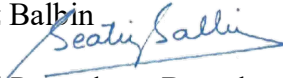




TÉLÉCOPIE • FACSIMILE TRANSMISSION

DATE: 21 January 2021

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OBJET/SUBJECT: **Letter from the Special Rapporteur on human rights and the environment -
Adopting a rights-based approach to the global climate and biodiversity crises**

Mandate of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

21 January 2021

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment pursuant to Human Rights Council Resolution 37/8.

As you know, 2021 is an important year for States to move forward in addressing two of the major human rights and environment-related challenges of the 21st century, the global climate emergency and the global biodiversity crisis. Later this year, China will host the 15th Conference of the Parties to the UN of the Convention on Biological Diversity (CBD) and the United Kingdom will host the 26th Conference of the Parties to the UN Framework Convention on Climate Change.

Almost three decades after these pioneering international environmental treaties were negotiated, it is clear that they cannot achieve their objectives without being considered together, and without States adopting a rights-based approach to all actions intended to address climate change and biodiversity loss. Climate disruption is a major driver of biodiversity decline, while nature-based solutions can provide up to one-third of the emissions reductions needed by 2030.

In my work as the Special Rapporteur on the human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment, I have witnessed the devastating human rights impacts of climate change and biodiversity loss in States covering every region of the world. The rights to life, health, food, water, culture, an adequate standard of living and a healthy environment are most often in jeopardy, along with the rights of Indigenous Peoples.

I am writing this letter to urge your State to recognize the profound importance of implementing a rights-based approach to both the climate and biodiversity crises. A rights-based approach to environmental protection is an obligation, not an option, because of the international human rights commitments made by all States. Taking a rights-based approach to climate change and biodiversity conservation will produce effective and equitable outcomes that prioritize vulnerable and marginalized populations and increase the likelihood of achieving the 2030 Sustainable Development Goals. I highlighted the importance of rights-based approaches to the climate and biodiversity crises in my [2019](#) and [2020](#) reports to the UN General Assembly.

There are three vitally important actions that can be taken in the short-term. First, all States should incorporate human rights in their updated nationally determined

contributions (NDCs) pursuant to the Paris Agreement, which are due in 2021. In the first round of NDCs, only 24 States even mentioned human rights. Of the eight NDCs submitted as of 4 January 2021, three have a commendably strong focus on human rights (Argentina, Marshall Islands and Papua New Guinea).¹

Second, all States should support placing human rights at the center of the post-2020 Global Biodiversity Framework, as the High Commissioner for Human Rights, Michelle Bachelet, has urged.² The damaging “fortress conservation” model of the past, which resulted in Indigenous peoples and local communities being evicted from their traditional territories to create protected areas, is completely incompatible with the human rights obligations of States. Fortunately, working in partnership with Indigenous peoples and local communities has proven to be an effective and equitable path forward, improving biodiversity protection, respecting human rights and alleviating poverty at the same time.

Third, in response to these global environmental crises and their immense impact on human rights, there is an urgent need for the Human Rights Council and the General Assembly to adopt resolutions recognizing that everyone has the right to a safe, clean, healthy and sustainable environment, as recommended by the Secretary General, the High Commissioner for Human Rights, and the heads of UN agencies including UNEP and UNICEF. Over 80 percent of UN member States already recognize the right to a healthy environment through their constitutions, legislation, court decisions or regional human rights treaties.³ In my [2020 report](#) to the Human Rights Council, I highlighted more than 500 good practices, from more than 170 States, in the recognition and implementation of the right to a safe, clean, healthy and sustainable environment.

If you have any questions related to the recommendations included in this letter please do not hesitate to contact me.

Thank you for your work on behalf of human rights and a healthy planet. It is my honour to contribute to these efforts, and I look forward to continued collaboration.

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



David Boyd

Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

¹ See <https://www4.unfccc.int/sites/NDCStaging/Pages/All.aspx>

² See, for example,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26333&LangID=E>

³ Report of the Special Rapporteur on human rights and the environment, 2020, [A/HRC/43/53](#).