



## Biodiversity and Human Rights

Questionnaire prepared by the UN Special Rapporteur on human rights and the environment

### Contribution by the Union for Ethical BioTrade (UEBT)

27 September 2016

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

The [Ethical BioTrade standard](#) is an internationally-recognized standard for the ethical sourcing of natural ingredients. It is based on and seeks to advance the objectives of the Convention on Biological Diversity (CBD), as well as other international human rights and sustainable development instruments. For example, it requires sustainable management of species sourced; maintaining or restoring ecosystems where sourcing activities take place; and equitable prices for natural ingredients.

Principle 6 of the Ethical BioTrade standard requires companies to respect human rights. Companies must take measures to ensure respect for human rights and no violation of such rights or of discriminatory policies or practices. Specific references are made to a number of International Labor Organization (ILO) conventions, the UN Convention against Transnational Organized Crime, Protocol on Trafficking and Smuggling, the OECD guidelines for Multinational Enterprises, and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). There are also provisions that aim to safeguard:

- the rights of indigenous peoples and local communities over their lands, resources, religious and cultural sites and cultural heritage;
- the rights of employees to adequate working conditions; and
- food security.

The Ethical BioTrade standard applies to management systems for the sourcing of natural ingredients in the food, cosmetics and pharmaceutical sectors. It covers different stages of the supply chain, from collection or cultivation to research, manufacturing and commercialization.

UEBT member companies are active in the cosmetics, food and pharmaceutical sectors. They may collect or grow plant material (for example, through wild collection, agroforestry or agriculture), produce plant-based ingredients such as extracts, vegetable and essential oils, tinctures, and active ingredients, or conduct research and development on new ingredients and products. For all these activities, the Ethical BioTrade standard, managed by UEBT, guides company practices and drives sustainable business growth, local development and biodiversity conservation.

Companies joining the [Union for Ethical BioTrade \(UEBT\)](#) develop work plans for implementing the Ethical BioTrade standard. For example, work plans improve management systems, which should ensure the standard is gradually implemented for the natural ingredient portfolio. Work plans also focus on priority supply chains, where the standard is implemented more quickly. It is possible to certify compliance of supply chains against the

Ethical BioTrade standard. UEBT uses a combination of self-assessments and second and third-party audits to assess compliance.

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

As UEBT members commit to the Ethical BioTrade standard and reflect its requirements in policies and practices, they contribute – jointly as well as individually – to the implementation of human rights in biodiversity-based sourcing and innovation. For example, by promoting trade and investment in biodiversity-rich yet economically-disadvantaged areas, the Ethical BioTrade standard contributes to reducing poverty. This is called for in the Sustainable Development Goals and is also key to human rights, as poverty has been found to erode economic and social rights (such as the right to health, safe water and education). Moreover, the Ethical BioTrade standard supports a model based on inclusive and sustainable economic growth, based on capacity-building, value-addition, innovation and technology transfer at the local level.

In line with requirements of the Ethical BioTrade standard linked to the conservation and sustainable use of biodiversity, UEBT members also adopt practices that aim to preserve food security. The Ethical BioTrade standard emphasizes practices –both for wild collection and agriculture – that are sustainable and respect traditional conservation strategies. Companies must have information on traditional practices linked to the sourcing of species and ingredients and take measures to preserve and restore such practices.

The concept of prior informed consent and fair and equitable sharing of benefits derived from the use of genetic resources and associated traditional knowledge is central both to Ethical BioTrade, sustainable development and human rights. If companies engage in the utilization of genetic resources, even if they are working in a country without applicable legislative or regulatory requirements, they must secure prior informed consent and negotiate mutually agreed terms. Negotiations – on prior informed consent but also on all sourcing activities – must take into account relevant customary law and local practices. UEBT has developed a methodology for dialogues based on the recognition of biocultural principles, in order to help companies implement these obligations.

Annual reports and summaries of audit results for UEBT members can be requested on the UEBT website.

*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.*

The Ethical BioTrade standard includes provisions focused on the rights of particularly vulnerable groups, including producers of plants sourced for natural ingredients, indigenous peoples and local communities, and employees of companies along the supply chain. For example, producers must be trained in good practices and receive equitable prices, based on informed and balanced negotiations and cost calculations that consider the costs of implementing conservation, sustainable use, social and other requirements in this standard as well as a profit margin. Sourcing activities must contribute to local development goals, as defined by producers and their communities.

Other provisions linked to the rights of communities in sourcing areas involve requirements to have sustainable management plans for sourcing activities, avoid negative environmental impacts (e.g. to soil, air and water), and contribute to conserving and restoring biodiversity (even beyond sourcing activities) in line with local priorities and strategies.

Finally, there are provisions to ensure that companies respect rights linked to land and natural resources. In particular, the Ethical BioTrade standard includes references to the rights of indigenous peoples and local communities to own, use, and control lands, territories and resources; to maintain, protect, and have access in privacy to their religious and cultural sites; and to maintain, control, protect, and develop their cultural heritage, including traditional knowledge associated to biodiversity.