

EMPOWERING PEOPLE

Governments cannot act alone for biodiversity; the private sector, communities and citizens must be engaged.

How are countries empowering civil society and the private sector to partner as agents for sustainability?

- By **establishing rights** of citizens, local communities and indigenous people to manage and **participate in decision-making** on natural resources, encouraging them to make sustainable choices.
- Through **legally backed biodiversity financing and certification** programs that underpin sustainable businesses.
- By using **innovative tools**, such as community protocols and regimes that protect traditional knowledge and promote benefit sharing.



• EXAMPLES OF COMMUNITY PARTICIPATION

- **Peru's** 2014 Payment for Ecosystem Services Law (*Ley de Mecanismos de Retribución por Servicios Ecosistémicos*) aims to reduce poverty by providing incentives for local communities to benefit economically from preserving ecosystems.



- **India's** 2002 Biodiversity Act and 2004 Rules promote Access and Benefit Sharing (ABS). This regulatory approach calls for social, economic and environmental benefits to be shared equitably among the communities who care for natural resources and the innovators who use them.



RULE OF LAW AS THE BEDROCK OF SUSTAINABLE DEVELOPMENT

Law and justice are key to ensuring equal rights, coherent and integrated policies, gender equality, equitable benefit sharing and inclusive decision making.

The 2030 Agenda envisages a nuanced approach to the rule of law, which need not be prescriptive. Rather, countries can tailor-make legal frameworks to suit their national contexts. The rule of law requires more than simply drafting good laws. Three actions are needed to make legal frameworks work:



STRENGTHENING LAWS

to limit overexploitation of resources and encourage people to make sustainable choices

BUILDING INSTITUTIONS

capable of guiding, regulating, administering and enforcing laws

EMPOWERING PEOPLE

through a balanced set of rights and responsibilities to become active agents for sustainability

THE MISSING LINK FOR 'GOING TO SCALE'

Much progress has been made since the Convention on Biological Diversity (CBD) entered into force in 1993. It has helped to raise awareness of biodiversity values, build up scientific evidence and promote new forms of biodiversity financing. However, to achieve large-scale change, we need to go beyond 'technical approaches' and raise awareness about the moral impetus for action on biodiversity mainstreaming.

The urgency of taking action to reach the commitments made under the CBD is a salient example of why we must now adopt a rule-of-law approach. We need to:

1

scale-up this progress with clear, **enabling legal frameworks** backed by **accountable institutions** and **empowered people**



2

ensure that **outcomes are just and equitable**, so that we fulfil the 2030 Agenda's commitment to "**leave no one behind**", when it comes to the right to enjoy and benefit from biodiversity and ecosystems



STRENGTHENING LAWS

Awareness is growing that well-designed laws and an inclusive law-making process provide opportunities to promote sustainable approaches and gain the buy-in needed to successfully implement them.

HOW ARE COUNTRIES CREATING MORE AMBITIOUS AND INTEGRATED POLICIES AND LAWS?

By moving away from a command-and-control 'environmental law' to a framework of laws and policies across the many sectors that have impact.

By setting sustainable limits on using resources, and laying down biodiversity principles and safeguards to guide public decision making.

By creating incentives for government, citizens and the private sector to work together to adopt more sustainable approaches.

• EXAMPLES OF INNOVATIVE ENVIRONMENTAL LAWS



The **New Zealand 1996 Fisheries Act** sets a science-based sustainable limit for fisheries, and grants long-term ownership rights to quotas. Fishers have a collective interest in maintaining stocks for the future.

Brazil created the *Ecological ICMS* mechanism through decree. It rewards municipalities that undertake conservation measures with a higher distribution of state revenue taxes.



Norway's 2009 Nature Diversity Act ensures that any public decisions affecting the environment consider key environmental law principles (ecosystem approach, precautionary principle). This applies to all sectors that have an impact on the environment, and spans all government ministries.

BUILDING INSTITUTIONS

Biodiversity mainstreaming requires institutions to build new alliances and develop common understandings.

HOW ARE COUNTRIES BUILDING MORE EFFECTIVE ADMINISTRATIVE AND JUSTICE INSTITUTIONS?

TO ADMINISTER LAWS:

- By assigning environmental issues to crosscutting ministries with greater political influence.
- By creating **inter-ministerial bodies** on sustainable development issues.
- By developing **independent biodiversity institutions** capable of informing policy-making in the long term.

TO ENFORCE LAWS

- By building on progress in environmental rights made by regional human rights courts;
- By **empowering specialized and local courts** and community enforcement mechanisms for more effective enforcement; and
- By developing **civil administrative authorities** to impose fines to prevent over-reliance on the judiciary.

• EXAMPLES OF INDEPENDENT INSTITUTIONS

- **Mexico's** politically independent National Commission for Knowledge and Use of Biodiversity (CONABIO) has a mandate to advise government, business and public decision-making.
- The **Inter-American Court of Human Rights** has taken ground-breaking decisions that have recognized key environmental rights.

