



2 December 2022

## **Open letter from the United Nations High Commissioner for Human Rights on the post-2020 Global Biodiversity Framework**

Excellency,

I am pleased to address you in advance of the 15<sup>th</sup> Conference of the Parties to the Convention on Biological Diversity (CBD COP 15). To enjoy human rights, including the rights to life, health, food, water and sanitation, culture, and a healthy environment, biodiversity is essential. Yet today, human action has placed biodiversity under unprecedented threat, pushing our planet's complex natural systems toward a catastrophic breaking point, not just for humanity but for all life.

Most actions that have undermined biodiversity come from foisting costs on people that are not part of the transaction. In addition to a strong overarching commitment to respecting, protecting and fulfilling all human rights, the success of the post-2020 Global Biodiversity Framework will depend on the effective participation of people in its development and the meaningful integration of human rights in its vision, mission, goals, targets, monitoring framework and implementation.

In the context of your discussions on the post-2020 Global Biodiversity Framework, I urge you to take the following minimum steps.

### **1. Integrate the right to a clean, healthy and sustainable environment in the post-2020 Global Biodiversity Framework**

Healthy ecosystems and biodiversity are inextricably interlinked with other key elements of the right to a healthy environment. These include a safe and stable climate, a non-toxic environment in which to live, work, study and play, safe food, clean water, fresh air, education with respect for nature, intergenerational equity, and participation, access to information and access to justice in environmental matters.

All Permanent Representatives of  
Member States and Permanent Observers of  
non-Member States to the United Nations Office at Geneva  
and to the United Nations in New York



The recognition of the right to a clean, healthy and sustainable environment by the UN General Assembly in July 2022 has the potential to be a catalyst for the transformative change required for humanity to survive and thrive in harmony with nature. This is also in line with the [UN common approach to biodiversity](#) which recognizes that human rights are a critical part of the solution to the biodiversity crisis.

*I urge you to follow the example set by States at the United Nations Framework Convention on Climate Change (UNFCCC) COP27 by explicitly referring to the right to a healthy environment within the principles and goals of the draft post-2020 Global Biodiversity Framework.*

## **2. Ensure accountability for businesses**

States have an obligation to effectively regulate the business environment and prevent harmful business activities, including those that impact biodiversity, and negatively affect the enjoyment of related human rights. Under the UN Guiding Principles on Business and Human Rights, all businesses also have a responsibility to respect human rights, including through the exercise of human rights due diligence. When business activities do negatively affect the enjoyment of human rights, including the right to a healthy environment, States have an obligation to ensure access to an effective remedy for those impacted, and companies are expected to actively engage in the remediation of those harms they cause or contribute to.

*I urge States, as an essential component of a whole-of-society approach to the protection of biodiversity, to establish a strong accountability framework for all actors, including businesses.*

## **3. Safeguard meaningful and informed participation and access to justice**

All people have the rights to participation, access to information, and access to justice in environmental matters. These rights must be freely exercised without fear of retaliation or reprisal. Positive human rights and conservation outcomes depend on the empowerment and full and equal participation of all people in decisions that impact them, including women, children, Indigenous Peoples, local communities and persons in vulnerable situations. Protecting environmental human rights defenders contributes to fulfilling the right to a healthy environment.

*I urge you to adopt a post-2020 Global Biodiversity Framework that upholds the rights to participation, access to information and access to justice, and that seeks to put a stop to the harassment, persecution and even killing of environmental human rights*



*defenders advocating for the protection of the environment for current and future generations.*

#### **4. Guarantee the rights of Indigenous Peoples, and local communities to their knowledge, lands, resources and territories**

The territories of Indigenous Peoples encompass 22 per cent of the world's land surface, and coincide with areas that hold over 80 per cent of the planet's biodiversity. Indigenous Peoples', and local communities' scientific and technical knowledge, including that of women, and their customary land and resource tenure are essential to global efforts to conserve, sustainably use and equitably distribute the benefits of biodiversity.

*I urge States to ensure protected areas and area-based conservation measures are implemented with full respect for human rights, including the rights of Indigenous Peoples, and local communities, and to uphold the human rights of knowledge-holders, including cultural rights, the right to education and the free, prior, and informed consent of Indigenous Peoples.*

#### **5. Place gender equality at the centre of biodiversity action**

Gender equality is a human right and critical to effective environmental outcomes. At CBD COP14, Parties agreed that the post-2020 Global Biodiversity Framework should systematically integrate a gender perspective.

*I urge States to adopt a post-2020 Global Biodiversity Framework that advances gender equality, including equal access of women and girls to land, natural resources and finance, and their equal, meaningful and informed participation in decision-making. Actions to protect biodiversity should not exacerbate pre-existing gender-based discrimination and inequalities, and should take into account gender-related impacts.*

#### **6. Promote a human rights-enhancing economy to mobilize resources for a healthy environment and healthy people**

A human rights-enhancing economy effectively mobilizes the maximum available resources for the realization of human rights, including the right to a healthy environment. In a human rights-enhancing economy, tax measures, subsidies, economic policies, budgeting and development assistance work together to fulfil human rights and ensure that people are meaningfully included in relevant decision-making processes. A human rights-based approach to financing biodiversity action will: ensure the benefits of the sustainable use and conservation of biodiversity reach those who need them most;



protect against negative human rights impacts from efforts to conserve biodiversity; and facilitate accountability of those most responsible for biodiversity loss. The principles of equity and the fair and equitable sharing of the benefits of development (within and between peoples, nations, and generations) should guide the mobilization of resources for biodiversity action.

*I urge you to adopt a post-2020 Global Biodiversity Framework that promotes a human rights-enhancing economy, including through elimination of harmful subsidies and the ambitious, equitable, and gender-responsive mobilization of resources in a manner accessible to rights-holders.*

#### **7. Integrate human rights in the monitoring and implementation of the post-2020 Global Biodiversity Framework**

Following the adoption of the post-2020 Global Biodiversity Framework, States are expected to update their National Biodiversity Strategies and Action Plans (NBSAPs). Integrating legally binding human rights obligations in these domestic policies will be a crucial step. The monitoring framework for the post-2020 Global Biodiversity Framework also will be an important accountability mechanism in terms of its human rights commitments.

*I urge you to ensure that monitoring is transparent, participatory and inclusive. The monitoring framework should include indicators that are both qualitative and quantitative and advance our understanding of the ways that biodiversity loss and its protection can impact the effective enjoyment of human rights. Data should be disaggregated by gender, age, ethnicity and other protected status in order to promote evidence-based decision-making, including with regard to NBSAPs, that can effectively address inequities related to the impacts of biodiversity loss and measures to prevent it.*

A successful outcome to the negotiations of the post-2020 Global Biodiversity Framework represents humanity's last, best chance to prevent a catastrophic extinction crisis. Protecting nature is a human rights imperative. For the sake of all life on the planet, I urge you to bring the negotiations of the post-2020 Global Biodiversity Framework to an ambitious and successful conclusion, with human rights at its core.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to read 'V. Türk', is written over a faint circular stamp.

Volker Türk