



“CONSERVATION WITH JUSTICE: A RIGHTS-BASED APPROACH”

WCC IV Alliances Workshop No. 1532

08 OCTOBER 2008, 09H30 - 11H00

Room 115

Organized by the IUCN Environmental Law Centre (ELC)

Background:

It is being recognized that human rights and environmental protection, including biodiversity and natural resource conservation, are interrelated, fundamental goals of the global community. The linkages between the two subjects are multi-dimensional and reciprocal. Based on this understanding, a rights-based approach (RBA) to conservation is motivated by two main rationales:

- First, awareness that environmental quality is a pre-requisite to ensuring the enjoyment of a host of internationally and domestically guaranteed legal rights; and
- Second, a similar awareness that respect for such rights can lead to better conservation.

The IUCN's vision is a just world that values and conserves nature.

Conservation with justice through a RBA means that all state and non-state actors planning or engaged in policies, projects, programmes and activities with potential impact on nature conservation shall secure to all potentially affected persons the substantive and procedural rights that are guaranteed by national and international law.

A RBA to conservation, properly implemented, should facilitate the achievement of an ecologically-sustainable environment, inter- and intra-generational equity and respect for the intrinsic value of nature. This event will provide an opportunity to examine what the concept of RBA can mean and how it may be applied to develop law and policy in the future.

The WCC IV Alliances Workshop “**Conservation with Justice: A Rights-based Approach**” presents an important part of the Congress stream “**Healthy Environments, Healthy People**” which is one of three streams under the main Congress theme “**A Diverse and Sustainable World**”. Organized by the IUCN Environmental Law Centre (ELC), it is included in several of the 12 thematic Congress journeys, such as the Law and Governance Journey, the Forest Journey, or the Rights and Conservation Journey.

Practical outputs of the event:

The workshop will provide an opportunity to examine what the concept of RBA can mean in theory, and how it may be applied in practice to develop law and policy in the future. The

event aims to inform all interested actors (governments, civil society and private sector) about the concept of RBA and its potential contribution to guiding activities that, if unrestrained, may have a detrimental impact on conservation, as well as people's livelihoods.

A previously elaborated step wise approach will be presented which shall inform the audience about how to implement a RBA to conservation. This step wise approach can be considered as a suggestion– made by the IUCN Environmental Law Programme (ELP) – for “best practices” of RBA to conservation. Such “best practices” shall facilitate and promote the achievement of an ecologically-sustainable environment, inter- and intra-generational equity and respect for the intrinsic value of nature.

The step wise approach will be further illustrated through a second presentation which presents the findings of an analysis of the implementation of the suggested RBA under the UNFCCC's Clean Development Mechanism (CDM). The CDM has been chosen as one important issue among many related to climate change and human rights.

The workshop will also reflect the step wise approach in the context of Reducing Emissions from Deforestation and Forest Degradation (REDD). It will provide an opportunity to learn and discuss, if the suggested step wise approach is necessary, useful and practical to shape future REDD policies and projects. Discussing REDD in this workshop shall

- "Add" another topic for which the RBA as a cross-cutting theme can be analyzed after WCC IV; and
- Stimulate an innovative discussion and more concrete feedback on how the suggested step wise approach could be applied as a “rights filter” in future conservation activities.

The further refinement and testing of the step wise approach is part of the ELP's planned activities after WCC IV, for which this workshop builds a milestone.

New products:

The so called “step wise approach” on how to implement the concept of RBA in the context of conservation will be published in an upcoming IUCN publication in the IUCN Environmental Policy and Law Paper series. Based on this publication, as well as the feedback and ideas received through this workshop, it is planned to develop a RBA toolkit.

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Event objective: This event will provide an opportunity to examine what the concept of RBA can mean and how it may be applied to develop law and policy in the future, particularly in the context of REDD.

	Topic	Speakers
Opening	<p>Welcome by Chair</p> <ul style="list-style-type: none"> • Presenting the ELP project “Conservation with Justice: A Rights-based Approach” • Clarifying the linkages between human rights and conservation 	<p>Thomas Greiber IUCN Environmental Law Centre (ELC)</p>
Introduction	<p>Conservation with Justice through a Rights-based Approach</p> <ul style="list-style-type: none"> • Proper implementation of the RBA: Presentation of a step wise approach • How does this step wise approach differ from other approaches? 	<p>Dinah Shelton George Washington University Member of the IUCN Commission on Environmental Law (CEL)</p>
RBA to Climate Change	<p>RBA in the Clean Development Mechanism under the Kyoto Protocol</p> <ul style="list-style-type: none"> • Clarifying the linkages between human rights and climate change • Testing the step wise approach in the context of CDM projects: How is the RBA reflected, and what are the remaining gaps? 	<p>Marcos Orellana Center for International Environmental Law (CIEL) Member of the IUCN CEL</p>

RBA to REDD	<p>Making REDD Work for the People</p> <ul style="list-style-type: none"> • Clarifying the linkages between human rights and REDD • What lessons can we learn, and how useful will the step wise approach be? 	<p>David Huberman IUCN Economics and Environment</p>
Reflections	<p>Challenges to Apply the Step Wise Approach in Practice</p> <ul style="list-style-type: none"> • What might work, and where are the potential problems? • Chances to test the step wise approach in IUCN's forest related activities in general, and in the context of REDD in particular 	<p>Bob Fisher University of Sydney</p> <p>Member of the IUCN Commission on Environmental, Economic and Social Policy (CEESP)</p>
Floor Discussion	<p>Open Discussion About</p> <ul style="list-style-type: none"> • The proposed step wise approach • Its application in the context of REDD • The remaining questions that need to be answered in order to test the step wise approach in future IUCN activities 	<p>Facilitator: Victor Ricco General Coordinator for International Environmental Affairs Secretary of Environment and Sustainable Development. Argentina</p> <p>Member of the IUCN CEL</p>
Closing	Wrap up by Chair and Facilitator	

List of Speakers & Participants

- Thomas Greiber
IUCN Environmental Law Centre (ELC)
- Dinah Shelton
The George Washington University; Member of the IUCN Commission on Environmental Law (CEL)
- Marcos Orellana
Center for International Environmental Law (CIEL); Member of the IUCN Commission on Environmental Law (CEL)
- David Huberman
IUCN Economics and Environment
- Bob Fisher
University of Sydney; Member of the IUCN Commission on Environmental, Economic and Social Policy (CEESP)
- Victor Ricco
General Coordinator for International Environmental Affairs in the Secretary of Environment and Sustainable Development, Argentina; Member of the IUCN Commission on Environmental Law (CEL)