

# Defending Territories of Life and Their Defenders

## *Policy of the ICCA Consortium<sup>1</sup>*

*A great part of the planet’s remaining biodiversity is found within terrestrial, coastal and marine territories and areas conserved by indigenous peoples and local communities, to which we broadly refer as “ICCA—territories of life”. These territories of life, however, are under increasing threat. Natural resource-intensive industrial activities such as agriculture, forestry, fisheries, mineral and hydrocarbon extraction, and infrastructure and energy developments are deeply and increasingly affecting their integrity and resilience. Such threats can be an “existential threat” to territories of life and the communities for whom they are essential for their identity, culture and livelihoods. The ICCA Consortium’s mission requires that such threats to territories of life, and the related threats to those who defend them, are an integral part of its policies and actions.*

## 1. Context

### **1.1 ICCAs—territories of life at the nexus of global trends in biodiversity loss and threats to environmental human rights defenders**

Indigenous peoples and local communities are on the frontlines of the struggle to defend, protect and restore their territories and areas against enterprises and governments that exploit land, natural resources and people for economic and political gain. Of crucial concern are the **territories and areas that indigenous peoples and local communities collectively conserve and consider at the heart of their identities, cultures, histories and livelihoods**—to which the ICCA Consortium refers as “ICCA—territories of life”. Such territories and areas exist in all global regions, are extremely diverse and encompass some of the world’s most precious natural and cultural heritage.<sup>2</sup> Throughout the world, they are the embodiment of diverse worldviews and the foundation for sustaining and practicing traditional and local knowledge systems, customary laws and norms and local governing institutions.

An estimated 80 per cent of the world’s remaining biodiversity<sup>3</sup> is found within the territories and areas of indigenous peoples and local communities. Up to 65 per cent of the world’s land

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<sup>1</sup> This policy was adopted by the XIII<sup>th</sup> General Assembly of the ICCA Consortium, held from 13-14 November 2018 in Bishoftu, Ethiopia. See **Annex I** for acknowledgements and an explanation of how the policy was developed. Please contact Holly Jonas ([holly@iccaconsortium.org](mailto:holly@iccaconsortium.org)) with any comments or questions.

<sup>2</sup> See, for example, the ICCAs listed in the UNEP-WCMC ICCA Registry: [www.iccaregistry.org](http://www.iccaregistry.org).

<sup>3</sup> World Resources Institute in collaboration with UNDP, UNEP and World Bank. 2005. *Securing Property and Resource Rights through Tenure Reform*, pp.83–87 in *World Resources Report 2005: The Wealth of the Poor – Managing Ecosystems to Fight Poverty*. Washington, D.C.: WRI. Cited in: Sobrevilla, C. 2008. *The Role of Indigenous Peoples in Biodiversity Conservation: The Natural but Often Forgotten Partners*. World Bank.

area is estimated to be under collective governance systems.<sup>4</sup> Yet, in official records, only about 10 per cent of that land is collectively owned, with an additional 8 per cent under some degree of recognised governance rights. This **lack of secure rights and tenure** undermines the capacities of peoples and communities to protect and defend their ICCAs against the **existential threats** imposed upon them by the “development plans” governments, private enterprises and the financial, economic, political and legal systems that underpin them.

Such existential threats are both very serious and expanding rapidly, painting a dark picture for the planet. Most if not all the main environmental trends – including habitat loss and degradation, species decline and extinction, pollution and climate change – are attributable to industrialisation and intensification of human production and consumption and to the related mainstream economic systems, which thrive on inequality and inequity. These same phenomena impact territories of life, usually proceeding without their custodians’ free, prior and informed consent (FPIC) and without full recognition of the community rights to self-determination and self-governance. Industries that most commonly harm territories of life and their custodians and defenders rely on the production or exploitation of natural resources on or near such territories (or in areas far away but nevertheless affecting them through larger-scale impacts), including agriculture, forestry, fisheries, mineral and hydrocarbon extraction, and infrastructure and energy developments. These are propped up by large-scale investments and often by the governments of the countries where they operate, including through perverse incentives and subsidies.

In parallel to the growing threats to territories of life, civil society organisations and journalists have been documenting the rise in violence against people defending their lands, rivers and forests against such industries – sometimes known as “environmental human rights defenders” or “land and environmental defenders”.<sup>5</sup> In addition to systemic marginalisation, the reports identify criminalisation as the most common strategy employed to silence such defenders and obstruct and delegitimise their work. In all cases of their victimisation – including murders – justice is rare.<sup>6</sup>

As harmful industries and the mainstream economic paradigm through which they are espoused pose increasing threats to nature and people around the world, public awareness is growing of the crucial importance of “defending nature” and “defending the defenders of

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<sup>4</sup> Alden Wily, L., 2011. *The tragedy of public lands: the fate of the commons under global commercial pressure*. International Land Coalition: Rome.

<sup>5</sup> According to the 2016 report of the UN Special Rapporteur on human rights defenders (A/71/281), “environmental human rights defenders” are individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna. The report is available in all UN languages at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/71/281](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/71/281). Some organisations use different terms such as “land and environmental defenders”. For now, this policy will use the same term as the UN (environmental human rights defenders) for refer to those who work to defend ICCAs and to underscore the close linkages to human rights. We acknowledge that this is a relatively new term and indigenous peoples and local communities may not wish to self-identify as such. We also acknowledge that not everyone identified internationally as ‘environmental defenders’ or ‘human rights defenders’ are also defending ICCAs—territories of life; we will take care to make the necessary distinctions.

<sup>6</sup> In its most recent report, “[Defenders of the Earth](#)” (2017), Global Witness found that nearly four people were murdered every week in 2016 protecting their land and the natural world from industries such as mining, logging and agribusiness.<sup>6</sup> Indigenous peoples are one of the most vulnerable groups of defenders, comprising nearly 40 per cent of the documented victims in 2016. Similarly, in its two most recent Annual Reports on Human Rights Defenders at Risk ([2016](#) and [2017](#)), Front Line Defenders found that 49 per cent of the documented murders of 281 defenders in 2016 and 67 per cent of 312 defenders murdered in 2017 were defending land, environmental and indigenous peoples’ rights. Warnings, death threats and intimidation tactics reported to police before these murders were routinely ignored.

the environment and human rights”. They are risking their lives to protect the most precious and irreplaceable natural and cultural heritage on our planet. So much more needs to be done to protect them and their work.

## 1.2 International Legal and Policy Basis for this Policy

International law provides an extensive basis for the legal protection of territories of life and those who defend them. Please refer to Annex II for a non-exhaustive overview of the international legal and policy context for this policy.

## 1.3 Institutional Basis for this Policy

The ICCA Consortium’s mission is to promote the appropriate recognition of and support to territories and areas conserved by indigenous peoples and local communities (abbreviated as “ICCA—territories of life”) at local, national and international levels. The present policy provides a basis for translating our mission into action to address the existential threats posed to territories of life and to their custodians and defenders as described above.

In addition, in 2017, the ICCA Consortium adopted a [Strategic Plan](#) that sets out three main strategic directions. The second strategic direction – “Influencing Global Policy, Law and Discourse” – has a focus on business and human rights and on human rights more generally in relation to ICCAs—territories of life (see pages 15-16 and 24 of the Strategic Plan) and provides further institutional basis for this policy.

The ICCA Consortium’s Policy & Programme Committee<sup>7</sup> has taken responsibility for drafting the policy and ensuring that it represents the views of the full membership. Earlier drafts have undergone extensive comments from the ICCA Consortium Members and Honorary members, Council, Secretariat and partners (see Annex I).

## 2. A Policy for the ICCA Consortium

*Preamble:*

- *Understanding* that the territories and areas conserved by indigenous peoples and local communities (in short, *ICCA—territories of life*) are **fundamental for collective life, livelihoods, identity, culture, biological and cultural values, and self-determination**, as well as crucial for the conservation of nature and ecosystem processes that help sustain life on Earth, including through customary and traditional uses, and for mitigation and adaptation to climate change;
- *Noting* that, under international law, indigenous peoples, as well as local communities with a deep connection to their territories and areas, have **individual and collective rights**

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<sup>7</sup> The Policy & Programme Committee is comprised of the following members of the Council: Patricia Mupeta-Muyamwa ... (Chairperson), José Aylwin, Taghi Farvar, Felipe Gomez, Thomas Jalong, Antonino Morabito, Jorge Nahuel, Aman Singh and Grazia Borrini-Feyerabend. The Secretariat support person is Holly Jonas.

**to self-determination, self-governance and FPIC**, and to have their rights, responsibilities and ICCAs respected and secured by all other actors (including States, individuals, business enterprises, NGOs and other communities);

- *Acknowledging* that the ability of communities to ‘exclude’ others through their collective rights and responsibilities and agreed rules is a key principle in the sound governance of collective territories and areas (for example, to prevent encroachment of industrial threats);
- *Asserting* that the territories and areas conserved by indigenous peoples and local communities must be spared and protected from **destructive activities imposed against their will**, without their FPIC and/or without respect for their rights to sustainable self-determination and self-governance (including of alternative economies and pathways for development), as such activities constitute **existential threats** to ICCAs—territories of life and to the peoples and communities defending them;
- *Highlighting* that protecting territories of life against harmful activities contributes to achieving the Sustainable Development Goals (including Goals 14, 15 and 16, among others), the CBD and its Aichi Biodiversity Targets (including Targets 3, 11, 14 and 18), the UNFCCC and its Paris Agreement (including on community-based adaptation) and many other international and regional commitments;
- *Stressing* that, in addition to defending territories of life, it is crucial to address the **security and protection of their defenders**, both within and outside of such territories; that all forms of intimidation, criminalisation, harassment and violence perpetrated against the defenders of territories of life – who could also be considered environmental human rights defenders — must be condemned and stopped and recurrence prevented; that perpetrators, including those who have acted with impunity until now, must be subject to the full force of the law (including customary law, where appropriate) and brought to justice; and that, wherever the current state of the law is not sufficient to secure justice for territories of life and their defenders, further advancement of the law is required;
- *Mindful* of the ICCA Consortium’s mission to promote appropriate recognition of and support to ICCAs—territories of life;

**Under this policy, the ICCA Consortium, with all its means and capacities and in collaboration with strategic allies and partners, will strive to:**

- (a) **Actively defend ICCAs—territories of life from harm, particularly from externally driven natural-resource intensive activities**, in full concert and solidarity with their custodian indigenous peoples and local communities;
- (b) **Actively support and defend custodians and defenders of territories of life and stand in solidarity with them** as they assert and secure their rights and responsibilities to govern, manage and conserve their territories and areas, including those who wish to

independently self-declare their territories and areas as “no go” areas for certain harmful activities and/or in relevant registries and databases;

- (c) **Enhance the capacities of its Members** to recognise and stand up to threats and harms to territories of life and their defenders, including by facilitating access to practical mechanisms and tools to secure their rights, continue their work without interference and harm, monitor compliance, and seek redress, reparation and justice in the case of violations;
- (d) **Highlight and demonstrate** how ICCAs—territories of life embody **sustainable self-determination and livelihoods**, including by providing alternatives to the mainstream economic systems that threaten and harm territories of life and their defenders with impunity, and **promote worldviews and systems that support** territories of life in their entirety; and
- (e) **Advance global, national and local systems of rights, responsibilities and justice** and foster enabling policy and legal environments in support of territories of life and their defenders, including through multiple complementary forms of legal and non-legal recognition and support.

### **3. Operationalising the policy**

A preliminary action plan is being developed to operationalise this policy (see Annex III for the proposed headings).

The ICCA Consortium will form a voluntary thematic working group to coordinate and oversee this policy and action plan, ideally with representatives of Members from the different regions to ensure it responds to their needs. In light of its capacities, the Consortium intends to carry out this work in close collaboration with partner organisations, networks, social movements and related initiatives, as appropriate.

The policy and action plan will be reflected in the yearly action plans of the Consortium – including at the regional and national levels – and will inform the initiatives of the Consortium’s other thematic working groups. The Consortium’s membership should review the policy and action plan on an annual basis through regional assemblies and/or General Assemblies, with updates and revisions considered as needed.

## **Annex I: Process to develop the policy and acknowledgements**

In the second half of 2017, the ICCA Consortium’s Policy & Programme Committee, with Secretariat support, began drafting a policy / position called “ICCA as ‘No Go’ zones for destructive industries and safe havens for environmental and human rights defenders”. The first full draft was circulated to the ICCA Consortium and discussed in the XI<sup>th</sup> General Assembly in November 2017. The second draft incorporated the extensive comments received during the GA and membership list. It broadened the scope, framed it more clearly as a policy and laid the foundations for a new and ambitious programme of work to encompass all of the ICCA Consortium’s efforts to defend ICCAs—Territories of Life and their defenders. It also presented a preliminary action plan to operationalise this policy. This was circulated to the full membership and discussed in Regional Assemblies held between August and November 2018. The third draft was adopted by the XIII<sup>th</sup> General Assembly in Bishoftu, Ethiopia, with minor revisions.

The ICCA Consortium’s Policy & Programme Committee and Secretariat would like to thank everyone who commented on earlier drafts of this policy and contributed to a vibrant discussion online and in the XI<sup>th</sup> General Assembly in November 2017 and XIII<sup>th</sup> General Assembly in November 2018, including: José Aylwin, Álvaro Fernández-Llamazares, Tim Badman, Teddy Baguilat, Jr., Dominique Bikaba, Gloria Kendi Borona, Grazia Borrini-Feyerabend, Christian Chatelain, Nigel Dudley, Cristina Eghenter, Taghi Farvar, Maurizio Farhan Ferrari, Terence Hay-Edie, Abdallah Herzenni, Lan Yin (Elaine) Hsiao, Sutej Hugu, Joseph Itongwa, Claudia Ituarte-Lima, Tilman Jaeger, Marcela Jiménez, Harry Jonas, John Knox, Ted Karfakis, Nele Marien, Carmen Miranda, Handaine Mohamed, Yannick Ndoinyo, Ed O’Donovan, Appolinaire Oussou Lio, PACOS Trust and participants of an Indigenous leaders’ gathering in East Malaysia, Alessandra Pellegrini, Joám Evans Pim, Giovanni Reyes, Salatou Sambou, Trevor Sandwith and Colin Scott. Special thanks to Carolina Amaya, Emma Courtine and Deborah David for assisting with Spanish and French translations.

## Annex II: International legal and policy context (in brief)

*International human rights law provides an extensive basis for the legal protection of ICCAs—territories of life and their defenders, through both individual and collective rights and across the core human rights treaties and other relevant instruments. A key principle of human rights law is that all human rights are universal, indivisible and interdependent. In addition, international environmental law, conservation policy and instruments on cultural diversity and heritage also provide a strong basis for the recognition and support of territories of life.*

*Identifying the linkages and synergies between these areas of law and policy, as well as promoting further developments, will strengthen the legal backing for territories of life and their defenders as well as the potential for corporate accountability and redress for human rights and environmental violations. A non-exhaustive list of instruments and related reports is considered below and could form the basis of a more detailed legal review and/or policy brief on these issues.*

### 1. Individual and Collective Human Rights

The [Universal Declaration on Human Rights](#) (1948) set out for the first time fundamental human rights to be universally protected. It emerged directly from the experience of the Second World War.

In the subsequent years and decades, the United Nations has adopted nine core international human rights treaties.<sup>8</sup> Perhaps the most directly relevant to ICCAs and defenders of ICCAs are the following, including the jurisprudence of their treaty bodies:

- [International Convention on the Elimination of All Forms of Racial Discrimination](#) (1965) and the Committee on the Elimination of Racial Discrimination (CERD)
- [International Covenant on Civil and Political Rights](#) (1966) and the Human Rights Committee (HRC)
- [International Covenant on Economic, Social and Cultural Rights](#) (1966) and the Committee on Economic, Social and Cultural Rights (CESCR)
- [Convention on the Elimination of All Forms of Discrimination against Women](#) (1979) and the Committee on the Elimination of Discrimination against Women (CEDAW)
- [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (1984) and the Committee against Torture (CAT)
- [International Convention for the Protection of All Persons from Enforced Disappearance](#) (2006) and the Committee on Enforced Disappearances (CED)

According to the [2016 report](#) of the UN Special Rapporteur on the situation of human rights defenders, which focused on environmental human rights defenders<sup>9</sup>, duties of the State include (*inter alia*): respecting the right of everyone to promote and protect a safe, clean, healthy and sustainable environment; refraining from violating the rights of human rights defenders; protecting people from violations committed by both State and non-State actors; and acting with due diligence to prevent and investigate human rights violations and bring the perpetrators to justice. Business enterprises, the media and other non-State actors are also obliged to respect human rights obligations and refrain from contributing to or committing human rights violations.

Human rights and environmental defenders have the rights to (among many others) self-determination and fundamental freedoms such as the rights to expression, privacy, association and peaceful assembly, and to carry out their work without interference. They also have the rights to receive information, participate in decision-making processes that affect them and access effective remedies for violations of their rights.

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<sup>8</sup> See: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>. Each has a committee of experts to monitor implementation of the treaty provisions by state parties and some are supplemented by optional protocols dealing with specific concerns.

<sup>9</sup> A/71/281. Available in all UN languages at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/71/281](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/71/281).

The [UN Declaration on human rights defenders](#) (1998) and the most recent Resolutions on human rights defenders adopted by the UN General Assembly (2015) and Human Rights Council (2016) also provide a crucial basis for such defenders. The 1998 Declaration states that everyone has the right to:

- Seek the protection of human rights at the national and international levels;
- Form associations and to meet or assemble peacefully;
- Criticise the government and to make complaints or proposals concerning government policies;
- Provide legal and other assistance in defence of human rights;
- Attend public hearings, proceedings and trials in order to assess the government's compliance with national law and international human rights obligations; and
- Solicit, receive, and utilise funds and other assistance for the purpose of promoting and protecting human rights through peaceful means.

In March 2018, UN Environment launched the [Environmental Rights Initiative](#), a coalition of state and non-state actors united to promote, protect, and respect environmental rights, and a [policy](#) on environmental defenders. At the same time, the UN Special Rapporteur on human rights and the environment presented his final report, which included [framework principles on human rights and the environment](#).

## 2. Rights of Indigenous Peoples and Minorities

International instruments pertaining to the individual and collective rights of specific populations, namely, indigenous peoples and minorities, include:

- [UN Declaration on the Rights of Indigenous Peoples](#) (2007), especially Article 32<sup>10</sup>, among many others
- [Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities](#) (1992)
- [ILO Convention No. 169](#) (1989)

In addition to these instruments, UN mechanisms and special procedures and regional human rights bodies have issued reports on topics related to ICCAs and destructive industries. These include, among others:

- African Commission on Human and Peoples' Rights and IWGIA report: "[Extractive Industries, Land Rights and Indigenous Populations'/Communities' Rights](#)" (2017)
- OAS/Inter-American Commission on Human Rights report: "[Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities](#)" (2016)<sup>11</sup>
- Report of the UN Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, to the Human Rights Council (A/71/229): "[Thematic analysis of conservation measures and their impact on indigenous peoples' rights](#)" (2016)
- Report of the UN Special Rapporteur on the rights of indigenous peoples, James Anaya, to the Human Rights Council (A/HRC/24/41): "[Extractive industries and indigenous peoples](#)" (2013)
- UN PFII report by Victoria Tauli-Corpuz and Parshuram Tamang (E/C.19/2007/CRP.6): "[Oil Palm and Other Commercial Tree Plantations, Monocropping: Impacts on Indigenous Peoples' Land Tenure and Resource Management Systems and Livelihoods](#)" (2007)

According to the draft guidelines on human rights and the environment (prepared by the UN Special Rapporteur on human rights and the environment in October 2017<sup>12</sup>), State obligations to indigenous peoples and local communities include:

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<sup>10</sup> **UNDRIP Article 32: 1.** Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. **2.** States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. **3.** States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

<sup>11</sup> As of 17 October 2017, this link appeared to be broken. A summary of the IACHR report (by the Due Process of Law Foundation) is available at: [http://www.dplf.org/sites/default/files/ddhh\\_extractivas\\_digital\\_en\\_v1.pdf](http://www.dplf.org/sites/default/files/ddhh_extractivas_digital_en_v1.pdf).

<sup>12</sup> Available online for public consultation until 11 November 2017 at: [http://www.ohchr.org/Documents/Issues/Environment/SREnvironment/DraftGuidelinesEnvironment\\_EN.docx](http://www.ohchr.org/Documents/Issues/Environment/SREnvironment/DraftGuidelinesEnvironment_EN.docx).



- Ensuring the legal recognition and protection of their rights to the lands, territories and natural resources that they have traditionally occupied or used
- Consulting with them and obtaining their FPIC before relocating them or approving measures that may affect their lands, territories or natural resources; and
- Ensuring that they receive a fair and equitable share of the benefits from development activities that affect their land, territories or natural resources.

The draft guidelines also state that every State has heightened obligations to identify and protect those who are most vulnerable to environmental harm (such as women, children and indigenous peoples, among others). These include, *inter alia*: ensuring that normative frameworks prevent, reduce and remedy environmental harm; and facilitating their access to effective remedies for violations and abuses of their rights.

### 3. Conservation of Nature and Biological and Cultural Diversity

ICCAs are crucial for the conservation of nature and biological diversity. This is well established in a number of decisions of the Conference of the Parties to the Convention on Biological Diversity (CBD COPs) since 2007, as well as a wide range of resolutions and recommendations of IUCN World Conservation Congresses and World Parks Congresses since 2003.<sup>13</sup>

Of specific relevance to ICCAs and destructive industries are the CBD [Akwe: Kon voluntary guidelines](#) for the conduct of cultural, environmental and social impact assessment regarding developments on sacred sites, lands and waters of indigenous peoples and local communities (2004). These guidelines provide an important basis within the CBD framework for indigenous peoples and local communities to set out the impacts of all developments on their ICCAs.

At the regional level, the UN Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) provides a binding legal framework for these crucial procedural rights. It has 47 Parties (46 states and the EU) from Europe and Central Asia.

In addition, the following resolutions and recommendations of conservation-focused organisations are of direct relevance:

- IUCN [Resolution 6.088](#): “Safeguarding indigenous lands, territories and resources from unsustainable developments” (2016)
- IUCN [Recommendation 6.102](#): “Protected areas and other areas important for biodiversity in relation to environmentally damaging industrial activities and infrastructure development” (2016)<sup>14</sup>
- UNESCO World Heritage Committee [Decision 37 COM 7](#) (para. 8) on respecting “no go” commitments and not permitting extractive industries in World Heritage sites (2013)
- WILD10 Congress, [Resolution 12](#): “Building a Global Alliance to assert ‘No-Go Areas’ for Mining and other Extractive Industries and destructive activities threatening World Heritage Sites, and Protected Areas, including Indigenous Peoples’ and Local Communities Conserved Areas and Territories (ICCAs) and Sacred Natural Sites and Territories” (2013)

UNESCO’s international instruments related to cultural diversity and cultural heritage are also broadly relevant to ICCAs, though not specific to ICCA defenders per se. These include:

- [Convention concerning the Protection of the World Cultural and Natural Heritage](#) (“World Heritage Convention”) (1972)
- [Universal Declaration on Cultural Diversity](#) (2001)
- [Convention for the Safeguarding of the Intangible Cultural Heritage](#) (2003)

<sup>13</sup> For more detail, please refer to the entries under “Key International Instruments, Mechanisms and Reports” at: <https://www.iccaconsortium.org/index.php/international-en/conservation-en/>.

<sup>14</sup> Other IUCN Recommendations on ‘No-Go areas’ include: Recommendation 2.82: “Protection and conservation of biological diversity of protected areas from the negative impacts of mining and exploration” (2000); Recommendation 4.136: “Biodiversity, protected areas, indigenous peoples and mining activities” (2008); and Recommendation 5.147: “Sacred Natural Sites – support for custodian protocols and customary laws in the face of global threats and challenges” (2012).

- [Convention for the Protection and Promotion of the Diversity of Cultural Expressions](#) (2005)

#### 4. **Laws, Policies and Guidelines on Human Rights Defenders and on Human Rights, Environment and Business More Broadly**

A number of governments have adopted laws and/or guidelines on human rights defenders, including:

- Latin America and the Caribbean: “Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean” ([Escazú Agreement](#))
- EU: “[Ensuring Protection – European Union Guidelines on Human Rights Defenders](#)”
- Switzerland: “[Swiss Guidelines on the Protection of Human Rights Defenders](#)”
- Canada: “[Voices at risk: Canada’s guidelines on supporting human rights defenders](#)”

The following instruments, among many others, provide additional bases for human rights in the context of business activities:

- [UN Guiding Principles on Business and Human Rights](#) (2011)
- World Bank [Operational Policy 4.10](#): “Indigenous Peoples” (revised 2013)
- OECD [Guidelines for Multinational Enterprises](#) (revised 2011)
- [Maastricht Principles on Extraterritorial Obligation of States in the area of Economic, Social and Cultural Rights](#) (2013)

In particular, the three pillars of the UN Guiding Principles (also known as the “Protect, Respect and Remedy” framework) are: (a) the State duty to protect against human rights abuses by third parties, including businesses; (b) the corporate responsibility to respect human rights; and (c) the need for access to an effective remedy for victims of business-related human rights abuses.

Several investment and commodity bodies have adopted relevant policies. For example:

- “[Extractive Industries: The policy of the National Investing Bodies of the Church of England and the Ethical Investment Advisory Group’s Advisory and Theological Papers](#)” (2017)
- International Council on Mining & Metals position statements on [mining and protected areas](#) (2003) and [indigenous peoples and mining](#) (2013)

## **Annex III: Overview of proposed action plan**

An action plan will be drafted to operationalise this policy, including as part of the ICCA Consortium's 2019-2020 work plans, with the following proposed headings and sub-headings (to be further developed):

- (a) Securing and monitoring compliance with existing rights in specific situations of threats to ICCAs—territories of life and their defenders
  - Preventing the occurrence of harms and violations (e.g., by developing relevant capacities for security, protection and wellbeing)
  - Protecting and defending territories of life and their defenders at risk (e.g., by working on specific Alert cases and joint campaigns, legal assistance)
  - Monitoring and reporting on situations of threats and harms (e.g., databases and registries, media visibility)
  - Securing redress for harms and violations and remembering those we have lost
  
- (b) Advancing global systems of rights, responsibilities and mechanisms to support territories of life and their defenders at risk
  - Promoting reform and advancement of legal and institutional frameworks
  - Influencing broader narratives, supporting research and communications and shining a spotlight on territories of life and their defenders, the threats they face and the viable alternatives they embody for sustainable self-determination
  
- (c) Building the ICCA Consortium's institutional basis and capacities to support territories of life and their defenders at risk
  - Developing relevant internal policies and procedures
  - Building internal capacities and resources and partnerships