

WWF Contribution to the Thematic Report of the UN Special Rapporteur on Healthy Ecosystems and Human Rights : Sustaining the foundations of life

Introduction

The report of the Special Rapporteur on *Human rights and associated obligations related to healthy biodiversity and ecosystems* comes at a critical juncture. The COVID19 pandemic has more clearly than ever revealed the deep faults in our global economies and societies: both our staggering inequities and our dangerously unbalanced relationship with nature. We have an opportunity to build a green and just recovery. Ensuring global recognition of the tight bond between human rights and environmental health can leverage the sustainable decisions and actions we need to achieve that. This WWF contribution to the Special Rapporteur's report aims to support that ambition, one we are equally committed to. It includes contributions from multiple offices across the WWF network.¹

Responses to the Special Rapporteur's questions on healthy ecosystems and human rights.

Q.1: Please provide examples of ways in which declining biodiversity and degraded ecosystems are already having adverse impacts on human rights.

Declining biodiversity and degraded ecosystems have far reaching and diverse impacts on human rights across the world. Nature degradation, declining natural spaces and degradation of water catchment areas greatly impact the **right to a clean and healthy environment** and the **right to clean water** (Examples in Annex: Kenya, Australia, Brazil, Argentina). Declining wildlife populations and destructive fishing practices threaten the **right to food and food security** for communities whose livelihoods depend on biodiversity (Example in Annex: Malaysia); poaching and unrest can have severe impacts on the security of communities and indigenous populations (Example in Annex: DRC). Forest degradation and deforestation impact the **right to clean, healthy and sustainable environment, right to water, property, food, health, education, and security** (Examples in Annex: Malaysia, Tanzania, Colombia, Cameroon).

Deforestation exacerbates unstable and dangerous climate impacts, including floods, droughts, and decreased average rainfall; these in turn impact peoples' quality of life, livelihoods, and food security. Indigenous peoples and local communities whose livelihoods and well-being are directly linked to nature often bear the greater costs. Environmental deterioration from the intensification of livestock, agricultural and aquaculture practices negatively affects **indigenous and peasant rights** (Examples in Annex: Colombia, Chile, Bolivia). Land conversion and unsustainable land use impact the **right to clean, healthy and sustainable environment, right to water, property, food, health, education, and security** (Examples in Annex: Indonesia, Bolivia). Loss of nature also **curtails the attainment of gender equality**

¹ WWF Australia, WWF Bolivia, WWF Brazil, WWF Cameroon, WWF Chile, WWF Colombia, WWF Guatemala, WWF Indonesia, WWF International, WWF Kenya, WWF Malaysia, WWF Namibia, WWF Russia, WWF Tanzania, WWF US, Fundacion Vida Silvestre (Argentina); Wildlife Corruption Programme, WWF Forest Practice, WWF Governance Practice.

and empowerment of women: women who depend on nature for their livelihood suffer more from biodiversity loss (Examples in Annex: Colombia, DRC). A recent [IUCN study](#) spotlights how “the damage humanity is inflicting on nature can also fuel violence against women around the world – a link largely overlooked”.

Q. 2: To protect a wide range of human rights what are the specific obligations of States and responsibilities of businesses in terms of addressing the main direct drivers of harm to biodiversity and ecosystems and indirect drivers

Several countries where WWF works have Constitutional and/or legal provisions establishing the right of people to a healthy environment. The Bolivian Constitution, for example, **establishes the right of people to a healthy, protected and balanced environment**, and empowers people to exercise legal actions in defense of that right. Brazil has strong environmental legislation that provides the "**right to an ecologically balanced environment, which is an asset of common use and essential to a healthy quality of life**". Such a right is reinforced and detailed by federal, state and municipal legislation. Other countries have made international or national commitments to sustainable development that recognize the importance of healthy biodiversity to human well-being, including in corporate activities.

In many countries, however, these **provisions are not mainstreamed or enforced**. Policies are being implemented that undermine biodiversity in favour of the expansion of agricultural, mining, and forest exploitation. **Weak rule of law and law enforcement are also challenges**. Federal agencies in Brazil, for example, are under equipped and inadequately financed; state bodies are subjected to intervention from powerful, wealthy actors who challenge public policies and authorities. More generally, while there is increased understanding of corruption’s negative effects on environmental quality, and on human rights, **stronger articulation of the nexus of corruption, environmental degradation and human rights is needed** to build more effective responses. See additional information in the Annex.

Q.3. Please provide specific examples of constitutional provisions, legislation, regulations, policies, programs or other measures that employ a rights-based approach to prevent, reduce, or eliminate harm to biodiversity and ecosystems or to restore and rehabilitate biodiversity and ecosystems

In numerous countries where WWF works States have constitutional and other provisions promoting rights-based approaches, including in Colombia, Malaysia, Indonesia, Namibia, Bolivia, Brazil and Argentina. In Malaysia, for example, the Sabah Inland Fisheries and Aquatic Enactment 2003 gives recognition to the traditional “Tagal” (*prohibition* in the Kadazan language) system for rivers, which involves collective responsibilities and management of important resources such as land, river, forest, water catchment and wildlife. In Indonesia, a milestone constitutional court decision in 2012 established customary forests as a separate category that can be formally recognized as indigenous or community customary forests. In 2018, the Colombian Supreme Court declared the Colombian Amazon an “entity subject of rights”, requiring the government to reduce deforestation rates and fight climate change effects. More examples are included in the Annex.

Q.4. If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment,² Has this right contributed to protecting, conserving and restoring biodiversity and healthy ecosystems? If so, how? If not, why not?

Policies to conserve and restore biodiversity exists in most countries; however, as a conservation organization we believe there is **mixed progress** in achieving this objective. Deforestation continues in **Colombia** due to weak governance while in **Malaysia**, the constitution does not explicitly provide for the right to a healthy environment. The **Russian Constitution** upholds people’s right to a favorable environment, however the economic benefits from natural resources exploration often prevail over environmental interests.

The **legal framework in Namibia** has led to the formation of 86 conservancies, covering 20.2% of Namibia. Currently, 9% of Namibia’s population are involved in conservancy management and 45.5% of Namibia’s land mass is under conservation. In 2018, conservancies generated US\$10.39 million in income for communities. **Bolivia** has ratified a number of international instruments and recognizes the rights of indigenous peoples and local communities to sustainably use the natural resources in their territories. However, the State has not been able to control illegal activities that lead to increasing levels of environmental degradation. Degradation of ecosystems continues in **Argentina** due to weak implementation of laws. See more on these examples in the Annex.

Q.5 Please provide specific examples of good practices in preventing, reducing, or eliminating harm to biodiversity and ecosystems, or restoring and rehabilitating biodiversity and ecosystems. These examples may occur at the international, national, sub-national, or local level. Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices

WWF works with governments and communities to promote good practices in biodiversity conservation. In the **Central African Republic**, the Dzanga-Sangha protected area simultaneously helps stabilize wildlife populations and improves livelihoods by employing 250 local people. **Colombia** expanded its protected areas to 4,923,515 hectares and made data on deforestation accessible, which encouraged local communities’ close cooperation in conservation efforts. The State of Sarawak in **Malaysia** is supporting “System of Rice Intensification” (SRI) farming by members of the Ba’ Kelalan community, using organic, chemical-free methods that result in increased yields, reduce soil and river pollution, and minimal forest clearing for paddy fields. In **Russia**, River Varzuga’s degradation catalyzed WWF support to the local community to build structures to sustainably manage river resources. Within two years 150 fishing rules violations were recorded, raising public concern and resulting in behavior change and increase in salmon numbers from 893 (2017) to 6000 (2018). A new indigenous conserved area was established to conserve a 10 million hectare contiguous zone between **Bolivia and Paraguay**. In Indonesia, the Peat Restoration Agency was formed to carry out restoration of 2.67 million hectares of peatland and a moratorium was placed on the clearing and conversion of natural forest to prevent recurrent forest fires. In **Kenya**, WWF is working with the Siana Conservancy, where the Maasai community has set aside and pooled their land parcels to promote compatible land uses - wildlife conservation and controlled livestock grazing - and developed a more resilient, diverse but still largely

² See, A/HRC/43/53, Annex II.

traditional pastoralist community, also as an adaptation to the impact of climate change. See more on these examples in the Annex.

Q.6: Please identify specific gaps, challenges and barriers that your government, business, or organization has faced in attempting to employ a rights-based approach to preventing, reducing, or eliminating harm to biodiversity and ecosystems.

As a global conservation organisation WWF works across very diverse governance contexts. In **Colombia**, for example, informal land tenure systems are common, and restrict the rights of the local communities to build their livelihoods. The pressure to invest in economic development in **Malaysia** often outweighs sustainable management of natural resources, making minority groups more vulnerable to poverty and exploitation. Regional States in **Malaysia** raise revenue from lands, mines and forests -- this creates pressure on the environment on which IPLC depend. Restrictions in access to information in **Bolivia** makes communities unable to adequately exercise their rights, while gaps & inconsistencies in the environmental legal framework permeate illegal activities by **business**. **Indonesia** endorsed the UNDRIP but the draft law for the recognition and protection of IPs is still pending in parliament. Overall, there is a lack of follow-up action in general in countries that have endorsed the UNDRIP.

Finding effective and just solutions to prevent human rights abuses and environmental degradation driven by poverty, socio-economic conditions and political structures is critical and complex. In many cases a systems perspective is needed to understand and address pressures (disruption of traditional practices, influx of in-migrants, land grabs by powerful actors, climate impacts) through systems change that delivers more inclusiveness and equity, mainstream themes of the SDGs.

In such contexts, a conservation NGO like WWF can face particular challenges in applying a rights based approach including weak governance contexts, armed conflict, constraints on civic space and criminalization of human rights defenders, and non-recognition by governments of Indigenous Peoples' rights or of traditional governance systems. In some of the most challenging landscapes with high fragility, conflict and violence, all these factors converge.

To take a consistent approach across such a variety of scenarios, WWF is deepening its risk management and quality assurance protocols and systematically rolling out an [Environmental and Social Safeguards Framework](#) across its global network. Implemented at the landscape/seascape level, the Framework, together with WWF's [social policies](#), systemize governance practices that recognise and integrate human rights, transparency, non-discrimination, stakeholder engagement, grievance mechanisms and accountability for WWF supported activities.

The (forthcoming) appointment of an Ombudsperson will provide an independent monitoring and review function, reporting directly to the WWF International Board and with an oversight function for all human rights related complaints. A Human Rights Response Protocol codifies these expectations.

Q.7: Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to declining biodiversity and degraded ecosystems. How can these populations be empowered to protect and restore declining biodiversity and degraded ecosystems?

In addition to the institutional measures outlined above, WWF offices are using different approaches to actualize HRB approaches such as : a **community driven approach** through **WWF ClimateCrowd** which involves community consultation process on climate change and its impacts on people and nature and working in cooperation with partners to develop and implement solutions to help people and nature to adapt to climate change. In **Colombia**, WWF is utilizing a **participatory planning approach**, engaging with actors at different levels to **promote spaces for dialogue**, and **developing the advocacy capacity of local communities in decision making**. In **Brazil**, WWF is **supporting indigenous and local organizations** to combat fires and strengthen territorial surveillance in the Amazon through projects that are equipping fire brigades and providing territorial management training. The **WWF Governance Practice** is working with multiple WWF offices and their indigenous partners, other Practices and external partners in the early implementation phase of the **People Protecting Landscapes and Seascapes Initiative**, which specifically focuses on supporting Indigenous People and Local Community led conservation and the self-strengthening of indigenous and community conserved governed Lands and Territories. This also includes a collaborative effort on an Inclusive Conservation Academy to build the competencies for inclusive approaches to conservation, among conservation actors but also government and private sector partners. See more on these examples in the Annex.

Q.8:How do you safeguard the rights of individuals and communities working on biodiversity issues (potentially identified as environmental human rights defenders or land defenders)? What efforts has your Government made to create a safe environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?

In a number of countries where WWF works, governments have developed measures to safeguard the rights of land or environmental human rights defenders. These range from strong laws for indigenous peoples' rights and to eliminate all forms of violence against women (Bolivia), tools and institutional bodies (Colombia), training and capacity building for Honorary Wildlife Wardens (Malaysia) and state and non-state measures (legal aid foundation) (Indonesia). More progress is needed however. In Colombia community leaders continue to be threatened or skilled. In Malaysia, measures are needed to ensure adherence to key principles such as FPIC, including for private companies carrying out development or extraction projects in contested lands and to safeguard environmental defenders. More information is available in the Annex.

Q.9: There is substantial evidence that consumption in high-income States is adversely affecting biodiversity and ecosystems in low and middle-income States. What are ways in which high-income States should assist low-income States in responding to biodiversity loss and ecosystem degradation, while simultaneously contributing to sustainable development in those low-income States?

Consumption patterns in high income states greatly shape the status of biodiversity and ecosystems in low and middle income states. There are various channels in which high income states can

simultaneously respond to biodiversity loss and ecosystem degradation and contribute to sustainable development in low income states. These practices include utilizing voluntary standards (RSPO, MSC, FSC) to help reduce environmental footprint. These standards must also include appropriate human rights criteria: currently the status across standards is mixed. Additional measures proposed include **shifting the measurement of economic success from GDP per capita to more holistic measures** to avoid tradeoffs from short term economic goals with long-term environmental costs, promoting cooperation between high-income and low-income states to ensure that **international food and agricultural companies apply global policies and commitments equally across countries** and **establishing domestic regulatory frameworks** in consumer countries and **bilateral trade policy measures** to reduce the impacts on biodiversity and ecosystems, for instance the French Government’s [Strategy to exclude “imported deforestation”](#). **Utilizing safeguards to protect small-scale producers** in low-income states where the unintended impacts of production may reach, and **applying global frameworks** such as the Post 2020 Global Biodiversity framework are other ways to curb biodiversity loss in low-income states.

Q.10: For businesses, what policies or practices are in place to ensure that your activities, products, and services across the entire supply chain (extraction/sourcing, manufacturing, distribution, sale, and end-of life management) minimize biodiversity loss and ecosystem degradation and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?

The United Nations Human Rights Office of the High Commissioner sets out the foundational guiding principles on business and human rights, with businesses having the responsibility to avoid causing or contributing to adverse human rights impacts through their own activities, and to address such impacts when they occur. They must also seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts. In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances. This responsibility to respect human rights applies to business enterprises regardless of their size, sector, operational context, ownership and structure.³

Many WWF offices are working to help shape business practices to meet human rights standards and minimize biodiversity loss and ecosystem degradation. In Central America, Malaysia and other offices WWF is working with palm oil, sugarcane and shrimp aquaculture to help ensure producers adhere to **voluntary community standards**. In Bolivia, WWF is working on influencing the private sector to **apply voluntary certification standards** that minimize negative effects on biodiversity conservation. In Central Africa, WWF is working with logging and agro-industry companies present in the region to advocate for the adoption and implementation of best practices that can help minimize negative impacts while maximizing positive ones on Indigenous People and Local Communities. Other measures taken by companies include making public their **corporate policies on NDPE** (No Deforestation Peat and No Exploitation) sourcing; criteria are under development on land and labor rights.

³ United Nations Human Rights OHCHR, 2011. *Guiding principles on business and human rights*. United Nations, Geneva, Switzerland.

ANNEX

More detail on the summarized responses is available below.

Q.1: Please provide examples of ways in which declining biodiversity and degraded ecosystems are already having adverse impacts on human rights.

Globally, declining biodiversity and degraded ecosystems have cross cutting impacts on numerous human rights. These include the rights to life, food, fuel, health, water, culture, non-discrimination, a safe, clean, healthy and sustainable environment, and the rights of Indigenous Peoples.

Nature degradation, declining natural spaces, increase in air pollution, and the degradation of water catchment areas greatly impact the right to a clean and healthy environment and the right to clean water. In **Kenya**, water abstraction, sand mining, unsustainable farming practices and land clearing upstream heavily impact on the rights to livelihood of downstream communities due to massive sedimentation and flash floods when it rains. In **Australia**, recent legal analysis by the Environmental Defenders Office on *The right to a healthy environment in Australia*, links Australian environmental management with the state's failure to protect fundamental human rights, particularly right to health, right to education, and indigenous rights. The lapse in laws has created environmental injustices especially in regional areas. The water in the Mulga Bora community in Central Australia contains dangerously high nitrate levels more than 150 percent higher than WHO standards, putting the lives of pregnant women, babies and young children particularly at risk. In the remote mining city of Mount Isa, analyses showed there were geometrically higher mean blood lead levels among indigenous children than non-indigenous children. The discontinued supply of water to Mulga Bora resulted in school closure denying students their right to education. In **Brazil**, degradation of river ecosystems and river basins by the contamination of metal pollutants, especially the use of mercury for illegal mining, is affecting indigenous peoples and traditional communities that rely on fishing as their main access to protein. This affects their traditional ways of living, food practices and cultural relationship with the environment, especially endangering their food supplies which can potentially cause other diseases or congenital malformations due to mercury poisoning. Moreover, illegal miners can also serve as vectors for other potential diseases when invading indigenous lands of peoples living in relative isolation, voluntary isolation or recent contact - especially during the current Coronavirus Pandemic. In **Argentina**, the right to water for communities living near mining operations is infringed. In 2016, the Veladero gold mine owned by Barrick Gold, had to stop its activity due to local communities' claims which denounced water contamination with chemicals caused by a cyanide spill. The right to water is also at risk for communities living along rivers where large dams are constructed and face water shortages. For instance, the dam located in Río Atuel, in the province of Mendoza, which feeds from glacial melt and goes from west to east to the province of La Pampa, is currently suffering from droughts.

Declining biodiversity has a negative impact on SDG 5 on gender equality and empowerment of women. In **Colombia**, the deterioration of water recharge areas affects mainly women. Globally biodiversity loss and degraded ecosystems result in women and children spending more time on collecting resources such as water, food and fuel, leaving them with limited time for education and income generating activities leading to gender inequality and curtailment of their right to access basic social services. In the **DRC**, women's access to land as individuals is nearly impossible despite stipulations in national law. Land is essential in securing livelihoods and increasing economic empowerment, particularly for women headed households, to gain proper access to basic human rights such as food, water, shelter, and access to basic health services. Where deforestation and forest

degradation is high, women must walk further and spend longer hours in their day to access the basic natural resources for their survival, leaving limited time for any economic activities. This perpetuates the unequal poverty structure, which in turn negatively impacts human wellbeing and ecosystem health. A recent [IUCN study](#) spotlights how “the damage humanity is inflicting on nature can also fuel violence against women around the world – a link...largely overlooked”.

Declining wildlife populations and destructive fishing practices threaten the right to food and food security for communities whose livelihoods depend on biodiversity. In **Malaysia**, within the Sabah state, destructive fishing practices (fish bombing, cyanide fishing), overfishing by commercial trawlers and climate change have depleted fish stocks and marine resources, putting at risk the food security of coastal and island communities such as the Bajau Laut whose lives and livelihoods depends on these resources. Poaching and unrest can have severe impacts on the security of communities and indigenous populations: see, for example, the [recent case](#) of over a dozen people (rangers and civilians) killed in a village of Virunga National Park.

Forest degradation and deforestation impact the right to clean, healthy and sustainable environment, right to water, property, food, health, education, and security. In **Malaysia**, forest degradation and deforestation due to unsustainable and illegal logging, expansion of palm oil plantation and opening for development and infrastructure have resulted in seasonal floods on the east coast of Peninsular Malaysia inhabited by urban and rural communities. The floods have caused destruction of property, infrastructure, businesses, crops and livestock resulting in loss of livelihoods and food insecurity. The lack of sanitation, waterborne and airborne disease present health implications, and children’s right to education is curtailed due to school closure. Forest degradation and deforestation has also led to pollution of water resources and river systems, and reduced resource base for indigenous communities whose livelihoods, food, and medicine depend on forests. This also threatens their procedural rights including to FPIC, and self-determination. For instance, the death of 15 members of the Bateq Orang Asli IPs community can be linked to environmental degradation contributing to reduced health, immunity and psychological wellbeing of the Bateq.

In **Tanzania**, communities have been severely impacted by floods in the Ruvuma Landscape resulting from forest degradation and deforestation which have resulted in water and food shortages, loss of livelihood options and an unhealthy environment. In **Colombia**, deforestation and degradation in Choco and Amazonia regions have affected rights to land, food security and wellbeing, where mining in Choco along Altrate river caused water pollution. This has affected the health and fishing activities for consumption and local economy of Afro Colombian communities. In **Argentina**, uncontrolled deforestation in the Argentinean Gran Chaco negatively affects biodiversity and degrades the ecosystem interfering with the livelihoods of local communities. Particularly in areas where land tenure is under dispute, communities are displaced or forced to sell land to large companies, and migrate to marginal neighborhoods in larger cities to find new means of livelihood.

Environmental deterioration from the intensification of livestock, agricultural and aquaculture practices negatively affects indigenous and peasant rights. In **Colombia**, agricultural intensification practices are transforming landscapes within the Amazon and Eastern Plains, widening gaps in land distribution and impacting on the land rights of peasants and afro colombian communities. Environmental deterioration significantly impacts traditional cultures, due to loss of resources related to world views, spirituality and beliefs, which creates imbalances in wellbeing. In **Chile**, salmon aquaculture concessions have been granted in protected areas and areas considered to be part of sea territory of Indigenous Peoples in South Chile. Divers report that the sea bed near production areas is

“dead” due to application of antibiotics and other treatments that affect biodiversity and the health of people. Companies have been reluctant to provide information and scientific studies on the impact of salmon farming in Chile. In **Bolivia**, the advancement of agricultural frontiers and degradation of ecosystems negatively affects traditional areas of resource collection for indigenous communities. For instance, the cause of forest fires witnessed in Bolivia (2019) were linked to the implementation of policies that favored new human settlements and the expansion of the agricultural frontier in the Monteverde Indigenous territory. The fires negatively affected traditional areas of resource management in numerous communities, putting at risk not only their food security but also the sustainability of their production systems in the short, medium and long term.

Land conversion and unsustainable land use impact the right to clean, healthy and sustainable environment, right to water, property, food, health, education, and security. In **Indonesia**, conversion of territories and areas owned by Indigenous people and communities such as forests into palm oil plantations by licensed companies, deprives people of the right to food, medicines and economic security, cultural and social identity linked to the forest. The cultural and food rights of communities are affected alongside their ability to govern, control their territories and maintain the healthy environment, biodiversity and ecosystem services that enable communities to enjoy their livelihoods. Forest honey, for example, is an important source of livelihood for people living around the Tesso Nilo National Park (Sumatra, Indonesia). At the peak of its development, 74 tons of forest honey can be produced in one year from around 500 host “sialang” trees. The big fires of 2015, accompanied by the conversion of forests into oil palm plantations and industrial timber plantations, changed everything. The population of forest honey producing bees (*Apis dorsata*) has decreased dramatically. As a result, in 2019, communities around Tesso Nilo National Park only produced 50 kg of forest honey. In this case failure to prevent fires, and conversion of forests to monoculture plantations, has undermined the right of local communities to obtain a decent livelihood from forest honey.

In **Bolivia**, decreases in biodiversity and the degradation of ecosystems affects indigenous communities' rights to food security, water and forest resources. The interference of rights caused by these activities affects the development of communities' productive activities. Environmental degradation also results in increased migration of indigenous communities from their territories due to lack of opportunities, particularly among youth who migrate to cities.

Q. 2: To protect a wide range of human rights what are the specific obligations of States and responsibilities of businesses in terms of addressing the main direct drivers of harm to biodiversity and ecosystems and indirect drivers

Bolivia: The 2009 Constitution **establishes the right of people to a healthy, protected and balanced environment.** The exercise of this right must allow individuals and communities of present and future generations, in addition to other living beings, to develop normally and permanently. On the other hand, it is mentioned that any person, individually or on behalf of a community, is empowered to exercise legal actions in defense of the right to the environment. In addition to what is established in the constitution, Bolivia has a broad legal framework regarding the conservation of the environment that includes the National System of Protected Areas, the rights of Mother Earth and the Environmental Law that regulates environmental management. **Despite this, policies have been developed and are being implemented that favor the expansion of the agricultural frontier, to the detriment of natural ecosystems.**

Malaysia: The country has maintained its 1992 Rio Earth Summit pledge to maintain at least 50% of land under forest cover in perpetuity. While this pledge has been reiterated in various global fora, it is yet to be incorporated into written policy in the country. The National Policy on Biological Diversity, revised in 2016, targets achieving 20% terrestrial protected areas by 2025. Development projects are legally bound to use environmental planning tools such as EIA/SEIAs and pollution monitoring and discharge limits.

There are also several **industry standards compliance that need to be fulfilled** and adopted by the government: Malaysian Timber Certification Scheme (MTCS), Forest Stewardship Council (FSC), Roundtable on Sustainable Palm Oil (RSPO) and recognition for and setting aside High Conservation Value (HCV) areas (including community use areas); Malaysian Sustainable Palm Oil (MSPO) and the Hydropower Sustainability Assessment Protocol (HSAP). Malaysia is also a party to the **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)** and the **International Labour Organisation (ILO) Convention 169**. It has biodiversity commitments under the Convention on Biological Diversity, Cartagena Protocol, Nagoya Protocol, Climate Change Convention, Ramsar Convention, and Montreal Protocol.

The **five-year national development plans** (the “Malaysia Plans”) also place focus on the importance of biodiversity. The 3rd Malaysia Plan (1976-1980) called for an environment policy that takes into account, amongst other things, the *“need to preserve the country’s unique and diverse natural heritage, all of which contribute to the quality of life”* and *“the interdependence of social, cultural, economic, biological and physical factors in determining the ecology of man”*. **However, implementation has been weak, and this holistic approach has not been embraced effectively in policy formulation and implementation.**

Tanzania: The government has established the National Land Use Commission to support its **obligation on land use planning**. In the same vein, most projects and private sector interventions put emphasis on land use planning to reduce conflicts and to attain sustainability in biodiversity conservation. Tanzania has pledged to restore 5.2 million hectares of degraded and deforested land in response to AFR100 and Bonn Challenge. Biodiversity conservation is guided by the national Biodiversity Strategy and Action plan of 2015-2020 and a national strategy to combat the invasive alien species. The country ratified the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity in June 2017. Nevertheless, **despite having good policies and legal frameworks, deforestation and forest degradation have continued to impact forest ecosystems**. This is exacerbated by community poverty with shifting cultivation and forest encroachment being rampant. Local government budgets are constrained and conservation is seen as a lower priority. The state Forest Service is understaffed to manage the large area of forests under its jurisdiction. Political pressure has caused livestock incursion in the forests and cultivation on river banks. Infrastructure development decisions do not include biodiversity impacts in key decision criteria, resulting in some infrastructure built in high biodiversity hotspots.

Brazil: Brazil has strong environmental legislation, based on the 1988 Constitution, which provides the **“right to an ecologically balanced environment, which is an asset of common use and essential to a healthy quality of life”**. Such a right is reinforced and detailed by federal, state and municipal legislation encompassing EIA, protected areas national system, forest use limitations, water resources management, crimes against the environment, fauna protection, pollution standards and climate policies etc. Since the democratization in the 1980s, and especially after the Rio 1992 Convention, Brazil was a leader in international environmental negotiations, having agreed all of the most important

multilateral agreements and being an active player in those regimes. **Today there is a backtracking on these matters.**

Both the Government and the community have, under the Constitution, the duty to defend and preserve the right to a healthy environment "for present and future generations". The socio environmental *function* of estates property (in both urban and rural areas) is a recognised principle, founded in the Constitution and also in the Civil Law, which entails conditions for environmental protection alongside with developmental and social needs, providing authority for public policies and law enforcement and creating conditions for specific obligations to States and businesses in addressing biodiversity and ecosystem protection.

However, **weak rule of law and law enforcement are challenges** to fulfilling the provisions of Brazilian environmental legislation. Federal agencies are under equipped and inadequately financed to fulfill their missions. State bodies are even weaker and subjected to local intervention: powerful, rich and influential actors challenge both public policies and authorities. Recent changes have brought dangerous administrative changes that are reducing the law enforcement capacity of environmental agencies. In the current political context, there are strong, articulated and well-organised voices advocating for revoking or reducing the environmental protection and principles in force, which would reverse the progress in environmental law of the last decades and impact the communities that depend on nature the most.

Indonesia: The state has the responsibility to ensure that any development (physical or economic) does not violate the rights of other parties, e.g. threaten existing community livelihoods. In the example of the Tesso Nilo National Park above, companies and governments should be responsible for restoring, or at least maintaining, forest ecosystems so as not to harm the livelihoods of local communities. A few corporations have committed to protect areas of High Conservation Value/High Carbon Stock and the rights of indigenous peoples, nonetheless that commitment has not been mainstreamed in practice nor enforced by the state.

Australia: Vulnerable populations, such as First Nations persons, older people, young people, disabled and socio-economically disadvantaged people, are already suffering disproportionate adverse health impacts associated with climate change such as heatwaves, extreme weather events, access to food and water and sea level rise in the Torres Strait Islands, with this disadvantage likely to grow. Analysis by the NGO Environmental Defense Office points to the Australian Panel of Experts in Environmental Law review of Australian environmental laws which recommended, inter alia, legislating “‘a substantive right to a safe, clean and healthy environment’, recognising the benefits that a right to a healthy environment would provide. This, coupled with procedural environmental rights (including the right to information, to public participation and to access to justice in environmental matters), is considered by APEEL to be a core element of improving environmental laws in Australia, and would assist with rectifying failings of the regulatory and governance frameworks around environmental protection.”

Globally, there are several more or less binding international agreements, approved by UN members or a significant number of governments, that oblige them to **protect forests and address drivers of deforestation and forest degradation.** The **United Nations Strategic Plan on Forests (2017-2030)** of the United Nations Forum on Forests includes six Global Goals to halt deforestation, protect, restore and sustainably manage forests; a socio-economic goal to enhance forest-based economic, social and environmental benefits, including by improving the livelihoods of forest-dependent people (Goal 2) and a goal to promote governance frameworks to implement sustainable forest management (Goal 5) (see

[Summary](#)). Other global targets include **SDG 15.2**; **CBD Aichi Target 5, 7, 14, 15**; and the targets under the **New York Declaration on Forests**, a voluntary but powerful Declaration by a large multi-actor group including government, business, indigenous peoples, etc. The Bonn Challenge - International Partnership pledged to restore 350 million hectares of degraded and forest land by 2030. Regionally, additional instruments exist: In **Africa**, under AFR100 - African Forest Restoration Initiative (linked to the Bonn Challenge) governments made voluntary commitments to restore 100 million hectares of degraded and forests land by 2030. African Environmental Ministers adopted the [Pan-African Action Agenda on Ecosystem Restoration for Increased Resilience](#) (CBD COP, 2018). In **Latin America and the Caribbean** [Initiative 20x20](#) is a voluntary initiative by 17 governments to restore 20 million hectares by 2020.

Corruption⁴: The role of corruption in facilitating environmental crimes and harm to the environment is well documented.⁵ Over the last decade in particular, human rights actors have given increased attention to how corruption has a negative impact on the enjoyment of human rights.⁶ At the same time, human rights experts are developing their understanding of the linkages between human rights and the natural environment. Environmental crimes are relevant because the fulfilment of human rights depends on a healthy environment, and environmental crimes undermine measures that States may have taken to protect from harm the environment, and those who work to defend it.⁷[3]

States have recognised a **rights-based approach to anti-corruption efforts** as one of the actions necessary to promote supportive and enabling environments for the prevention of human rights violations.⁸ By integrating a human rights perspective into anti-corruption strategies, the implementation of preventive policies relating to matters such as transparency, affidavits, laws on access to public information, and external controls, becomes an obligation. **States failing to act on corruption linked to environmental crimes that are affecting a community and encroaching on their rights would be failing to meet their obligations under human rights law** to protect the rights of every individual within their jurisdiction (A/HRC/28/73, 5 January 2015).

⁴ Section draws principally from a paper in development: Sheill, K., and Parry-Jones, R. *Using international human rights instruments to address corruption in the context of environmental crimes*.

⁵ See, for example, Downs, 2013; Musing, et al., 2019; Williams, et al., 2016; also, UN resolutions on “Tackling illicit trafficking in wildlife”, adopted by the General Assembly: A/RES/69/314, 30 July 2015; A/RES/70/301, 9 September 2016; A/RES/71/326, 11 September 2017; A/RES/73/343, 16 September 2019

⁶ See, for example, *Final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights*, A/HRC/28/73, 5 January 2015.

⁷ See for example, UN Human Rights Committee, 2019. General comment No. 36: Article 6: right to life, CCPR/C/GC/36, 3 September 2019; Report of the Special Rapporteur on the situation of human rights defenders, A/71/281, 3 August 2016; UN, 2019d, Report of the Special Rapporteur on the situation of human rights defenders, A/HRC/40/60, 10 January 2019

⁸ For example, in 2012, 134 States issued a joint statement at the 20th session of the Human Rights Council calling for a closer connection between human rights and anti-corruption measures: Cross regional statement by Morocco on “corruption and human rights”, Geneva, 26th June 2012, available in UN OHCHR 2013b. Since then, States have negotiated and adopted resolutions on the negative impact of corruption on the enjoyment of human rights at the Human Rights Council every two years (see resolutions 23/9 of 13 June 2013; 29/11 of 2 July 2015; 35/25 of 23 June 2017; 41/9 of 9 July 2019); UN, 2019f, para.3(l) on corruption as one of the measures recommended to States to promote supportive and enabling environments for the prevention of human rights violations.

Examples of linkages between human rights and corruption⁹ in the context of environmental crime include:

- *Where corruption constitutes an obstacle to the full enjoyment of human rights* : Unsustainable harvest of rosewood in Madagascar facilitated by corruption resulted in state capture by corrupt illegal operators. Direct impacts ensued on the realisation of the rights to development and to health. Between 2009 and 2013, the government cut public spending in the health, education and social security sectors by 50 per cent, likely a contributory factor in the 2014 spread of bubonic plague.¹⁰
- *Where a specific violation of human rights occurs as a result of a corrupt act*: Corruption may manifest in various ways such as the paying of bribes for actions and that openly violate human rights, such as bypassing environmental or human rights impact assessments or required safety measures. Forced labour or trafficking in persons in the fishing sector is another example.¹¹
- *Where realisation of one or more human rights is essential for addressing corruption*: The principle of free, prior, and informed consent (FPIC) provides communities, in particular Indigenous peoples, with the right to give or withhold consent (or demand changes) to actions that will affect them. In ensuring participation in the decision-making process on development and infrastructure projects that often have serious environmental consequences, adherence to this principle offers protection against corruption.
- *Where measures established to counter corruption violate human rights*: Anti-corruption measures designed to tackle large-scale international organised criminal enterprises (e.g., illegal, unreported and unregulated fishing) which are subsequently applied to small-scale operators (e.g., local fishers or subsistence hunters) can result in the over-criminalisation of people living in poverty and who often have no other livelihood options or means of food security. Lack of legal harvesting rights for local fishers, for example, gives rise to formal exclusion and is a driver for engaging in illegal activities.
- *Where anti-corruption activists are targeted for human rights violations*: More than three environmental activists are murdered every week (Global Witness, 2019) and more face threats, harassment and intimidation. The UN has documented threats and violations to environmental human rights defenders and their families committed by State and non-State actors, including enforced disappearances, illegal surveillance, travel bans, blackmail, sexual harassment, judicial harassment and use of force against peaceful protests, often in the wider context of criminalisation of their work.¹²

For many States, particularly those already short of revenue, actions of another State such as financial secrecy policies and rules on corporate reporting and taxation could negatively affect their ability to mobilize the maximum available resources for the fulfilment of rights.¹³ This has important implications for destination and transit countries along the illegal natural resource value chain. Corruption facilitating illicit flows (i.e., financial or natural resources) diverts revenue that would otherwise have come to the

⁹ See, inter alia, Cardona et al., 2018; Peters 2015, 2019; Prasad and Eeckeloo 2019; Raoul Wallenberg Institute of Human Rights and Humanitarian Law, 2018; UN, 2015a.

¹⁰ Parry-Jones, Rob, 2018, The iceberg and the canary: how wildlife crime corrupts - from human rights to the ecosystem, 18th International Anti-Corruption Conference, 22-24 October 2018, Copenhagen, WWF Long Session Report, 22 October 2018.

¹¹ See for example, International Labour Organization, 2013, Employment practices and working conditions in Thailand's fishing sector.

¹² See, Report of the Special Rapporteur on the situation of human rights defenders, A/71/281, 3 August 2016.

¹³ UN Committee on the Elimination of Discrimination against Women, 2016, para.40(c)

source country and which could have been used to meet the State's obligation to make available the required resources to fulfil its human rights obligations. Corruption facilitating illicit flows also supports or contributes to adverse human rights impacts that occur to those living alongside the resources affected by illegal offtake. Principle 13 of the Framework Principles on Human Rights and the Environment is relevant, calling upon States to: "cooperate with *each other to establish, maintain and enforce effective international legal frameworks in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights.*"¹⁴

WWF is deepening its work on environmental corruption, including through the [Targeting Natural Resource Corruption project](#), which brings together a consortium of actors in USAID-funded effort to harness knowledge, generate evidence, and support innovative policy and practice for more effective anti-corruption programming to address the threats posed by corruption to wildlife, fisheries, and forests.

Q.3. Please provide specific examples of constitutional provisions, legislation, regulations, policies, programs or other measures that employ a rights-based approach to prevent, reduce, or eliminate harm to biodiversity and ecosystems or to restore and rehabilitate biodiversity and ecosystems

In **Colombia**, the 1991 Constitution **acknowledges the country's ethnic and cultural diversity and establishes peoples' right to a healthy environment**. It also **guarantees community participation in decision making that may affect them**. Furthermore, it is a duty of the State to protect the diversity and integrity of the environment, conserving areas of special ecological importance and empowering education with these objectives. Within ethnic diversity lays the acknowledgment of groups such as Indigenous (art 330.5), Afro Colombians (art 55 and then law 70 of 93) and farmers (law 160) based on the Constitution and ILO Convention 169 (ratified in Colombia as Law 21, 1991) which calls for recognition of indigenous peoples and local communities' rights of: Autonomy and self-determination, territorial rights, social and cultural rights, participative rights, rights of access to natural resources, work, health education and political rights.

In addition, in response to a legal writ from a group of 25 children and young people, accompanied by [Dejusticia](#), the **Colombian Supreme Court (STC3460-2018) declared in 2018 the Colombian Amazon as an "entity subject of rights"**, requiring the government to reduce deforestation rates and fight climate change effects. Previously, the Constitutional Court recognized the Atrato River basin as having rights to "protection, conservation, maintenance and restoration." **Decree 632 of 2018** put into operation the indigenous territories of the Amazon in non-municipalized areas (Departments of Amazonas, Guainía and Vaupés) giving a normative basis for their administrative and budgetary autonomy.

In the application of FPIC principles, the State must seek the consent of ethnic groups in a good faith intercultural dialogue, with timely and truthful information that allows them to be aware of the content, scope and consequences of measures to be adopted that may affect them. In this context, FPIC conditions the actions of the public administration, constituting an obligatory reference point and a guarantee of transparency in administrative management. This framework has been employed for the

¹⁴ Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/HRC/37/59, 24 January 2018

creation of protected areas, in such a way that the PA category does not affect the rights of the communities to the sustainable use of the natural resources from which they derive their livelihood.

In **Malaysia**, the Federal Constitution does not expressly mention the right to a clean environment. However, court decisions have indicated that the right is implicitly provided by Article 5 of the Constitution, which guarantees right to life and liberty. The constitution also provides for Natives Right (Article 160). There have been calls, including by a former Chief Justice, for the right to a clean environment as a fundamental right to be explicitly enshrined in the Constitution.

At the national level, most Malaysia policies and plans corresponding to the SDGs, for example in the National Policy on Biodiversity (2016-2025), include goals and actions to increase the number of Indigenous and Community Conserved Areas (ICCAs) and participation of local communities in tourism. Similarly, the Sabah Biodiversity Strategy (2012-2022) and Sabah Plan of Action for Heart of Borneo (2014-2020) also include targets and actions on ICCAs. Legislation, such as the Access to Biological Resources and Benefit Sharing Bill 2017 and Sabah Biodiversity Enactment 2000, contain provisions to ensure that indigenous and local communities are recognized as the legitimate custodians of biological resources found within their territories, and traditional knowledge. In addition, provisions for Honorary Wildlife Rangers in the Sarawak Wildlife Protection Ordinance 1998 and Honorary Wildlife Wardens in the Sabah Wildlife Conservation Enactment of 1997 empower local communities to be involved in efforts to protect biodiversity and ecosystems. Under the Sabah Inland Fisheries and Aquatic Enactment 2003, the Fisheries Department recognizes the “Tagal” traditional management system for rivers. “Tagal” which means *prohibition* in the Kadazan language, has existed among the native people for a very long time and involves collective responsibilities and management of important resources such as land, river, forest, water catchment and wildlife.

In **Indonesia**, a milestone constitutional court decision in 2012 established that **customary forests are not state forests but a separate category and hence may be formally recognized as indigenous or community customary forests**. The decision was also based on a strong argument related to food security, reinforcing the notion that forest ecosystems are essential in the food systems of many Indigenous and rural communities. More generally, the Indonesia Constitution state that “Every person has the right to live in physical and spiritual prosperity, to live, and to have a good and healthy environment and to have health services”; while other laws (Law 23 of 1997; Law 39 of 1999) state the right of all to a “good and healthy environment”. Law 5 of 1990, concerning Conservation of Biological Natural Resources and their Ecosystems, states that “Conservation of biodiversity and their ecosystems is the responsibility and obligation of the Government and the community.” After long-term advocacy for comprehensive agrarian reform in Indonesia, in 2016 the government created a social forestry program with 5 pillars. In reality, only the pillar around 'customary forest' is the innovative, rights-based approach as a result of the constitutional court decision. To this day, more than 4 million hectares are under some form of community management (not property), but only about 40,000 hectares have been recognized as customary forests (i.e. no longer categorized as state forest).

In **Namibia**, the **Constitution (Article 95) links the promotion of human welfare with sustainable environmental management** as follows: “The State shall actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at the following: “... *maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilization of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future ...*” Drawing on this provision, the Ministry of Environment, Forestry and Tourism adopted the Policy on Wildlife Management, Utilisation and Tourism in Communal Areas in 1995, aimed at: • Redressing past

discriminatory policies and practices, by extending the same rights over wildlife utilisation previously enjoyed only by the predominantly white commercial farmers, also to the black communal area residents; • Empowering rural communities to manage and utilise wildlife and other renewable living resources, by linking rural economic development with wildlife conservation and wild landscapes; and • Providing an incentive to rural communities to conserve wildlife and other natural resources, by granting them limited wildlife and tourism rights to undertake tourism ventures in partnership with commercial tourism operators.

The policy further provides for the formation of conservancies as organised groups of people who jointly commit to manage wildlife on their lands. It also provides for the Nature Conservation Amendment Act (No. 5 of 1996), which amends the Nature Conservation Ordinance (No. 4 of 1975). Conservancies must meet key requirements before they are formally registered in accordance with the Nature Conservation Amendment Act and are required to continually comply with their legal obligations, including distributing benefits according to their own equitable Benefits Distribution Plan and procedure.

In Bolivia, a new law of agrarian reform (Ley del Instituto Nacional de Reforma Agraria- INRA) was approved in 1996, which was an **unprecedented step forwards for the recognition of indigenous land and territorial rights**. This law recognized lowland territorial rights by calling for the establishment of numerous Tierras Comunitarias de Origen (Native Community-based Lands, TCOs). As a result, lowland indigenous peoples received legal rights to millions of hectares of land. It took years for most of these TCOs to be titled, but to date 58 have been titled with a total area of 12.509.953 hectares. In Bolivia, TCOs and community lands account for 52% of the forested area. This means that efforts to improve conservation and sustainable use of forests and natural resources must actively engage these sectors.

The **new Bolivian constitution (2009) incorporates the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)** and opened the door for indigenous self-government. The new constitution recognized three dozen official Indigenous languages as well as Spanish. However, the constitution **did not include Free, Prior Informed Consent (FPIC)** and focuses instead on the right to consultation, with the national government having the power to make final decisions. Sub-soil rights (minerals, oil and gas) and key resources (water) remain in the hands of the central government. In this context, the government of Evo Morales increased government control over resource extraction, generating tensions with indigenous groups in many parts of Bolivia. In 2010, Bolivia **was one of the first countries to recognize the rights of waters and lands, not just humans, through its Rights of Mother Earth Law**. This law was a major step forward in the recognition of the rights of nature. In practice these rights were often **not respected** by the government, which has been permitting a continuation of large deforestation.

Most protected areas that are part of the national system have communities or other actors living inside. This means that participation of these actors in PA planning and management is fundamental to ensure viable processes. For example, national regulations for the planning of protected areas require active participation of indigenous and stakeholders in all phases of PA planning. The governance of protected areas in Bolivia includes management committees responsible for supporting the park director in decision making. Participants in these committees usually include municipalities, private sector and local communities including indigenous peoples. In most national protected areas, park guards come from local communities in order to make it possible to have good relationships and trust with local communities. Park guards in Bolivia are not allowed to carry weapons. Bolivia has not formally recognized ICCAs, but there are various protected areas that overlap with TCOs. This is the case, for example, of the Pilon Lajas Biosphere Reserve and the Isiboro Secure Indigenous Territory and Protected

Area (TIPNIS), and other sub-national PAs such as Itenez Park (overlaps with Itonama Indigenous territory).

In **Brazil**, the Constitution **recognises the rights of indigenous peoples (art. 231) to "their social organization, customs, languages, creeds and traditions recognized, as well as their original rights to the lands they traditionally occupy"**. Brazil ratified ILO 169 Convention in 2002, although the Supreme Court considers such conventions as complementary norms directly linked to the constitutional text where they concern human rights. For ILO 169, Article 231, which provides for the consultation of indigenous groups in case of groundwater or mineral exploration on their lands, the convention is fully aligned and the FPIC procedure can find its constitutional grounds. **Nonetheless, lack of administrative regulations remain obstacles for full compliance with FPIC.**

The "Temporary Constitutional Provisions Act" approved as a part of the Constitutional text, provides for an equivalent status to Afro-Brazilian minorities, called Quilombolas, considered as those remaining peoples of the ancient runaway slave communities who occupy lands in a traditional and cultural way as "tribal peoples" are considered under the ILO 169 Convention. Such a status is always challenged mostly at political level, but there is predominant jurisprudence to support it. Procedures and enforcement of **such rights are not enshrined in the law**, meaning it relies much on the political will of the governments to apply lower status legislation, like decrees, resulting in less protective status or permanent public policies. Other traditional communities claim similar status, having the support from the legal doctrine and legal experts, however apart from lower status decrees suggesting ILO 169 association, **formal recognition is yet to be declared by authorities**, mostly due to pressure from agribusiness lobbies. Although these peoples' associations and legal representation are recognised, **the Public Ministry and the Federal Prosecutor Office are responsible for defending the rights of indigenous, Quilombolas and traditional communities**, having the authority to represent and support their interests.

The National System of Protected Areas (SNUC) recognises the rights of peoples living in lands to be granted protected status and also their right to participate in consultations about such a creation or in its management. There are also five categories of protected areas (sustainable use areas) that recognise such status as part of the protection aimed, allowing the people to continue living in their sustainable interaction with the environment and benefitting from its natural resources as a part of the protection gazetted. Mosaics are a policy that improves management, allowing protected areas of different categories or of different levels of government (federal, state, municipal or private) to coordinate its management strategies and common challenges.

The Brazilian Legal Framework for the Biodiversity (Federal Law 13123/2015 and Decree 8772/2016), which regulates aspects of the CBD, such as access to genetic resources and benefit-sharing, is widely criticised for being tailor-made to address mainly the corporate sector interests. Having failed to incorporate several indigenous peoples and traditional communities demands, the legislation is yet very new and poorly known. However, it is a new experience that recognises prior and informed consent through community protocols as the adequate procedural rules for Access and Benefit Sharing - thus reinforcing the peoples' rights to make their own interests prevail. Also, the Law on Biodiversity ensures rights and principles for recognising the importance of the peoples' traditional knowledge in using and exploring genetic resources, safeguarding origin, name and cultural uses, also securing payments negotiated and regulated in a public and participatory system.

In **Argentina**, the constitution recognizes the **right of all Argentines to access a healthy and balanced environment** suitable for human development so that productive activities fulfill the current

generation's needs without compromising future generations' needs. However, the provinces have dominion over natural resources; the national government can only set out minimum environmental standards while the provinces decide the level of implementation within those limits. In terms of international agreements, Argentina is signatory to, among others, the **Paris Agreement**, the **CBD** and the **Convention against desertification, Agreement 169 of the ILO, PIC and Escazu Agreement** (not ratified yet). At the national level the state is mandated by domestic laws to prevent harm to biodiversity and ecosystems. These laws include the **Environmental General Law, Native Forest Law, the Glacier Protection Law, Fauna Conservation and the National Parks Law**. Other laws, like Big Dams, the Mining Code, Biofuel law, Renewable Energy Law, require an EIA but **these are insufficient and partial for preventing biodiversity loss**. Due to the international agreements, Argentina developed two **NDCs** (a [first version](#) from 2015 and a revised one, which adjusted the methodology, in 2016). Moreover, the country has a national biodiversity [strategy](#) (2016-2020) which is further developed through the national plans for specific species following the CBD like the pampas deer, guanaco and jaguar, among others, **which have not yet been implemented**.

Q.4.If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment,¹⁵ Has this right contributed to protecting, conserving and restoring biodiversity and healthy ecosystems? If so, how? If not, why not?

Colombia ratified the Convention on Biological Diversity and has a legal and policy framework to protect, conserve and restore biodiversity and healthy ecosystems. This includes policies and strategies for the implementation of SDGs. However, the deforestation rate has been growing, and this is partly driven by high levels of inequity, rampant corruption, inadequate coordination between government institutions, weak governance and lack of harmonized decision making by different government agencies. This results in an imbalance between economic development and social and environmental sustainability.

The Malaysian constitution does not explicitly provide for the right to a safe, clean, and healthy environment, however, through case laws, it has been interpreted that the right is implicitly provided by Article 5, which guarantees the right to life and liberty. There are however policies and laws at national and state levels to address the protecting, conserving and restoring biodiversity and healthy ecosystems. Example: SDG, Policies and local regulations.

In **Russia**, Article 42 of the Constitution of the Russian Federation stipulates that "Everyone shall have the right to favorable environment, reliable information about its state and for a restitution of damage inflicted on his/her health and property by ecological transgressions". Article 9 states that "Land and other natural resources shall be utilized and protected as the basis of life and activity of the people living in corresponding territories" also contributes to implementation of this right. The constitutional right has further implications in the Federal Law on Environmental Protection and other federal laws (on EIA, on Protected Areas, On Animal Protection, on Forestry and Water Codes, etc). These laws include specific provisions for protecting ecosystems and biodiversity. Recognition of this right contributed to conservation and protection of biodiversity and ecosystems as the basis for state institutions and economic development. A part of the National Project "Ecology to 2024" includes goals and indicators for biodiversity and ecosystem conservation. At the same time economic benefits of development (mostly on natural resources exploration) projects often prevail environmental interests.

¹⁵ See, A/HRC/43/53, Annex II.

The legal framework in Namibia has so far led to the formation of 86 conservancies, covering 166,179 km² of land (20.2% of Namibia). Currently, 227,802 people (9% of Namibia's population) are involved in management of the conservancies and 45.5% of Namibia's land mass is under conservation. In 2018, conservancies and their private sector partners generated N\$147,457,734 (US\$10.39 million) in cash income and in-kind benefits, including through 5,677 jobs (2,377 full-time and approximately 3,300 part-time) for conservancy residents. In addition to the contribution of secure habitat for wildlife, community conservancies reinvested much of their earnings from tourism and sustainable wildlife utilization into conservation management; employing 684 community game guards. Elephant numbers have grown from a low of 7,000 to over 22,000 in 2019. Lions have increased in range and the number and of black rhinos has increased from around 65 to become the largest free-roaming population in the wild. Incidents of rhino and elephant poaching have reduced from 91 in 2015 to 45 rhinos in 2019 and from 101 in 2016 to 12 elephants in 2019. During the same period (2018-2019) no rhinos were poached in community conservancies.

Bolivia has a broad legal framework on conservation, and has ratified different international conventions including CBD, CITES, CMS, RAMSAR, to name a few. The rights of indigenous peoples and local communities to live in a healthy environment and to sustainable use of the natural resources in their territories are recognized. Notwithstanding this, priority is given to oil, mining and agricultural sectors because they are considered strategic. The inability of the State to control illegal activities and poor coordination between different levels of the state (national, departmental, municipal) has led to increasing environmental degradation, which is expressed for example in a high annual deforestation rate.

Despite **Argentina** having laws in place to protect biodiversity and ecosystems, implementation remains weak. Although the rates of deforestation have stabilized over the past years the rate of deforestation is still high as illegal deforestation continues. This arises from insufficient funds being allocated despite legally mandated requirements for payment of ecosystem services and institutional strengthening. In addition, the overall lack of capabilities at the provincial level for controlling and monitoring deforestation is a challenge. Moreover, the incentives or opportunity costs for continuing the drivers that harm biodiversity and human rights are still higher and very powerful.

Q.5 Please provide specific examples of good practices in preventing, reducing, or eliminating harm to biodiversity and ecosystems, or restoring and rehabilitating biodiversity and ecosystems. These examples may occur at the international, national, sub-national, or local level. Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices

In 2016, **Colombia** expanded its coastal, terrestrial and marine protected areas to 4,923,515 hectares. The Ministries of Environment and Transport, with the support of WWF and other NGOs, developed guidelines for Green Infrastructure that integrates social commitments and good governance. The Ministry of Environment restored areas adjacent to Alto Fragua Indi Wasi National Park, in Caquetá and the PNN Los Nevados protected areas and classified them as "special management" under the Macarena National Park. Restoration activities have also been carried out in collective territories of ethnic communities in Cocomacia in Chocó. Reliable data is regularly generated by the protected area management with the support of WWF and other NGOs on deforestation and this has proved very useful in informing decisions and mitigation measures. Access to information has allowed local communities to collaborate and participate in the conservation efforts. This example is well demonstrated in the foothills of Caquetá protected area.

The state government of Sarawak in **Malaysia** has issued a declaration for no more new large-scale timber and oil palm plantation licenses. The declaration also requires all timber production areas to be certified for sustainable productions in accordance with the Malaysian Timber Certification Scheme (MTCS) by 2022. Other examples are livelihood improvement projects that support the System of Rice Intensification (SRI) farming by 27 members of the Ba' Kelalan community. This initiative uses organic, chemical-free methods that result in increased yields, reduction in soil and river pollution, and minimal forest clearing for paddy fields. As part of a green economy project, a sustainable pepper farming livelihood initiative is also being supported for communities in 2 longhouses in Song-Katibas, who have planted a total of 8,363 pepper plants to date. The same project has supported a longhouse community in Ulu Menyang to plant 11,000 gaharu tea trees as a livelihood initiative. The trees have helped to restore a degraded buffer area adjacent to Batang Ai National Park, which is a key orangutan habitat.

WWF is also supporting the establishment of Locally-Managed Marine Areas by communities within the Tun Mustapha Marine Park and Semporna Priority Conservation Area in Sabah. In Sarawak, there are projects to strengthen the tagang/tagal (traditional freshwater fish management system) at the Kain river by Iban longhouse communities, and to support ICCAs in Jagoi and Gunung Lesong. To reduce deforestation, WWF's Sabah Terrestrial Program works with relevant stakeholders to increase protected areas and conserving HCV areas. To date 26% terrestrial areas in Sabah are protected. Reforestation began in 2007 at Bukit Piton and completed in 2018 and this resulted in about 2,266 hectares (ha) of the degraded forests in Bukit Piton having been restored, just over 150ha shy of its target of 2,400ha. Currently about 300 orangutans inhabit Bukit Piton.

In North West **Russia**, the River Varzuga in the south of the Kola Peninsula was once a model river with one of the largest stocks of the wild Atlantic salmon in the world. However, stocks reduced drastically due to poaching from 137 500 fish on average in 1987 to less than 1000 fish in 2017. Wild Salmon is important not only for biodiversity conservation but also as traditional food and a valuable source of livelihoods for the Pomor people. In 2017, WWF (funded by Sida) supported the local community to build structures to manage and sustainably use the river resources, including training of local inspectors and provision of equipment for year-round river patrols. In two years, a total of 150 violations of fishing rules and protected area regimes were recorded and to mitigate against this, over 1000 awareness raising talks were held with locals, anglers and tourists. Degradation of river Varzuga became a public concern, which forced the Governor of the Murmansk region to take over the leadership of conserving the river with the support of the local community. The impact of these joint efforts contributed to the growth in numbers of productive salmon from 893 fish in 2017 to 6000 fish in 2018 according to data published by the Polar Research Institute of Fishery and Oceanography.

In **Tanzania**, the **Tanzania National Forest Policy of 1998** emphasizes community participation in forest management. Currently, over 2 million ha of forests are under community forest management in Tanzania. The Tanzania Forest Services is promoting most of the forest reserves to nature forest reserves, making them attain higher conservation status for biodiversity. Tanzania is also endowed with an expansive series of protected areas supported by the Wildlife Policy and legal frameworks for national parks and game reserves.

The Guarani people of **Bolivia** have for years been at the forefront of efforts by indigenous people to ensure their land rights, maintain their livelihoods and promote conservation. Currently, they are involved in a unique and innovative governance mechanism called Indigenous Autonomy of Charagua Iyambae. Through this mechanism, they are accountable to the government of the municipality. The local government is responsible for conservation and management of subnational protected areas

including the co-management of two national protected areas that are wholly or partially in its territory. As part of efforts to secure conservation of a contiguous block of more than 10 million hectares of Chaco, Pantanal and Chiquitano forests in Bolivia and Paraguay, the Guaraní Government of Charagua has decided to establish a new indigenous conserved area. The Ñembi Guasu Conservation Area (The Great Refuge, in the Guaraní language), has an area of 1,207,850 hectares, and is now the largest protected area in Bolivia. It is located in a transition zone between the Chaco Forest and the Chiquitano Dry Forest, and houses a great biological and cultural diversity. The area hosts the Ayoreos community who are in voluntary isolation. Ñembi Guasu acts as the largest block of ecosystem and cultural connectivity on the continent, linking the best preserved portions of the South American Grand Chaco and the Great Pantanal, and acts as a connectivity hinge for a number of protected areas in Bolivia (which together encompass around 5,909,370 ha), and in Paraguay (covering 4,631,403 ha), and form a large binational biocultural corridor of more than 10 million ha.

In **Indonesia**, after the major wildfires in 2015 that emitted 4 Tg of weighted smoke and caused more than 100,000 deaths, the Government established the Peat Restoration Agency (BRG) to carry out restoration of 2.67 million hectares of peatland. Another important decision was the moratorium on the clearing and conversion of natural forest and this has helped to prevent recurrent forest fires. Although it did not fully reach its target, BRG was seen as quite successful in restoring peatlands, as the main source of fires, including helping communities in 394 villages to develop an economy that avoided damage and peatland fires. This is helping to ensure that more emissions from peatland are avoided, and that people have economic solutions and forest management that contribute positively to their livelihoods. In 2011 ten CSOs, including WWF Indonesia, formed a Working Group for ICCAs in Indonesia (WGII), with a view to advocating the recognition and protection of ICCAs, and the recognition of their custodians as conservation actors. By the end of 2019 the WGII has entered 56 ICCAs, with FPIC, in the voluntary registry. The ICCAs are managed by 41 indigenous communities and local communities, and cover more than 500,000 hectares.

In **Kenya**, WWF is working with communities downstream to build their resilience to climate change through conservancies that allow for multiple use of their land. In the Siana Conservancy, for example, the Maasai community has set aside and pooled their land parcels to promote compatible land uses - wildlife conservation and controlled livestock grazing - and developed a more resilient, diverse but still largely traditional pastoralist community, also as an adaptation to the impact of climate change.

In **Argentina**, Within the Buenos Aires province – Pampas grasslands ecoregion, protected areas and best practices for the conservation of grasslands and the pampas deer have been ongoing over the past 30 years. Last year, one municipal government passed a regulation to reduce taxes for land owners who apply best practices to maintain native grasslands. This achievement allows FVS to be better positioned to engage other municipalities and even the province to replicate that approach. In protected areas FVS works with private owners on sustainable cattle ranching with positive economic and biodiversity impacts.

The Argentine government has pledged to protect Antarctica, including the formal presentation of Argentina and Chile for the creation of one MPA in the Antarctica Peninsula. Other measures include building management capacity of marine protected areas, strengthening fishery science, collaborative work and formal relationships between the fishery industry and fishery science institutions of Argentina, and elaboration of a legal opinion regarding discards and including the use of selective fishing methods on the policy agenda. The collaborative approach -- working with researchers from university and research institutions (INIDEP), ship captains, ship owners and seafood processing companies -- is

showing results in the assessment of the interaction between marine mammals and certified anchovy fishery and to mitigate bycatch.

Q.6: Please identify specific gaps, challenges and barriers that your government, business, or organization has faced in attempting to employ a rights-based approach to preventing, reducing, or eliminating harm to biodiversity and ecosystems.

As a global conservation organisation WWF works across very diverse governance contexts. The main challenges in **Colombia** to employing a rights-based approach are to do with asymmetries of power that exclude communities in decision-making processes, restrictions in freedom of expression, poor transparency and accountability. Faced with growing inequity, the State has not put in place appropriate means and mechanisms to enforce the rights of the minority group. Informal land tenure systems are common and this restricts the rights of the local communities to build their livelihoods. Limited understanding of what Free, Prior and Informed Consent (FPIC) by both **State** and **businesses** results in this norm being considered as an obstacle to development.

The pressure to invest in economic development in **Malaysia** often outweighs the need for sustainable management of the natural resources and this makes minority groups more vulnerable to poverty and exploitation. The country lacks robust legal frameworks to provide enabling conditions for community empowerment, particularly in terms of strengthening land ownership and rights, enabling community management, and devolution of power and authority to local levels for co-management and natural resource governance. Lack of processes for community participation in planning and decision-making and fundamental lack of respect for the rights of indigenous peoples slows down local efforts to advance human rights. The Ninth Schedule of the **Malaysian Federal Constitution** gives regional states jurisdiction on land, agriculture and forestry, state works and water. The provisions in the tenth schedule on grants and sources of revenue assigned to regional states is mainly based on population and this results in recurrent budgetary deficits. While the Federal government may allocate further grants to regional states, this is not institutionalized and hence not guaranteed, so states have to ensure that they raise their own funds to provide for their spending needs. Under the Constitution however, they may only raise revenue from a limited number of sources (14 listed), including from lands, mines and forests. This creates pressure on the environment as most states see lands, mines and forests as their main form of revenue. Environmental degradation that results and lack of appropriate redress mechanisms, leaves communities that derive their livelihoods from natural resources much more exposed to poverty and vulnerability. While the last two annual national budgets have allocated funds to aid the states in protecting their natural heritage, this has not been institutionalized and states therefore cannot count on these funds in the subsequent year(s).

Restrictions in access to information in **Bolivia** makes communities unable to adequately exercise their rights. Economic pressures from **businesses** that are keen on expansion of the agricultural and extractive sectors is increasingly resulting in depletion of natural resources that local communities depend on. This situation is further exacerbated by poor transparency and accountability in the public sector. Gaps and contradictions in the environmental legal framework and lack of political will to enforce indigenous peoples rights and rights of nature remains a challenge.

Indonesia is one of the many countries that have voted for the endorsement of the UNDRIP in the UN, however to this day it has not been ratified by the parliament. A draft law for the recognition and

protection of IPs is still under discussion in parliament, while implementation of legislation on the recognition of the rights of indigenous peoples to their territories, lands and waters, and their recognition as custodians of biodiversity and healthy ecosystems, is often poor.

Globally, constraints on civic space create an additional general challenge that is gaining importance. Criminalization of human rights defenders is becoming common and whether it happens insidiously or blatantly it has a dire impact on the capacity of indigenous peoples and local communities to continue to be custodians of their lands and territories. Women land and environmental defenders are particularly vulnerable. Administrative barriers -- when community rights to land are recognized by law but the process of recognition is long and laborious -- are another challenge. Governments that facilitate corporate "legal land grabbing" or fail to ensure due process, and access to information, participation and justice ("justice delayed is justice denied") create additional challenges for civil society organisations in general and rights-based and environmental advocates in particular.

WWF offices routinely encounter a common set of gaps, challenges and barriers to human rights based approaches, including:

- Lack of government recognition of Indigenous Peoples' rights or traditional governance systems
- Historic or cultural discrimination against rights holders
- Inadequate baseline information required to successfully implement rights-based approaches
- Non-participatory approaches on decisions affecting rights holders (e.g. granting of land concessions)
- Competing economic incentives for governments (granting of MOUs and/or concessions that may adversely impact rights, biodiversity and ecosystems)
- Weak governance contexts and structures; corruption.
- Dynamics in fragile, conflict or violent environments
- Limited resources to build the capacity of communities to participate and influence their governance structures.
- Lack of adequate knowledge and skills to engage in the legal and policy processes.
- Legal limitation in the Access to Environmental information, Transparency and Social Participation principles, as well as costs of access to the Justice system.
- Civic space constraints, criminalization of human rights defenders, repercussions for non-state actors promoting rights based approaches

To take a consistent approach across such a variety of scenarios, WWF is deepening risk management and quality assurance, oversight of **social policies** and systematically rolling out **Environmental and Social Safeguards** across its global network to systemize good governance practices to help achieve human rights, transparency, nondiscrimination, public participation, and accountability, among other goals. The nature of ESSF application is informed by the context and related degree of risk: high risk contexts require additional measures and assurances. Front line managers are responsible for ensuring effective application, backstopped by assurance and oversight functions. The (forthcoming) appointment of an Ombudsperson will provide an independent monitoring and review function, reporting directly to the WWF International Board and with an oversight function for all human rights related complaints. A Human Rights Response Protocol codifies these expectations.

WWF's objective in implementing these measures - and analogous to development finance and other organizations with safeguard frameworks - is to ensure that in-country gaps, challenges and barriers do

not prevent appropriate measures being taken by WWF and its partners to work in recognition of a rights based approach.

Q.7: Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to declining biodiversity and degraded ecosystems How can these populations be empowered to protect and restore declining biodiversity and degraded ecosystems?

In addition to the institutional measures outlined above, below are examples of how some WWF national offices and programmes are putting the HRBA into practice:

WWF-US uses a community-driven approach via [WWF Climate Crowd](#) -- a crowdsourcing initiative that convenes and supports a network of partners to gather data on how climate change is impacting people and nature, and supports on-the-ground projects that help rural communities adapt while reducing pressure on biodiversity. After first understanding how changes in weather and climate affect the communities, the data is analysed and later presented back to the communities. Partners then work hand in hand with the communities to develop and implement [solutions](#) that aid people and nature to adapt to the changing climate.

WWF-Colombia proposes a participatory planning approach, which includes building from local aspirations, needs and vision of well-being as the starting point for protecting biodiversity and human rights. Community participation should occur throughout the entire planning chain to ensure tangible benefits. An enabling condition for participation is capacity building: in regions inhabited by Indigenous peoples it is vital to bring together the instruments of community governance and management, to enable compatibility of conservation and sustainable management proposals within the framework of these instruments. In line with this approach, WWF-Colombia is working on various levels with different actors and has influenced decision makers on specific matters such as the ratification of the Minamata agreement to protect health and biodiversity. It also works with regional, local governments and local communities in promoting spaces for dialogues, for the generation and implementation of agreements to meet these needs and development of participation and advocacy capacity building agendas for local communities in decision making.

WWF-Bolivia is working to support organizational strengthening and governance in indigenous territories and communities, to reinforce indigenous communities ability to exert their own rights. Prior to implementation, project activities are discussed, analyzed and agreed on with community organizations. This includes building up participation of marginalized groups in the local and community decision making process. For example, activities with women producers of natural oils are increasing spaces for their participation in decision making related to natural resource use. The office is also working to ensure the economic returns derived from project initiatives flow directly to communities. The projects contributing to improvement of wellbeing of indigenous communities are based on renewable natural resources primarily forests. WWF-Bolivia works with partners specialized in working with IPs and human rights such as APCOB and CIPCA to ensure that project activities are respectful of these rights and local cultural practices. Like WWF, these partners are committed to active stakeholder engagement and understand how local organizations work, enabling them to ensure that activities are implemented in accordance with local rights and practices.

WWF-Malaysia offers targeted forms of support and capacity building that can help overcome systemic barriers by supporting rural and Indigenous communities to develop alternative livelihoods. This approach simultaneously provides a diversified source of income and builds rural and IP community capacity and skills to protect their environment. WWF-Malaysia adheres to respecting the principle of FPIC when working with communities. The Sarawak state government, together with WWF, is in the initial stage of developing an Early Warning System (EWS) with the state's forest agency as a monitoring tool for illegal deforestation together with local community monitoring. Support tools to empower the community, such as GPS/camera/smartphone with apps installed are being explored. In promoting community-led management of community use zones in Tun Mustapha Marine Park, WWF-Malaysia facilitates empowerment of youth and other local groups in turtle beach patrolling, mangrove rehabilitation and coral reef restoration. In Sarawak, WWF-Malaysia also supports the Penan community in Kuba'an-Puak to establish a community representative committee, a platform to raise issues related to sustainable forest management with external stakeholders like logging companies and the state forest department.

WWF-Indonesia is helping to build recognition of women's role in marine and coastal resource management in marine protected areas to counter the disenfranchisement of women across cultures through exclusion from governance mechanisms and decision making, or poor representation in budget allocations or even conservation initiatives, despite their vital role in natural resource management. Rural and Indigenous women play a vital role as 'ecological keepers' by managing ecological and economic assets for families and communities¹⁶. They fish and gather shells in tidal and mangrove areas, alongside being small fish traders (papalele) all of which contribute to their livelihood. Women's contributions are central to local farming, agroforestry regimes and food systems. However, they have either been ignored in formal decision-making or disregarded in the development of policies that could promote sustainability and equity by securing women's tenure rights over resources and ensuring their participation in policy making. WWF-Indonesia is supporting initiatives by indigenous and rural women that can benefit them economically but also empower them as economic and ecological actors: local markets and organic/local produce; entrepreneurship; freshwater and coastal fisheries; indigenous agricultural practices and training, PGS. Generally, the livelihoods of indigenous people and local communities in remote areas still depend on natural resources, which are mostly managed in a sustainable way for generations. However, these communities need recognition of the rights to manage their living space, including an equitable sharing of benefits from the use of biological resources in the area they manage to meet their daily needs. Without formal recognition, the practice of sustainable resource management is increasingly abandoned, to move to a market economy.

WWF-Brazil is supporting indigenous and local organizations to combat fires and strengthen territorial surveillance in the Amazon. Projects are equipping fire brigades and providing territorial management training. Surveillance is enhanced through the acquisition of new boats or improved communications for riverine people, but mostly sharing technology (like drones and SMART-Spatial Monitoring and Report Tool). With drones, it is possible to map, film and photograph areas under threat, including all geographic coordinates, giving accurate information to police, park rangers and state prosecutors, helping law enforcement to stop environmental crimes or land invasions. SMART enables the community to collect, store, communicate and analyse biodiversity data, as well as illegal activities and best management strategies to improve the use of natural resources. Law enforcement in closed and

¹⁶ See Thengapalli, 2020. Women from Orissa protecting their territory and valuable resources
https://youtu.be/R_EQRhm_TR0

hard-to-reach forest areas can also be intensified, preventing and monitoring forest fires and intentional and criminal burnings. WWF-Brazil partnered with local institutions to donate 13 drones and, in December/2019, has trained 40 leaders to operate this technology.

The **WWF Wildlife Crime Area of Collective Action and Innovation (ACAI)** is working with partners in the International Ranger Coalition (IRC) to develop an IRC action plan. This action plan has a strong emphasis on rights based approaches, ethics / codes of conduct, gender balance, importance of strong and mutually supportive relationships between Indigenous Peoples and local communities and rangers, etc., and thus the importance of strong institutions and respect of human rights.

The **WWF Governance Practice**, in collaboration with multiple WWF offices and their indigenous partners, Practices and external partners is in early implementation of the **People Protecting Landscapes and Seascapes Initiative (PPLS)**. The explicit focus of the Initiative is to support conservation led by Indigenous Peoples and local communities by supporting the self-strengthening of indigenous and community conserved and governed Lands and Territories of Life. Centering around four interdependent enabling condition - rights and responsibilities, governance, culture and sustainable economies - the PPLS aims to build a wider movement of support to create scaled-up impact on the ground and through policy so as to enable a systems change that puts in place enabling conditions for more empowerment and the realization of indigenous and community rights.

WWF is committed to the principles of [inclusive conservation](#), recognizing the rights of communities to be involved in decisions that govern the resources they depend on and identifying management models that benefit them as well as nature. The PPLS also includes a capacity building mechanism, the Inclusive Conservation Academy, being built with indigenous and indigenous support organisations and other partners to build the skills and knowledge for inclusive approaches to conservation not only among conservation actors but also government and private sector partners.

Q.8:How do you safeguard the rights of individuals and communities working on biodiversity issues (potentially identified as environmental human rights defenders or land defenders)? What efforts has your Government made to create a safe environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?

In **Colombia**, the government has tools and institutional bodies for the protection of human rights and environmental defenders. However, in spite of these, community leaders continue to be threatened and many have been killed, which makes it riskier for the leaders to fulfill their role. A safe environment for those who defend environmental and social causes should consider several aspects: visibility and support campaigns, accompaniment and training in context analysis, capacity strengthening for care and prevention, legal and political frameworks in the defense of rights, the creation and strengthening of alliances with the government, the entities that guarantee rights, and institutions at different levels, public support for human rights advocacy, and creating a safe environment for human rights advocates. Civil society can also contribute to creating adequate conditions for human rights defenders.

In **Malaysia**, the governments in Sabah and Sarawak provide training and capacity building for Honorary Wildlife Wardens in order to ensure they can carry out their duties safely and understand how to deal with potential situations of conflicts with poachers. A key area to improve is to strengthen the implementation of the good laws and policies that are already in place. In addition to this, the government should develop ways to ensure adherence to UNDRIP and key principles such as FPIC,

especially for private companies carrying out development/extraction projects in contested lands. Actions should also be taken to safeguard indigenous communities against all forms of threats, intimidation and violence, including by ensuring thorough and transparent investigations into the murders of indigenous defenders.

In **Bolivia**, laws (national constitution, INRA law, anti-discrimination law, etc) provide very strong protections for indigenous people's rights, including land rights, resource use rights and cultural rights among others. Within a Native Community-based Lands (TCO) indigenous people have the right to govern the territory according to their own needs, traditions and customs and all actors must be respectful of this. Similarly, Bolivian Law 045 (November, 2018) seeks to eliminate discrimination and racism by establishing mechanisms to prevent and sanction all forms of racism and discrimination in the country. This law is in line with the national constitution and international human rights treaties. In rural and indigenous communities, however, a "macho" culture still predominates, meaning women and youth are sometimes excluded from participating in activities. Violence against women does occur in indigenous and peasant communities throughout Bolivia. Bolivian law 348 enacted in 2013 aims to eliminate all types of violence against women. The current Bolivian government of President Añez has been actively working to enforce this law.

Indonesia has several entities, both under the state or initiated by non-state actors, to safeguard individuals and communities, including the National commission on Human rights, Ombudsman, Legal Aid Foundation (YLBHI), among others.

In **Argentina**, there are several regulations for protecting individuals and communities that want to have their voice heard in environmental issues. In particular for indigenous people, the constitution, the ILO 169 Agreements (Law 24071), the commercial and civic code (Law 26994) and Law 26160 on land possession, provide a legal framework that recognizes their rights to possess land and develop within it. Furthermore, Law 23302 created the National Institute for Indigenous Affairs (INAI) for dealing with all the indigenous affairs including access to and management of natural resources. The INAI has a council integrated by indigenous communities' representatives. Finally, the Argentine constitution recognizes the right to protest, strike and unionize as a fundamental right of workers.

Q.9: There is substantial evidence that consumption in high-income States is adversely affecting biodiversity and ecosystems in low and middle-income States. What are ways in which high-income States should assist low-income States in responding to biodiversity loss and ecosystem degradation, while simultaneously contributing to sustainable development in those low-income States?

Utilizing voluntary standards such as RSPO, ASC, MSC, FSC to help reduce environmental footprint. WWF-Guatemala points to voluntary standards as having helped significantly improve how high income consumption shapes environmental degradation and livelihoods in lower income countries. Although these improvements have not resulted in overall halting of environmental degradation, there has been a push for stronger and more widespread adoption of these standards which would modify consumption patterns. These standards must also include appropriate human rights criteria: currently the status across standards is mixed. Furthermore, high-income countries should continue and expand their support for environmental protection efforts in low-income countries, particularly in times of COVID-19 where the interconnectedness of environmental integrity and human health can be seen ever more clearly.

Shifting the measurement of economic success equated to GDP/ GDP per capita to more holistic measures. WWF-Malaysia notes that the use of GDP as an international metric for economic success has promoted short-term GDP growth over long-term sustainable development, with resulting long-term environmental costs. WWF-Malaysia advocates for high income states and international development institutions to move away from measuring economic success through GDP and instead use the SDGs which take into account long-term sustainability, therefore bringing natural capital into national accounting. In addition, high-income states that have high consumption should demand the highest level of sustainability components in the products from resources coming from low income states, for instance certification mechanisms that promote sustainable indicators.

Cooperation between high income and low income states to ensure that international food and agricultural companies are applying global policies and commitments equally in all countries. WWF-Bolivia points to unequal application of global policies and commitments, citing the case of Cargill, which has committed to deforestation free value chains but does not apply this in Bolivia. Companies in high income states can collaborate with low income countries and WWF offices to develop sustainable economic opportunities to reduce poverty and pressure on natural resources. High income states can also lobby low income states to adopt more sustainable, deforestation free policies and help provide financing to make this shift possible.

Establishing domestic regulatory frameworks in consumer countries and bilateral trade policy measures can help to reduce the impacts on biodiversity and ecosystems, for instance, the use of restrictions within trade agreements on products with a proven link to biodiversity loss, ecosystem degradation and human rights violation. The [European Commission is currently considering legislation](#) that excludes the import of products into the European market for which deforestation or forest degradation has occurred. Similarly, the French Government has launched a [Strategy to exclude “imported deforestation”](#); and the UK Government has established the Global Resource Initiative which has just published their [recommendations](#) for the UK Government on measures to ensure deforestation- and conversion-free commodity supply chains. Additional measures can be taken to reduce consumption of energy-intensive products and to support development of renewable energy in low income states.

Utilizing safeguards to protect small scale producers in low income states where the unintended impacts of production may reach. For instance in areas where the impact on biodiversity and ecosystems is linked to multinational corporations or investors from the key consumer countries, countries or regional blocs can introduce measures including capacity building to help small scale producers -- farmers, fisherfolk, artisans -- to progressively shift to safe and sustainable standards of production.

Global frameworks, most notably the Post 2020 Global Biodiversity Framework, provide an opportunity for tangible targets which all countries can work towards to improve the sustainability of global supply chains as a sufficient scale, noting the complexities associated with global supply chains of most consumer products.

Q.10: For businesses, what policies or practices are in place to ensure that your activities, products, and services across the entire supply chain (extraction/sourcing, manufacturing, distribution, sale, and end-of life management) minimize biodiversity loss and ecosystem degradation and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights

Voluntary Community Standards (RSPO, FSC, Water Stewardship): WWF in Central America, WWF-Malaysia and other offices work with palm oil, sugarcane, and shrimp aquaculture to ensure producers adhere to relevant voluntary standards. The indicators in place respect and observe national law and policies including laws linked to the general wellbeing and human rights of people and workers in detail. However, not all standards have adequate commitments to prevent biodiversity and ecosystem degradation and to promote respect for human rights.

Among its strategies **WWF Bolivia** is working on **influencing the private sector to apply voluntary certification standards that minimize the negative effects on biodiversity conservation**. In addition these certification standards can help in establishing fairer and more equitable relationships with local communities that supply natural resources. There have been important advances witnessed in the forestry sector (both timber and non-timber). Currently, work is beginning with the private sector under the **water stewardship** scheme. In **Central Africa**, WWF is working with logging and agro-industry companies present in the region to advocate for the adoption and implementation of best practices that can help minimize negative impacts while maximizing positive ones on Indigenous People and Local Communities.

Bursa Malaysia, Malaysia's listed stock exchange operator, is utilizing various practices such as making the reporting of ESG (Environment, Social & Governance) practices of individual companies via Sustainability Statement compulsory to all main listed companies under the Bursa Malaysia Main Market Listing Requirements, with guidance of the Global Reporting Initiative (GRI) standards, SDG (Sustainable Development Goals), TCFD (Task Force on Climate Related Financial Disclosure) framework. The key capitals include Social (Human) Capital, Natural Capital which form part of the common material sustainability matters e.g. Employee Wellbeing, Human Rights, Health & Safety, Energy & Water Consumption, GHG Emission, Waste (Solid Waste & Wastewater) generation etc. The listed companies in FTSE Bursa Malaysia Emas Index & FTSE4Good Emerging Index are also assessed for their ESG performance to be inducted into the FTSE4Good Bursa Malaysia Index.

Some companies have made public their corporate policies on NDPE (No Deforestation, Peat and No Exploitation) sourcing. Continued uptake of NDPE policies by growers, traders and downstream companies, along with renewed NGO focus on growers that violate NDPE policies, and engagement by traders are helping bring down deforestation rates.¹⁷ Criteria is currently under development regarding the No Exploitation component of NDPE related to land and labour rights.¹⁸

¹⁷ See for example [The Chain: NDPE Uptake Impacts List of Top 10 Deforesters in SE Asia](#).

¹⁸ See <https://ndpe-irf.net/technical-documents/>