

United Nations
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Preparatory process

Session: Protecting the planet and building resilience

Pursuing policies, investments and innovation to address disaster risk reduction and protect the planet from degradation

Input from OHCHR

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1. Systems transformation

At least three fundamental systems transformations are needed to protect the planet and to build resilience. First, we must enhance environmental protection taking a human rights-based approach that ensures participation by rights holders and accountability of duty-bearers while leaving no one behind. Second, a transformation of the current model of consumption and production is needed. Under the UN Guiding Principles on Business and Human Rights, States have an obligation to protect human rights, including through effective regulation of businesses. Businesses have a responsibility to respect human rights. States and businesses must work together and be accountable for ensuring sustainable consumption and production and ending the unsustainable exploitation of nature and workers. Finally, inclusive development is needed in line with the Declaration on the Right to Development. We must end the exploitative model of the current development paradigm which focuses nearly exclusively on economic growth and promote a just transition to a new development paradigm that benefit both people and planet and is founded on a holistic understanding of the various dimensions of development – economic, social, cultural and political.

Enhanced environmental protection

The development of legal and policy frameworks to guarantee the human right to a safe, clean, healthy and sustainable environment, including through effective measures to protect and restore ecosystems and biodiversity that are critical to the effective enjoyment of all human rights, to prevent and minimize the harmful human rights impacts of climate change, and to reduce and remove hazardous and harmful chemicals and wastes from the environment, is critical. States have procedural and substantive obligations under international human rights law that should be reflected in all laws, policies and programmes related to environmental protection, including ecosystem restoration and protection, and the prevention of biodiversity and habitat loss. This includes ensuring business accountability for greenhouse gas emissions, pollution and other forms of environmental degradation.

Sustainable consumption and production

Sustainable consumption and production requires both limiting excess consumption and improving production practices to ensure that they do not cause harm to the environment or to human rights. States have an obligation to effectively regulate businesses under their jurisdiction to achieve sustainable production. Legal and policy tools such as regulations, subsidies, taxes, and penalties can promote sustainability and accountability affecting business and consumer choices. They can also cause harm. For example, decades of fossil

fuel subsidies around the world have encouraged unsustainable consumption and stymied the development of alternative energy sources. Carefully eliminating these subsidies, in a way that takes into consideration any potential negative impacts on the poor, would reduce pollution and greenhouse gas emissions facilitating de-carbonization. Similarly, tax policy can affect decisions related to production and consumption. Effective policies should reduce inequalities, promote sustainability and reduce poverty ensuring equitable and sustainable use of natural resources for the benefit of present and future generations.

Inclusive development

A holistic and inclusive approach to development, in line with the Declaration on the Right to Development, will ensure sustainability, equitably distribute the benefits of development, and leave no one behind. States should, inter alia, ensure access to education, vocational training and employment opportunities for all people, promote fair wages and working conditions as well as sustainable livelihoods, and guarantee basic social services. This will contribute to building resilience of economies, societies and people - reducing pressure on the environment. A just transition to a decarbonized economy must be led by and benefit people, particularly those most at-risk of being left behind guaranteeing their right to development – economic, social, cultural and political.

2. Specific actions to drive transformation

Recognition of the human right to a healthy environment can serve as a catalyst for stronger environmental laws and policies; improved implementation and enforcement of those laws and policies; increased levels of public participation in environmental decision-making; increased access to information and access to justice; reduced environmental injustices; and improved outcomes for people and planet. The Secretary-General's Call to Action for Human Rights calls for advancement and effective implementation of the human right to a safe, clean, healthy and sustainable environment recognizing that this will support transformative change. A human rights based-approach to environmental law and policy frameworks contributes is necessary for effective, sustainable and inclusive environmental protection. The rights-based approach supports effective inclusive and participatory decision-making. Key aspects of a human rights-based approach to environmental protection include:

- Guaranteeing all people enjoy a safe and stable climate, adequate water and sanitation, clean air, healthy and sustainably produced food, non-toxic environments, healthy ecosystems and biodiversity;
- Ensuring the full, meaningful, informed and effective participation of rights-holders, including indigenous peoples and local communities, women and youth, in all relevant decision-making processes;
- Ensuring accountability and effective remedy for human rights harms in environmental matters;
- Protecting environmental human rights defenders from harm and ensuring their access to justice;
- Recognizing and protecting the rights of indigenous peoples and local communities to their traditional knowledge, livelihoods, lands, resources and territories;
- Guaranteeing equality and non-discrimination in all environmental actions, including through measures to ensure the free, prior and informed consent of indigenous

peoples, gender equality, and the rights of children, the elderly, minorities and others in vulnerable situations are protected in and reinforced by environmental action;

- Ensuring equity, including intergenerational equity, in environmental action and the distribution of its benefits;
- Cooperating internationally, in accordance with the principle of common but differentiated responsibility and the human rights obligation to mobilize maximum available resources for the fulfilment of economic, social and cultural rights including effective measures to prevent foreseeable human rights harms caused by environmental degradation;
- Holding businesses accountable for their contributions to environmental degradation and related human rights harms;
- Ensuring all children the right to an education with respect for nature;
- Guaranteeing all persons the right to benefit from science and its applications;
- Protecting against human rights harms caused by actions taken to protect the environment, including through development and effective implementation of environmental and social safeguards; and
- Respecting and protecting the cultural, religious, spiritual, aesthetic and recreational values associated with the environment.

3. Means of implementation and the global partnership for development (SDG 17):

States have human rights obligations to pursue sustainable development that benefits both people and planet. The UN Charter, the International Covenant on Economic, Social and Cultural Rights, and other human rights instruments impose upon States the duty to cooperate to ensure the realization of all human rights. Climate change and other forms of environmental degradation are human rights threats that require a global response, underpinned by international solidarity. States should share resources, knowledge and technology in order to address all forms of environmental degradation. Environmental action and governance should be adequate, effective and transparent, it should be administered through participatory, accountable and non-discriminatory processes, and it should be targeted toward persons, groups, and peoples most in need.

States have committed in the 2030 Agenda for Sustainable Development and Addis Ababa Action Agenda to enhancing policy coherence for sustainable development. This requires aligning States' trade, tax, investment and finance policies with their obligations to pursue the progressive realisation of economic, social and cultural rights and their environmental commitments (e.g. under the Paris Agreement). A lack of policy coherence can risk undermining the objectives of climate action, including the protection of human health and welfare, for example, through the adoption of trade and investment agreements that limit the ability of States to enact progressive environmental regulation.

States should work to mobilize the maximum available resources toward sustainable development. The rights of all people to benefit from science and its applications including through technology transfer, as outlined in treaties and instruments such as the Convention on Biological Diversity, the UNFCCC Paris Agreement and the 2030 Agenda, must be ensured.

Technology transfers between States should take place as needed and appropriate to ensure a just, comprehensive and effective international response to environmental harms including climate change. States should also take steps to ensure that global intellectual property regimes create appropriate incentives to help meet sustainable development objectives. The rights of indigenous peoples to participate in decision making related to and benefit from the use of their knowledge, innovations and practices must be protected.

Going forward, implementation of the 2030 Agenda should be supported by integrative and innovative financing of rights-based climate action and efforts, including supporting technology transfer, climate-sensitive tax policies and subsidies. The Special Rapporteur on human rights and environment has e.g. proposed an air travel levy to support resource mobilization to address loss and damage caused by climate change (A/74/161).

4: Covid-19 crisis

The response to the COVID-19 crisis presents an opportunity to support improved social protection measures, a just transition to a sustainable and low-carbon economy, innovation, education, capacity-building, critical infrastructure, including health infrastructure, and livelihoods. Economic stimulus packages should protect and benefit the most vulnerable while advancing efforts to fulfil human rights, achieve the SDGs, limit global heating to the greatest extent possible and address the key drivers of pandemic risk.

COVID-19 is a zoonotic disease. Around 60 percent of all infectious diseases in humans are zoonotic as are 75 percent of all emerging infectious diseases. On average, one new infectious disease emerges in humans every four months. The COVID-19 crisis underscores the extent to which ecosystem integrity underlines human health and development. Human-induced environmental changes modify wildlife population structure and reduce biodiversity, resulting in new environmental conditions that favour particular hosts, vectors, and/or pathogens. The COVID-19 response should push us all to rethink our interactions with nature and wildlife. Integrating the human right to a safe, clean, healthy and sustainable environment in key environmental agreements and processes, such as the post-2020 Global Biodiversity Framework, is critical to a holistic response to COVID-19 that includes a reconceptualization of the relationship between people and nature.

A rights-based approach to COVID-19 recovery and response requires that we build back better and more sustainably. The response to the crisis presents an opportunity to support improved social protection measures, and a just transition to a sustainable de-carbonized economy. States should work to mobilize the maximum available resources toward building back better. The rights of all people to benefit from science and its applications must also be safeguarded ensuring that solutions to global problems, like a vaccine for COVID-19 or environmentally sound technologies, are equitably shared by all. All States and businesses have obligations or responsibilities to pursue development that benefits both people and the planet and equitably distribute the benefits thereof.

The poor and marginalized are among those worst impacted by both COVID-19 and environmental harms such as climate change and pollution which directly and indirectly threaten the full and effective enjoyment of all human. Environmental harms disproportionately impact persons, groups and peoples already living in vulnerable situations

– including women, children, the poor, migrants and internally displaced people, indigenous peoples, and persons with disabilities. Crises such as COVID-19 amplify those effects, including through impacts on access to food and land, water and sanitation, livelihoods and the right to decent work, healthcare and other basic necessities. The COVID-19 response must address inequalities and focus on protection of the most vulnerable ensuring their informed participation in decision-making processes that affect them. The COVID-19 crisis must not be used as an excuse to forego participatory and consultative processes but rather should be a catalyst for further democratization of environmental decision-making through improved use of digital space.

In the face of global risks like COVID-19, climate change and biodiversity loss, rapid, evidence-based, preventive, democratic, participatory and collective action not only produces the best results, it is a matter of human rights obligation. Effective responses to COVID-19 and environmental crises must be global responses grounded in solidarity, compassion, respect for human dignity and human rights law.