

Annex D

WWF DK's Position Paper on Human Rights and Environment



WWF Denmark
October 2014



WWF Denmark

Position Paper on Human Rights and Environment

1. Introduction

There are strong links between poverty and the environment. This is quite clear, when seeing how people and nature are suffering from the environmental degradation all around the world.

As an environmental organization, WWF recognizes that efforts aiming to protect natural capital and bring about environmentally sustainable development are closely interlinked with the rights of people to secure their livelihoods, enjoy healthy and productive ecosystems and live with dignity. Access to natural resources (individual and collective rights) and how they are distributed affects a broad range of fundamental human rights. A fair distribution of costs and benefits from natural resources and environmental services at local, national and international level are critical to equity and long term economic, social and environmental sustainability.

We understand that the success of our work depends on the degree to which conservation contributes not only to the maintenance and preservation of biodiversity and ecosystems but also to equitable and sustainable development for the well-being of the people that rely on them.

WWF Denmark's human rights based approach is based on the key international frameworks and declarations as well as on WWF International's policy statements/frameworks related to human rights and environmental stewardship.

This Position Paper is divided into eight sections. In section two we briefly state the aim of the position paper. Section three reviews key international frameworks and declarations related to human rights and environment. In section four we explain the interconnections between environmental sustainability and human rights and section five sheds light on WWF International's human rights related policies. Section 6 states WWF Denmark's guiding principles for our work with human rights and section seven we explain how WWF DK together with partners intends implement a human rights based approach. Finally in section eight there is a list of relevant links and supplementary reading

2. Aim of the Position Paper

The aim of this position paper is to serve as inspiration and guidance for the implementation of a human rights based approach in our work and our (WWF) partner's work.

The paper contains background information on key frameworks on human rights, environment and the relationship between the two and WWF International's position in order to provide a more complete understanding of the issues involved and the rationale behind the position(s) set forth by WWF Denmark.

The core trust of the position paper is that, a human rights based approach (HRBA) should be rolled out in a pragmatic and realistic way that takes the local context into account and is anchored in thorough analysis.

3. Key international frameworks

In this section we will highlight the key declarations and frameworks related to human rights and conservation.

3.1 International Human Rights Frameworks

Rights recognized in national and international law may generally be divided into **substantive and procedural rights**.

Many of the fundamental rights enshrined in the Universal Declaration of Human Rights have significant environmental dimensions.

The right to life, the right to health, the right to safe and healthy working conditions, and the right to adequate food, water and housing are some of the most important substantive human rights principles with direct links to conservation. (Article 23 and 25 [Universal Declaration of Human Rights](#))

To many communities and societies across the world, land, forest, water and sea are intimately tied to the right to food, water, health, shelter. The way these natural resources are used, controlled, managed, distributed and protected affects societies and people's lives in profound and multidimensional ways. Respecting and strengthening tenure and natural resource access rights are important mechanisms for harnessing the positive synergies between conservation, rights and human wellbeing.

Non-discrimination and equality (incl. women and indigenous people's rights) have been a core principle of the global discourse on human rights, recognizing that all people, regardless of gender, ethnicity, age, religion and disability are entitled to the same consideration, participation and support (Article 2 Universal Declaration of Human Rights). Poor and marginalized people often suffer disproportionately from environmental degradation and unequal access to natural resources, energy systems and decision making.

Right to participation/democratic rights. The link between democracy, human rights and good governance is captured in article 21 of the Universal Declaration of Human Rights. This principle is significant because it enforces the notion of democratic elections and ensures the freedom of opinion, assembly and expression. Additionally, implicit in and intertwined with these rights are prohibitions on discrimination against women, disability groups and vulnerable groups.

There is no recognition of a human right to a clean or healthy environment in international law. At the regional level however, the [African Charter on Human and People's Rights](#) and the San Salvador Protocol recognise an independent, substantive human right to a satisfactory environment. The African Charter states in Article 24 that "all peoples shall have the right to a general satisfactory environment favourable to their development".

3.2 Key environmental frameworks related to human rights

The 1972 [Stockholm Declaration on the Human Environment](#) was the first international instrument to establish an explicit link between human rights and environmental protection. Principle 1 proclaims that

“Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well being and he bears a solemn responsibility to protect and improve the environment for present and future generations.”

This is increasingly important with impacts of pollution and climate change increasingly affecting human livelihoods and people's rights. These impacts range from increased disease and mortality to food insecurity, water scarcity, with most acute effects on populations who are already in a vulnerable situation. In practical terms, a rights based approach can guide policies and measures of pollution and climate change mitigation and adaptation, including measures, such as the promotion of alternative energy sources, forest conservation or tree-planting projects, resettlement schemes, while also being used as the basis for informing and strengthen international and national standards and policy-making.

The outcome of the 1992 Earth Summit was the [Rio Declaration](#) which proclaims “Human beings are at the centre of concerns for sustainable development” and that “They are entitled to a healthy and productive life in harmony with nature” (principle 1). While this principle uses the language of entitlement, it falls short of proclaiming a right to environment. Other principles in the Rio Declaration elaborates on procedural rights central to environmental decision-making, such as: principle 10 that states that access to information, public participation in decision making, and access to effective judicial and administrative proceedings, including redress and remedy, shall be guaranteed because “environmental issues are best handled with the participation of all concerned citizens, at the relevant level” and Principle 11 regarding effective environmental legislation; and Principle 17 regarding environmental impact assessments.

[The Aarhus Convention](#) (1998) draws inspiration from principle 10 of the Rio Declaration and expands the procedural rights by laying down a set of basic rules to promote the involvement of citizens in environmental matters and improve enforcement of environmental law. It is considered to be the most advanced environmental agreement in providing standards for public participation. The Convention is legally binding on States that have become Parties to it which differentiates it from Stockholm and Rio Declaration. The Aarhus Convention can be broken down into three pillars:

- Access to Information. Members of the public (individual and their organizations) are entitled to request environmental information from public bodies and these bodies are obliged to maintain this information
- Public Participation in Decision-Making: Arrangements should be made by public authorities to enable the public to comment on, for example, proposals for projects affecting the environment, or plans and programmes relating to the environment. Any subsequent comments are to be taken into consideration in the decision-making process
- Access to Justice: i.e. the right to seek redress when environmental law is infringed and the right to access review procedures to challenge public decisions that have been made without regard to the two other pillars of the Convention.

The right to information is fundamental to the realization of political, economic, social and cultural rights as well as environmental rights. Lack of information can exacerbate negative impact on the rights by preventing affected people from taking the necessary measures to mitigate. For participation to effective it has to be meaningful - going beyond passive engagement of stakeholders –it has to contribute to “better” (more informed, fair, and equitable) decisions. It should also provide stakeholders with a chance to voice their concerns about how interventions may impact them and the environment upon they depend, to propose and negotiate alternatives and to engage with duty-bearers. As such it is closely linked to transparency and accountability.

4. Human Rights and Conservation

In this section, we explore how our work as conservationists and environmentalists relates to human rights.

Fundamental ethical and pragmatic concerns about human well-being have been part of conservation thinking and practice for decades – providing a rationale e.g. for integrated conservation and development projects (ICDPs) in the 1980s and 1990s, and underlying more recent approaches such as co-management, community-based natural resource management (CBNRM) and recognition of indigenous and community conserved areas (ICCAs).

The linkage between human rights and environment embrace at least four dimensions:

- Right to an adequate standard of living (food, medicine, clothing, housing, water) is closely linked with the access to, control over and distribution of natural resources and environmental services
- The right to a healthy environment is a fundamental part of the right to life and to personal integrity.
- Environmental destruction can result in discrimination and racism. Thus, socially and economically disadvantaged groups seem to live more often than other groups do in areas where environmental problems pose a real threat to human health.
- Procedural human rights such as access to information, access to justice and participation in political decision-making are often crucial for ensuring policies include environmental concerns.

Applying human rights approach introduces new elements to environmental programming and conservation practice in particular:

- The standards and principles laid down in *national and international human rights instruments* provide the *framework* for development programming: human rights standards and principles help set the *objectives* of programmes whilst also guiding the entire programming *process*.
- A human rights-based approach emphasizes programming that *empowers* people to determine the development process and to be *actively engaged* in it.
- A human rights-based approach establishes the existence of *claims* and corresponding *obligations*. Thereby it focuses on building the *relationship* between individuals and groups with valid claims (*rights-holders*) and state and non-state actors with correlative obligations (*duty-bearers*).

5. WWF International's Approach to Human Rights and Conservation

For a long time human rights were primarily embedded in WWF's concern with regards to indigenous people's rights. WWF's "**Statement of Principles on Indigenous Peoples and Conservation**" (2008) reflects our dedication to support indigenous and traditional peoples to sustainably manage their resources, and to maintain, use, and strengthen their traditional ecological knowledge. In doing so, we fully respect the peoples' human and development rights. This is in line with the international **Human Right to Non-discrimination and Equality**.

WWF's network-wide "**Gender Policy Statement**" (2011), also supports the **Right to Non-discrimination and Equality**. Through this policy statement, WWF commits to gender equity and integrating a gender perspective in its policies, programs, and projects, as well as in its own institutional structure. It emphasizes that gender refers to the socially constructed roles and opportunities associated with being women and

men and recognize differences and inequalities between women and men in access to and control over resources and decision-making opportunities, in particular in relation to environmental resources.

WWF's **"Poverty and Conservation Policy"** (2009) states that conserving and managing natural resources is essential in the fight against poverty. We all depend on biodiversity and ecosystems, and the services nature provides for our everyday needs and survival, but while the rich can access what they need in a variety of ways, the poor rely on their local surroundings for their survival. As such the environmental conditions and access to natural resources to a large degree determine the extent to which people are able to enjoy their **basic human right to life, health, adequate food and housing**.

Last but not least, WWF is a founding member of the Conservation Initiative on Human Rights (CIHR) together with IUCN, Conservation International and Wetlands International which developed the **"Conservation and Human Rights Framework"**. This framework commits to respect human rights and to promote rights within the scope of conservation initiatives as well protect the vulnerable and encourage good governance. As a member of CIHR WWF aims to promote positive links between conservation and rights of people to secure their livelihoods, enjoy healthy and productive environments and live with dignity. WWF recognizes in order to achieve environmental sustainability and effective conservation outcomes we need to adopt a human rights approach that respects the fundamental value of good governance, human rights and a representative, informed and engaged civil society. It recognizes human rights as key to achieving inclusive and equitable environmental and development outcomes.

WWF has recently argued that human rights-based approach to development will help the achievement of environmental sustainability and should be one of the core principles guiding the post-2015 development framework. WWF highlights two key arguments. First, a human rights-based approach can support sustainable and equitable management of natural resources by empowering people and communities. Human rights affecting environmental policy-making and management, called procedural rights, enable individuals, groups and CSOs to participate in decision-making, providing them with access to information, judicial remedies and political processes and facilitating the realization of other rights as stipulated in the Aarhus Convention (1998). Second, environmental conservation and governance contributes positively to the realization of some fundamental human rights by ensuring equitable access to healthy and resilient ecosystems for the provision of goods and services such as clean water and air, food, shelter, climate regulation and disease management. Human rights such as the right to life, to health, to property, to water, to food and housing, the right to work and to practice one's culture, are vulnerable to environmental degradation. Thus environmental sustainability may often be a precondition to their realization. This is true for both the urban and rural poor, especially women. The livelihoods of the rural poor often depend directly on natural resources and ecosystem services, and their enjoyment of substantive human rights can be at risk due to environmental hazards, economic development, unsustainable production, and pollution as well as conservation activities.

6. WWF DK and our network partner's approach to working with conservation and human rights

WWF Denmark has a vested interest in promoting positive links between conservation and rights of people to secure their livelihoods, to enjoy a healthy and productive environment and live with dignity. We see human rights based approach as a tool to achieve inclusive and equitable environmental and development outcomes and green economies in the places where we work.

WWF Denmark and its partners commit to respect human rights and to promote rights within the scope of environmental management and conservation

How we work with human rights is dependent on the context, its particular challenges and opportunities. This means that we in one place may be focusing on access to forest resources or fish while in another place focus on the access to (environmental) information and participation in (environmental) decision-making.

WWF Denmark's human rights-based approach to conservation visualizes the importance of distributing rights and responsibilities equally while highlighting the following principles:

- **Individuals and groups as rights-holders**, putting responsibility on governments, multilateral agencies, businesses and the conservation community itself, as **duty-bearers**, to make channels available for their meaningful participation and input;
- Principles of **non-discrimination and equality** as key elements of policy advocacy, project development and interventions – and the need to better understand the likely impact on disadvantaged or vulnerable individuals and groups.
- Importance of **meaningful participation and inclusion** of rights-holders into the design and implementation of conservation activities incl. incorporating local knowledge of the environment and traditional cultural practices of rights holders into conservation responses as well as local ownership in sustainable development processes.
- Need for **transparency** and access to environmental information and freedom of expression as integral elements in a Human Rights Based Conservation Approach. The people, the press and media should have access to free and independent information regarding the environment and natural resources upon which they depend.
- Finally **accountability**: The duty bearers are responsible for respecting, protecting and fulfilling human rights related to conservation – and should be held accountable. The realization of human rights requires that state formation and governance are based on the principles of rule of law as well as democratic and inclusive legislative processes. It also requires government authorities with the will and ability to respond to demands for human rights from rights holders

7. HRBA Implementing and Capacity Development plan

WWF DK recognizes that our network partners have different levels of experience and capacity to apply this a human rights based approach to conservation. Therefore the implementation strategy will focus on a process that recognizes these differences and builds on existing capacity, expertise and experience within the organization

We will make an exerted effort to expand both the WWF network's and our partners' knowledge, competences and commitment to a human rights based approach to conservation through capacity building, technical assistance, sharing of lessons learned, south-south cooperation etc.

Additionally, we will encourage our partners to apply a human rights based approach in partnership activities with governments, donors, the private sector, CSOs and communities, as criteria for determining which activities to support, and to promote its broader implementation by other actors.

To ensure the implementation of a human rights based approach, WWF DK will carry out the following actions and monitor their progress.

At the programmatic level, WWF DK will during 2015 and 2016 help and support our WWF partners to achieve the following:

- In 2015, develop HRBA development plan (incl. capacity building) with our partners in coordination with the SD4C group, other NOs and WWF Shareholder Groups in counties and regions where we work
- Support our network partners in the implementation of the HRBA capacity development plan
- Support our network partners in the implementation of the HRBA programming including encourage meaningful and inclusive participation in programme planning, implementation, monitoring and evaluation
- Work with HRBA-responsive partners and/or provide HRBA training to partners and allies (CSOs, CBOs, private sector, government institutions) in projects, programmes and interventions;
- Revise reporting formats and systems to reflect relevant HRB aspects
- Carry out HRBA analysis prior to and during implementation of new programmes, projects and interventions.
- Ensure that proposed programmes and interventions do not violate human rights or infringe upon rights of indigenous peoples and local communities such as not generating negative impacts by limiting people's access to vital natural resources, and consequently their ability to fully enjoy their human rights
- Support partners to empower right-holders to claim and exercise their energy and environment related rights effectively as well as build the capacity of duty-bearers to meet their international and national obligations related to human rights within the scope of environmental protection and conservation .

At the organisational level WWF DK commits to working for an organizational network culture and working environment where:

- Organisational policies and practices comply with central human rights, such as equal opportunity and non-discrimination, freedom of association, health and safety.
- Staff can work in an environment of inclusion, civility, and respect for the rights of each individual and where all employees share key organizational values focused on equal opportunity, good governance, accountability and transparency;
- Employment decisions about recruiting, hiring, responsibilities, training and professional development, promotion, transferring compensation and termination are uniformly based on qualifications, including skills, abilities, knowledge, and experience and, actively pursues gender balance at all levels of the organization;
- Benefit policies are gender sensitive and equitable (to the extent possible under applicable national laws) and appropriately respond to local staff needs for balancing work, family, and civic life;
- There is a minimum global network HR anti-discrimination and harassment policy with provision for reporting, investigation and sanctions for employment-related discrimination and / or harassment.

8. Relevant links / supplementary reading:

KEY INTERNATIONAL TREATIES AND DECLARATIONS RELATED TO HUMAN RIGHTS:

The Universal Declaration of Human Rights:

<http://www.un.org/en/documents/udhr/index.shtml#atop>

International Covenant on Civil and Political Rights (ICCPR):

<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

International Covenant on Economic, Social and Cultural Rights (ICESCR)

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

REGIONAL DECLARATIONS AND FRAMEWORKS RELATED TO HUMAN RIGHTS:

Africa: African Charter on Human and Peoples' Rights:

<http://www.achpr.org/instruments/achpr/>

Asia: There are no Asia-wide organizations or conventions to promote or protect human rights. Countries vary widely in their approach to human rights and their record of human rights protection.

KEY INT. CONVENTIONS AND DECLARATIONS RELATED TO ENVIRONMENT AND HUMAN RIGHTS:

Stockholm Declaration:

<http://www.unep.org/Documents.Multilingual/Default.asp?documentid=97&articleid=1503>

Rio Declaration

<http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>

Aarhus Convention

<http://www.unece.org/env/pp/treatytext.html>

Draft Declaration of Principles on Human Rights and the Environment:

<https://www1.umn.edu/humanrts/instree/1994-dec.htm>

WWF

WWF International – Gender Policy Statement

http://awsassets.panda.org/downloads/wwfgenderpolicy_final_26may11.pdf

WWF International - Indigenous Peoples and Conservation

http://awsassets.panda.org/downloads/183113_wwf_policyrpt_en_f_2_1.pdf

WWF International – People and Conservation:

[http://wwf.panda.org/what we do/how we work/people and conservation/](http://wwf.panda.org/what_we_do/how_we_work/people_and_conservation/)

WWF International – Environmental sustainability and human rights:

[http://awsassets.panda.org/downloads/environmental sustainability and human rights 1.pdf](http://awsassets.panda.org/downloads/environmental_sustainability_and_human_rights_1.pdf)

Initiative on Human Rights (CIHR) - Conservation and Human Rights: Key Issues and Contexts

http://awsassets.panda.org/downloads/scoping_paper_final_22_jan_1_.pdf