



Human Right to a Healthy Environment and Sustainable Development Goals

Peer-to-peer Dialogue, Co-chairs summary report



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1. Context of the Peer-to-peer Dialogue

The Peer-to-peer Dialogue was conceptualized and organised as part of the on-going collaboration and partnership between SwedBio, the International Development Law Organization (IDLO), Natural Justice, UN Environment and the Office of the United Nations High Commissioner for Human Rights (OHCHR) – Special Procedures. This partnership comprises partners who share the commitment to make conceptual and practical contributions on the future role of human rights, and particularly in context of the role of SDG 16 and human rights, in the post-2020 global biodiversity framework. The Peer-to-peer Dialogue's outcome was combining various methodologies, such as conceptual, technical, and advocacy, to frame proposals that could be presented to State Parties of the Convention on Biological Diversity (CBD), or the Secretariat of the CBD, for consideration to integrate human rights into the core of the post-2020 global biodiversity framework.

1.1 Background of the dialogue: synergies between human rights, biodiversity and healthy ecosystems

This partnership and its approach is critical because human rights provide an explicit normative framework which has already been agreed upon by most countries through ratifying the main international human rights agreements – the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Some countries have also incorporated human rights principles as key pillars of international development cooperation.¹ Human rights are essentially inherent to all human beings, irreducible (subject to permissible and lawful limitations) and place a clear immediate or progressive obligation on the State as the duty bearer. Protection of human dignity is an inviolable element of the human rights structure. With the understanding that human rights are interdependent with and indivisible from environmental protection, it is clear that stronger forms of legal protection for human rights could, when appropriately aligned, be applied to provide stronger protections for biodiversity. This includes both substantive and procedural aspects of the human rights framework.

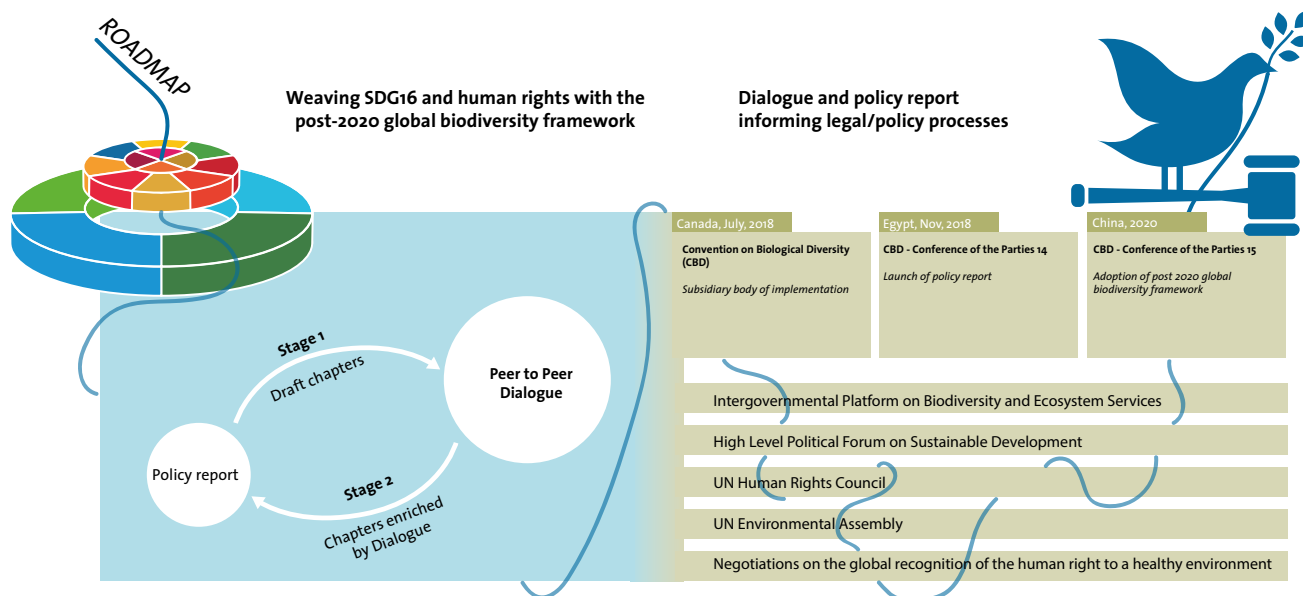
The connection between human rights and biodiversity was reinforced in 2017, when the then UN Special Rapporteur on human rights and the environment, Prof. John H. Knox, presented his annual thematic report focused on human rights and biodiversity (A/HRC/34/49) to the

UN Human Rights Council. In his report, he asserted that biodiversity is essential for ecosystem services that support the full enjoyment of a wide range of human rights such as rights to life, health, food, water and culture, and that States have a general obligation to protect ecosystems and biodiversity. In 2018, through the Framework Principles on Human Rights and the Environment presented to the 37th session of the UN Human Rights Council (A/HRC/37/59), Prof Knox further made a strong call for the recognition of the right to a healthy environment in a global instrument such as a resolution by the General Assembly. He referred to Victor Hugo's quote that "it is impossible to resist an idea whose time has come". He noted that while the right to a healthy environment had been recognized in regional agreements and in most national constitutions, it has not been adopted in a human rights agreement of global application.

This argument by the Special Rapporteur on Human Rights and the Environment is critical. The interdependence of rights, and the indivisibility between sustainable development obligations to observe ecosystem limits and upholding human rights was also affirmed by the 2013 Cancun Declaration on Mainstreaming the Conservation and Sustainable Use of Biodiversity.² Through this Declaration, Parties affirmed this indivisibility, through an agreement to, among other actions, promote the conservation, sustainable use, and where necessary, restoration of ecosystems as a basis for achieving good health, clean water and sanitation, food

1. For example, the human right-based approach is a key pillar of the Swedish International Development Cooperation (Government Communication 2013/14:131).

2. UNEP/CBD/COP/13/24



The weaving map of the SDG 16 pigeon.

security and improvement of nutrition, the reduction of hunger, poverty eradication, prevention of natural disasters, resilient, sustainable and inclusive cities and human settlements, and climate change adaptation and mitigation.³ The human right to a clean and healthy environment (the language that refers to this right varies from country to country) therefore remains at the centre of this journey. This right, substantively, and the accompanying procedural rights (access to court, access to information, right to consultation, etc.) remain central to safeguarding biodiversity: and mainstreaming biodiversity and human rights to integrate SDG16 fully into a post-2020 global biodiversity framework.

Progress at the international level in addressing this burning legal question, together with an increased sense that business as usual is no longer an option, can provide a window of opportunity for addressing significant growing challenges. One of these challenges relates to the risks faced by environmental human rights defenders who work to safeguard biodiversity and healthy ecosystems.⁴ In 2017, the UN Special Rapporteur on human rights defenders, Michel Forst, in his report on the situation of environmental human rights defenders, transmitted to the UN General Assembly, recommended to the international community to ensure “that the implementation of the 2030 Agenda for Sustainable Development is guided by a human rights-based approach, guaranteeing meaningful participation of environmental human rights defenders and affected communities, as well as

empowering and protecting defenders at the international, regional and national levels.”(A/71/281, para 97 A)

1.2 The weaving map of the SDG 16 pigeon

Human rights is an issue that goes beyond the concern of governments and human rights organisations. It is a concern that criss-crosses thematic and geographical areas of work from a wide range of institutions. Tailored legal and policy tools are needed for living in harmony with nature and to “walk the talk” on safeguarding biodiversity and respecting, promoting and fulfilling universal human rights of all people in the planet.

In this context, the post-2020 global biodiversity framework should demand strong commitment from both duty bearers and rights holders in different parts of the world to mainstream human rights in the governance of biodiversity and healthy ecosystems. The development of this framework will build on prior decisions such as those adopted at the United Nations (UN) Biodiversity Conference in 2016 which focused on mainstreaming biodiversity for well being.⁵ Human rights are inherently relevant to widespread biodiversity mainstreaming because of the cross-sectoral nature of human rights laws and policies. The Human Rights Council Resolution A/HRC/RES/34/20 recognizes the need for mainstreaming the conservation and sustainable use of biodiversity for wellbeing, and explicitly refers to the Cancun Declaration adopted at the high-level

3. UNEP/CBD/COP/13/24, p.3, para. 6.

4. For example, the Executive Secretary of the CBD expressed her concerns on this topic in her opening remarks at SBSTTA.

5. This UN Biodiversity Conference refers to the Conference of the Parties of the UN Convention on Biological Diversity (CBD-COP). This CBD-COP 13th meeting in 2016 was attended by over 7,000 participants including 4,000 delegates from 170 countries and over 400 organisations (<https://www.cbd.int/conferences/2016>)



Peer-to-peer Dialogue participants during the field trip in the Nairobi National Park. Photo: Dennis Wachira.

segment of the thirteenth meeting of the Conference of the Parties (CoP13) to the Convention on Biological Diversity, held in Cancun, Mexico in 2016. Hence, there is a unique opportunity to mainstream the human rights principles, embedded in SDG 16 into the post-2020 global biodiversity strategic framework. The roadmap of the pigeon weaving the SDG 16 map on the previous page is illustrative of this point.

In order to chart how to engage in this roadmap, the Peer-to-peer Dialogue brought together, and provided an opportunity and the methodology through which participating legal practitioners, rights holders, human rights and biodiversity experts, environmental human rights defenders, representatives of national human rights institutions, among others, could engage in a dialogue. Participants were predominantly drawn from developing countries, with participation from developed countries, and partner organisations.

1.3 Objectives of the Peer-to-peer Dialogue

The objectives of the Peer-to-peer Dialogue were to:

- Contribute to the conceptualization and design of draft elements to incorporate SDG16 and principles of human rights and good governance into the post-2020 global biodiversity framework in a new dedicated target and as crosscutting dimensions of all targets of this framework;
- Clarify the ways in which the framework principles on human rights and environment and legal tools can contribute to implement the human right to a safe, clean, healthy and sustainable environment; and

- Provide technical peer-to-peer review and contextual feedback to the SwedBio collaborative policy report with partners on weaving SDG 16 and human rights principles into the post-2020 global biodiversity strategic framework

1.4 Specific questions to be addressed by participants to the Peer-to-peer Dialogue

The agenda for the Peer-to-peer Dialogue included the following specific issues to be discussed by the participants:

- What approach should be adopted in the mainstreaming of human rights into the biodiversity governance framework?
- How can legal tools be tailored to help implement SDG 16 and interlinked SDGs at national and local levels and contribute to integrated approaches for achieving Agenda 2030 at various levels?
 - Should this be through definition and adoption of crosscutting human rights elements mainstreamed into all targets within the post-2020 global biodiversity framework?
 - Should this be through the definition and adoption of a Stand-alone Human Right to a Clean and Healthy Environment set out within the post-2020 global biodiversity framework?
- Since the text of SDG 16 does not specify social-ecological dimensions, what kind of conceptual framework and tools can be used for understanding and acting upon the connections between SDG 16 and biodiversity?



Participants in dialogue during a Breakout group session. Photo: Dennis Wachira

1.5 The methodology of the Peer-to-peer Dialogue

This meeting was convened in the format of a Peer-to-peer Dialogue with a unified methodology intended to provide participants the maximum opportunity for conversation on the identified topics, and gradually build this up to an outcome that addresses the objectives of the meeting. The methodology was informed by the Multi-actor Dialogue Seminar methodology developed by SwedBio and a broad network of colleagues based on experience gained over the past decade as well as participatory methodologies used by the other conveners that were adapted to fulfil the objectives of this Dialogue. As part of this methodology, participants were informed by the co-chairs that apart from the presentation in plenary for setting the scene and the concluding remarks session, Chatham House Rules would be observed in the rest

of the dialogue, in order to foster a free speech and interactive dialogue. In summary, the dialogue applied the following approaches:

- Plenary presentations to set the agenda.
- Breakout groups with a facilitator to chair the dialogue, and the thematic coordinator who made short presentation to provide the conceptual context, and frame the issues for dialogue by members of the specific group.
- The break-out groups took two forms: First, those structured as conventional small groups where participants spent all the allocated time in one group discussing the assigned topic, and made conclusions for plenary discussion. Second, those structured in the World Café format whereby the participants rotated

Box policy report

A collaborative SwedBio/Stockholm Resilience Centre policy report, edited by Claudia Ituarte-Lima and Maria Schultz, is an outcome developed together with partners on weaving SDG 16 on peace, justice and human rights principles with the post-2020 global biodiversity framework.

The aim of the report is to contribute, in collaboration with partners, to providing the conceptual basis for the proposal of incorporating the human rights and SDG 16 into the post-2020 global biodiversity framework, as a new target, and as a crosscutting dimension of all targets. Substantive issues such as gender equality and the nexus between human rights,

biodiversity and climate change are examined. Practical lessons learned are drawn from past experiences, and initiatives including mainstreaming biodiversity, ecosystems services and human rights in the mining sector by SwedBio with the partner's support, the design and piloting of a legal assessment tool for mainstreaming biodiversity and human rights led by the intergovernmental organisation, IDLO; the implementation of legal empowerment tools (biocultural community protocols and paralegals) by the civil society organization Natural Justice.

amongst the various small groups, and only the facilitator and thematic coordinator remained in the same group to coordinate discussions amongst the rotating participants. In this context, the facilitator and thematic coordinator played an instrumental role in framing the discussion and capturing the collective conclusions of the various rotating groups of participants.

- Plenary sessions to discuss and adopt the outcomes of the breakout groups.
- Privilege walk activity to deepen the dialogue on how to ensure equality in the realization of human rights, leaving no one behind.
- A field trip to the Nairobi National Park to assess land use tensions on biodiversity protection in a peri-urban context.
- A LifeMap developed by participants on the final day as a basis for framing the outcomes on the future role of human rights in the post-2020 global biodiversity framework.

Participants of this Peer-to-peer Dialogue participated as experts, as for the insights and recommendations mentioned in this report, the co-chairs tried to be as comprehensive and inclusive of the richness of views and perspectives. These insights and recommendations though, do not represent a common position but rather an outcome from the collective



A breakout group Facilitator records the deliberations of the groups using "sticky" notes. Photo: Dennis Wachira

dialogue with experienced people working in a broad range of law, policy and practice issues relevant for furthering the human rights, biodiversity and SDG nexus. Furthermore, the insights and recommendations should be considered as a contribution to broader collective efforts for weaving the human right to a healthy environment, SDGs and biodiversity at various scales.

2. The introductory session of the Peer-to-peer Dialogue

The introductory session of the Peer-to-peer Dialogue had two parts. The first part was the overall welcome of participants, setting the scene, framing of objectives, methodology and intended outcomes by the two co-chairs of the Dialogue. The second part was the official opening of the Peer-to-peer Dialogue, and presentations provided by representatives of the partner organisations.



Dialogue Co-Chair Dr. Claudia Ituarte-Lima setting the scene.
Photo: Dennis Wachira



Dialogue Co-Chair Dr. Robert Kibugi setting the scene.
Photo: Dennis Wachira.

2.1 Setting the scene of the Dialogue

The dialogue commenced with preliminary remarks made by the co-chairs of the Dialogue, **Claudia Ituarte-Lima** (SwedBio/Stockholm Resilience Centre) and **Robert Kibugi** (IDLO/University of Nairobi). These included setting out the rationale for organising the dialogue as the recognition of, as well as evidence that human rights provide an important normative and legal tool through which duty bearers can protect, respect and fulfil the entitlements of rights holders, including a clean and healthy environment. The objectives, methodology and intended outcomes of the dialogue were also set out.

2.2 Welcoming remarks and presentations on human rights and biodiversity

Mr. Romualdo Mavedzenge, the IDLO Country Director for Kenya in welcoming the delegates, took the opportunity to introduce IDLO as an intergovernmental organisation which focuses on the rule of law to create an environment conducive to pursuit justice for all. In appreciating the timing of this meeting, he stated that the dialogue came at an opportune time. He noted with concern that biodiversity is often not prioritized especially the work around human rights, yet without it, sustainable development is incomplete. He concluded by observing that the core mandate of IDLO



Mr. Romualdo Mavedzenge, the Country Director for IDLO Kenya Office makes welcoming remarks. Photo: Dennis Wachira



Mr. Bruno Pozzi, Deputy Head of Delegation for the European Union Mission to Kenya presenting EU perspective on how the synergies between human rights and environment can benefit the post-2020 global biodiversity framework Photo: Dennis Wachira

makes it well suited to spearhead the partnership that aims to integrate human rights and the rule of law in the governance of biodiversity.

Dr. Claudia Ituarte-Lima from the SwedBio/Stockholm Resilience Centre mentioned the objectives of the dialogue, and the importance of peer to peer genuine dialogue for crafting together innovative solutions. She highlighted the interconnectedness between biodiversity and healthy ecosystems which underpins the possibilities of people to exercise their human right to a healthy environment. She highlighted that human rights is an issue that goes beyond a concern of governments and human rights organisations, to a concern that criss-crosses thematic and geographical areas of work of a wide range of institutions. She asserted that together, the dialogue conveners aim to build on the existing CBD Strategic Plan and envision the just and safe future that we all want including through the post-2020 global biodiversity framework. She referenced Prof. Wangari Maathai, the Nobel Peace Prize Winner saying, that “In the course of history there comes a time when humanity is called to shift to a new level of consciousness” and that today “we are faced with a challenge that calls for a shift in our thinking so that humanity stops threatening its life support systems” and for connecting effectively human rights, biodiversity and peace.

Mr. Bruno Pozzi, Deputy Head of Delegation, European Union, recognized significant biodiversity challenges and highlighted that effective, accountable and transparent institutions at all levels and inclusive decision making are vital to halt biodiversity loss. Underscoring the critical role human rights and environmental rights defenders play in the promotion and protection of human rights and the enjoyment of a sustainable environment, he expressed deep concern on the risky situation they face. He referred to the Global Strategy for the European Union’s Foreign and Security Policy – which reaffirms the commitment towards sharpening the means to protect and empower civic actors, notably human rights defenders, sustaining a vibrant civil society worldwide – and to the EU’s Emergency Fund for Human Rights Defenders. In the light of the urgency of stepping up biodiversity actions including for the post-2020 global biodiversity framework, he expressed that the European Union aims at a high ambition level. He mentioned that we must look at the issues of governance, human rights and environmental protection together when we design policies. He drew attention to the importance of addressing the linkages between biodiversity and security, peace and human rights under the CBD and the High Level Political Forum on Sustainable Development. As part of actions that could strengthen the implementation and commitments he mentioned: making targets more operational and measurable, thereby adding value to the SDGs; Party-level commitments, combined with a review mechanism; full involvement of indigenous people; gender equality and empowerment of women.



Dr. Isabelle Kempf, co-Director of UNDP-UN Environment Poverty-Environment Action for Sustainable Development Goals presenting on strategies to connect Agenda 2030 to multiactor processes on the knowledge, law, policy and practice interface. Photo: Dennis Wachira

Dr. Isabell Kempf, co-Director of UNDP-UN Environment Poverty-Environment Initiative observed that the implementation of SDGs and vision 2030 requires enhanced resource mobilization and new partnerships to advance the human rights agenda. She noted with concern that the biodiversity and environment are often left behind with significant implications for people's wellbeing. She underscored the fundamental role in the protection of the rights of indigenous peoples and local communities in the fulfillment of rights to water, health and education that are inter-connected with the protection of their rights to land and cultural heritage. She underlined the importance of environmental human rights defenders who are increasingly under threat while they undertake their work. She highlighted that this Dialogue is part of a vibrant process of prior collaborations with the convener organisations fostering peer to peer learning and knowledge generation relating to environment and the rule of law.

In firming up the opening session for the Peer-to-peer Dialogue, the UN Special Rapporteur on Human Rights and Environment, **Prof. John Knox** via a previously recorded video, made a presentation highlighting the linkages between healthy ecosystem and human rights obligations building on the findings of his various reports. He highlighted that under human rights law, States have the obligation to address global threats such as climate change and biodiversity loss through international cooperation. Yet, States are not meeting the standards such as the Aichi Biodiversity Targets



Peer-to-peer Dialogue participant Ms. Katharina Rogalla von Bieberstein listens to the welcoming remarks. Photo: Dennis Wachira

that they themselves have set for the protection of biodiversity and healthy ecosystems. Prof. Knox specified three key benefits of bringing the human rights perspective in the post-2020 global biodiversity framework. First, human rights can clarify what is at stake. For example, protection of rights of indigenous peoples and traditional communities that depend directly on ecosystems and biodiversity for their material subsistence and cultural way of life is fundamental; and hence enabling legislation for these groups to exercise their rights is needed. Second, a human rights perspective makes clear that we are applying already agreed legal standards. States have already accepted their human rights obligations through international agreements and at national levels through their respective Constitution and other legal instruments. By integrating human rights into the post-2020 global biodiversity framework, States will be implementing existing international and national obligations. Looking at biodiversity through a humans rights lens can help us to address both biodiversity and human rights in a more effective way. Finally, Prof. Knox suggested that a human rights perspective can provide new forums for addressing these abuses to healthy ecosystem. Specifically this allows claims to be brought to an international or regional level before established bodies at the United Nations, and also at a domestic level to national human rights commissions and domestic courts. This would also help in strengthening the implementation and accountability mechanisms of human rights connected to biodiversity and healthy ecosystems.

The opening session concluded through a video link by **Ms. Jyoti Mathur-Filipp**, Director of Implementation at the Convention on Biological Diversity Secretariat, who provided critical inputs that would guide subsequent discussions during the dialogue. After a brief discussion of the history of the CBD and the events of COP10 in Nagoya, she laid out a timeline for the negotiations on the new global biodiversity framework, which she framed as a “New Deal for Nature”. She then highlighted that the continued loss of biodiversity has major, and possibly irreversible, negative consequences for human wellbeing, and emphasized that biodiversity remains a pressing global societal issue. She discussed risks as stated in the Global Risks Reports, and also technological advances that can serve to address current risks and biodiversity challenges. She pressed for more

structural and systematic changes to address sustainability and for strategic governance to guide and accelerate transitions to effectively address contemporary risks to biodiversity and people’s wellbeing.

Ms. Mathur-Filipp concluded that mainstreaming and transformative actions were essential for the post-2020 global biodiversity framework. She referred to the need of alignment across all sectors (e.g. climate, land use and energy sector). Placing biodiversity in the sustainable development context and developing a stronger resource mobilisation framework that helps providing better implementation support were also raised as important elements. Developing a stronger resource mobilization framework can help providing better implementation support.

3. Weaving the human rights principles, biodiversity and healthy ecosystems to SDG 16

During the dialogue, the human rights principles were used as an entry point, and a continuing reference point by participants, for understanding and proposing recommendations on how to weave various dimensions of the human right to a healthy environment and its connections to biodiversity, healthy ecosystems and Sustainable Development Goal 16.

Human rights based approach principles ⁶	Agenda 2030 and SDG 16 on peace, justice and strong institutions
Indivisibility, interdependence and interrelatedness of human rights	<p>“10. The new Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. It is grounded in the Universal Declaration of Human Rights, international human rights treaties...”</p> <p>E.g. “The interlinkages and integrated nature of the Sustainable Development Goals are of crucial importance in ensuring that the purpose of the new Agenda is realized”...The SDGs “seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible...”</p>
Equality and non-discrimination	16.b Promote and enforce non-discriminatory laws and policies for sustainable development
Participation and inclusion	<p>16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels</p> <p>16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements</p>
Accountability and the rule of law	<p>16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all</p> <p>16.5 Substantially reduce corruption and bribery in all their forms</p> <p>16.6 Develop effective, accountable and transparent institutions at all levels</p>

Source: Ituarte-Lima, C. and Schultz, M. (eds) (Forthcoming), Setting the scene: the human right to a healthy environment for a thriving Earth in Ituarte-Lima, C., and Schultz, M., (eds.) 2018. *Global human right to a healthy environment for a thriving Earth: weaving SDGs, human rights and post 2020 global biodiversity framework* SwedBio/Stockholm Resilience Center, International Development Law Organization, Office of the High Commission of Human Rights-Special Procedures, UN Environment and Natural Justice

6. United Nations Development Group (2003) UN Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation and Programming (the Common Understanding), available at: <http://hrbportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies>



During the breakout group discussions, participants explored connection between human right principles and Aichi Biodiversity Targets. Photo: Dennis Wachira

On the first day, the discussions were undertaken in three thematic small groups, taking the form of conventional small discussion groups each with a facilitator functioning as the chair, and the thematic coordinator making a framing presentation to set the stage for participant dialogue.

3.1 The human right to a healthy environment: embedding the indivisibility and interdependence of human rights, the environment and sustainability principles

In discussing the interdependence and indivisibility of human rights, participants focused on the human right to a healthy environment. To set the context, the participants discussed the interdependence and interconnectivity between human rights, biodiversity and healthy ecosystems. It was indicated that for humans to enjoy their other rights such as the right to water, food, health care and ultimately the right to life, there was interdependence on the ability to protect a healthy environment. Thus failing to interlink human rights with the environment results in environmental degradation, and violation of human rights, including existential threats to the right to life. It was agreed by participants that it was important for governments to take appropriate legislative, administrative, budgetary, judicial and other actions towards the full realization of the right to a clean and healthy environment and other interdependent human rights obligations.

When talking about the importance of having a globally endorsed right to a healthy environment, the participants mentioned various benefits of such recognition of the interdependence between human rights and the environment. These include: enhanced recognition of the connections between human rights law, healthy ecosystems and Sustainable Development Goals; having a global framework for cooperation for the implementation of this right; fostering a national enabling environment for people, including groups in disadvantaged positions, to exercise their rights.



Peer-to-peer Dialogue participant Mr. Fred Kibelio Ngeyo of the Ogiek indigenous people listens to the presentations on the global recognition of the right to a healthy environment. Photo: Dennis Wachira.

One reason for the global recognition of the human rights to a healthy environment is that human rights, biodiversity and also their connections to climate change are beyond borders. In a small breakout group, participants were taken through a background of the topic that illustrated this nexus between human rights, biodiversity and climate change in a trans-boundary context. In making the framing, the facilitators noted that the three issues were interlinked and in some instances acted as impediments to their achievement in different contexts for instance in human-wildlife conflicts. On the one hand, participants recognized that the adverse impacts of climate change, particularly in the developing countries, increased the vulnerability of populations, economies and the environment, making them less resilient. This has the effect of undermining realization of critical human rights, such as the right to food, housing, employment, among other human rights. On the other hand, the importance of the contribution of ecosystem services in combating climate change was also described – both through carbon sequestration in natural forests and through their



Peer-to-peer Dialogue participants engaging in breakout group discussions. Photo: Dennis Wachira

contribution to resilient ecosystems and societies. In addition, climate change impacts adversely affected human rights, by reducing resilience of communities, which has the effect of increasing vulnerability to social, economic, political and environmental shocks.

As part of exploring complex interconnections and dynamics between human rights and ecosystems through creative means, an excerpt of the upcoming AETERNA film produced by a Swedish team called FASAD was presented.⁷ This is a UNESCO film that seeks to create a space of reflection and contemplation in the context of the biggest challenges we face today. It is a contemplative cinematic study of cultural diversity and our relations to the planet that seeks to renew hopes for alternative futures and invites audiences to find new perspectives about our place in the world at this moment in history. In order to share participants' most direct reaction to the film, they were asked to express it in one word; responses ranged from "balanced," "peace," to "complexity", "interdependence" and "climate change".

In conclusion, participants were invited, through the small breakout groups, to make recommendations on what actions could be taken by States, international organisations and civil society organisations in shaping the post-2020 global biodiversity framework by supporting the drive to entrench the interdependence and indivisibility between human rights and biodiversity.

3.1.1 Key highlights on the principle of indivisibility and interdependence of human rights and accountability and rule of law

Participants highlighted key benefits of a human rights approach to environmental governance, focusing on the principle of indivisibility and interdependence of human rights and accountability and rule of law:

- **Awareness and know-how by national and subnational governmental institutions for being proactive on environmental justice issues.**

The participants noted that in many states despite the presence of environmental laws, their application is not comprehensive. This was partly attributed to limited capacity of governmental organisations. It is also attributed to the legal system not providing sufficient legal standing for citizens to pursue cases concerning protection of human rights, including that of a clean and healthy environment. In terms of the capacity deficit, it is necessary that public institutions develop the technical know-how on the nexus between human rights, biodiversity and climate change. They should also develop sufficient technical know-how on required actions to build capacity, or to allow wide access to court through a review of legal standing rules.

- **Reinforcing of procedural human rights for inclusive biodiversity and climate governance.** Procedural rights include the broad spectrum of public participation such as access to justice, public consultation; representation of the public in biodiversity decision making processes; public awareness/civic education; as well as access to information. Public participation provides pathways that enrich the identification of ways in which various human rights are interdependent. It also shows pathways for a wealth of connections between human rights, biodiversity and healthy ecosystems. Participants noted that by utilizing these procedural human rights that are recognized in national, regional and international legal instruments, it could be possible to enhance public participation in the management of biodiversity and ecosystems. In the converse, it was highlighted that a lack of effective public participation leads to lesser comprehension and awareness of the nexus between

6. The film is directed by Fredrik Wenzel and Jesper Kurlandsky and produced by Diego Galafassi, Hedvig Lundgren and Malin Huber. Contact: diego@fasad.se



Peer-to-peer participants exchanging ideas during a break. Photo: Dennis Wachira.

human rights and access to a healthy environment. Thus, a human rights based approach including effective participation of indigenous peoples and local communities, women, youth, civil society and private sector increases the legitimacy of the sustainability efforts.

Participants suggested that the enhancement in the utilization of public interest environmental litigation (an aspect of access to justice) is important in order to enhance the rule of law concerning biodiversity, and human rights in concert with SDG 16, including by increasing levels of accountability, and transparency which results in effective institutions governing biodiversity and human rights. This approach requires countries to widen the legal scope of the rules on standing (*locus standi*) in order to improve access to justice. The consequential increase in the number of public interest environmental law cases requires building the capacity of institutions of state, such as the judiciary, in order to make them effective in supporting the balance necessary for the interdependence between human rights and the environment to sustain.

- **Land use good governance vital for addressing unsustainability root causes.** Participants recommended that land tenure rights, human rights and gender equality should be at the core of efforts made to address challenges resulting from climate change, biodiversity loss, poor land use governance and resultant human rights violations (such as lack of access to drinking water, food, etc.).

- **Bringing biodiversity targets close to the people.** Learning from the Aichi Biodiversity Targets process, it was noted that there was need for the new targets in a post-2020 global biodiversity framework to go beyond a bio-centric bias, and to include more governance, law and economic dimensions. Participants emphasized that some of the “targets are isolated from the people who are supposed to meet the target” and this resulted in ignoring social-economic aspects that were key in engaging citizens in biodiversity and climate change discussions. The new approach should ensure harm is not caused to populations. Therefore, in mainstreaming human rights in the post-2020 global biodiversity framework, there is need to have a clear linkage to the SDGs, including indicators relevant for sustainability, human rights and climate.
- **Measurable targets enabling transparent monitoring of biodiversity governance commitments.** Participants noted that in order to be effectively implemented, the targets in the post-2020 global biodiversity framework should be measurable and smart. It was argued that measurable targets tend to receive more political attention and the willingness by various actors to find implementation, since targets will contain defined indicators. In addition, measurable biodiversity governance targets will provide a clear and transparent means for monitoring the levels of success in implementation, as well as documenting the emerging challenges. This is critical because monitoring the



Participants discussing the role of women as environmental defenders in a breakout group. Photo Dennis Wachira.

immediate and progressive realization of human rights is a key aspect of the principle of accountability and the rule of law.

- **Internationally endorsed minimum human rights standards can help set higher environmental protection standards.**

Participants noted that since human rights are universal, this approach could be used to standardize environmental protection across countries while recognizing the cultural, economic and political specificities. This approach would allow even countries lagging behind in environmental protection law and policies, or not having environmental protection legislation in place, to elevate the legal status for safeguarding biodiversity and healthy ecosystems. This can be achieved by a broader interpretation of other human rights, such as the right to life to include an imperative to protect the environment, even where there is no specific human right to a healthy environment.

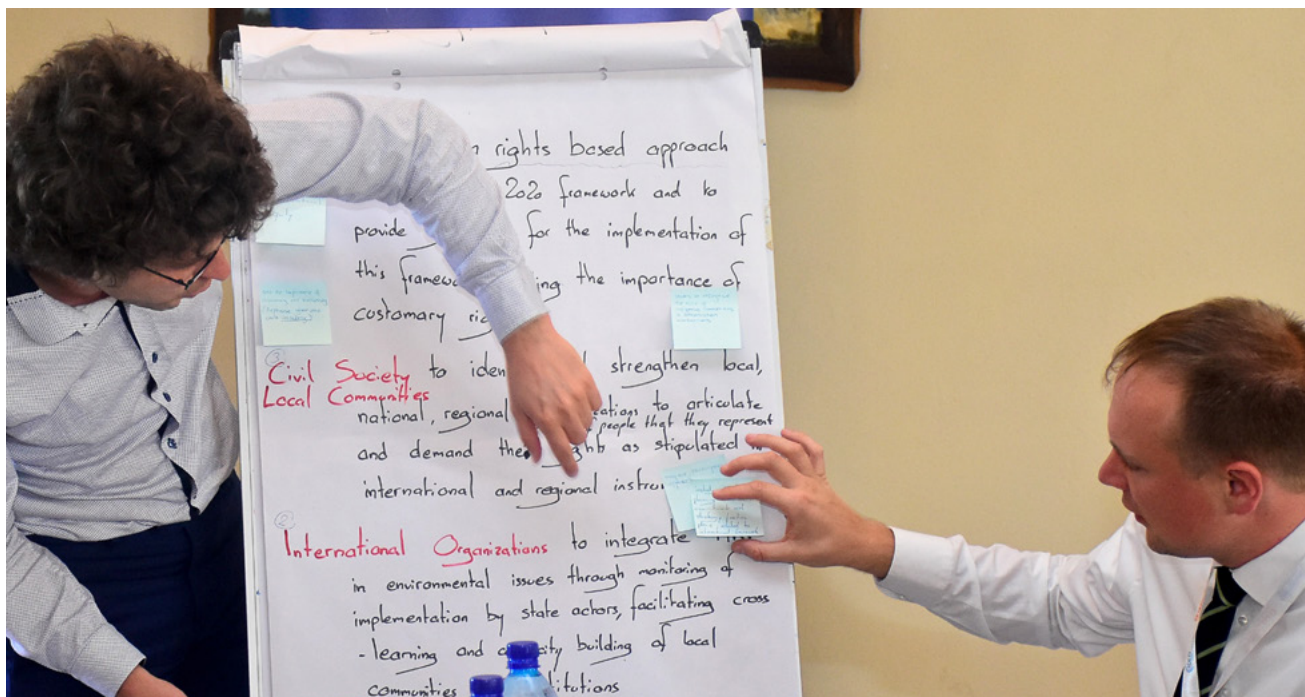
3.2 Participation, inclusion, gender equality and the rights of environmental human rights defenders

In this thematic area, dialogue participants discussed areas of concern regarding the nexus between steps to realize gender equality, and the rights of environmental human rights defenders for achieving SDG 16.

3.2.1 Key highlights on gender equality and the rights of environmental human rights defenders:

Participants highlighted the following key issues:

- **Recognizing the significant contribution of women and environmental defenders to sustainable development.** Participants highlighted the substantial contribution by women to sustainability, including the roles of women in the management of biodiversity. One key highlight was the expertise and experience of rural women in selecting seeds with valuable nutritional qualities, and women working as legal advisers to indigenous peoples and local communities, as well as legal scholars advancing sustainability consideration in environmental and human rights law. Participants expressed concern that these important contributions were often not properly recognized or acknowledged. In addition, they noted the continuing violation of the rights of environmental rights defenders including such as in the context of extractive industries such as mining; as well as in the implementation of adverse policies in the name of “conservation”. This includes evictions that exposed women to loss of livelihood as well as intimidation, threats, reprisals and sometimes loss of life. It was reported that state agencies that managed protected areas were often responsible for these human rights violations. The participants believed that there should be better mechanisms through which states would undertake their conservation efforts without depriving the rights of the women and environmental defenders and instead working together as allies for positive social-environmental outputs.



Mr. Sébastien Duyck from the Center for International Environment Law and Mr. Andreas Obrecht from the Law Division of UN Environment in their role as thematic coordinator and facilitator respectively, during the discussions in breakout groups. Dennis Wachira.

- **Building strategic synergies between governments and rights holders instead of militarization and criminalization of environmental human rights defenders.**

The participants noted that the work of environmental rights defenders has become politicized, subject to criminal penalties and therefore risky. The militarization of agencies responsible for protected areas was highlighted as an example. This is an approach which, according to the participants, results in a hostile environment, instead of building enduring relationships between government agencies and rights holders including those who have historically lived in their territories and have valuable knowledge and practices relevant to biodiversity and healthy ecosystems.

- **Implementing suitable land tenure systems and user rights for thriving indigenous peoples and local communities (IPLCs) and healthy ecosystems:** Participants noted that indigenous peoples and local communities often reside in areas which are communally held or are declared government reserves. In many cases, this situation has result in limitations to the rights of IPLCs such as exercising their culture and traditions, or accessing means of livelihood attached to the ancestral lands. In various contexts, the communities face evictions without recourse to legal mechanisms due to denial of both land tenure and user rights, to which they can lay a legitimate and/or legal ancestral claim. Thus there is need for land ownership rights, and user rights, to be well articulated in the laws that will ensure that the communities are not denied these rights to their ancestral lands.

3.3 Equality and non-discrimination – leaving no one behind

As with the other human rights principles, the principle of equality and non-discrimination including gender equality, was a cross-cutting dimension throughout the dialogue. Complementary to this, a specific activity was developed in the dialogue to deepen the dialogue on this issue. Participants in the dialogue were invited to participate in a privilege walk, facilitated by Dr. Robert Kibugi to demonstrate the need for fighting for, and ensuring equality in the realization of human rights, leaving no one behind. Insights from the activity included:

- Many people with certain privileges never notice them, because they are so woven into historical inequality including gender inequality that those who have them cannot even see them.
- Many duty bearers fail to perform their obligations to protect, fulfil and respect human rights – and instead convert their duty, into a power – thus becoming power holders.
- Reflections on root causes and implications of being ahead, or being left behind.

Each participant was provided with several pieces of paper which contained statements reflected below – and for purposes of the privilege walk – these statements were deemed as being applicable to the specific participants. Thus, participants in the privilege walk were given instructions to move one step forward, when the moderator read a statement that applied to them.



The privilege walk underway. Photo: Dennis Wachira

3.3.1 The privilege walk flow

The flow of the privilege walk activities followed the steps in the Textbox below:

The privilege walk flow.

The privilege walk statements were as follows:

Statements whose holders would step forward when read out aloud:

1. Your local community enjoys clean air and water due to strong enforcement of rules, and the community has a voice in ensuring this is maintained.
2. You are a senior police commander with ability to use your power for private interests of your family and friends
3. You and the President belong to the same social club and play some games together a few weekends every year and during that time you can discuss your business problems and get valuable help.
4. As a farmer, you have received comprehensive socio-economic benefits to use biofertilizers and valuable farming extension support and market services for your produce.
5. You are a senior Justice of your country; and belong to a private social club with wealthy businessmen where you get to hear details of cases coming to your case before they are filed.

At this point, participants who had stepped forward upon the reading of the five statements above were then invited to take three more steps forward. This was intended to demonstrate how privilege creates an even wide gap through inequality.

Statements whose holders would step backward when read out aloud:

1. Your small family farm has been damaged by pesticides from neighbouring large farms, and the regulatory agencies have declined to take action.
2. You are a widow who is being required to agree to be inherited by a male relative to maintain access to your family land.
3. Your family's only source of drinking water (dwell, river) has dried due to over-abstraction by neighbouring mines and farms and the process of getting help from government is complex and requires bribes.
4. You have just quit your job as a human rights defender for the right to a clean environment because several colleagues got seriously hurt – and the institutional mechanisms for your protection are not working. You are considering seeking asylum in a country far away.
5. You lost your family land when someone altered the land records to remove any trace of your current rights to that land; you have been evicted and now remain homeless.

At this point, participants who had stepped backward upon the reading of the five statements above were then invited to take three more steps backward. This was intended to demonstrate how privilege creates an even wider gap between the two groups through inequality.



Dialogue participants during reflections on the privilege walk experience. Photo: Dennis Wachira

3.3.2 Reflections from participants on the privilege walk

One group of participants, who got to step forward, reported that based on the statements applicable to them, they felt privileged in their communities and had access to government resources and officials. The second group, who had to step backwards, were community members who did not have access to any facilities and were marginalized in society. They felt unequal and discriminated against.

Some of the participants in the first group indicated they felt alright with the privilege, while others in the same group reported being uncomfortable having access to all the privileges at the expense of other members of the society.

It was concluded that the privilege walk was an exercise to reflect on the need to empathise with others whose rights are not being respected. Likewise, it helps to demonstrate the impact that inequality and discrimination have on sections of society that are disenfranchised.

3.4 Accountability and the rule of law – field trip to the Nairobi National Park to experience wildlife conservation and other land use choices in the context of a peri-urban protected area

Highlights relevant to the human right principle of accountability and rule of law have already been highlighted as part of interconnected insights with other principles. In this section, we describe the field trip which provided inputs for understanding the complexities for bridging the gaps between law and implementation.



Peer-to-peer Dialogue participants during the field visit in the Nairobi National Park. Photo: Claudia Ituarte-Lima.

Participants to the Dialogue had an opportunity to go on a field trip to Nairobi National Park (NNP), a protected area in Kenya’s capital city. The objective of the field trip was to expose participants to the real time challenges of having a protected area for wildlife inside a major city, and how this relates with (competing) land uses such as human settlement, and infrastructure development.

Participants received a presentation on the context of NNP from staff wardens from the Kenya Wildlife Service. NNP was established in the year 1946 as the first National park in the country and in East Africa covering a total area of 117 km². It is an open ecosystem with migratory wildlife species moving out of the park and coming in, depending on migration seasons. It is the only national park located in the



Landscape on Machakos, Kenya. Photo: Claudia Ituarte-Lima

city at only 10 Km from Nairobi (the capital city of the country). NNP is characterized by diverse topography, vegetation types and climatic conditions. The variability in this ecosystem induces large-scale wildlife migration to breeding grounds, dry season concentration and wet season dispersal areas. The NNP forms a critical dry season wildlife concentration area of the ecosystem, which has a wide range of wildlife migration, wildebeest and zebra being the most conspicuous. The park has two major wildlife dispersal areas, the north-eastern dispersal area stretching to Ol Donyo Sabuk NP and the southern dispersal area linking to the Amboseli ecosystem. Progressive unsustainable change in land use in this ecosystem is threatening wildlife conservation & local livelihoods. The park is endowed with over 100 mammalian species and over 400 bird species. 80 % of park is grassland with relatively homogenous bush land vegetation along valley

and bushed grassland in the plains. Dialogue participants were informed that due to physical planning failures, and weakness in development control approvals, human settlements had been permitted up to park boundary fence, impacting on the wildlife migratory corridors, and resulting in the park being fenced. In addition, Kenya had recently authorized a major freeway (the southern bypass road) on the southern tip of the park, and an elevated railway line to be constructed through the park. Tensions between wildlife conservation, human rights and incompatible land use choices were discussed. Questions arose concerning the level of accountability and disclosure to the Kenyan public on the content and approval processes for the infrastructure, as well as the failure to implement already existing laws, for decades, that would have enforced a conservation buffer between human settlements and the national park boundary.



Sign in the Nairobi National Park. Photo: Dennis Wachira

In debrief discussions during the bus tour in the park, the participants noted that being inside the national park, with a busy road, a railway line under construction, and the city and factories in the vicinity – the pressure on the protected area was palpable.

4. Walking the talk: Tools and strategies for mainstreaming biodiversity and human rights

In addressing this topic, the dialogue applied the World Café methodology where participants were divided into three discussion groups, each led by a facilitator and a thematic coordinator. Dialogue participants then rotated to each group where the thematic coordinator provided a framing presentation, and participants engaged in a debate on the three tools and strategies for mainstreaming biodiversity and human rights that were subject to discussion.

4.1 Legal assessment tool for mainstreaming biodiversity and human rights

The framing presentation analysed the purpose of the Legal Assessment Tool (LAT) as providing an analytical framework, based on key human rights principles, through which the value of mainstreaming, as the tools to enhance the role human rights in biodiversity governance was justified. A complete LAT, includes a background providing a contextual background, and eight thematic areas.

These include:

1. Protection of Human Rights in national legal frameworks
2. Progressive realization of Human Rights
3. Public participation mechanisms
4. Protecting the role of environmental defenders
5. Gender mainstreaming
6. Decentralization of Governance to local authorities and government
7. Protection of rights of indigenous peoples and local communities
8. Environmental Assessments for Biodiversity Decisions

For each thematic area, questions and indicators are provided, and out of this, a public officer, civil society actor or a citizen in any country could determine the current status of the national legal framework in integrating biodiversity and human rights. This results in knowledge on where law reform is required, or where administrative action is required, to enhance the mainstreaming of human rights and biodiversity. The additional concern, presented to participants, was how the LAT could, practically, be applied at national level, to assess the needs for enhanced human rights mainstreaming in the post-2020 global biodiversity framework.

4.1.1 Key Highlights from the discussion

From the discussion on the LAT, participants highlighted the following key issues:

- **Role of the LAT in preparing for, and implementing post-2020 global biodiversity legal framework:**
The participants were positive about the development of the LAT as it would promote a standard approach through which to assess the baseline of their specific country, and to guide how countries can integrate human rights and biodiversity in the post-2020 legal framework. This would enable governments, Civil Society Organisations, IPLCs to assess the stage that their nations were at ex-post (after the fact) and progressively during implementation, in order to promote the application of Human Rights and Biodiversity considerations in decision making.
- **Peer Review component:**
Participants stated that there was need for the LATs to have a peer-reviewed system integrated into them in order to ensure meaningful participation of the civil society organisations and indigenous peoples and local communities. It was suggested this could be developed in a similar form as the Universal Periodic Review which is a unique mechanism of the Human Rights Council aimed at improving the human rights situation on the ground of each of the 193 United Nations Member States. A review system of this kind could enhance participation between governments, civil society and IPLCs. This would compel governments to continuously report on their progress towards achieving the Human rights and Biodiversity as part of the post-2020 global biodiversity framework.



Peer-to-peer Dialogue participants in breakout groups moving from one discussion table to the next one. Photo: Dennis Wachira.

- **The value of Case Studies in testing LAT applicability:** It was argued that given that there was lack State participation in the development of the LAT, it was important that the LAT be piloted in one country which would be the case study. The potential success of the LAT in one nation could be used as an example to ensure that there was buy-in from other state actors in the adoption of the LAT into the post-2020 global biodiversity framework.

4.1.2 Recommendations concerning application and refinement of the LAT on human rights and biodiversity mainstreaming

The participants made recommendations directed at States, International Organisations, Civil Society, and IPLCs, as follows:

- **To States:** Participants recommended that States should apply LAT across government agencies in order to identify and resolve the deficits/gaps of legal frameworks in the 8 thematic areas through public participation; and that states engage with regional and international human rights treaty bodies and integrate the recommendations into their National Biodiversity Strategies and Action Plans (NBSAP's) and other national processes.
- **To International Organisations:** there was need for international organisations to integrate the LAT in the post-2020 framework methodologies as a mandatory instrument, for assessment and continuous monitoring of the fit between their legal frameworks and CBD commitments. This could be adapted to the various regional and international instruments to promote the protection of human rights and biodiversity.
- **To Civil Society and indigenous peoples and local communities:** Participants recommended that private sector, civil society, national human rights institutions, IPLCs and other non-state actors should participate in peer reviews of the LAT assessment outcomes carried out by states, and also produce shadow/independent reports based on use of the LAT with an aim of keeping governments accountable to their commitments, especially on human rights mainstreaming in the post-2020 global biodiversity framework, and its national level application, for instance through National Biodiversity Strategies and Action Plans (NBSAPs).

4.2 Connecting the dots between human rights, environmental impact assessments and the Convention on Biological Diversity

In this group, the participants discussed the utility of environmental impact assessments in safeguarding human rights and biodiversity conservation. At the centre of the discussions were the companies and governments that benefit and communities who bear the brunt of environmental degradation. While communities had a right to be involved in the Environmental Impact Assessments (EIA) process, participants felt that communities were not aware and/or have limited capacity to participate meaningfully in decision-making. As such, they often have no voice in the development projects in their area even when such developments bear negative impacts in the ecosystem services they depend for their livelihoods.



Discussion group on Environmental Impact Assessment. Photo: Dennis Wachira.

4.2.1 Key Highlights from the discussion on human rights and environmental impact assessments

The following key highlights arose from the discussion:

- **EIA and procedural rights:** Participants noted that EIAs have played an important role in raising environmental issues. However, it was noted that there was need to redesign the EIA process in order to improve on the public participation aspects, including evidence on how the consultation impacted the decisions made. This would make EIA more responsive to communities, and function as early warning systems of ecosystems' degradation. EIA should also be more integrated with other procedural rights, such as access to information, simplified language, and other necessary transparency provisions.
- **Public Participation in EIA process:** It was noted by the participants that despite public participation being integrated in the EIA process, there was significant disagreement in the content of the final reports. This was especially where communities indicated that their input was not taken into account. Participants thus recommended the need to put in place measures requiring EIA proponents to demonstrate how they took community contributions into account, and for regulatory authorities to demonstrate how the community contributions impacted the final decision in approving or disallowing an EIA report. Special measures should be put in place to provide for participation of IPLCs during EIA processes.
- **Financing:** It was noted that for EIAs to be more effective there was need to disengage the EIA reports preparation from the developers. This was essential given that EIAs were developed by people who had a conflict of interest. It was suggested that EIAs should be developed by independent parties who would ensure that EIAs are undertaken effectively taking into account all the key variables especially in regards to human rights and biodiversity in the post-2020 global biodiversity framework. A financing component would be needed to ensure that in certain strategic or sensitive scenarios, EIAs are independently carried out and evaluated with no financial input from the project proponent towards payment of the EIA experts. One possibility is for the government regulator, in strategic EIA cases, to finance the experts from a regulatory fund set up for such a purpose.
- **EIAs and Economic Development:** It was noted that EIAs have been perceived by governments and investors, in certain instances, as being hurdles to development activities, due to stringent formal and procedural requirements. This has led certain governments to ease environmental laws to attract Foreign Direct Investment (FDI), resulting in increased environmental degradation with little or no mitigating processes resulting in the burden being borne more directly by IPLC.



Discussion group on community legal empowerment tools. Photo: Dennis Wachira

4.2.2 Recommendations on human rights and environmental impact assessments

The participants made the following recommendations:

- **To States:** Participants noted that there was need for states to establish independent organisations that undertake EIAs, ensure the recognition and application of procedural rights e.g. right to information, administrative justice, participation and substantive and social rights e.g. the right to food, water, culture of communities and IPLCs in national EIAs processes. The EIAs should be disseminated to communities in a language that is easily understood and ingrain mechanisms for the legitimate challenge of EIAs that have negative environmental impacts in the short and long term. No exceptions should be made for any local or foreign investors. Furthermore, states should be able to enforce compliance of EIA both at inception and through the lifetime of projects.
- **To CSOs and IPLCs:** Participants recommended the need for more engagement in public participation especially in the municipal/devolved units in line with SDG 16, by CSOs and IPLCs in order to ensure that EIA's take into account all the key issues that are relevant to the community as well as foster ownership of the process. Similarly there is need for CSOs and IPLCs to undertake periodic audit to check on execution and compliance of EIA projects. This can be achieved through invoking the right to access information.
- **To Private Sector:** There is need for private sector actors to use EIAs processes as an opportunity to promote sustainable development and specifically human rights in order to enhance the credibility of business operations within the community. Indeed adopting EIA processes in their corporate governance principles as well as in their internal policies and procedures will be essential in meeting the SDGs.

4.3 Community Legal Empowerment Tools for implementing the human right to a healthy and sustainable environment leaving no-one behind

Participants in this World Café investigated the extent to which development projects affect local communities. They explored the options or mechanisms that communities could employ to address particularly the negative project impacts. For instance, participants were informed that the community should be empowered with tools to distinguish the difference between the cumulative project impacts and the direct project impacts; the latter are easy to identify but the former are difficult to prove. The key objective was to identify how the community can be empowered to mobilize and engage with various agencies in order to communicate their concerns and recommendations, and exercise their biodiversity and ecosystems' related rights.

4.3.1 Key Highlights on various options available for community empowerment

The following highlights arose from the World Café discussion:

- **Community Protocols:** It emerged there was a significant opportunity in using community protocols to help communities to engage with development projects. Such protocols provide a means for the community to determine how to respond in a structured manner, to various challenges, while adopting a unitary approach towards public participation. These protocols are developed by, and designed for use by the community. Through the protocols therefore, the community sets the rules of procedures that work for them. A key weakness arises when the community fails to properly define the community engagement structure, or fails to embrace a wider participatory mechanism leading to elite capture, and disenfranchising the broader community and increasing of intra-community conflicts. Community protocols were identified as a means to prevent this while recognizing that community protocols can also face these risks.
- **Enforcement:** Participants noted that enforcement of legal empowerment tools was voluntary. This may be as a result of poor prior information and awareness which consequently undermines effective communication. There is some importance in enforcing the already existing stipulations and laws to ensure that the process of community input generation is clearly coordinated even at the local level.
- **Land tenure systems:** Participants stated that land tenure systems sometimes limit the effectiveness of legal empowerment tools. For instance, in some countries, communal land ownership was the basis through which members of the society could have the right to access and use lands. Traditionally, the authority over such parcels of land would fall on the chiefs, council of elders or male head of households. Structuring community protocols in these contexts can be difficult because the protocols embrace human rights, whereas customary authority derived from patriarchal systems whose application may not concur, for instance, with gender equality, or consensus based decision making by all parties. Thus, it was noted, this authority could be used by the power-bearers to pursue their own self-interest at the expense of the community.

- Community protocols therefore have to apply democratic principles and adapt to the changing local/customary circumstances in order not to undermine the human rights of certain sections of the community.

4.3.2 Recommendations concerning application and refinement of the Community Legal Empowerment Tool

The participants made the following recommendations:

- **To States:** There is a need to evaluate formal adoption of legal empowerment tools developed by Civil Society; and to evaluate applicability of alternative mechanisms of community engagement to address the legal empowerment gaps. There is need to strengthen the capacity of relevant state institutions to address the efficacy in execution of the state mandate, particularly when dealing with organised local communities and while addressing the political will in state institutions.
- **To international organisations:** It is important for international organisations to support governments and CSOs in developing clear guidelines that inform the development and structuring of legal empowerment tools that will aid communities and IPLCs in achieving their objectives. It was also recommended that when making or adopting voluntary guidelines for States, in the area of environmental protection and biodiversity management, international organisations should ensure that human rights are incorporated.
- **To civil society organisations:** Civil society can assist local communities to establish legally recognizable units at the state level, or to consolidate the means through which they engage with the state or private parties such as investors. This is perhaps one of the most effective means of safeguarding the community's interests by providing a united front, or legally protected collective identity. This is because disjointed efforts from the local community indicate non-consensus and the private developer or the state may actually determine at their own discretion how to engage with the community which in many instances has proved not to be favourable for IPLCs. Legal empowerment approaches and tools can play a valuable role here, including raising community, awareness, and providing knowledge on how communities can engage effectively with third parties.

5. Forward looking: the global recognition and implementation of the human right to a healthy environment and the post-2020 global biodiversity framework

In the last section of the dialogue, participants were divided into breakout groups, with the mandate to reflect on the process and outcome carried out throughout the three days dialogue. They were invited to engage in a discussion and to make specific recommendations on the global recognition on the human rights to a healthy environment. Likewise, they were invited to make recommendations on how to integrate human rights as part of the elementary structure and conceptual framework of the post-2020 global biodiversity framework such as in a stand-alone new Target and/or as cross-cutting dimension of all targets.

The human right to a clean and a healthy environment widely recognized in most countries as part of their national laws and the internationally recognized human rights principles served as a solid basis and precursor for the proposals that emerged from the groups.

5.1 Key recommendations on actions that could be undertaken to enhance the implementation of the human right to a healthy environment for good biodiversity and ecosystems' governance

Participants made key recommendations to States, international organisations and civil society organisations regarding actions that could be undertaken to enhance the indivisibility and interdependence of human rights to enhance environmental protection, and biodiversity governance:

5.1.1 Recommendations to State that are parties to the CBD

- Participants affirmed the need for States parties to the CBD to adopt a human rights approach to environmental protection in the post-2020 global biodiversity framework. This would require, at international level, and at national level, putting in place legal instruments setting out minimum standards for biodiversity and



Weaving together SDG 16, human rights law and the post-2020 global biodiversity framework

ecosystems' protection, and embedding key human rights principles across all sectors.

- States could achieve this human rights approach by linking the various institutions mandated to undertake protection of human rights to collaborate with their peers undertaking environmental governance. It is also important for states to ensure that public participation, and related procedural rights, are enshrined in the legal framework.



Facilitator of a discussion group presenting results to the plenary. Photo: Claudia Ituarte-Lima

- States should establish a group of champion countries to encourage common positions favourable to this goal, and undertake lobbying intended to achieve the adoption of a mechanism to mainstream human rights and biodiversity governance in the post-2020 period.
- Nationally and internationally, states will be required to support budgetary allocations to finance these actions to mainstream biodiversity and human rights, including through development cooperation agreements.

5.1.2 Recommendations to international organisations:

- Participants recommended that international organisations working in the realms of the rule of law, environment/biodiversity, and on human rights should facilitate negotiations for the creation of a binding global agreement on a human right to a healthy environment or the global recognition of the human right to a healthy environment by the UN General Assembly. This could be informed by the Framework Principles on Human Rights and the Environment presented to the 37th session of the UN Human Rights Council (A/HRC/37/59), by the UN Special Rapporteur on Human Rights and the Environment in 2018.
- International organisations could contribute with the conceptual and methodological content to ensure that the proposed binding agreement has strong monitoring, compliance, reporting and review components.

- There is also need for these organisations to seek to engage all the actors including the private sector, and be leaders in establishing a global lobbying movement for advocacy for the human right to a healthy environment.
- In working towards options for mainstreaming human rights in the post-2020 global biodiversity framework, there is need to have a clear linkage to the SDGs, and possibly, build on relevant indicators established for the related SDGs, such as SDG 16.

5.1.3 Recommendations to civil society organisations:

- Participants recommended that CSOs should participate at the international and national levels as appropriate depending on respective mandates, through advocacy, in order to raise awareness on the interdependent nature between human rights and healthy ecosystems.
- A role for CSOs nationally, for instance, provides a mechanism through which CSOs can monitor the compliance levels by the governments, or even the level of commitment in working towards the goal in question. CSOs could provide shadow reports to the progress reports given by their governments to treaty bodies, or develop an independent country position to be compared with that developed by the government.
- The role of CSOs nationally is critical because of the role they play in supporting public participation, such as through access to court (public interest environmental litigation) or access to information as a means for enhancing compliance by government with the rule of law, and supporting implementation of SDG 16.

5.2 Key recommendations regarding actions that could be undertaken to shape solutions in developing the post-2020 global biodiversity framework.

Participants made general recommendations as well as targeted recommendations to States, international organisations and civil society organisations regarding actions each of the respective actors could undertake in order to shape solutions in developing the post-2020 global biodiversity framework.

5.2.1 General recommendations

- **Baseline evaluation of existing legal approaches:** It is important to undertake a baseline evaluation of the national legislations, treaties and declarations to which a country is party to establish how the existing rights to a clean environment have been structured. This would provide thoughts on what a globally accepted approach could be, specifically within the post-2020 global biodiversity framework.
- **CSOs and advocacy of states to take action:** Civil society organisations have a primary role to advocate states to pursue the dual obligation of enhancing biodiversity and protecting the human right to a clean and healthy environment, as they are indivisible and interdependent.
- **Generation of evidence to support value of the human right to a healthy environment:** Support multi-actor efforts to develop empirical and qualitative evidence to generate awareness on how a stand-alone human right to a healthy environment can contribute to enhancing both biodiversity management and human rights protection.
- **Balancing between anthropocentrism and ecocentrism:** Participants noted that in framing cross-cutting human rights provisions, there was need for a balance between anthropocentrism and ecocentrism. This, they noted, would be key in putting communities at the centre of environmental conservation as well as synchronizing local mechanisms to the conservation of biodiversity. It would also implement the balance sought by the indivisibility and interdependence of human rights and the environment.
- **Clear targets and measurable indicators:** Participants noted that clear targets and indicators would be needed to make crosscutting approach smart and measurable, in order to track and monitor implementation.

5.2.2 Recommendations to State that are parties to the CBD

Participants recommended that States should:

- Undertake baseline assessments of their legal frameworks to test whether they have done enough to mainstream human rights and biodiversity, and to determine how much

further they should do. This can be achieved, for instance, through utilization of the Legal Assessment Tool (LAT).

- States should further take direct actions towards advocating for integrating human rights obligations throughout the provisions of the post-2020 global biodiversity framework. This includes respecting the rights of IPLCS and their role in biodiversity management.
- Harmonize national laws and international conventions in order to adopt practices to protect environmental rights defenders.
- Take decisive legal and administrative actions to specifically protect the rights of women from IPLCs who bear the brunt of confrontation between IPLCs and the state in the conservation context.
- Protect the tenure rights and user rights of IPLCs while undertaking conservation, as well as economic activities (such as extractives) on lands occupied by or used by IPLCs.

5.2.3 Recommendations to international organisations:

Participants recommended that international organisations should:

- Develop and implement frameworks for advocating governments and other international bodies, such as the CBD secretariat, or the Conference of Parties, to include clear statements and commitments on mainstreaming human rights in the post-2020 global biodiversity framework.
- Develop mechanisms for monitoring the implementation of State's obligations, facilitating cross-learning, and capacity building of both duty bearers and right-holders.
- Integrate human rights perspectives in their own systems too. Examples include internal application of the human rights based approach to programming, as well as good governance mechanisms such as transparency and accountability.
- Ensure that the post-2020 global biodiversity framework explicitly recognizes the equal role of women, and protects the rights of environmental rights defenders.
- Put in place regular and periodical monitoring frameworks to ensure that states comply with international law as well as the national guidelines and laws in existence with regard to biodiversity conservation and sustainable use.

5.2.4 Recommendations to civil society organisations

Participants recommended that CSOs should:

- Work to build networks in order to identify and strengthen local, national, regional civil society organisations that can articulate the role of, and advocate for implementation of the environmental dimensions of human rights as stipulated in international and regional instruments.

- Enhance their roles in developing public awareness on human rights, and the procedural means available for enforcement, including how citizens can engage with their own governments to lobby for their governments to take a public position on supporting mainstreaming human rights in the post-2020 global biodiversity framework. Strengthen the capacities of IPLCs and organisations to enable them to engage with governments as right-holders in the conservation and development agenda.
- Develop mechanisms through which to hold states accountable in meeting their international commitments concerning women and human rights defenders.

5.3 Questions on the methodology and process towards the outcome of mainstreaming human rights and biodiversity

This breakout session sought to assess what actions and steps were required to obtain accurate qualitative and quantitative data that is scientifically viable in ensuring practical application in the post-2020 global biodiversity framework. This was based on the assumption that the targets needed to have indicators as well as a clear means through which the data would be collected and the frequency of monitoring. Participants highlighted that it is important to ensure that governments cooperate and remain confident with the data collection and collation processes. This, calls for constant engagement and capacity development on the part of civil society organisations in order for them to effectively work with the governments and acquire the requisite data.

Participants in this breakout group provided the following recommendations

- **Re-evaluation of Human Rights and Biodiversity targets:** The participants suggested that there was need to clarify and assess what kind of data sets were needed to create targets for the post-2020 global biodiversity framework. It was noted that state actors had been conducting reports on various environmental indicators and there was need to consider which instruments were being used in the various countries. This was considered given the number of environmental related treaties and commitments that State actors had undertaken since the 1992 Rio Earth Summit. This would enable the post-2020 global biodiversity framework to take into account all the issues that had been raised in the past and integrate them into a comprehensive framework.
- **Establishing a Steering Committee of Partners to lead this conceptual, methodological and political processes:** Participants recommended the need for a steering committee comprising the various dialogue partners and incorporating other partners, in order to steer the conceptual, methodological and political processes to ensure integration of human rights, in one form or other,



Ms. Sofia Monsalve from FIAN International providing recommendations on how to mainstream human rights and biodiversity. Photo Dennis Wachira

into the post-2020 global biodiversity framework. This steering committee would also establish an information sharing mechanism; and further, monitor and review progress being made by states while engaging with the states and the CBD to move the process further along.

- **Develop cross-linkages across other Multilateral Environmental Agreements:**
- Participants emphasized the need for the promotion of human rights approaches to environmental protection in existing Multinational Environmental Agreements (MEAs). For example, the UN Framework Convention on Climate Change, and UN Convention to Combat Desertification Convention should, through decisions of Conference of Parties, be urged to elevate the role of human rights in achievement of their targets. Already, participants noted, the preamble to the 2015 Paris Agreement calls on states, when taking action to address climate change, to respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, people in vulnerable situations as well as gender equality, empowerment of women and intergenerational equity.
- Participants also highlighted the need to integrate environment/biodiversity principles in the various human rights conventions such as the Convention on the Elimination of All Forms of Discrimination (CEDAW), Committee on Economic, Social and Cultural Rights (CESCR), Convention on the Rights of the Child (CRC), International Covenant on Civil and Political Rights (ICCPR).

6. Remarks from the Final Plenary Session of the Peer-to-peer Dialogue

The final plenary session was, just like the opening plenary, one where the Chatham House Rules of dialogue were waived. It took the form of a roundtable discussion, with a moderator providing guidance to the panellists on the manner of contributions.



Mr. Tamen Sitorus from the Ministry of Indonesia speaks, during the closing session, about the importance of collaborative work between actors to mainstream biodiversity and human rights. At his left, Anna Zongollowicz from WWF, who stressed the importance of bringing the private sector on board. Photo Dennis Wachira

The composition of the final plenary session was informed by one of the key insights from this dialogue that the interaction between diverse people from the human rights and biodiversity communities together has proven fruitful. For this reason, the plenary roundtable comprised participants with complementary expertise from government, judiciary, international conservation organisations, civil society organisations and local communities.

A perspective from **Mr. Tamen Sitorus**, from the Ministry of Environment and Forestry of the Republic of Indonesia, emphasized the importance of the dialogue in creating awareness and respect for fulfilling human rights obligations at all levels of decision-making processes in Indonesia. He reported that the dialogue has helped him to understand the relationships between the environment and human rights and that he would report back to his country on how to address these linkages. He stressed the importance of collective



Mr. Justice Munyao Sila, Judge of the Environment and Land Court in the Republic of Kenya, speaking in the closing plenary about the importance of citizens bringing violations to court. Photo: Dennis Wachira

action, with governments, scientists, human rights defenders, media, lawyers and local communities as a key component of success for biodiversity conservation.

From the judiciary perspective, **Mr. Justice Munyao Sila**, Judge of the Environment and Land Court, Republic of Kenya highlighted that in adversarial legal systems, such as Kenya, the judiciary only gets involved in resolving biodiversity disputes after the matter is brought to court. Even *suo motto* orders can only be given once the matter is filed in court. He observed that while it is upon the States to uphold their environmental and human rights obligations, citizens must bring any violations to Courts for protection and enforcement. Since States have an obligation to obey court orders, he observed that they are more likely to enforce their environmental and human rights obligations through judicial decisions even if they are not politically or economically viable.



Ms. Lucy Mullenkei, from the Indigenous Information Network, Global Forest Coalition recommended that human rights be a part of the discussion during the National Biodiversity Strategic and Actions Plan so that indigenous people could also contribute to its development and implementation. Photo: Dennis Wachira.

Representing a constitutionally independent national human rights institution, **Dr Bernard Mogesa from the Kenya National Commission on Human Rights (KNCHR)** appreciated how the dialogue had clearly identified the symbiotic relationship between human rights and biodiversity. He highlighted that the KNCHR has been involved in compliance audits based on human rights principles and standards, and follows up on these audits periodically to ensure that their recommendations are being implemented. This continuous interaction has led to improvements in the behaviour of duty bearers and communities. They have initiated public interest litigations in areas they feel there is inaction by the government and relevant ministries.

Presenting the perspectives of indigenous people and local communities, **Ms. Lucy Mullenkei, from the Indigenous Information Network, Global Forest Coalition** spoke about the increased representation of indigenous people at a global level in recent times and the long road ahead to address still

glaring inequalities. She recommended that human rights be a part of the discussion during the National Biodiversity Strategic and Actions Plan so that indigenous people could also contribute to its development and implementation. She concluded by saying that it is important to include indigenous people and local communities in governance structures that make decisions regarding the protection of our resources.

Dr. Anna Zongolowicz, from WWF International, spoke of WWF's Inclusive Conservation work and the People Protecting Landscapes Initiative, which is under design. The thinking behind the Initiative is to work with Indigenous and Community Conserved Areas and Territories (ICCAs) to help map and advocate for rights. In this, WWF is consulting with IP organisations and leaders. Future in-country work is intended to be IP-led. Dr. Zongolowicz also mentioned the work of WWF in addressing the nexus of wildlife crime, human rights and corruption, starting from the professionalisation of rangers, which touches also on Indigenous Peoples and Local Communities, to drawing links between illicit flows of renewable natural resources, illicit financial flows and how those undermine the State's ability to deliver its human rights obligations. She concluded by recommending that the private sector should be involved in these discussions since they are key to addressing the questions raised at the Dialogue.

The perspective of a regional/continental civil society organisation was provided by **Mr. Augustine Njamanshi** from the Pan Africa Climate Justice Alliance (PACJA) who pointed out that Multilateral Environmental Agreements like the CBD, as well as many national constitutions recognise human rights, including the right to a healthy environment, as a driving principle. He observed that it was important to train local communities on provisions of the laws so they can be aware of their rights. He affirmed the role of a continental CSO like PACJA in framing agenda and advocacy on wide scale through its members in various countries, links to governments and international organisations.

Dr. Claudia Ituarte-Lima concluded by observing that it is important for all participants to engage each other in collective, creative and innovative action to find solutions for safeguarding biodiversity and providing good quality of life for all, leaving no one behind.

7. List of participants



Peer-to-peer Dialogue participants. Photo: Dennis Wachira.

Intergovernmental & governmental organisations

Ben Wandago
United States Agency for
International Development

Bernard Mogesa
Kenya National Commission of
Human Rights

Bruno Pozzi
European Union Delegation to Kenya

Felix Kyalo
International Development Law
Organization – Uganda

Isabel Kempf
UNDP-UN Environment Poverty-
Environment Initiative

Jyoti Mathur-Filipp
Convention of Biological Diversity
(Live video talk)

Justice Munyao Sila
Environment and Land Court Kenya

Niamh Brannighan
UN Environment

Romualdo Mavedzenge
International Development Law
Organization – Kenya

Tamen Sitorus
Ministry of Environment and Forestry
– Indonesia

Civil society

Augustine Njmanishi
Pan African Climate Justice Alliance

Angela Mutsotso
Natural Justice

Anna Zongolowicz
WWF International

Benson Ochieng
Institute for Law and Environmental
Governance

Fred Kibelio Ngeyo
Cheptikale Indigenous People
Development Project Mount Elgon,
Kenya

Habib Fora
Center for Justice Governance &
Environmental Action

Habil Onyango
ViAgroforestry

Joram Kagombe
Forestry Society of Kenya

Katharina Rogalla von Bieberstein
World Conservation Monitoring
Centre (WCMC)

Lorraine Chiponda
Natural Justice

Lucy Mullenkei
Global Forest Coalition

Maurizio Farhan Ferrari
Forest Peoples Programme

Milka Chepkorir
Sengwer community

Pauline Makutsa
Executive Director Tujikimu
Mashinani

Said Salim
Natural Justice

Samuel Rono
We Effect

Sébastien Duyck
Centre for International Environmental
Law

Sofia Monsalve
FIAN International

Unusa Karimu
International Indigenous Forum on
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Ochiel Dudley
Katiba Institute

Academia

Chikosa Banda
University of Malawi

John H. Knox
UN Special Rapporteur on Human
Rights and Environment and Professor
at Wake Forest University School
of Law

Jane Mutheu Mutune
Wangari Maathai Institute for Peace
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Pamela Towela-Sambo
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Phiona Mpanga
School of Law
Makarere University

Richard Mulwa
University of Nairobi

Nyasha E. Chishakwe
Department of Public Law the
University of Zimbabwe

Organisers

Claudia Ituarte-Lima
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Soo-Young Hwang
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Logistical support

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Benson Njihia
International Development Law
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Cindy Salim
International Development Law
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Rapporteurs

Francis Wanija
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Kevin Gakumo King'e
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Marie W. Gathegu
International Development Law
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Benjamin Atika
International Development Law
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Annex 1: Inputs from CBD Alliance to the Peer-to-peer Dialogue

A consultation process by CBD Alliance members led to suggestions on the Living Document prepared by SwedBio and other partners, and to comments on the idea around the linkages and relevance of the interconnection between human rights and biodiversity. The inputs below do not represent a common position but rather a compilation of views and suggestions from experienced members of the CBDA.

While moving forward with the efforts towards strengthening the human rights and biodiversity nexus, members considered it important to learn from past experiences. Regional spaces, like the Advisory Opinion 23/17 of the Inter-American Court of Human Rights that focuses on the human right to a healthy environment was highlighted. Learning from challenges from prior CBD processes was also raised such as in the Expert Group on Poverty and Biodiversity.

As part of framing the connections, one of the suggestions put forward was the inclusion of Biocultural Rights of Life's Diversity, where Human Rights and Right of Earth's life are

integral to each other. In connection with the on-going mainstreaming process of the CBD, suggestions were made on enhance the protection of activists, indigenous peoples and local communities in vulnerable positions resisting extractive activities whose rights are not being respected in many countries

An urgent need for implementation and accountability mechanisms for enforcing the binding obligations of the CBD was highlighted, rather than only engaging in long text discussions. While implementation in developing countries is partly caused because of a lack of capacities, concrete pressures to trigger political will to allocate resources for implementation is necessary. In relation to this, it is an important strategy to consider the varying social, political and legal situations of Parties under the Convention that will be in charge of enforcing decisions of the COP. Joint efforts from a big and diverse community who do not only participate in the decision-making process of the COPs, but is also willing to follow-up on the targets is key to ensuring that the momentum is not lost.

Annex 2: Evaluation of the Peer-to-peer Dialogue

Evaluation from participants

The following evaluation was drawn from an online survey answered in anonymity and an evaluation session by members of the convener organisations conducted after the closing session. In total seventeen participants provided feedback.

What did you most appreciate/enjoy/think was best about this Peer-to-peer Dialogue?

- Participants valued the diversity of attendees from different backgrounds, kind of organisations (e.g. academia, government and civil society), and regions of the world, although it was mentioned that the dialogue would have gained from including more Asian representatives. The following quote illustrates the way in which participants appreciated diversity of actors *“people with diverse experiences and from different backgrounds bringing out different ideas allowed lots of learning in the process of sharing”*.
- Participants expressed that engaging and fruitful discussions was one of the main positive aspects of the dialogue. They noted that the facilitation of the dialogue enabled a meaningful participation as this quote demonstrates *“The views expressed by participants were honest and taken on board. Besides it was not the position of the holder of the views that mattered but the view itself therefore living to its objective of full participation”*
- Finally, attendees appreciated having discussed the linkages between biodiversity conservation and human rights and their inclusion in international decision making spaces. One participant answered the question with the following answer *“The opportunity to discuss the right to a clean and healthy environment and its inclusion in international plans and laws”*

What do you think about the content of this Peer-to-peer Dialogue?

- Participants agreed on the relevance of addressing the human rights-biodiversity nexus in the face of the post-2020 global biodiversity framework and in connection with SDG’s. They recognized that it was challenging to address the issue due to technical language *“I think the content was very relevant in linking Human Rights, Biodiversity and SDGs within the post 2020 framework.”*
- In spite of addressing complex issues that at times required specialised knowledge, most of the answers show that discussions were inclusive and allowed participants with different perspectives and depth of knowledge (e.g. indigenous peoples and judges) to engage and contribute to the dialogue, which is exemplified in the following quote *“Indeed the platform enabled individuals to be able to be at par through lively discussions and clarifications of various issues that were core to the discussion.”*
- Furthermore, participants mentioned that integrating human rights and biodiversity into a global framework was a complex issue to discuss but acknowledged that the approach taken managed to take into account the many levels that come at play, as one of the respondents said *“The content of the dialogue covered the key areas necessary. Weaving local, national and international systems is very important and led to excellent discussions during the dialogue.”*
- Attendees considered that the sub-topics discussed in breakout groups were relevant, well prepared and increased the participants’ understanding on the matter. *“The breakout group discussions were very productive in assisting in the conceptualization of the LAT [legal assessment tool] in a more exhaustive manner. The discussions were well informed and brought essential issues that would be required to ensure its success.”*

What logistic improvements would you recommend?

- For the future, some participants recommended having shorter daily programmes, however some others recognised that time to delve into the discussed issues was short.
- One suggestion was making all the reading material available in advance.
- A wider representation of Asian countries was found desirable. It was also recommend to improve the strategies to share group discussions with the plenary.
- Muslim participants pointed out that hotel services could have been more flexible in consideration of Ramadan.

Self-evaluation from convener organisations

Overall, convener organisations were satisfied with the high level of engagement of all participants, the collaborative atmosphere that was created along the discussions, and the fact that the right to a healthy environment was a common interest that served to ground ideas.

- They agreed that one of the main strengths and challenges of the dialogue was bringing a diversity of relevant human rights and biodiversity related actors together.
- Partners agreed with participants who expressed that the Peer-to-peer Dialogue was an opportunity to realize synergies between actors with similar interests that nonetheless usually don't collaborate. Partners and participants highlighted the key role of SwedBio as a bridging actor.

- Partners commented that although the principles behind the dialogue methodology were useful to create an inclusive atmosphere for discussions, the methodology itself was not properly followed all the time, therefore in some cases groups ran out of time and some participants could not provide comments in the final round. They also noted that extra time had to be spent in explaining the cases and the details behind the rationale of the dialogue. For the future, partners suggested to explain more the methodology, provide more time for breakout group discussions, implement more breaks in the discussion sessions, and allocate special time during the dialogue for people to read the supporting documents.
- All partners agreed that the work done should be followed. In this regards, it was identified as key to work closely with the new special rapporteur on human rights and the environment. Likewise, it is crucial to engage with other organisations, and present the dialogue's outputs to governments in the Human Rights Council and other venues such as those identified in the weaving map of the SDG16 pigeon.
- On the logistical part, enhance action to make the meeting as such more environmentally friendly. Although the organisers requested to avoid the use of plastic water bottles and instead use water gallons, the hotel did not follow-up with the request. Make sustainability requests to meeting venues before agreeing to hold the venue in the respective place may prove a good incentive for the venue staff to follow such types of requests.

Annex 3: Recommended readings

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United Nations Development Group (2003) *The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies*, available at: <http://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies>

Whakatane Mechanism <http://whakatane-mechanism.org>

OHRCHR, *Climate Change and the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health* (A/HRC/32/23)

OHRCHR, *Climate change and the full and effective enjoyment of the rights of the child* (A/HRC/35/13).



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