



A contribution from BirdLife International to the UN Special Rapporteur on Human Rights and the Environment for: “Healthy Ecosystems and Human Rights: Sustaining the Foundations of Life”

Introduction

BirdLife International is the world’s largest partnership for nature and people, applying a local to global approach to biodiversity conservation. BirdLife believes that humans have a moral and legal duty to conserve biodiversity and live within the means of our planet, as the welfare of people everywhere is intimately dependent on the health of Earth’s ecosystems. The BirdLife Partnership, a network of 115 civil-society organizations, also believes that everyone has the right to a safe, clean, healthy and sustainable environment, and is working to make this a formally-recognized universal human right. On Earth Day 2020, BirdLife International launched a campaign with an open letter to António Guterres, Secretary General of the UN, requesting the inclusion of the right to a healthy natural environment in the Universal Declaration of Human Rights.

Many BirdLife Partners have contributed examples in response to the questions set out below, which presents perspectives from civil society in a variety of countries.

Questionnaire

1. Provide examples of ways in which declining biodiversity and degraded ecosystems are having adverse impacts on human rights (such as the rights to life, health, water, food, culture, non-discrimination, a safe, clean, healthy and sustainable environment, and Indigenous rights).

Opinion statement. Almost every BirdLife Partner has examples of where biodiversity loss is impacting human rights. Most commonly it is environmental degradation leading to soil erosion, potable water deficit, food insecurity and subsequent loss of livelihoods and poverty. However, there are strong cultural impacts in some places and two examples are given below.

Example 1.1 Declines in Vultures affecting cultural funerary sites in India

In the 1990s, populations of three *Gyps* vulture species in parts of their ranges in South Asia fell by more than 95% in just three years. It is now known that the cause of the decline was exposure to carcasses of animals that had been treated with the drug diclofenac, which causes renal failure in *Gyps* vultures. The decline in vultures has had serious impacts on the ability of some religious groups, such as Parsees in India and Buddhists in Nepal, to practice their culture, as the birds play a key part in their funerary rites. The Bombay Natural History Society (BirdLife in India), has been working with the Indian Government to ban diclofenac and replace it with a safe alternative. [[More](#)].

Example 1.2 Forest loss impacting food and water rights around Mount Kenya

Mount Kenya forest, which cover c.215,000 ha, is one of Kenya’s most important biodiversity hotspots, and one of the country’s five main water catchments, providing vital socio-economic and ecosystem services, including water purification, climate regulation and soil retention. However, the forest’s

protective cover has come under threat from various human activities including logging, charcoal burning, and illegal settlements. This has led to soil erosion, causing sedimentation of rivers and streams and affecting agricultural productivity (and therefore livelihoods) downstream. Farm yields have dramatically reduced over the last 30 years, and there has been an increase in human-wildlife conflict, especially elephants, which now routinely invade farms in the region. [[More](#)].

Example 1.3 Marquesas nature and culture: heading for extinction?

Nature lies at the heart of Marquesan culture: birds, fish, forests and island landmarks are connections to the spiritual world and dominate legends, storytelling and art forms. Tapu (traditional protection) is used to safeguard nature, once the only source of food and shelter. Legend says that Oatea, one of the first ancestors, built a house with each of the Marquesan islands representing a different part of the traditional structure. Mohotani is known as the place of morning bird song, likely owing to the millions of seabirds it would have once supported. However, in this fragile ecosystem, grazing leads to the loss of native vegetation and topsoil, leaving a barren, highly-degraded landscape. And invasive species are decimating the endemic biodiversity. Consequently, nature and culture on the island are at a critical junction between restoration and extinction. [[More](#)].

2. To protect a wide range of human rights, what are the specific obligations of States and responsibilities of businesses in terms of addressing the main direct drivers of harm to biodiversity and ecosystems, and the indirect drivers?

Opinion statement. Focusing on nature-based solutions to climate change and biodiversity loss would help States and businesses meet their obligations and responsibilities in, for example, meeting the targets set out by international conventions (CBD and UNFCCC). Climate change and biodiversity loss threaten people's universal human rights (e.g. to clean air, clean water, livelihoods and life itself), and nature-based solutions are key to tackling both of these challenges, and thereby (if delivered following best practice) addressing human rights issues. Joined-up policies and action at all levels on climate and biodiversity are essential. States should incorporate nature-based solutions that protect and restore biodiversity and ecosystem integrity into both National Biodiversity Strategies and Action Plans and Nationally Determined Contributions to meet the Paris Agreement on climate. Nature-based solutions should be mainstreamed across sectors, with government and business policies, investments and development plans framed to be climate, biodiversity and human rights positive. [[More on nature-based solutions here](#)].

Example 2.1 Nature-Based Solutions in the Great Lakes Region Watersheds

Predicted rises in rainfall render hilly and mountainous regions vulnerable to landslides, soil erosion and flooding, threatening the well-being of humans and natural ecosystems. The Climate Resilient Altitudinal Gradient approach adopts 'nature-based solutions' in Rwanda and Burundi where river sedimentation is severe. By completing vulnerability assessments and 'sediment fingerprinting' to find the sources of erosion, governments and organizations are able to support communities to implement local solutions. [[More](#)]

3. Provide specific examples of constitutional provisions, legislation, regulations, policies, programs or other measures that employ a rights-based approach to prevent, reduce, or eliminate harm to biodiversity and ecosystems or to restore and rehabilitate them.

Opinion statement. The conservation community is increasingly applying a rights-based approach to projects and programs that aim to restore and protect habitats for the benefit of both biodiversity and people. Positive linkages between conservation and human rights should be enhanced and mutually reinforced in order to achieve sustainable development. This is promoted by the Conservation Initiative on Human Rights, of which BirdLife is a founding member. [\[More\]](#)

Example 3.1 Establishment of Indigenous Protected & Conserved Areas in the Canadian Boreal

Birds Canada (BirdLife in Canada) is supporting communities in the Canadian Boreal region in their efforts to create Indigenous Protected & Conserved Areas (IPCAs). They are part of a collaboration between Canadian conservation groups seeking to protect expansive Boreal habitat and its wildlife. IPCA creation is an Indigenous-led exercise with community, environmental and biodiversity benefits and values. However, Indigenous communities need support in their dialogue with government, NGOs and the wider public to ensure support for IPCA designation. Indigenous partners are central to the process of identification, delineation, and (eventually) stewardship of Key Biodiversity Areas (KBAs) in Canada, especially so in the Boreal and Arctic. Some KBAs will certainly become IPCAs so are strongly linked to Canada's commitments under the CBD and protected areas. Birds Canada's KBA process is strongly tied to the federal process of reaching 17% of land area protected.

Example 3.2 Local community rights to manage natural resources in Madagascar

In Madagascar, Government land in protected areas and production forests may be divided into parcels of land. Local communities (living in or adjacent to these areas) create and register Associations, which are given the legal right to manage natural resources, subject to a management plan and rules. NGOs, for example Asity Madagascar (BirdLife in Madagascar), have the job, delegated by the Government, of coordinating and facilitating this arrangement and building the capacity of the communities to claim and exercise their rights and responsibilities. This takes place under a national legal framework with social and environmental safeguard plans following international best practice. At Tsitongambarika, Asity Madagascar has helped to establish a local organisation, KOMFITA, as an umbrella body of community associations which, together with Asity and supervised by the government, manage the forest. KOMFITA ensures that the forest-edge community is consulted, the benefits are determined and shared fairly, and local people are properly involved as co-managers of the forest. The communities define the resource management rules for the forest which can include some controlled and agreed use of forest products. In recognition of this work, Tsitongambarika's forests are now protected by the Government. [\[More\]](#).

Example 3.3 The right of self-determination and Free Prior Informed Consent in the Philippines

In the Philippines, there is constitutional and legislative recognition of indigenous peoples' rights within the provisions of ILO Convention 169 (C169). This contextualizes the Philippines' contemporary recognition of indigenous peoples' rights, including the requirement to obtain their Free Prior

Informed Consent (FPIC), and considers the challenges faced in implementing the 1997 Indigenous Peoples Rights Act (IPRA). There is a separate department under the Ministry of Environment and Natural Resources to deal with FPIC and other potential issues that may affect, impact or diminish indigenous people's rights to access, manage and protect ancestral land and forests. Haribon (BirdLife in the Philippines) has been working closely with the department to operationalize these provisions, including FPIC and respecting the rights to indigenous peoples for self-determination over lands and resources (including right to manage and protect local forests which many indigenous people consider ancestral land). On the ground, Haribon has been working closely with the indigenous peoples and local communities at Mount Hilong-hilong.

5. Provide specific examples of good practices in preventing, reducing, or eliminating harm to biodiversity and ecosystems, or restoring and rehabilitating biodiversity and ecosystems.

Opinion statement. Local communities are best placed to be stewards of the environment on which they depend. Empowering local people to take positive conservation action for biodiversity and ecosystems ensures benefits for both people and nature.

Example 5.1 Revitalization of the Hima approach in Lebanon

Hima, meaning "a protected place" in Arabic, is an ancient traditional system of resource tenure that originated in the Arabian Peninsula and spread across West Asia and North Africa. In response to the harsh environmental conditions and resource scarcity characterizing the region, tribes announced resource-rich areas as Hima, and managed them through consensus decision-making, upon which different groups held specific responsibilities. The Society for the Protection of Nature in Lebanon (SPNL, BirdLife in Lebanon) has revitalized the Hima approach with a total of 25 Hima, representing 6% of the Lebanese territory, now established. Hima contribute to achieving a more sustainable, equitable and habitable world. It is a holistic approach which embraces the three pillars of sustainable development, economic viability, environmental protection, and social equity, which in turn allows communities to become more sustainable and resilient to global changes.

Example 5.2 Restoration of the Iraqi marshes for the indigenous Marsh Arab tribes

Nature Iraq (BirdLife in Iraq) has worked to restore large areas of the Mesopotamian Marshes that were drained in the 1990s by Saddam Hussein. Between 40 and 60% of the drained area has been re-inundated, and with specific management in some areas these marshes are once again the source of water, food, shelter and income for the indigenous Marsh Arab tribes. [\[More\]](#).

Example 5.3 Empowering local people and restoring habitat in Nepal through Community Forest User Groups

Forest in Nepal is owned by the state, which often lacks capacity to monitor and manage it, leading to overuse of resources. Community Forest User Groups (CFUGs) were introduced to empower local people to manage their forests, which are key to the livelihoods of these communities, providing them with food, fuel, building materials and medicines. With guidance from Bird Conservation Nepal (BCN, BirdLife in Nepal) to instill sustainable land use and management, including grazing restrictions and riverside reforestation, satellite pictures of areas managed by Nepal's CFUGs now show a steady restoration of tree cover. With increasing canopy cover and undergrowth, erosion and landslides are diminishing, and river banks are less prone to undercut and collapse.

7. Specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to declining biodiversity and degraded ecosystems. How can these populations be empowered to protect and restore declining biodiversity and degraded ecosystems?

Opinion statement. People living in poverty rely most directly and immediately on ecosystem goods and services. Indigenous peoples, whose knowledge and practices can be important in conservation, often directly depend on healthy ecosystems for their livelihoods, identity, culture and social organisation. The capacity of these vulnerable groups must be built in order for them to know their rights and have the resources to access and advocate for them.

Example 7.1 Fair and sustainable benefit-sharing through Community Forest Groups in Nepal

Dumrithumka Adarsh Mahila is one of Nepal's many (successful) Community Forest User Groups. They have been supporting fair and sustainable benefit-sharing, and have made a major contribution towards reducing inequalities. Following awareness training from Bird Conservation Nepal (BirdLife in Nepal), their initiative has given the same access to resources to all community members, including people from different backgrounds and cultures. They have undertaken public education to sensitize the community to the rights of minorities and marginalized people, encouraging them to participate in all aspects of forest use and management. [\[More\]](#).

Example 7.2 Protecting Colombia's Pacific coast communities from illegal mangrove logging

In Iscuandé municipality on Colombia's Pacific coast, is the Common Territory of the Community Council "Esfuerzo Pescador", a Key Biodiversity Area. It is inhabited by Afro-descendant communities that depend on the natural resources provided by the mangroves and the sea. In recent years, illegal mangrove logging by outsiders from neighboring sites has increased. Mangrove wood is valuable, so illegal logging is lucrative and therefore dangerous for locals. This logging damages this strategic ecosystem, jeopardizes food provision, removes storm surge protection for the village, and results in conflict with neighbors. Asociación Calidris (BirdLife in Colombia) is empowering a team of local "mangrove watchers" to document illegal activity. A regional advertising campaign is raising the profile of this issue, and Calidris are working with the Regional Environmental Authority on a strategy to involve the police and the navy in the control of this illegal activity.

Example 7.3 Empowering local communities for conservation in Papua New Guinea

Tenkile Conservation Alliance (TCA) in Papua New Guinea is working on developing capacities of local communities. Almost all forest land in Papua New Guinea is under customary ownership (97%) and 78% of the country's total land cover is forest. TCA's work on development of local land-use plans of 50 villages in two remote provinces has helped the local villagers in demarcation of forest boundaries, monitoring of illegal logging and also saving biodiversity. These villages are now part of the Torricelli Mountain Range Conservation Area. TCA has worked to address social issues in order to secure a lasting future for both the forest and its people. With alternatives now in place, villages no longer hunt in the forest, and they are beginning to take other positive actions for the sake of protecting their forest home. Logging and forest clearance for mining and oil palm plantations are big threats to these precious forests, but with help from project partners, the communities are monitoring and managing their own land in a sustainable manner. [\[More\]](#).

8. How do you safeguard the rights of individuals and communities working on biodiversity issues? What efforts has your Government made to create a safe environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?

Opinion statement. Safeguarding people and communities in zones of conflict is often an intractable, shifting problem. National-level intervention/ enforcement is not a long-term solution, as highlighted below. However, empowering local communities, raising the profile of issues regionally, involving government authorities in these efforts, and enabling police or military action as necessary can work. Example 7.2 also talks to this.

Example 8.1 Violence in Colombia protected areas

In spite of the 2016 Peace Agreement, violent groups still persist in key biodiversity zones in Colombia. Their actions violate the human rights of the civilian populations, affect their economic interests and damage fragile ecosystems. Illegal activities are ongoing in more than half of Colombia's c.70 protected. Between 1994 and 2020, 12 park rangers have been killed (National Parks data). In most cases these crimes go unpunished, and ultimately the areas are often abandonment and habitats degraded. Park rangers often face armed groups, antipersonnel mines, forest fires and land grabbing. The government response is often temporary militarization of the area which helps a little, but only for as long as they are present.

Further reading:

BirdLife International (2020) *Article 31: Make the Right to a Healthy Natural Environment a Human Right* [<https://www.birdlife.org/healthyplanet>]

BirdLife International (2018) *State of the world's birds: taking the pulse of the planet*. Cambridge, UK: BirdLife International

BirdLife International and National Audubon Society (2015) *The Messengers: what birds tell us about threats from climate change and solutions for nature and people*. Cambridge, UK and New York, USA: BirdLife International and National Audubon Society.

BirdLife International (2011) *An Introduction to Conservation and Human Rights for BirdLife Partners*. Cambridge, UK: BirdLife International