

Biodiversity and healthy ecosystems are key for enjoying a broad range of human rights, including those for food and health. In turn, exercising human rights, such as public participation and access to information, can foster stronger action for conservation and the sustainable use of biodiversity and ecosystems. People in rural areas who directly depend on biodiversity for their survival are exceptionally vulnerable to limitations in access to biodiversity and biodiversity loss. Understanding and acting upon synergies between biodiversity and human rights can play a key role in the transformations required for sustainability in line with the 2030 Agenda, including achieving the Sustainable Development Goals (SDGs).

## HUMAN RIGHTS BASED APPROACH (HRBA) – LINKS TO BIODIVERSITY AND ECOSYSTEMS

The HRBA provides the legal ground and principles to empower boys, girls, men and women to claim their human rights as rights holders, and to increase the capacity of those who are obliged to respect, promote, protect and fulfil those rights as duty bearers. Sida's application of the HRBA in its development cooperation with people living in poverty entails a focus on both what is aimed to be achieved, through standards in human rights treaties and laws, and how to do it, based on the human rights principles of non-discrimination, participation, transparency and accountability.

States, the main duty bearers of human rights, have the obligations to Respect (i.e. not violate the right to freedom of opinion and expression which is a challenge, for example, for rural people dependent on local biodiversity that live far away from cities and the courts); Protect (i.e. implement laws and mechanisms that prevent violations of biodiversity and ecosystem-related rights by state and non-state actors), and Fulfil (i.e. progressive measures that further the realisation of rights to education, health and culture until they become a reality, which is closely related to continued access to biodiversity for food and medicinal uses for many communities that directly depend on ecosystems for their livelihood).

Our diversity of cultures have evolved by peoples' close interaction with the natural environment as the basic



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Local people's livelihoods depend on their access to natural resources. Equity in access to these, and access to justice and accountable institutions are vital for exercising rights to food and water.

source of all sustenance: biodiversity has and is providing food, medicine, clothing, shelter, and all other material needs, as well as of physical, psychological, and spiritual well-being. People have developed detailed local knowledge of plants, animals, and ecological processes, and therefore also contributed to the shaping and preservation of the landscape. This is the background for why indigenous peoples and local communities often contribute effectively to the sustainable use and conservation of biodiversity, and must become active defenders of environmental rights. Poor and marginalised people are often prone to be more vulnerable to the negative impacts and effects of deteriorating ecosystems in lack of alternative income, livelihoods and information.

Human rights may have individual as well as collective dimensions. For example, the cultural rights of indigenous peoples entail elders transmitting ecological knowledge, including the intrinsic and cultural values, to younger generations, which in turn contribute to safeguarding the biodiversity to which their culture is linked.

The universality, interrelatedness, interdependency and indivisibility of all human rights are also principles of HRBA.

One of the benefits of using HRBA in policies and programmes that embrace the use of biodiversity and ecosystem services, is that they specify the rights and responsibilities of actors building on extensively agreed norms as well as interpretations of human rights systems. Many state constitutions also include human rights and relevant provisions for the conservation and sustainable use of biodiversity and ecosystems.

## EXERCISING HUMAN RIGHTS FOR THE GOVERNANCE OF BIODIVERSITY AND ECOSYSTEMS SUSTAINABILITY

Laws and policies for conserving and sustainably managing biodiversity and ecosystems are complementary to human rights instruments. One of the means to contribute to biodiversity protection is to provide effective mechanisms for defenders of biodiversity and ecosystems, either to individuals or collectively such as to indigenous peoples or local communities living in areas under exploitation by others, to exercise their civil and political rights without fear of persecution. Examples of these cases include the right to access biodiversity-related information is the basis for the rights of women, men, girls and boys to be able to participate meaningfully in public consultations concerning environmental impact assessments or spatial planning in rural or urban settings; and the right to freedom of opinion and expression is also exercised when denouncing cases of non-compliance with biodiversity regulations by the extractive industry (e.g. mining, forest or oil extraction). Civil society organisations play an important role in facilitating the public participation of communities as well as expressing the concerns of the affected peoples in national, regional and global fora.

In practice, important challenges exist in the institutions needed for guaranteeing the rights of environmental and land rights defenders who play a key role in protecting a diverse range of biodiversity and ecosystems. Those opposing large-scale projects with significant impact on ecosystems and on-site biodiversity conservation may face risks to their personal integrity and even their lives. The United Nations Special Rapporteur on the situation of human rights defenders has said that those working on land rights and natural resources are the second-largest group of defenders at risk of being killed

Besides civil and political rights, exercising economic, social and cultural rights can also benefit biodiversity and ecosystems. The customary rights of farmers and indigenous people and their traditional knowledge such as local conservation, sustainable use of plants and animals including genetic resources and natural resource management, are often overlooked and should be acknowledged in decision-making processes.

Weak institutions, ineffective environmental legislation, unclear accountability, poor transparency and a lack of public access and participation are usually the main causes behind the undermining of important ecosystem

services, and the inability to guarantee access to important natural resources and biodiversity. By applying the HRBA, when supporting the strengthening of institutions and governance, Sida can actively promote the work to protect biodiversity, and to promote people's right to healthy ecosystems and natural resources.

## GLOBAL FRAMEWORK

Human rights underpin all the SDGs and contribute to fulfilling the SDGs related to ecosystems and biodiversity, like life on land and life below water. The SDGs related to ecosystems and biodiversity, in turn, provide means to exercise the human rights related SDGs, like zero hunger, good health and wellbeing as well as clean water and sanitation.

The UN Convention on Biological Diversity (CBD) recognizes the importance of biodiversity integration in sectoral and cross-sectoral plans, programmes and policies and national decision-making, as well as the contributions of indigenous peoples and local communities and their knowledge, innovations and practices, to the conservation and sustainable use of biodiversity. Human rights is implicitly mentioned in the CBD and its protocols in relation to access, fair and equitable sharing of the benefits of genetic resources held by indigenous peoples and local communities.

### Examples of questions to improve integration of human rights and biodiversity:

- Is the programme or policy taking into account the opportunities and challenges for environmental and human rights defenders, both for men and women, working on biodiversity-related matters to freely exercise their rights individually and collectively without any fear?
- Is the programme or policy identifying and supporting right holders such as local farmers, elders and women who may have a specific contribution to biodiversity and ecosystems services such as to agrobiodiversity or cultural services?
- Are targeted measures being considered in the programme or policy to enhance the protection of marginalised people living in vulnerable situations such as those lacking formal legal land and resource rights, and those most affected by the loss of biodiversity and ecosystem services owing to their direct dependence on them for their livelihoods?