ implementation (Cambodia, Sri Lanka, Panama, Paraguay, DRC, Nigeria). In **Nigeria**, for example, community-based organisations in Cross River State have developed community-led, sustainable forest management systems to address illegal deforestation, which destroys both ecosystems and livelihoods.

Through the UN-REDD Programme, UNDP has led stakeholder engagement for countries working on the reduction of emissions from deforestation and forest degradation (REDD+), including advise the rights of indigenous peoples' and local communities on political, land-tenure, and natural-resource rights. UNDP takes a rights-based approach to gender throughout its climate & forests activities, to go beyond a gender-sensitive "do no harm" (Gender marker 1) approach to a "do better" approach (Gender marker 2), where gender equality and women's empowerment is fostered and women and men can meaningfully inform and benefit from REDD+ activities.

The role of the land-use, land-use change and forestry (LULUCF) sector – and mitigation in general – is often left out of the human rights discourse. A 2018 review of comments and observations by human rights treaty bodies found that climate-related statements were largely focused on adaptation (40%) and very few related to mitigation (9%), and most of the mitigation comments addressed energy, rather than deforestation.^[1] Given that changing the way we manage land and forests could bring about one-third of the climate solution, and healthy ecosystems cannot be maintained within the current climate trajectory, the way in which we use natural resources (in particular, land) will be critical to guaranteeing this human right.

UNDP has also supported countries to receive results-based payments for reducing deforestation, including carrying out social and environmental assessments and supporting the design of benefit-sharing programs for stakeholders that respects their rights to a healthy ecosystem.

This includes a rights-based approach to reducing emissions (mitigation activities), in particular the agriculture, land-use and forestry sector. It also includes a rights-based approach to recognising and rewarding their results. In Brazil, UNDP is the accredited agency for the Green Climate Fund's REDD+ results-based payments (\$96M), which will be distributed via a payment for ecosystems services model that will directly reward indigenous and local communities and smallholders in the Amazon.

Through the Governors' Climate & Forests Task Force, UNDP is supporting 35 subnational governments to develop REDD+ and low-emissions development strategies and investment plans using a rights-based approach, that will reduce emissions and promote healthy ecosystems. These are being refined and reviewed to ensure that they support a climate and forest-friendly economic and social recovery in a post-COVID world. All of these 35 jurisdictions are in tropical forest countries where vulnerable communities' rights are critical, including indigenous in isolation, and where environmental defenders are frequently threatened or killed.

Q6. Please identify specific gaps, challenges and barriers that your government, business, or organization has faced in attempting to employ a rights-based approach to preventing, reducing, or eliminating harm to biodiversity and ecosystems.

- Argentina faces a series of gaps regarding legislation and enforcement. Nonetheless it has made important institutional efforts in order to minimize and close this gap. The implementation of the Nagoya Protocol is an example of this situation, where until late 2009 there was no national

legislation on commercial use of genetic resources linked to traditional knowledge. This important Protocol addresses and highlights the interconnectedness between the three pillars of sustainable development and proposes a human rights-based approaches to our actual economic model. After the national law entered into force, Argentina was able to develop two cases of genetic resources use under the Nagoya Protocol umbrella: i) development of an antidiarrhea food supplement based on the use of nanobodies found in a local camel (*Lama guanicoe*). This initiative is currently under development in a UNDP and GEF financed project; and ii) commercial use of a local bush (*Larrea divaricate*), well known to indigenous communities for its anti-inflammatory properties. The pharmaceutical industry developed a series of cosmetic products based on the use of this bush. Thanks to the Nagoya Protocol and to UNDP for its implementation, the legislative gap was addressed and there is now a solid legal framework through which royalties are distributed considering all parties involved, especially local communities who are usually left out of these agreements. Through the implementation of the local law, an extraction protocol was developed and the first international Nagoya Protocol agreement was signed for Argentina. Maru Di Paola and Matias Mottet, UNDP Argentina CO.

- (LAC UNDP-GEF) A significant challenge to employing a rights-based approach to reducing harm to biodiversity and ecosystems is the limited capacity of many governments in LAC, particularly within the Ministries of Environment, which are by and large underfunded and understaffed. There is also a lack of legislation or of capacity to adequately implement legislation to protect the right to a healthy environment and conserve biodiversity.

In some countries in the Latin American and Caribbean region, governments have not respected the rights of its communities, even when international court cases have mandated government action. One example is in Suriname where there was an international court order to settle land rights and demarcate the land of one of the indigenous communities, which has not been acted upon thus far even though years have passed. It is important to note that much of the conserved land in LAC is found on indigenous territories, which underscores the importance of defining and respecting land rights.

-With my opinions (Bipin Pokharel) and suggested solutions on strengthening the legal system, I would like to open the floor for a conversation on the private sector business operation, especially focusing on the multinational corporations (MNCs) with parent company/subsidiaries model and the limitations of the national environmental statutes in holding MNCs accountable for unethical business practices. This is partly a response to question number 9 on the Call for Inputs to the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment.

So, in my opinion, the current modus operandi (growth driven through increased consumerism, especially in high-income States) and the business existence philosophy (job creation and contribution to GDP growth), by any reckoning, are NOT environmentally sustainable. This is especially true for a business engaged in the production and sale of fossil fuel, plastic, food, minerals, to name a few. A comprehensive solution lies in tackling the problem on all fronts, i.e.

supply and demand as well as the trails along the supply-chain through improved international environmental legal systems. A legal cradle to grave approach is required to protect Nature and Human Rights.

For example, land use change, especially for food production, is identified as a major driver of biodiversity loss and ecosystem degradation. Large quantities of food or food ingredients (e.g. palm oil), are produced in the developing countries and are exported to high-income countries for consumption. Due to the per capita high consumption of food and other resources in high-income countries, the negative pressure on the production landscape in the developing countries is intense. Intensified production results in Nature damage and Human Rights violations of Indigenous Peoples and other communities that depend on ecosystems for their livelihoods. However, due to the current setup of MNC operations (Parent Company/Subsidiaries Enterprise Liability), the parent companies can evade enterprise liability from the Nature damages caused by their subsidiaries.

Further, the current measures in place to deal with the demand side (behaviors change through increased awareness and shaming) and the supply side (mostly voluntary sustainable product eco-labeling or lenient national environmental statutes) are deficient. Well-intentioned but toothless laws will do nothing to protect Nature and Human Rights. The supply-side accountability on Nature and Human Rights protections often gets away through a multinational business operation model, that allows MNCs to pollute without paying due to the break in the liability/accountability chain from a subsidiary to its parent company. If a subsidiary's operation is entangled in national environmental law in the country of operation, the parent company will simply move the production base from one State to another with relaxed laws. This also enables an environment where States have a difficult time holding MNCs accountable and paying for environmentally detrimental operations. At the same time, the national environmental regulations, that kaleidoscopically flicker between rollbacks and rollouts depending on the governing political ideologies, have been never sufficient to protect our air, water, and soil. As a consequence, continuous Human Rights violations of current and future generations are observed throughout the world.

One way, the high-income countries can support the reduction of pressure on biodiversity and ecosystems in the developing countries is through reducing the per capita consumption of food and other resources. By curbing the demand for resource consumption, the pressure will be lessened on the supply end. Some of the ways, the food demand can be reduced are through reduction of food waste (FAO estimates between 30% to 40% of the food produced goes to waste), and this can be achieved through changing diet (e.g. less meat consumption), consumption of locally produced food, etc.

However, a lasting transformative change to the issue can only be realized through a strong legal system and enforcement on the global supply chain that focuses on the protection of Nature and Human Rights. The international community, with the leadership of the high-income countries,

should immediately move towards following three solutions to stop the destruction of Nature in a highly globalized world.

Suggested Solutions:

A set of legally binding international environmental law for multinational corporations (MNC): In a nutshell, the current setup of environmental laws are limited within the national borders, however, MNCs operate with parent/subsidiary setups shielding the parent companies from subject to exceptions for 'the polluter' 'pay' for environmental damage, including Nature and Human Rights. A set of legally binding international environmental law that eliminates regulatory evasion avenues for the parent companies of MNCs for the Nature damages, by extension human rights violations, need to be enacted to attain universal protection of Nature. A UN agency focused on enforcement and monitoring for compliance of these laws must be established to ensure the effectiveness of the set of legally binding international environmental law for MNC operations.

A Global "Polluter Pays Principle" Fund: In a globalized world where MNCs need assistance from the Artificial Intelligence to keep up with the complexity of the supply chain, a large Global Fund, established through the Polluter Pays Principle, is required to cover the cost of the social and environmental risks mitigation. The high-income countries could assist the developing countries in biodiversity conservation, ecosystem protection and promoting sustainable use of the landscape for production by enforcing the MNCs registered in their countries to adhere to the polluter pays principle. The developing countries often lack the legal frameworks and litigation capacity to hold MNCs accountable for destructive business operations. Therefore, high-income countries could make MNCs pay for the pollution in the form of contributions to the multilateral funds. So that the funds are made available to developing countries through the development partners. The development partners, such as UNDP, will ensure that the funds are utilized responsibly to meet the commitments made by the countries to the international environmental agreements such as the conventional of biological diversity. In addition, coupled with legally binding international environmental laws, the funds will help build litigation capacity in the developing countries to hold MNCs accountable for unethical business practices.

Lastly, paradigm Shift in the Philosophy of Business Existence: As a society, we need to reflect on why do businesses exist? Is it to contribute to national GDP or job creation or is it primarily to improve human lives? Think about the very first businesses in the history of human civilization, were they about GDP growth or job creation? The current business existence philosophy has a primary narrative of job creation and/or for economic growth. Any business that starts operation with just job creation or contributes to % in GDP growth narrative, without discounting the benefits for the negative impacts on Nature and Human Rights, should no longer be approved by the governments. If the social and environmental cost outweighs the profit/job creation/GDP contribution, such a business should never exist. Therefore, a paradigm shift is urgently needed is in 'the philosophy of business existence'.

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Hope this case stimulates some further thoughts on how to avoid uneven recognition of human rights (current v.s. future generations, majority v.s. minority) to the enjoyment of healthy ecosystems.

Q7. Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to declining biodiversity and degraded ecosystems (e.g. women, children, people living in poverty, Indigenous peoples and local communities, elders, people with disabilities, ethnic/racial minorities and displaced people). How can these populations be empowered to protect and restore declining biodiversity and degraded ecosystems?

-We would like to share the publication [Women as Environmental Stewards - The Experience of the Small Grants Programme](#) that features specific examples and case studies of women as environmental stewards around the world.

These examples show action from the ground up and demonstrate the importance of investing in women's leadership and technical skills for improved environmental benefits and sustainable development, while challenging traditional gender norms that often prevent women from taking leadership roles or from having access and control over the natural resources they help preserve. Also, the lessons learned are useful in responding to the question.

- (LAC UNDP-GEF) Any proposed developments on the lands of indigenous peoples should not be allowed to proceed without full consultations and the Free, Prior and Informed consent of the IPs.

If developments are approved that may negatively impact on vulnerable populations, such as poor people, and the ecosystems upon which they depend, local people should benefit from these developments, through employment opportunities and adequate compensation, for example.

One of the ways that populations can be empowered to protect biodiversity is to involve them in the monitoring of the impacts of extractive activities (e.g., through community involvement in the monitoring of mining projects).

- CAFI funds programmes in DRC that aim to empower civil society organizations and indigenous peoples to protect the forest, their wildlife and ecosystems. A programme implemented by UNDP aims to strengthen civil society's capacity to participate in the REDD+ process on reducing emissions from deforestation and forest degradation in DRC. Through active advocacy, observation and a whistleblower role, the aim is to improve overall governance and transparency. The programme supports the development of structural and strategic framework necessary for civil society to take part in the process, trainings to improve their technical capacity, support towards decentralization and development of strategic partnerships. Their participation is formalized through the REDD+ working group on climate, which in 2019 became a trustworthy platform and partner to the National REDD+ Fund in DRC. The working group carries out missions to follow up on programme implementation, which ensures civil society participation in all REDD+ programming. It also engages with the government as a member of the REDD+ decision making body in DRC. The programme also aims to strengthen cooperation between civil society and indigenous peoples and forest communities on forest conservation and recovery. This approach is in line with a human rights-based approach to development, to which transparency and inclusion in decision-making processes of those affected by deforestation and ecosystem degradation is crucial to generate sustainable change.

Another CAFI funded programme, managed by the World Bank, directly aims to empower indigenous peoples to protect forests and their ecosystems in a way that respects their culture and land rights. Through technical capacity building, the programme supports this vulnerable group in participating in discussions and decision-making on land-use and community forest management, to ensure that their valuable knowledge is considered. In 2019, 15 indigenous peoples' leaders were trained in their legal position on the ongoing land-use reform process and 20 leaders took part in multi-stakeholder consultation processes on the country's land-use policy.

In addition to these thematic programmes, protection of land tenure rights for vulnerable population groups is integrated into our provincial cross-sectorial programmes. These programmes aim to enforce local communities' property rights to ensure sustainable forest management. Activities include facilitating legal agreements between territorial landlords and local development committees on allocating agroforestry concessions to local communities.

-Protection is a central aspect of the youth, peace and security agenda and one out of five pillars of the Security Council Resolution 2250 (2015) on youth, peace and security. In the first report of [the SG on youth, peace and security](#), which was launched earlier this year, the SG stressed that the protection of young people is a priority for all actors; raised concern of the threats and human rights violations of young human rights defenders and peacebuilders; and highlighted the importance of ensuring a safe, enabling and gender-responsive environment for young people to participate and engage in society. In addition to UNDP support to promoting the rights of young people in countries, we also support global efforts on protection as a member of the multistakeholder group, the Global Coalition on Youth, Peace and Security and by recognizing and supporting young peacebuilders and human rights activist through, for instance, the 16 x 16 initiative ([read a blog](#) by one of the young participants on the protection of young human rights defenders). Often, conversations with young people show clearly the link between peace and security and the environment and climate.

Q8. How do you safeguard the rights of individuals and communities working on biodiversity issues (potentially identified as environmental human rights defenders or land defenders)? What efforts has your Government made to create a safe environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?

- (LAC UNDP-GEF) One of the ways of safeguarding the rights of environmental defenders is to ensure that due processes are followed and that cases are prosecuted when defenders are attacked or killed. Otherwise, if there is a perceived environment of impunity, violent actions will continue and there will be less likelihood of people feeling safe enough to defend the environment and fight for the natural resources upon which communities depend.

- One issue that I don't believe has surfaced as yet but is very relevant to our work supporting healthy eco-systems and human rights relates to human rights defenders and specifically environmental human rights defenders.

The numbers of reprisals against human rights defenders in general has been rising in a worrying trend in recent years. Reprisals can take any number of forms including budget cuts to organizations, threats and intimidation, arbitrary arrest, sexual violence, and also loss of life. This is a specific problem in the environmental sector. In 2018, 312 human rights defenders were targeted and killed with three quarters of them being environmental human rights defenders (EHRDs) promoting and protecting people's human rights to a safe, healthy and sustainable environment. These EHRDs are

often defending land, ecosystems and often in the context of indigenous rights their way of life and spiritual well-being through their connection to their lands and livelihoods.

This issue was raised at the 40th session of the Human Rights Council in March 2019 where the first HRC resolution on HRD with a specific focus on EHRDs was adopted which urges inter alia states to combat impunity, ensure prompt investigations, and places special emphasis on the situation of environmental HRDs and gender dimensions. (See Res [HRC40/L22](#)). We need to be aware of the specific risks to HRDs in our work and specifically EHRDs.

Also, the UN has a specific policy of putting an end to intimidation and reprisals against those cooperating with the UN on human rights specifically - so where any HRDs would be impacted specifically for cooperation with the UN including projects / programmes. Examples of this unfortunately increasing trend are shared annually in [the SG report on reprisals and intimidation for cooperation with the UN system](#) and this was also reiterated as a priority for the UN through the Human Rights Council resolution [42/28](#) in October 2019.

As we discuss our work to support healthy ecosystems and human rights, we must keep in the forefront the work of environmental human rights defenders specifically and how we can safeguard and support their rights. UNDP's Social and Environmental Standards - integral to our gender-sensitive and rights-based programming approach - are important programmatic tools here.

Annex II. Additional Resources

Here is a list of additional resources (i.e., relevant publications, articles, blogs) mentioned in the contributions by the participants.

No.	Resource
1	/Ai/Ais-Richtersveld Transfrontier Conservation Area
2	KAVANGO ZAMBEZI TRANSFRONTIER CONSERVATION AREA (KAZA TFCA)
3	Bioprospecting
4	Health care climate footprint report
5	Invest in a Healthy Planet Invest in UN Environment
6	Ecological security needs to become one of the tenets of biosecurity
7	ICCA-GSI
8	Women, culture and territory by UNDP Ecosystem and Biodiversity
9	Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights
10	The link between human rights and the environment
11	UN High Commissioner for Human Right on Realizing the rights of the child through a healthy environment
12	Human Rights, the Sustainable Development Goals & the Law: International Legal Symposium
13	Why the 21st century's biggest health challenge is our shared responsibility
14	'Bigger Change Faster - Integrated Development, Health and Environment Actions for a Sustainable Future'
15	'Planetary health: from concept to decisive action'
16	Planetary Health
17	Health care climate footprint report
18	The SG report on reprisals and intimidation for cooperation with the UN system
19	An open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights
20	Water Rights Transfer System
21	Transformation Towards Sustainable and Resilient Societies