

WWF Contribution to the Thematic Report of the UN Special Rapporteur on Biodiversity and Human Rights

Introduction

Background and Content of this report

This report is WWF's contribution to the thematic report of the UN Special Rapporteur on biodiversity and human rights.¹ It builds on the experiences and practice from offices and programmes across the WWF Network.

The relationship between human *welfare*, and biodiversity and ecosystem services is often unrecognised or underestimated although research over the last decade has clearly demonstrated the many ways biodiversity loss and ecosystems service decline impact people and disproportionately affect the most vulnerable.² An even greater gap in understanding exists on the link between biodiversity and ecosystem services and human *rights*. Ecosystem decline directly impacts the achievement of substantive human rights; ecosystems approaches and fair sustainable management of natural resources are essential for providing civil, political, economic, cultural and social rights.

WWF warmly welcomes the work of the Special Rapporteur to bring more clarity on the crucial connection between human rights, biodiversity and ecosystem services. We also saw in our own efforts to answer the questionnaire that colleagues are not used to framing their work in human rights 'language'. We believe the report will help by building shared understanding in the human rights and environmental communities and we appreciate the opportunity to contribute to it.

Responses to the Special Rapporteur's questions on biodiversity and human rights

WWF and Human Rights

As a founding member and partner in the **Conservation Initiative for Human Rights (CIHR)**, WWF is committed to respect, protect and promote internationally proclaimed human rights, including the Universal Declaration on Human Rights and other applicable instruments.³ The information

¹ This report has been developed with inputs from the WWF Social Development for Conservation (SD4C) Steering Group and WWF colleagues working on the Ocean, Forest, Freshwater, Governance, Markets and Food Practices.

² See for example: WWF's Living Planet Report series (LPR 2016 Release 27 October 2016: http://wwf.panda.org/about_our_earth/all_publications/lpr_2014/index.cfm).

³ WWF's Human Rights policy is part of a larger suite of social policies: see www.panda.org/people. For more information on the CIHR see: [CIHR and the integration of human rights in conservation](#).

below provides some examples of how WWF engages in the area of biodiversity and ecosystem services related to human wellbeing and human rights and outlines some of the challenges faced.

Q.1: Please provide good practices in the adoption of biodiversity-related legislation, policies and programmes that incorporate human rights obligations.

At global level, WWF has advocated for the recognition of the link between ecosystem services, human well-being and human rights in different international fora and conventions, including the Sustainable Development Goals (SDGs) and the Convention on Biological Diversity (CBD) and Nagoya protocol. WWF is also engaging to raise attention on human rights issues in other fora:

- Developing policy and participating in the emerging discourse around the issue of Fisheries Crime:** The Fisheries crime discourse includes human rights and labour rights issues: specifically crew conditions tantamount to slavery, kidnapping and human trafficking. WWF and the United Nation Office on Drugs and Crime Prevention (UNODC) co-hosted an Expert Group Meeting in February 2016 to understand fisheries crime and its scope, including serious crime and transnational organised fisheries crimes, and to identify criminal justice and law enforcement tools to address such crime. Representatives from the International Transport Worker's Federation and International Labour Organisation (ILO) participated in the meeting and human rights abuses were discussed extensively. These discussions ensured that fisheries are also addressing human rights and labour issues, and that relevant international agreements such as the ILO Maritime Labour Convention (pertaining to shipworks), Human Rights Covenants Law, and national legislation, are applied and universalised for the sector.

At national level, WWF has worked in many countries to support effective implementation of biodiversity-related legislation and policies that contribute to human well-being and the fulfillment of substantive and procedural rights. Examples include:

- Influencing biodiversity legislation and policy documents:** The Constitution of South Africa provides for everyone the right to an environment that is not harmful to their health or well-being. Individuals have the right to have their environment protected through reasonable legislative and other measures that prevent pollution and ecological degradation; promote conservation; and secure ecologically sustainable development and use of natural resources while promoting justifiable economic social development. The National Environmental Act (NEMA) (Act 107 of 1998) is regarded as the most important piece of environmental legislation in this context. Under the auspices of the NEMA are 'five specific environmental management acts', including the Biodiversity Act and Protected Areas Act. In this enabling framework, **WWF South Africa** has worked with the South African National Biodiversity Institute to delineate freshwater ecosystem priority areas, strategic water sources areas and designated protected areas.

- **Supporting specific programmes linking human rights and biodiversity through communal areas conservancies:** Namibia's Community Based Natural Resources Management (CBNRM) Programme, supported by **WWF Namibia** together with local civil society organisations (CSOs), operationalizes the link between human rights, democracy and governance, environment and rural livelihoods through the establishment of communal areas conservancies. The basic human rights and freedoms enshrined in the **Namibian constitution** -- including freedom of association, freedom of speech and non-discrimination -- are strengthened through community conservancies. Another example of good practices in the adoption of biodiversity-related legislation is the Policy on Wildlife Management, Utilisation and Tourism in Communal Areas in 1995, aimed at: *empowering rural communities to manage and utilise wildlife and other renewable living resources, by linking rural economic development with wildlife conservation and wild landscapes.*
- **Addressing the health and wellbeing of farmers, workers and broader communities in sustainability standards by providing concrete measures to prevent dangerous practices and create more healthy and safe environments:** WWF and the Center for International Forestry Research (CIFOR) commissioned a study in 2013 to assess whether Forest Stewardship Certification (FSC) in the Congo basin contributes to the well-being and health of people working in the forestry sector. Findings show that people working in certified forestry management units (FMUs) have their safety, medical coverage and living conditions upheld: 100% of FMUs offer health and life insurance to all staff (versus 25% for non-certified), while certified FMUs implement more diligent safety procedures and employees have better working and living conditions (e.g better access to water and medical facilities) compared to non-certified units.
- **Supporting the right to food:** **WWF South Africa** has played an important role in the Southern African Food Lab (SAFL), established in 2008. The SAFL is a multi-stakeholder platform that brings together diverse stakeholders with influence in the regional food system with the overarching purpose to reduce hunger, poverty and inequality while driving a resource smart food system. Representatives from across the food system include disadvantaged urban youth, small scale farmer's commercial farmers, private business and government. The advisory board, of which WWF is a member, includes working on the right to food. A history of exclusion and inequality in the country means that although indigenous peoples from all areas of South Africa are included in the various projects, it is still difficult for them to claim the space provided.
- **Supporting a Responsible Business Initiative to protect human rights and the environment:** **WWF Switzerland** is part of the Responsible Business Initiative comprising of 78 organisations working in development aid, women and human rights, environmental protection as well as churches, unions and shareholders' association. This

Swiss Coalition for Corporate Justice is asking for a change of legislation to request an amendment to the Federal Constitution, demanding the introduction of the article 101: "Responsibility of Business". Under the Responsible Business Initiative, companies will be legally obliged to incorporate the protection of human rights and the environment in all their business activities. This mandatory due diligence will also be applied to Swiss based companies' activities abroad. The mandatory due diligence instrument is based on the UN Guiding Principles on Business and Human Rights. According to these principles, companies must first review all their business relationships and activities with a view to identifying potential risks to people and the environment and must take effective measures to address adverse impacts identified.

Indigenous Rights:

Many areas where WWF works are also home to Indigenous Peoples (IP), tribal, rural and coastal communities whose livelihoods and cultures are intertwined with biodiversity and ecosystem conservation. WWF was the first major conservation organisation to formally recognize, in 1996, the rights of the Indigenous Peoples to the traditional lands, territories and resources. For more information on WWF'S Indigenous Peoples and the broader Social Policies, see the comprehensive report [WWF's Response to the UN Special Rapporteur on the Rights of Indigenous Peoples](#).

Q.2: Please provide specific examples of good practices in the implementation of human rights obligations in biodiversity-related matters.

In many places where WWF works, colleagues work to secure the exercise of procedural rights, in particular the rights to information, public participation in decision-making and access to justice, particularly with regards to access to natural resources for Indigenous Peoples and Local Communities. Examples:

- **Sustainable water supplies for urban communities:** WWF is engaged in places where unsustainable water use and poor water governance and management are increasing water scarcity. Climate change and population growth will add additional pressure. WWF's work on water stewardship is about valuing water and the right to water and promoting responsible behaviour by actors in specific water basins. **WWF Pakistan** initiated a project to increase the supply and access to safe drinking water in the low lying areas of Lahore. The project involves installation of water filtration plants and capacity building of communities. WWF Pakistan's role includes identification of sites and communities for the installation of drinking water facilities, promotion of the concept of water stewardship and community mobilization for public awareness with a particular focus on women's participation.

- **Strengthening the capabilities of local people to participate in decision-making about their environment:** For more than ten years, **WWF Colombia** has strengthened the capabilities/capacity of many local actors to develop a methodological tool enshrined in the Colombian constitution, known as the Citizen Action Roundtable (*conversatorio*). The *conversatorio* is founded on promoting the protection and realisation of community rights that include the right to a healthy environment and ecosystem services. This tool secures a structured dialogue based on citizen's rights and duties and institutional competencies in order to generate binding agreements in a negotiation framework. In 2013, WWF Colombia established an inter-ethnic roundtable on land and production. The roundtable is part of 32 agreements signed by 25 institutions to assess issues related to territorial arrangement, production systems in the Amazon, fishing practices and solid waste disposal, among others.
- **Access to information, participation and justice:** WWF has been an active supporter of the Aarhus Convention and the Pollutant Release and Transfer Registers (PRTR) Protocol. For example, **WWF Bulgaria** has welcomed the findings of the Aarhus Convention Compliance Committee that Bulgaria's Spatial Planning Act infringed upon the rights of Bulgarian citizens to participation and access to justice in planning. **WWF Russia** is working to align national legislation with Aarhus principles.
- **Building capacity on securing Community Based Organisations participation in natural resource management:** **WWF Mozambique** supported the establishment and formalization of Community Natural Resources Management Committees in WWF intervention areas and supported the establishment of the Community Fisheries Councils (CFC) in various villages in Metangula on the shore of Lake Niassa. These CFC were formalized and through the government, it was agreed that CFCs would be involved in the management of fishery resources and receive 10% of licensing revenues. While an important advance, implementation faltered as the CFC never received the expected tax revenues.
- **Preserving the rights of communities that have spiritual connections to specific World Heritage Sites:** A proposed mining development in the *Mapungubwe World Heritage* site pitted the imperatives of cultural heritage, biodiversity and water conservation against those of extracting South Africa's mineral resources and ultimately led to one of South Africa's most successful and inclusive environmental management committees. The Lemba community joined the NGO's coalition "Save Mapungubwe" -- an expert group that provides advice to the environmental committee -- to oppose mining in this area. Although mining rights were granted, the company holding the rights had to adhere to stringent conditions to ensure that interested and affected parties were continually

consulted and respected through the entire duration of the project. **WWF South Africa** is part of the NGO coalition and provided input on their water committee.

Q.3: Please specify, where relevant, specific examples of challenges and obstacles to the integration and protection of human rights in biodiversity-related matters.

WWF faces obstacles to the integration and protection of human rights in biodiversity-related matter, especially in fragile states where rule of law is weak. We also see significant human rights challenges ahead as pressures on land and natural resources escalate while human rights based approaches to land use decisions lag behind.

Some challenges include:

- **Human-Wildlife conflict:** Conservation can imply challenges for communities to find a balance in sharing their environment with wildlife. In some areas, human-wildlife conflict is a significant threat to local human populations and to the survival of many species. In 2014, a total of 7'774 conflict incidents were recorded in 82 conservancies in Namibia, of which most included attacks to livestock, followed by other damage incidents e.g. water, installations and attacks on human. While the growing number of conservancies may be an indicator that rural communities have some tolerance towards living with wildlife, conservancies are continually exploring human-wildlife conflict management and mitigation strategies to minimize the impacts of wildlife damage to individual farmers. **WWF Namibia**, in collaboration with local CSOs and government technical staff, has been supporting conservancies to develop and implement appropriate local-level monitoring systems that clearly document wildlife trends as well as human-wildlife conflict incidences to improve planning and adapt management interventions accordingly.
- **Achieving effective appropriation of conservation benefits:** The **Cameroon** Forestry Law and application decrees acknowledge the crucial role of local communities in the management of forest and wildlife resources. Community participation and involvement is foreseen in the legal instruments regulating both the creation and management of Protected Areas (PAs). However, while the legal regulatory framework promotes active community involvement at all levels, including access to resources, the application decrees are not sufficiently clear to guide the negotiation of user rights. To date, full appropriation of conservation issues by communities still needs support as does the generation of long-term sustainable revenue mechanisms.

Q.4: Please give examples of how the rights of those who may be particularly vulnerable to the loss of biodiversity, including but not limited to indigenous peoples, are (or are not) provided with heightened protection

As noted above, WWF works in a number of places where the rule of law and respect for rights is fragile. In these places, WWF is working with local actors to make concrete steps to open space for progress and to work with specific groups in protecting procedural rights. It is clear, however, that a wider coalition of actors is needed to make wider and deeper progress.

For our own conservation actions, WWF International's Board endorsed in 2015 **A [Project Complaints Resolution Process \(PCRP\)](#)** for the WWF Network in order to provide a channel for raising and resolving concerns related to the implementation of WWF social policies in our conservation work. The PCRP is intended to respond to concerns raised by stakeholders who may be affected by WWF-supported conservation activities. It was designed in the spirit of dialogue and conflict resolution and to serve as one channel to improve mutual understanding, strengthen WWF's accountability and provide a foundation for increased collaboration with other actors. The PCRP provides a common standard applicable across the Network, which offices can build upon to ensure specific procedures in the standard are effective in their national and local contexts.

WWF is also working to strengthen our internal monitoring of human rights related issues, including through a new set of community natural resource governance indicators.

Additional examples of how WWF is working to support the enjoyment of substantive and procedural rights related to biodiversity and ecosystem services are provided below:

- **Developing a system to monitor threats of indigenous territories:** In the **Amazon**, WWF offices are working with indigenous peoples associations to develop an Early Warning System to monitor threats to indigenous territories which aims to prevent escalation of conflict and prevent violation of human rights. The system has two processes: first, the identification of threats by local IP organizations and second, the response to these threats. The observatory to monitor threats to indigenous territories is part of the Regional Strategy for the Conservation of Amazon Indigenous Territories and was identified as a need by the Coordinator of the Indigenous Organisations of the Amazon Basin (COICA). In the Amazon, the overlap of indigenous territories and protected areas is still an issue. WWF and COICA are starting the development of a toolbox for legal advice on conflict resolution for these cases.
- **Including gender policies in sustainability standards:** The Roundtable on Sustainable Biomaterials (RSB) explicitly requires the unit of production to prevent discrimination of women in the workplace, such as, but not limited to equal remuneration, gender focused complaint mechanism and resolution policies, equal hiring, training and promotion opportunities. Women's labour rights are also protected: sexual harassment complaints and remediation policies are implemented and enforced, maternity leave/paternity leave

is granted at minimal payment at the level of social insurance offered by the country with guarantee to return to the job.

Some of the critical issues in ensuring the respect of human rights in natural resource management are: addressing the development needs of communities in addition to their rights over resources; offering appropriate recognition to community institutions capable of governing natural resources, and to their accompanying knowledge and management practices; tackling conflicting visions and poor communication between communities and government officials; enhancing the level of participation and consultation of local stakeholders (including women); providing higher transparency of information and ensuring prior and informed consent of relevant indigenous peoples and local communities wherever the government and/or private sector companies affect their land and resource; engaging in fair and equitable partnerships and negotiations.

Q.5: Please give examples of good practices in the protection of environmental human rights defenders working on biodiversity and conservation issues, including any efforts by Governments or others to create a safe and enabling environment for them to freely exercise their rights without fear.

The alarming trends of abuse of environmental rights defenders is a particularly grave outcome of wider threats and shrinking space for civil society and citizen action in many areas of the world. WWF launched a new work programme in July 2016, including a new institutional focus on building good governance of natural resources, defined to include respect of human rights, transparent and accountable processes, citizen access to information, participation and justice, among other aspects. Within this work, WWF is building on work with other civil society actors and exploring partnerships with human rights organisations on areas for collaborative work. An example:

- **Formation of coalitions and multi-stakeholder platforms in Uganda:** WWF Uganda supports three coalitions working to promote rights based approaches to the conservation of biodiversity. These include the Uganda Forestry Working Group (UFWG), the Anti-Corruption Coalition Uganda (ACCU) and the Uganda Network for Collaborative Forestry Association (UNETCOFA). Coalitions have been used as a mean of promoting popular participation in government's decision making processes and accountability by duty bearers. In addition to these coalitions, a national Forest Law Enforcement, Governance and Trade multi-stakeholder platform has been established by CSOs to lobby for increased benefit sharing schemes with communities that are adjacent in biodiversity areas. These efforts by CSOs have helped create a safe and enabling environment for individuals to freely exercise their rights.