



Guiding framework Human rights in biodiversity conservation

Ensuring a human rights-based approach in GIZ projects for the conservation and sustainable management of natural resources

As a federally owned enterprise, GIZ supports the German Government in achieving its objectives in the field of international cooperation for sustainable development.

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Registered offices

Bonn and Eschborn, Germany

Friedrich-Ebert-Allee 32 + 36
53113 Bonn, Germany
T +49 228 4460 - 0
F +49 228 4460 - 1766

Dag-Hammarskjöld-Weg 1 - 5
65760 Eschborn, Germany
T +49 6196 79 - 0
F +49 6196 79 - 1115

E info@giz.de
I www.giz.de

Author:

Silke Hattendorff, Competence Center Rule of Law, Gender, Security
Dr. Kirsten Probst, Competence Center Forests, Biodiversity, Agriculture

Responsible:

Sectoral Department
Dr. Kathrin Lorenz (Division Governance and Conflict), Jochen Renger (Division Climate, Rural Development, Infrastructure)

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Introduction

For decades, **conserving biodiversity** in the partner countries of the German Government has been an important and steadily growing area of GIZ's work. Our main commissioning parties are the German Federal Ministry for Economic Cooperation and Development (BMZ) and the German Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU). In addition, we receive third-party contributions from other donors, such as the European Union (EU). The conservation of forests plays an important role in our portfolio, including as a contribution to **international climate change mitigation efforts**. Nevertheless, global efforts fall short as ecosystems are deteriorating more rapidly than ever before. The international community is in the process of negotiating a **new global biodiversity framework for the post-2020 era**. The German Government supports **ambitious goals and better implementation**.

Promoting the respect for, and the protection and fulfilment of, human rights is a key requirement for German development activities and international cooperation in all sectors. In various countries, cases of severe human rights violations are occasionally reported in and around protected areas. **Realising our objective** of promoting human rights is therefore an increasingly important aspect of the technical design and implementation of our projects on biodiversity conservation. Especially in challenging country contexts, we are well aware of the **systemic limits** to our support, and of **conflicting objectives**. Within our scope of action, in biodiversity conservation measures, we nevertheless wish to live up to our claim of strengthening local **structures of**

participation and governance, improving the **accountability of state actions**, and promoting the observance of the **rights of indigenous peoples**.

The aim of this guiding framework is to present principles that define professional standards and describe our scope of action as regards the realisation of human rights in the context of biodiversity conservation projects. It is primarily aimed at **GIZ employees, but will also provide guidance to sub-contractors (consultants and consulting companies) and the recipients of financial contributions.** It will guide GIZ employees and third parties in **designing and implementing GIZ projects** and will assist them in conducting a more focused assessment of the risks to human rights. At the same time, the guiding framework will contribute to a more accurate understanding of the human rights-related responsibilities of GIZ as an organisation that implements projects on behalf of the German Government, and will form the **basis for dialogue with our commissioning parties.**

The principles were formulated with a special focus on projects in the field of biodiversity conservation (especially protected area management), but they also apply more broadly to projects on natural resources management, including projects on sustainable forest management, sustainable use of biodiversity, Reducing Emissions from Deforestation and Forest Degradation (REDD+), forest landscape restoration and land governance. However, the guiding framework makes no claim to be complete for these fields of work with regard to the core human rights issues or the international frame of reference.

1 Human rights in biodiversity conservation: Overview and challenges

Overview of the international frame of reference

Human rights are the universal legal **foundation for lives lived in dignity and liberty**. They establish the normative framework for securing a decent standard of living, participation in processes to shape society and politics and the protection of cultural lifestyles. The realisation of numerous human rights, such as the rights to food, health or water, depends **in many ways on an intact natural world**.

Biodiversity, forests and other ecosystems are not only goods that need protection per se. Due to their ecological functions, they are also essential for humanity, for a stable climate and for

the development opportunities of future generations. The **rural population** of our partner countries depends on the natural resources and ecosystem services provided by their immediate natural environment and have key **roles and responsibilities** in the conservation and sustainable use of these resources.

Governance structures, such as mechanisms for decision-making and complaints regarding the use of land and resources, are therefore very important for local people. The **respect for, and promotion of, human rights** and the support for the **conservation and sustainable management of natural resources** are **inextricably intertwined**.

Projects in the field of biodiversity conservation typically affect the following **human rights and human rights principles**.



Human rights in biodiversity conservation

Individual substantive rights	Procedural rights	Human rights principles
Life	Information Access to legal redress Fair trial Compensation	Non-discrimination and equal opportunities Participation and empowerment Transparency and accountability
Personal liberty and security		
Health		
Adequate standard of living, including food, water, housing, secure land access and land-use rights, and protection from forced eviction		
Culture		
Participation in public affairs		
Freedom of expression, association and assembly		
<i>Evolving:</i> The right to a safe, clean, healthy and sustainable environment (including clean air, climate, biodiversity)		
Collective rights of indigenous peoples		
Self-determination	Free, prior and informed consultation or, in selected cases, consent (FPIC)	
Self-determined access to, and use of, ancestral lands and territories, and the natural resources thereon		
Culture		

Table: Human Rights in Biodiversity Conservation (table created by the authors based on J. Springer/J. Campese (2011): Conservation and Human Rights: Key Issues and Contexts. Scoping Paper for the Conservation Initiative on Human Rights, p. 16)

In the course of the last three decades, the **international frame of reference for biodiversity conservation** has been expanded to include a series of human-rights-related **government obligations with respect to indigenous peoples and local communities**. Of particular note here are the Convention on Biological Diversity (CBD), ratified by nearly all countries (196) as an internationally binding legal framework, and the resolutions of the International Union for the Conservation of Nature (IUCN). As the largest international organisation for nature conservation, IUCN has members from 170 countries, including states, government and non-governmental organisations, and has significant influence on the international legal framework and the development of international standards. However, specific human rights requirements for biodiversity conservation projects cannot yet be derived from this sector-based international reference framework alone. Equally important is the **international reference framework on human**

rights, including the agreements on the rights of indigenous peoples. This encompasses the international and regional human rights treaties, above all the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which have been ratified by nearly all countries, as well as the interpretation and specification of these in the UN treaty bodies, in guidelines issued by the UN General Assembly, the UN Human Rights Council or the UN organisations, and in the judgments of regional human rights courts. Although not globally ratified, the only international human rights treaty that specifically addresses the rights of indigenous peoples is ILO Convention No. 169 (1989). Above all, the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) details and specifies the rights of indigenous peoples, although not in the form of a treaty.

Challenges

- In our partner countries, biodiversity projects often operate in **challenging circumstances** that affect not only the conservation of biodiversity but also fundamental elements of the rule of law and human security. In addition to conflicts over resources, social inequality and marginalisation, these contexts are characterised by a volatile security situation, weak or repressive government institutions, dysfunctional legal systems, inadequate infrastructure as well as weak capacities and insufficient resources for the execution of public administrative tasks or local-level conflict management.
- Moreover, biodiversity projects often face the problem of their area-based measures extending beyond existing administrative and national boundaries, as they take **ecosystem interrelationships** into account. This increases the complexity of advisory services for local governance structures.
- A number of states, especially in Asia and Africa, do **not fully recognise indigenous peoples and their collective rights** through international law nor at the level of their own constitutions and national legislation. Where national legislation does exist, it is often not fully implemented and frequently there is a lack of awareness and sensitivity among state partners at local level regarding possible violations.
- In many of our partner countries, civic space including that available to many of our civil society partner organisations, has **shrunk considerably** (shrinking or closing spaces), due to restrictive laws for non-governmental organisations, for example, but above all because of threats to civil society actors. Particularly hard hit are human rights campaigners and environmental activists who work to ensure access to land and to natural resources, and to preserve the environment and biodiversity. While it is the duty of the state to protect them, it often either lacks the relevant capacities, or state structures are themselves involved in persecution.
- Depending on the country context, the **rangers** charged by the state to enforce regulations governing nature conservation are **not adequately** assessed against the professional **standards for state security actors with respect to the rule of law and human rights**, nor given the required training. If our projects do not sufficiently accommodate the rule of law and human rights requirements, or if their advisory services fail to reach the partners, then capacity development activities for the mandated rangers could inadvertently increase repression on their part, including arbitrary action against citizens and disproportionate use of force in exercising their tasks.

2

Framework for action by GIZ – The human rights-based approach

GIZ supports government partners in **fulfilling their obligations regarding biodiversity conservation, including forest conservation, and climate protection, as established in international law**. At the same time, through the **human rights-based approach** pursued in German development cooperation, and as part of its corporate responsibility (GIZ orientation on human rights), it seeks to support these partners in all sectors in meeting their human rights-related obligations by **systematically focusing on human rights standards and principles**. To this end, we strengthen the capacities of the duty bearers (states) and of the **rights holders** (population). Depending on the overall context of cooperation in a project, we also advise private sector stakeholders on their duty to uphold human rights. The human rights-based approach contributes to the **greater achievement of human rights**. At the same time – as a minimum standard – it requires us to **avoid unintended negative impacts resulting from our interventions**.

GIZ's own **Safeguards+Gender Management System** prescribes a standardised assessment procedure for **projects conducted for all our commissioning parties**, which gauges and addresses **possible unintended negative impacts** on human rights, on conflict dynamics and the context, and on gender equality. At the same time, we are required to assess and make full use of the potential for **promoting gender equality** and for achieving gender-transformative results. The Safeguards+Gender Management System was developed on the basis of our own corporate

due diligence with respect to human rights and in the implementation and advancement of BMZ's requirements.

In line with the requirements of BMZ's strategy paper Human Rights in German Development Policy (2011) and its Human Rights Guidelines of 2013, **projects commissioned by BMZ** must be assessed for possible unintended negative impacts and for their positive impacts on human rights.¹

In our **business with BMU**, checks for possible unintended negative impacts, the development of mitigation measures and the related risk assessments will be carried out in accordance with the performance standards of the International Finance Corporation (IFC) and submitted as an annex to the offer. In the event that **indigenous peoples will be adversely affected** and based on the mitigation measures that have been developed, the IFC performance standards require the participatory development of special operative plans (indigenous peoples plans and, where appropriate, resettlement action plans/livelihood restoration plans) as a basis for project implementation.

¹ BMZ Human Rights in German Development Policy (2011), p. 15; BMZ Guidelines on Incorporating Human Rights Standards and Principles, Including Gender, in Programme Proposals for Bilateral German Technical and Financial Cooperation (2013)

Specific plans addressing possible negative as well as positive impacts on indigenous peoples are also required by the Indigenous Peoples Policy of the **Green Climate Fund (GCF)**.

The **EU Commission** is also clearly committed to the human rights-based approach in development cooperation and has formulated relevant guidelines on the rights of indigenous peoples in the document titled “Implementing EU External Policy on Indigenous Peoples” (2016).

Position and responsibility of GIZ in the context of the human rights-based approach, using the example of the right of indigenous peoples to consultation and consent

The right of indigenous peoples² to be consulted on matters that affect their land or territories, or the natural resources they contain, is based on the right to self-determination for all peoples, as asserted in the two international covenants on civil and political and on economic, social and cultural rights. In certain cases, beyond consultation, there is a need for free, prior and informed consent (FPIC), which must be obtained before implementing a measure (➡ **Participation**). The responsibility under international law for conducting such consultation processes lies with our government partner institutions. Assuming it is available and appropriately designed, the **national legal framework of the partner country** serves as an immediate point of reference. But even in country contexts where no relevant national legal frameworks are in place, or where ILO Convention No. 169 has not been ratified, the aforementioned two covenants still have a binding legal effect. Moreover, UNDRIP and the judgments of regional human rights courts can also provide effective guidance. **This frame of reference based on international law can support the efforts of government partners to reach international standards**, and we make our partners aware of the benefits in our advisory services.

Reflecting this international legal framework, combined with development policy requirements³ and GIZ's corporate responsibility for human rights, our advisory services will also focus on working towards the involvement of indigenous peoples, **even if the partner country has no such requirements, if such requirements are inadequate, or if partner governments do not recognise indigenous peoples as such in their country.** In our **project-specific activities, we will ensure that indigenous peoples are appropriately involved.** This does not necessarily entail the use of international terminology: In countries where it is not appropriate to refer to the ‘rights of indigenous peoples’, but where we can provide support to **contents and processes** that are – including in the view of affected groups – **equivalent** to those called for by **human rights standards**, we can also use local concepts (e.g. rights of ethnic or traditional groups) as a frame of reference for our advisory services. Of course, our activities will align with national legal frameworks if these are more stringent than the standards in international law. Consequently, the **more stringent** legal regime takes precedence in each case.

² There is no universally valid definition of indigenous peoples. However, see article 1 of ILO Convention No. 169, including the key reference to the principle of self-identification.

³ BMZ Strategy Paper, pp. 19-20: ‘In order to ensure that programmes and projects have no adverse effects on indigenous peoples ... the principle of free, prior and informed consent must be adhered to in the planning of measures which affect indigenous peoples and local communities.’ The BMZ guidelines on human rights also stipulate that development cooperation measures that affect indigenous rights must observe the principle of free, prior and informed consent (p. 3).

3 Principles

With years of experience in biodiversity conservation we know that it is not always possible to resolve **conflicts involving diverse objectives and interests** – biodiversity conservation and utilisation, urgent need for action and cumbersome consultation processes, present and future generations. We support solutions developed through constructive negotiation and purposeful dialogue. We are aware that we must perform a balancing act when **striving for sustainable solutions with all stakeholders**. This also requires a great deal of patience.

In light of the challenges outlined above, we take the following principles into consideration in the design and implementation of our projects.

Principle 1 – Participation

We systematically promote the participation of the local population, especially marginalised groups and women, in decision-making processes.

■ **We provide advice on participation processes at the local level and in our support for national and regional agreements.** For instance, our projects support diverse local-level participation processes in the designation or expansion of protected areas, in management planning or zoning activities, and in the context of spatial, land-use or development planning. However, participation is also relevant where projects provide advice on national and regional-level policies and

legal agreements with relevance to nature conservation, because participation rights must be embedded in policies and legal agreements that later serve as reference for implementation. At the same time, we ensure participation in the development of these policies and agreements.

■ **We strengthen participation, particularly in the form of collaborative decision-making, by promoting diversity in the governance of protected areas and using many different modalities for protected area management.** Governance of protected areas is about who takes decisions on protected areas, how they do so, and who is responsible for the decisions. The four types of governance defined by IUCN provide guidance for our advisory services: (i) Governance solely by state actors, (ii) shared governance by two or more state and non-state actors, generally through representation on decision-making committees (collaborative management), (iii) governance by private actors; (iv) governance by local communities and/or indigenous peoples, e.g. in the context of indigenous and community conserved areas (ICCA).⁴ In our view, participation also forms the basis for greater involvement in shaping the basic conditions for an **adequate standard of living.**

⁴ IUCN Best Practice Guidance, Governance of Protected Areas – From Understanding to Action (2013)

Principle 2 – Participation of indigenous peoples

We focus especially on strengthening capacities to realise the specific rights to participation of indigenous peoples.

- **We systematically take into account the specific collective rights of indigenous peoples.** The right to self-determination for all peoples, as asserted in the ICCPR and ICESCR, gives rise to the collective right of indigenous peoples to be consulted comprehensively on matters that affect their land or territories, or their natural resources. In certain cases, over and above the consultation, there is also a need for **free, prior and informed consent, which must be obtained before a measure commences**. In accordance with the reference framework under international law, we provide advice in this regard in cases of resettlement and the storage or disposal of hazardous substances on indigenous territory, as well as on **other large-scale measures that have a significant impact on indigenous land/territories/water and natural resources**. In these cases we always assert that the measures will have a serious impact on indigenous land- and resource-based lifestyles, thereby making it necessary to obtain the consent of the people concerned.
- **In each individual case, we first establish the presence of indigenous peoples.** The definition of indigenous peoples draws on the principle of self-identification. So as to form our own opinion as to whether or not a project will affect indigenous peoples, when preparing an appraisal mission, besides reviewing written sources relevant to the country, we also consult representatives of indigenous peoples or of civil society (self-advocacy) organisations or their umbrella organisations.
- **We take impact assessments and consultation processes into account when drawing up offers.** As with the consultation itself, the government partner institutions are responsible for assessing the extent to which planned measures impact on indigenous peoples. For this reason, as part of the appraisal mission we enquire as to whether impact assessments have already been carried out, for instance in line with the proposed steps and structures of the Akwé: Kon guidelines of the CBD. If none have yet been completed, we include advice on impact assessments in the project design. If necessary, we begin a discussion with our commissioning party about a possible shift in the focus of the project. This

is all the more important if we only find out during the appraisal mission which groups in the project area even identify themselves as indigenous. Furthermore, we design the offer, especially the indicators, in a way that allows us to **incorporate the results of a consultation process that only benefits from project advice during the implementation period**.⁵

- **We take into consideration constellations of historical injustice.** Historically, the ties to their land, which underpin indigenous peoples' sense of identity, have frequently been ignored, especially in the establishment of protected areas. The impacts of such historical injustice often persist today in the shape of marginalisation, alienation and loss of culture and identity, as well as in conflicts over land and resources. A constellation of this kind in the project environment means important contextual knowledge. With our commissioning party, we discuss potential risks (external risks and possible unintended negative impacts) that might arise from this. In our advisory services, we raise awareness about aspects of historical injustice. We support participatory approaches in identifying and addressing conflicts over land and resource use and, as part of our support for an **adequate standard of living**, we place a special focus on historically disadvantaged group.
- **As regards consultation processes, we provide advice on relevant human rights standards**, namely with regard to their implementation
 - prior to the relevant measures
 - in good faith, freely and with the aim of reaching an agreement
 - in an appropriate and accessible manner, in harmony with indigenous customs and traditions and in indigenous languages
 - in an informed manner drawing on all information relevant for the decision.We also provide advice intended to ensure implementation is context- and conflict-sensitive and that it is gender-sensitive and takes into account the possibilities for participation especially by young people and women⁶

⁵ Helpful questions for integrating the topic of indigenous peoples into the preparation of proposals can be found in the guidelines on mainstreaming cooperation with indigenous peoples in German technical cooperation in Latin America and the Caribbean (German only).

⁶ Links to external documents with operational guidance for the implementation of consultation processes that can be used in the advisory services are included in the annex.

- **We convey consultations and dialogue on equal terms as guiding principles.** We understand consultation processes and the effort to secure consent not as stand-alone processes serving a formal requirement. Rather, we show that they are a manifestation of self-determination. We are also aware of the leverage this offers in terms of creating and anchoring mutual **understanding and trust** on a sustainable basis and of building a **basis for long-term cooperation** between state institutions and the indigenous population. We assess whether the participation of indigenous peoples' representatives in a project's steering structure can provide additional leverage for lasting dialogue.
- **We also act in a context-sensitive manner when it comes to transferring rights to consent to non-indigenous communities.** Demands of 'FPIC for all' have been frequently made by civil society actors. However, the collective rights of indigenous peoples are not transferable to every local group or community. Moreover, it might not be possible to convince the partners of such maximum solutions, or they might hamper the development of capacities and awareness. However, in certain cases, we advise partner institutions to also conduct consultation and consent processes **with non-indigenous communities**. This could be necessary for reasons of context sensitivity where non-indigenous and indigenous communities are affected by land use restrictions **in similar ways** and their different treatment might lead to an unintended aggravation of local conflicts, social unrest or significant negative impacts.

Principle 3 – Adequate standard of living

We always strive to ensure an adequate standard of living for the local population, with particular attention paid to marginalised and historically disadvantaged groups.

- **In all our biodiversity conservation measures we take into account the fact that natural resources are the basis of local livelihoods.** As a minimum standard, we therefore provide **advice on compensation for current restrictions on use**. Many measures related to the conservation and management of natural resources entail restrictions on traditional uses of land and natural resources. We advise government partner institutions on how to balance the adverse social or economic impacts of restrictions on use, while ensuring decent living standards and, as such, the realisation of economic and social rights. Moreover, the **participation of the local population, including indigenous peoples**, will ensure that they are adequately involved in regulating land and resource use.
- **As part of the process to secure an adequate standard of living, we promote the recognition of traditional land and resource rights, and we provide advice on the identification of land conflicts and participatory conflict resolution. We place special emphasis on securing the rights of women.** The FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) serve as a key reference document.
- **We support strategies for dealing with human-wildlife conflict in the periphery of protected areas and in biological corridors.** In support of peaceful co-existence, we provide advice on issues such as spatial planning and zoning, technical solutions (e.g. early warning systems, physical barriers, security and deterrence measures), greater participation in wildlife management, insurance solutions and compensation for losses.
- **In the case of resettlement, we take particular care to advise our partners on securing and restoring an adequate standard of living based on human rights standards.** In particular, our state partners must assess and exhaust all alternatives to resettlement (e.g. zoning solutions). We systematically align our advisory services with the UN Basic Principles and Guidelines on Development-based Evictions and Displacement (2007). In adherence to international legal standards, FPIC must be obtained from indigenous groups before they are resettled (**Participation**).
- **Over and above the minimum requirement of providing advice on compensation for restrictions on use, wherever possible we contribute to improving income opportunities and local development prospects.** Ideally, this is embedded in cross-sectoral **local development plans**, such as the promotion of alternative sources of income or the improvement of service provision. In the context of projects supporting protected area management, we try to establish a tangible connection between the income-generating measures we support (e.g. tourism) and the sustained existence of the

protected areas, so as to strengthen their legitimacy. Where genetic resources and associated traditional knowledge are being utilized, we advise our partners on approaches to **equitable benefit sharing**, in accordance with the Nagoya Protocol on Access and Benefit-Sharing (ABS) to the Convention on Biological Diversity. Decisions related to these measures should, in turn, be taken in collective **steering processes** (👉 **Participation**).

Principle 4 – Strengthening and protecting civil society

We strengthen the capacities and self-organisation of local and indigenous communities as well as civil society organisations, and we contribute to protecting civil society actors.

- **To ensure that 👉 participation and 👉 accountability are effective, we build up knowledge and the capacity for dialogue among the local population, including indigenous peoples.** We equip them with knowledge of their rights and with tools for their internal decision-making processes, conflict resolution and representation. We strengthen skills for articulation and dialogue among communities and (self-advocacy) organisations so that they can enter into dialogue processes with state institutions and private sector actors, as well as with each other, enabling them to competently present their own interests as well as the interests of the groups they represent. For this purpose, we can, for instance, use **Biocultural Community Protocols** that have been defined by the communities themselves. We strengthen existing umbrella organisations to allow capacities to be spread beyond the projects' regions of intervention.
- **In situations where civic space is restricted and where human rights defenders face threats, we do everything we can to avoid the unintended exposure and endangerment of our civil society partners and we contribute to their protection.** To this end, we liaise closely with those partners. We are always conscious of the need, and determined to, maintain the important support to them.
- **In situations of restricted civic space and threats to civil society actors, we contribute to the protection and safety of civil society partners, and we carry out networking**

activities. If necessary, we make civil society partners aware of dangerous situations and provide training in conflict- and context-sensitivity. We finance training in digital security, besides providing security training and security-relevant office equipment. We are in a position to provide advice and guidance to our partners regarding where to obtain substantial assistance. To this end we use an internally prepared GIZ list⁸ of international and regional contact points, including ProtectDefenders.eu, the EU human rights defenders mechanism. For our part, we seek constant dialogue with the economic cooperation officer in the respective German Embassy, as well as with the commissioning party.⁹

- **At project and country level, we exploit opportunities for exchange with other projects and explore options for portfolio design with the commissioning party.** Projects in the fields of human rights and peacebuilding in particular have extensive experience of cooperation with civil society partner organisations aimed at their protection or to encourage their self-protection, as, for example in Colombia.¹⁰ In Brazil, a project financed by the Study and Expert Fund, is advising numerous other projects on human rights, including the rights of indigenous peoples, which could serve as a model for similar country contexts. Advisory services by a regional project or the creation of human rights focal points at the level of the country offices would also be conceivable.

⁷ List of contact points for human rights defenders in situations of emergency and imminent threat

⁸ <https://www.protectdefenders.eu/en/index.html>

⁹ The 2019 report, *Uncalculated Risks*, published by the Coalition for Human Rights in Development, provides some valuable pointers. While primarily aimed at financing institutions, some of their demands and recommendations can also serve as references for technical cooperation. Examples include the targeted analysis of situations and stakeholders, the ongoing discussion of problems with partners and target groups, the preparation of staff and target groups for emergencies through awareness-raising and action protocols, and the creation of observer offices to observe the situation of human rights defenders. <https://rightsinddevelopment.org/uncalculatedrisks/>

¹⁰ At GIZ, for example, as part of the peace fund for Colombia, we have developed the 'Ojo' app, a self-protection and early warning system for peace activists. Information can be found in the publication *Smart Prevention – Digital Approaches in the Peace and Security Sector of Development Cooperation*

Principle 5 – Accountability

We promote transparency and accountability.

- **We provide advice on transparency and accountability to state actors.** We support institutions of local administration with the aim of ensuring that state actors are accountable to the local population in performing the tasks entrusted to them, thus ensuring the **transparency** of administrative activities. For us, transparency and accountability form the foundation of trusting and **constructive state – society relations**.
- **We support our state partners in establishing local complaints mechanisms, since access to such mechanisms is an essential element of accountability and access to justice.** Moreover, the complaints enable our state partners to learn lessons and to identify shortcomings as well as potential for improvement with regard to competencies, processes or content. In biodiversity conservation projects, especially those that involve protected areas, locally accessible complaint mechanisms in the administrative structure are considered an important aspect of our advisory services. If issues cannot be resolved at the local level, we use channels of cooperation with specialised NGOs, national human rights institutions or ombudspersons to help in transferring these issues to the national level or, if necessary, to a regional human rights protection system.
- **Although many different forms of complaint mechanisms exist, we provide advice on their design in accordance with fundamental human rights requirements.** In providing advice on complaint mechanisms, we share the **multi-sectoral expertise** gained from our advisory services on governance, above all in the fields of administrative reform, access to justice, citizen participation, security sector reform, decentralisation, anti-corruption and land governance. We reflect this in the results framework or the instrument concept of our projects, or at portfolio level, for example through a twin-track approach. The twin-track approach describes parallel, interconnected projects on biodiversity and governance or security sector reform.

Principle 6 – Security sector

We take GIZ's principles on security as a field of activity into consideration wherever security actors are responsible for enforcing regulations on resource use.

- **We apply GIZ's principles on security as a field of activity in the case of biodiversity projects that cooperate with security actors and strengthen these actors as bearers of respective duties and responsibilities.**¹¹ In particular, we consider projects whose objectives include support for the enforcement of restrictions on use (law enforcement) by game wardens or rangers mandated in this regard to be part of the security sector portfolio. We arrange for security-relevant expertise for these projects. We use the dialogue on portfolio design with our commissioning parties to highlight the potential of twin-track approaches.
- **Further important approaches pursued by us to mitigate possible unintended negative impacts resulting from repressive behaviour of security actors include:**
 - Advice to partners on the systematic integration of rule of law and human rights standards and principles into the **training of rangers**;
 - Advice on **accountability**, **anti-corruption**, and the setting-up of complaints mechanisms;
 - Support for **local dialogue and confidence-building measures** between rangers, authorities and local people, in order to enhance local acceptance of the rangers and increase civil society control through community policing approaches;
 - Development of **information systems** on relevant incidents in the partner structure; development of project documentation systems;
 - Contribution to improvements in the **deployment and working conditions** for rangers, including social and economic security;
 - **Involvement of the local population in dealing with poaching**, by encouraging **participation** in decisions on resource management and by creating incentives for them to contribute to biodiversity conservation (beyond law enforcement).

¹¹ cf. GIZ's guiding framework governing security as a field of activity

Principle 7 – Carefully assessing the impacts of our interventions

We are aware of the risks of causing unintended negative impacts through our interventions; we assess these carefully and address them in the design and implementation of our projects, including in dialogue with the commissioning party.

- For projects on nature conservation, protected area management and sustainable use of natural resources, we always carry out an in-depth human rights assessment as part of the Safeguards+Gender Management System.
- In our business with BMU, we are increasing the orientation of our operations towards the IFC performance standards. If measures supported by projects have a potential or actual negative impact on indigenous peoples, we will integrate mitigation measures into the operational planning with the partner separately and in greater detail and with the participation of indigenous people, including through the development of distinct operational plans.
- Likewise, in BMZ projects for biodiversity conservation, we are increasing the level of consideration and the participation of indigenous peoples in project operational planning. We will integrate measures identified in the Safeguards+Gender assessment to mitigate possible or actual negative impacts on indigenous peoples separately and in greater detail in the operational planning with the partner.

- We pursue the planning and implementation of projects in a conflict- and context-sensitive manner. For each intervention, we carefully assess what results it will bring at which point in time, as well as the extent to which additional or alternative measures are needed to avoid or reduce negative impacts on the context or existing conflict dynamics.
- We ensure a gender-sensitive approach in the implementation of our projects. We take gender roles and relationships into due consideration and address structural, gender-based disadvantages.
- We make systematic use of the findings of the Safeguards+Gender assessments, especially the risk rating, in our internal dialogue and our discussions with the commissioning party. For a particular project, given the existing partner structure and based on lack of political will, the partner's position in the system, a deficient or absent legal framework or other factors, we may conclude that we are unlikely to truly reach the partner with our advice on human rights standards and principles. In the context of the Safeguards+Gender Management System, this means that the mitigation measures planned are deemed not (fully) effective and thus, assuming the severity of the relevant unintended negative impacts identified, a (very) high risk rating. These findings provide an important basis, especially for the dialogue with the commissioning party and the development of possible milestones and cut-off points for the cooperation.

Outlook

The seven principles described will guide us in designing and implementing projects on biodiversity conservation. Even if they cannot resolve existing conflicts in terms of objectives and interests, e.g. between conservation and utilisation, they do provide us with clear **guidance for project design**. They ensure that we are able to address not only the urgent need to take action on biodiversity conservation, but also meet the requirement to promote human rights in our projects.

We will **continue to devote ourselves collectively** to the **ongoing development and implementation** of the guidance set out here – a task we will pursue based on close cooperation and interactions

between the different **fields of expertise in biodiversity and governance and building on experiences gained in our projects**.

In addition to human rights, the questions raised touch on a number of other sectoral and cross-cutting issues and expertise, including security, administrative reform or land governance as well as conflict resolution. The ability to provide this **multi-sectoral expertise** is one of GIZ's strengths. We will capture the benefit from this attribute **in the advisory services we offer to our partners even more**. At the same time, we will intensify the **dialogue with our commissioning parties** regarding the design of projects and portfolios that can link biodiversity conservation with governance and other relevant fields of activity.

ANNEX

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Deutsche Gesellschaft für
Internationale Zusammenarbeit (GIZ) GmbH

Registered offices
Bonn and Eschborn, Germany

Friedrich-Ebert-Allee 32 + 36
53113 Bonn, Germany
T +49 228 44 60-0
F +49 228 44 60-17 66

Dag-Hammarskjöld-Weg 1 - 5
65760 Eschborn, Germany
T +49 61 96 79-0
F +49 61 96 79-11 15

E info@giz.de
I www.giz.de