

ECO

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Volume 63, Issue 3
Saturday, 25 June 2022



Loliondo reflects the urgent need to have a human rights-based approach in the GBF

International Indigenous Forum on Biodiversity (IIFB)

While we sit in negotiation tables, the IIFB received a message from our brothers and sisters in Tanzania: *“On 10th June, our villages in Loliondo were invaded and occupied by military; we were not notified despite the fact that we have a court case coming to its judgment the end of June 2022. We have been shot, harassed, injured-especially women and displaced. Thousands have been displaced including 1,576 children and are now homeless seeking refuge in Kenya. Most of the are lacking basic needs, including food supplies, medical care and accommodation. We are being accused by our government as destroyers of environment; and denied citizenry to Tanzania. Those who crossed to Kenya in fear are now said to be Kenyans. This is the fourth forceful eviction from our land. And our leaders languish in detention in big numbers, 20 of them are charged with murder. We cannot tell the world of the happenings because media is banned from covering our story. The army is erecting the beacons to bisect our only common homeland. The worst anybody could expect in a democratic state like Tanzania.”*

So much is at stake in this meeting because biodiversity loss must be halted at all costs. And yet despite the urgency, there is a growing concern that the Global Biodiversity Framework will not be finalized in this meeting as Parties continue to quibble over terminology. It is key to pierce through the veil of semantics and ensure that the objective of 'living in harmony with nature' by 2050 is achieved. The fundamental solution is to defer to the people who have always lived in harmony with nature.

IPLCs are asking for assurance that at the very least, the GBF will include recognition of their rights. The discourse on how the link of indigenous guardianship and biodiversity has long been established by science. It is time to create the mechanism for their full partnership in addressing the biodiversity crisis. There is a formula, and the following must be an integral part of the GBF: Free, Prior and Informed Consent, protection of traditional lands and territories, promoting customary sustainable use, protection of traditional knowledge, access to justice and the rights of environmental human rights defenders.

Rights in Section B.bis AND in all relevant goals and targets of the GBF

Ana Di Pangracio, Fundación Ambiente y Recursos Naturales (FARN)

Human rights need to be at the core of the GBF. Section B.bis brings principles and approaches for the implementation of the framework. It states, among other things, that the GBF will be implemented fully respecting, protecting and fulfilling human rights.

B.bis is important, BUT in order to ensure equitable, diverse, inclusive and just biodiversity action **the rights of IPLCs, women and girls, and youth need to be embedded**

in relevant goals and targets, as well as in its reviewing, reporting, and monitoring processes.

Aichi Biodiversity Targets were, with a few important exceptions, blind to human rights. On the occasion of the adoption of the post 2020 GBF, **Parties cannot let this happen again if we are to effectively tackle, halt and reverse the global crisis of biodiversity loss.**



Respect of human rights, including the recently approved by the HR Council Right to a Healthy Environment, are key to achieving rapid and ambitious progress in the protection, conservation and sustainable use of biodiversity



READ MORE KEY MESSAGES ON HUMAN RIGHTS AND THE GBF IN CBDA 's DOCUMENT: THE INGREDIENTS FOR A SUCCESSFUL GBF
The elements that should form part of it and those that shouldn't - And the reasons why

Indigenous Peoples and Local Communities are not here to beg for their rights

The International Network for Economic, Social, and Cultural Rights

Perhaps if we shout it from the UNEP rooftop, Parties arguing over semantics in Conference Room 1 will hear us: to solve the biodiversity crisis, respect and apply the human rights of Indigenous Peoples and Local Communities.

Many IPLCs have journeyed far to be here –leaving their families, spending significant resources, all while taking significant public health risks amidst a never-ending pandemic (born out of the twin climate and biodiversity crises)- to steadfastly demand and affirm their existing human rights to land, their tenure rights and their right to self-determination. They are not here to beg for those rights or to passively watch as key principles like Free, Prior and Informed Consent go from [bracket] to [bracket].

It's not only moral arguments that underpin the need for a human rights-based approach to the GBF; the scientific evidence also concurs. IPBES and the IPCC both recognize the critical importance of secure land tenure for IPLCs as a

key solution to address climate change and biodiversity loss. Courts also agree, including Thursday's reparations judgment by the African Court on Human and Peoples Rights in favor of the Ogiek Community, affirming their right to their land ensuring the preservation of the Mau Forest and the biodiversity within it. Despite facing brutal attacks, forcible evictions, and existential threats IPLCs continue to be the best stewards of the earth's biodiversity.

Outdated and unsustainable approaches to the biodiversity crises which fail to center human rights will not bring about meaningful change. To end the biodiversity crisis, we need a transformation from systems rooted in colonization, extraction and capitalism to rights and justice-based societies. We welcome progress in key target negotiations affirming the respect for IPLCs, their traditional knowledge and their rights to land. In the time that remains, delete the brackets and put human rights at the center.

Only a human rights-based approach will address biodiversity loss

Josefa Cariño Tauli, Global Youth Biodiversity Network

One of the biggest differences that the post-2020 GBF can make for biodiversity is to send a clear message to the world: to address biodiversity loss, we must ensure justice and address inequalities. Calls for justice, equity and respect for human rights in the context of the environment have been resounding for a long time, but that does not make them any less relevant, because problems of oppression and injustice persist and permeate our economic systems, institutions, technological systems and governance, with deep roots that are causing the interrelated socio-ecological crises we face today.

A human rights-based approach means that biodiversity policies, governance, management and implementation do not violate human rights, and actively seek ways to promote human rights. The details will follow by integrating existing human rights obligations within the framework, strengthening specific language in the targets where it is especially needed, and ensuring accountability by monitoring and measuring these elements – just as much as other elements of the targets must be monitored.

We must ensure that area-based targets safeguard Indigenous Peoples' rights to their territories and to free, prior and informed consent. We must ensure and monitor meaningful participation and access to justice and information of IPLCs, women, children and youth. We must hold businesses accountable for their negative impacts on the environment and consequently on human rights and we must protect environmental defenders.

A human rights-based approach is not an add-on. It's a non-negotiable that must be reflected throughout the text of the GBF. Beyond a moral and legal obligation, it is also the most effective way to conserve biodiversity. All we ask when we ask for a human rights-based approach to protecting biodiversity is that we take away the fear that marginalized groups, including young people all over the world, live with every day. To the world's decision-makers, is that really too much to ask? **Read the complete article here:**



Gender is INDEED a Biodiversity Issue! *The inclusion of a stand-alone gender equality target (Target 22) in the Post-2020 Global Biodiversity Framework will enable the beginning of the process of inclusion, recognition and informed and equal participation of women in formal decision-making bodies, their rights to be equal landholders and equitable access and benefit from conservation and sustainable use of biodiversity.*

TO WATCH THE JUNE 24 PRESS CONFERENCE ON GENDER AND POST 2020 IN THE GBF, PLEASE SCAN HERE:



Credit Greenpeace/Paul Basweti

Integrating human rights into biodiversity action

Nyaguthii Chege, ED, Natural Justice – East Africa

This week is ending on an inspiring note for the Indigenous People and Local Communities (IPLCs) worldwide and East Africa in particular, following another landmark judgment by the African Court of Human and Peoples Rights on the Ogiek's right to live on their ancestral land.

A significant win, considering the ongoing negotiations here at the UN, is that the Court not only ordered the Kenyan government to assure the Ogiek of unhindered use and enjoyment of their land but also orders the government to recognize, respect, protect, and consult the Ogiek, in accordance with their traditions and customs, on all matters concerning development, conservation, or investment on their lands. The order also reaffirmed the central role Free, Prior and Informed Consent plays in protecting the rights of indigenous people. Yet, rights and participation are meaningless if the governments do not respect the rule of law and implement rulings and judgements.

The Court judgment recognizes that Indigenous people have a deep and age-old understanding of how to sustainably use their land that decision-makers and the public can hugely benefit from. Yet this does not happen – in fact, the fortress protection model of conservation not only brings with it human rights violations but also denies the world an opportunity to learn and benefit from the wisdom and practices of Indigenous peoples.

People who are on the margins, including IPLCs, frequently are the first casualties of human rights violations in development activities involving conservation efforts that evict them from their lands and restrict their involvement in managing the areas without their input. We can end this if

we have as many parties as possible strengthening the language on FPIC to ensure meaningful involvement of the indigenous and local communities.

The relatively new trend of heavy militarization and the use of deadly weapons in protected areas is worrying. The horrifying images from Loliondo, Tanzania, continue to cast a heavy cloud over the proceedings here at the UN. Conservation that respects the rights of the communities who live on the land need not be a violent activity. Further, recent studies affirm that territories managed by Indigenous people show positive trends in the maintenance and increase of biodiversity.

In the same breadth, Goal C must ensure benefits arising from the sustainable use of biodiversity are shared equally with the indigenous peoples and local communities by strengthening the instruments that promote equitable access to resources and benefit-sharing.

It is important that the voices of women and youth are adequately captured in these negotiations and reflected in the outcomes, primarily because they suffer disproportionately from the impacts of climate change and the loss of biodiversity. Women and youth who are excluded from decisions that result in a reduction of security of tenure in their land, are especially vulnerable. Respect for the rights of women and their full, equitable and effective participation in decision-making-making is an essential component of good governance and a prerequisite to the sustainable management of their land, and ultimately to the goal of addressing the twin impacts of biodiversity loss and climate change.

Proposals on One Health undermine fair and equitable benefit sharing

Third World Network

The U.K. has proposed a new target for the Global Biodiversity Framework based on the One Health Approach (OHA). Section B.bis also includes a proposal that GBF implementation should be in line with OHA. The problem with these proposals is that there is no multilaterally agreed definition of OHA. Its working principles and operational aspects have not been discussed in the context of the CBD and GBF. As a result, the countries will be compelled to look to a Joint Plan of Action (JPOA) on OHA, which is still under development by the Secretariats of four International Organisations, WHO, FAO, OIE and UNEP. Unfortunately, the first draft of JPOA is completely oblivious to developing country rights and interests. The JPOA, in discussing climate change, fails to recognise common but differentiated responsibilities. It requires countries to adopt legal measures to promote rapid sharing of information and biological materials including pathogens and their digital sequence information, without stressing any obligation on

fair and equitable sharing of benefits. The JPOA aims to build a “leviathan infrastructure” for extracting information and other resources from developing countries in the name of a globally integrated surveillance network for detecting spillover risks from zoonotic and other sources to human health. The central nodes of this large infrastructure such as data integration or analytic units are situated in the developed countries. The developing country laboratories and other institutions serve only as data collecting agents. Building analytic or intelligence capacities at the local or national levels is not a priority.

Accepting the OHA into the GBF would add pressure on developing countries to provide rapid access to genetic resources without legal certainty on benefit sharing. It may also undermine their positions at the WHO, that negotiations for a new pandemic response instrument must abide by CBD and Nagoya Protocol obligations.

What “No Net Loss” looks like on the ground in Malaysia

Theiva Lingam and Nele Mariën, Friends of the Earth

Recent Malaysian legislation included transparency rules about deforestation, but linked it to offsetting requirements: where a permanent reserved forest is intended to be taken down, then a new equal or bigger area of land to replace it needs to be identified. Already first examples show serious shortcomings. In August 2021, despite massive public protest, 536 hectares of an eight-thousand-year-old peat swamp forest, which is also a site of critical importance for indigenous communities, known as the Kuala Langat North Forest Reserve (KLNFR) stopped being a Reserve, in order to build a mixed development project in the state of Selangor.

When KLNFR lost its status as a forest reserve, the state’s solution was to create a new forest reserve containing “land of equivalent or higher value or better forest” about 100km away from the existing forest reserve. When a check was done on the ground, this forest had already been destroyed

twice for huge agricultural schemes.

Hence, the biodiversity and habitat loss of the KLNFR forest in one part of the state will not be compensated for in the other part of the state. It also implies Indigenous Peoples losing their rights in the Reserve and getting nothing in return. The value of what has been lost in one part of the forest will never be gained in another area replaced as forest. Such “No Net loss” policies are being promoted not only in Malaysia, but all around the world. They are the basis of the conservation goals in the GBF, but practice shows that they negatively affect IPLCs rights and environmental integrity.

We call for separately treating ecosystem destruction –to be absolutely minimized- and restoration –to be maximized, but paying attention to do it in an inclusive, participatory and environmentally sound way. **Making it a zero-sum game doesn't work!**

Remember “no Rights no REDD+”?

Phil Franks, International Institute for Environment and Development (IIED)

Older colleagues will recall the “No Rights No REDD+” which erupted at UNFCCC COP 14 in Poznan in 2008. This was a campaign led by Indigenous Peoples focused mainly on how their rights might be seriously threatened by REDD+. With GBF and its “30*30” target, there are very similar concerns, but we are in a somewhat different place. Though rights to lands, territories and resources remain a central element, the overall framing is universal human rights, reflecting both the growing recognition of human rights violations in conservation and growing understanding that respect for IPLCs and rights is key to the success of conservation in the 21st century, and critical to achieving “30*30” target. Furthermore, adopting a rights-based approach (RBA) that emphasizes both rights and the accountability of “duty-bearers” to respect and protect these rights, is a crucial element of strategies to deliver equitable governance.

In terms of strategies to advance RBA we are also in a different place compared with REDD+ in 2008. In UNFCCC the response was the “Cancun Safeguards” adopted by

Parties at COP16 two years later, but there was also seriously scrutiny of the social safeguards in policies of national governments and donors that has led to many safeguard systems being strengthened – notably of the donors. Not perfect, but in many cases good enough to mean that the emphasis now needs to be on monitoring compliance with these safeguards.

A safeguard is a specific policy designed to avoid harm and where possible improve the situation (do good). Where REDD+ safeguards came unstuck was that some countries argued that compliance simply means having these specific safeguard policies within relevant national policies. Thus, reporting on safeguards would be a desk exercise. Growing concerns over this led to a distinction being made between “addressing” (having the safeguard in policy) and “respecting” (implementing the safeguard policy). While we certainly should not cut and paste from REDD+ there is quite a lot we can learn from that experience.

Read more articles on human rights and the post 2020 GBF in today’s and past online ECOs



Rights-based approaches include Nature’s Rights by Rachel Bustamante, Earth Law Center



Parties are negotiating in Nairobi on Target 17, while Gene Drives undermine the Biosafety Protocol and FPIC by Adam Breasley, Save our Seeds



Beyond 30%: Why rights holders are key to the realization of the Area-Based Conservation Target of the post 2020 GBF by Kevin Lunzalu, Kenyan Youth Biodiversity Network



The post 2020 Global Biodiversity Framework has to put an end to the oppression of Indigenous Peoples by Documentation and Information Network for Indigenous Peoples’ Sustainability