**Response to questionnaire from Helena Paul, Co-Director of EcoNexus**

1. The human rights of all people worldwide are affected by declining biodiversity and degraded ecosystems. Much of this destruction is driven by the imperative for economic growth, which involves the extraction of natural resources from such areas. Yet we now know that we are approaching and even breaching planetary boundaries. <https://www.stockholmresilience.org/research/planetary-boundaries.html> .

The impacts of biodiversity destruction are both local and global. For example, the destruction of an area of forest may lead to the drying of remaining forests in that region. Destruction in the Amazon region could finally result in the forest reaching a tipping point where it begins to convert to savannah. On a larger scale the human rights of all people are potentially affected, because models suggest that the destruction of forest in the Amazon region may have negative impacts on other regions of the world, for example the western USA due to complex planetary systems we do not yet understand. <https://www.nationalgeographic.com/environment/2018/11/how-cutting-the-amazon-forest-could-affect-weather/>

2. States must adhere to their commitments to eg: international agreements and enact those commitments urgently. States have a duty to **regulate business** in the interests of the **whole** of society. They must support and protect Indigenous peoples and local communities including small farmers who practice agroecology; these are the people closest to biodiversity. States have a particular duty to protect women, who often play a leading role in activities that protect and conserve ecosystems and biodiversity including agricultural biodiversity, but who are also often the greatest victims of discrimination, prejudice and violence.

Globally, we urgently need to move away from industrial food systems based on industrial monoculture agriculture, very damaging to biodiversity, to systems based on agroecology, nested within ecosystems and embracing biodiversity including agrobiodiversity. Much is being lost, yet farmer varieties and associated knowledge developed by Indigenous Peoples and peasant farmers still exist and are being bred that may be absolutely critical to adaptation to climate change in the future, for example salt and drought/flood tolerant varieties.

However, actual and planned trade agreements and projects such as China’s Belt and Road Initiative lead us in the opposite direction, towards longer supply chains and more inequality.

Businesses need to better understand the consequences of extractive activities but above all they need to be **controlled by governments**, if those governments are to act as genuine representatives of **all** the people including future generations.

The primary obligation of a corporation, as currently constituted, is **maximizing profit and returns to shareholders**. This makes them quite distinct from any other ‘stakeholder’ and also means that they are in a real sense compelled to continue their extractive activities in order to show profits. This means that we must tackle the **indirect drivers** urgently, because unless we do this, we cannot possibly address the **direct drivers of biodiversity loss**.

Human population growth is closely bound up with the impacts of economic growth and the two need to be tackled together. Human population growth is also a result of women’s oppression, inequality and lack of access to the means to limit reproduction, which should be their right.

3. Even where there are such provisions, they may well not be implemented. Biodiversity remains a low priority for governments when faced with competing demands for economic growth. Therefore the Convention on Biological Diversity has decided that biodiversity must be mainstreamed across government to raise its status. Mainstreaming is intended to be a central element of **The Global Biodiversity Framework** now being worked on at the CBD.

The text of the Convention on Biological Diversity itself makes the obligations of states clear, both within their own borders, within other states and in areas beyond national jurisdiction (eg: articles 3, 4 and 14.1, 2c, d and e). **Yet currently these obligations are not being adhered to or enforced.**

**The importance of local communities and their knowledge of local biodiversity**

The rights of Indigenous Peoples are central to the protection of biodiversity, but the rights of small (peasant) farmers are also crucial. Thus the two documents, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) should be fully respected and enacted even though as declarations, they are not legally binding.

4. This right’s recognition is not contributing effectively to its realisation, either because states have not fulfilled their obligations or have contradictory obligations, eg: to economic growth and trade. Unfortunately, the drive for **‘economic growth’** and the pressure to facilitate businesses of all kinds can easily undo any attempts to protect ecosystems.

O**ffsetting** is being promoted again, perhaps because corporations recognize that they have reached the limits of biodiversity destruction and hope that offsets will allow them to continue to exploit in biodiversity rich areas. Another issue is that **states usually have sub-surface rights**, which means they can decide on a mining project for example, whatever objections local people might have.

Ecosystem restoration is essential but protecting ecosystems from degradation is far more effective. Finally, the promise of restoration must never be seen as an adequate excuse for destroying or degrading an ecosystem.

**5. Indigenous and Community Conserved Areas** (ICCAs) are of vital importance in reducing harm to biodiversity and ecosystems and maintaining this protection over time. In Brazil and Colombia new constitutions were adopted (Brazil 1988, Colombia 1991) that recognized **Indigenous territories.** Respect for Indigenous territories is particularly vital so that Indigenous communities can continue to protect biodiversity for the world and such recognition should be extended to indigenous territories in other parts of the world and take account of mobile communities such as pastoralists

Moreover, Indigenous Peoples frequently have their own methods of deliberation and decision-making, both within and between different languages/cultures. These must be respected as a primary source of wisdom and guidance of how to protect, restore and inhabit biodiverse ecosystems.

<https://www.pnas.org/content/117/6/3015> and references

**Protected areas:** These are not always the right solution to the problem of ecosystem destruction, as they have often excluded indigenous peoples and local communities in the past. ICCAs are a preferable approach. protected areas must not be used to justify further destruction elsewhere; they must be of the right size and in the right location and condition to be effective in protecting biodiversity.

<https://wrm.org.uy/bulletins/issue-249/>

Marine: **Deep sea beds** are important to all humanity and therefore all human rights, but a race for resources such as cobalt etc for electronics is just beginning and should be halted. We know little about deep sea biodiversity; life may have started there on this planet; there is major biodiversity, but it matures very slowly, so damage would take far longer to repair. Our **huge volumes of waste** are already a problem here, as everywhere else in the world, for biodiversity and ecosystems.

The **Voluntary Guidelines on the Responsible Governance of tenure of land, forest and Fisheries** is an important instrument whose progress needs to be monitored plus the AU Framework and Guidelines for land policy in Africa. As ActionAid has noted, more progress still has to be made to support the access of women and marginalised communities to secure land tenure.

<https://actionaid.org/publications/2017/assessing-implementation-voluntary-tenure-guidelines-and-au-framework-and>

6. There is currently not enough emphasis on the **responsibilities of duty bearers (governments, business…)** in a rights-based approach. We must ensure that rights are not in competition with each other to the detriment of biodiversity and that any perceived right to economic development does not simply add to the destruction of the environment. This is complex, because currently, populations that have benefited from economic development tend to enjoy more access to rights and power to enforce them than those that have not, while the less advantaged see this and want to enjoy them too. **Rights also come with responsibilities** and this is often overlooked.

7. Such populations should be central to advising on how to address declining biodiversity and degraded ecosystems and enabled to consult and define what they need in order to flourish, rather than being prescribed to in a top-down manner. Some Indigenous cultures have their own processes of deliberation and decision-making, also local citizen assemblies and other processes for proper involvement of civil society should be developed and used. Ireland has undertaken valuable work in this respect: <https://www.citizensassembly.ie/en/> .

Top-down processes will not work. We need to empower local communities to resist top-down pressures. Many such communities still hold the knowledge necessary for protection and restoration if properly encouraged and enabled.

**The role of women in protecting ecosystems, saving seed and providing food to their own and other communities**

See attachment

The role of elders: The Gaia Foundation discovered that in Africa many elders felt marginalised by modern society, yet when efforts were made to consult with them, they had rich knowledge to share with their communities and youth about biodiversity: <https://www.gaiafoundation.org/revive-decolonise-transform-meet-africas-first-earth-jurisprudence-graduates/>

8. Since healthy, biodiverse and resilient ecosystems are essential to our future, environmental defenders are working for all of us and should be **protected at international level**. For example, the Amazon rainforest region is crucial to the whole world for ecological, biodiversity, climatic and cultural reasons, so **the whole world** should be involved in protecting it and its defenders, Indigenous Peoples, local communities and small farmers.

The current proposals for the protection of environmental defenders from UNEP, on which we have commented, are inadequate.

9. In high-income states and amongst high-income groups wherever they live, consumption must be reduced and confined more to products that benefit their producers while protecting or enhancing biodiversity. Governments must facilitate such action by passing **appropriate legislation.**

**Consumers** are first and foremost **citizens;** their obligation is not to servethe corporations through ever-increasing consumption; they should be closer to producers, so they know what the latter are suffering or what the impacts are on biodiversity where products are sourced. We need shorter supply chains that respond to this need, that are transparent and that that do not facilitate the export of products that destroy biodiversity and endanger environmental defenders.

High-income states should support initiatives to support small farmers/producers and give them access to markets that serve their interests, not just those of corporations and consumers. It is essential to provide the right kind of support and this requires careful work and consultation from grassroots level upwards.

UK examples: Farmers markets and Community Supported Agriculture projects bring grower and eater closer together and thus are helping to make people more aware of what is involved in producing food, climate, water, seasonality etc. We must prevent farmers from being forced to reduce their ‘farm-gate’ prices to below the cost of production by, eg: powerful supermarket chains.

Citizens everywhere are becoming conscious of the impact of **plastic and other waste** on ecosystems; now governments need to legislate to compel businesses to reduce the generation of waste; products need to be made in such a way as to reduce waste and facilitate the separation of any waste products into their constituent parts for re-use and recycling. Some products should simply be banned due to the threat they pose to ecosystems.

All states should reduce **perverse incentives** – eg: subsidies that lead to the degradation and destruction of biodiversity. They should redirect the money saved towards biodiversity and healthy ecosystems. In addition to this they should also **divest from industries** that negatively impact biodiversity etc.

10. **Businesses are duty bearers** and must improve policies and practices to protect biodiversity transparently and be fully accountable. This work is urgent and governments must now regulate accordingly, both nationally and internationally. It seems that most businesses have to be forced to change practices so as to minimise biodiversity loss and climate change.

The **Guiding Principles on Business** do not reflect the interdependence of human beings with biodiversity. That word is not mentioned, nor are ecosystems, forests, water, seeds or other essentials such as food or farming. These principles are thus isolated from any real context. This is a major problem because the rights of Indigenous Peoples and local communities are profoundly connected to biodiversity and ecosystems.