**Healthy Ecosystems and Human Rights: Sustaining the Foundations of Life**

**Response by : Lindie Botha and Bakholise Jojo**

Question 1:

Please provide examples of ways in which declining biodiversity and degraded ecosystems are already having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water, food, culture, non-discrimination, a safe, clean, healthy and sustainable environment, and Indigenous rights.

It is important to take into account the historical and current contexts that have caused or contributed to some issues experienced by communities in the Greater Kruger area, e.g. poor access to water by communities in SA can be linked to forced removals by apartheid government. Current examples of adverse impacts include water scarcity and poor access due to poor water infrastructure especially in low income communities/households. Limited access to water by small scale farmers, and disproportionate consumption by commercial farmers. Consumption of polluted water especially due to disposable nappies, illegal dumping of waste on river beds etc., leading to health issues and sometimes loss of life (and very important in current COVID-19 context). People used to have gardens and harvest fruit and vegetables but because of things like climate change and soil degradation people are having to buy more food with money that is not always available resulting in increased food insecurity.

Rangeland degradation affecting livelihoods, decreasing tree numbers used for firewood, decreased access to medicinal plants.

Declining biodiversity and degraded ecosystems have adverse impacts on human rights either directly or indirectly. The direct way is through the reduction or depletion of ecosystem goods and services which in turn has an impact on the livelihood opportunities of those who depend on the resource for survival. Another channel is through institutional reforms when authorities tighten the rules and regulations governing a common pool resource (e.g., harvesting environmental resources inside a protected area) in order prevent tragedy in the commons. Increased law enforcement might infringe on the rights of resource users.

Question 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 (e.g. land conversion, loss and degradation of habitat, climate change, overexploitation, pollution, invasive species) and the indirect drivers (unsustainable production and consumption, rapid human population growth, trade, conflict and inequality)?

This also speaks to section 24 of the Constitution and NEMA/NEMBA very broadly and SA is signatory to international commitments e.g. CBD, Paris Agreement etc.

This also speaks to the need for community engagement and policy reforms (devolution of management rights, benefit sharing and co-management models) in order to create an inclusive and enabling environment for local communities to participate meaningfully in biodiversity conservation.

Establishment of public-private partnerships involving local communities/co-management models

Question 3:

Please 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 biodiversity and ecosystems.

The environmental right is contained in the Constitution of the Republic of South Africa, Act 108 of 1996 (hereafter referred to as “The Constitution”). ... The first part guarantees a healthy environment to every person. The second part mandates the State to ensure compliance with the first part mentioned above. Furthermore, the South African Constitution gives people, including future generations, the right to sustainable development: “to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation; promote ...

The principle of “sustainable use” is enshrined in the Constitution.

Question 5

Please provide specific examples of good practices in preventing, reducing, or eliminating harm to biodiversity and ecosystems, or restoring and rehabilitating biodiversity and ecosystems. These examples may occur at the international, national, sub-national, or local level. Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices (e.g. measurable outcomes such as increases in terrestrial and marine protected areas, increases in Indigenous and Community Conserved Areas, declining rates of deforestation and poaching, or progress in the recovery of species that were previously threatened or endangered).

* Black Rhino Range Expansion Programme (BRREP) is an example of a WWF SA project that has contributed to the recovery of black rhino populations. There are 13 BRREP-created populations to date, on a total of more than 300 000 hectares of land with 256 black rhino on them. BRREP is one of the reasons that the IUCN could recently report that black rhino numbers have risen from about 2500 in the 1990s to the present 5,600.

Evidence show that conservation land under private ownership (private nature reserves) has increased tremendously over the past decades in South Africa (Cousins et al. 2008). Vos et al. (2019) observed that private protected areas are actually growing much faster than state owned protected areas.

The existence of successful land claims inside KNP and other protected areas in SA, and the establishment of co-management models in the form of contractual parks

Question 6:

Please identify specific gaps, challenges and barriers that your government, business, or organization has faced in attempting to employ a rights-based approach to preventing, reducing, or eliminating harm to biodiversity and ecosystems.

Inclusivity in terms of gender in conservation as a whole and race in certain positions/portfolios. Government mainly focuses on number/quotas and not the nuances i.e. challenges faced by women, LGBTI community in conservation processes and management. Inclusion of youth in conservation processes is sometimes very limited and shallow, little to no incentives for youth to participate in biodiversity conservation, if they do it is mostly low paying/lower end jobs which require hard manual labour and are sometimes ‘stuck’ in those jobs for long periods. Flawed public participation process which often excludes core/relevant communities/stakeholders.

Historic inequalities remain unaddressed, conservation approaches still tend to be top down but there is a growth in attempts of implementing bottom-up/community inclusive projects.

Inadequate policy environment, institutional and governance model

Question 7

Please 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 (e.g. women, children, persons living in poverty, members of Indigenous peoples and local communities, older persons, persons with disabilities, ethnic, racial or other minorities and displaced persons). How can these populations be empowered to protect and restore declining biodiversity and degraded ecosystems?

* Direct and thorough engagement of these groups to get their input on what affects them, how they are affected and what they need to be empowered. Communities have creative ideas but most of the time lack resources or platforms to share these ideas so they can come to life. In most communities elite capture is an issue and therefore even if resources are made available they are misused by a handful of individuals then the whole community is labelled negatively.

Through i) increased devolution of NRM and decision making rights to the community's grassroots level; ii) Wildlife Governance reforms

Question 8:

How do you safeguard the rights of individuals and communities working on biodiversity issues (potentially identified as environmental human rights defenders or land defenders)? 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?

Through using a governance model that is inclusive of all important stakeholders including local communities. Promote the emergence of and strengthening existing local common pool resource institutions

Question 9:

There is substantial evidence that consumption in high-income States is adversely affecting biodiversity and ecosystems in low and middle-income States. What are ways in which high-income States should assist low-income States in responding to biodiversity loss and ecosystem degradation, while simultaneously contributing to sustainable development in those low-income States?

This one is a little tricky because even high income states have class dynamics and so having a blanket policy to address high income consumption will not be effective, same applies for mid-income states.

Providing funding that can be used in projects that are not predetermined to meet certain expectations, essentially giving implementers more autonomy to determine what is needed on the ground rather than it being designed in a top down manner that may be less effective and unsustainable. Also looking into or developing long term funding schemes that do not necessarily run on ‘short’ few year timeframes (big ask but this always comes up)

Studies show that tourists from first world countries enjoy a huge consumer surplus associated game viewing (Mukanjari and Muchapondwa 2019). Therefore part of the proceeds could come from increasing the gate entrance fee for international tourists. Some of the wildlife products entering high income countries are illegal products. First world countries can help developing countries through development of technology to improve detection and strengthening law enforcement to address IWT.

Question 10:

For businesses, what policies or practices are in place to ensure that your activities, products, and services across the entire supply chain (extraction/sourcing, manufacturing, distribution, sale, and end-of life management) minimize biodiversity loss and ecosystem degradation and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?

The tendering process has a section that talks about environmental footprint. Might need to review government procurement policy guidelines. Private companies might use guidelines from international standards to export/ trade internationally i.e. ISO 14001.

Improved traceability of products is needed and improved consumer awareness of products. Can’t think of anything in the wildlife sector but something along the lines of SASSI & Abalobi in the fisheries sector are good examples at a local scale.