

The ‘Post-2020 Global Biodiversity Framework’ – a new threat to indigenous people and local communities?

Briefing , 26th February 2020

1. SUMMARY

The world faces a dual crisis of climate change and biodiversity loss, and urgent global measures are required to tackle these problems. However, we believe that some of the specific proposals being set out in the draft post-2020 Biodiversity Framework, which will set the stage for implementation of the Convention on Biodiversity for the next decades, are, at best, of questionable value or, at worst positively dangerous and counter-productive. In particular, we believe that the proposed target of 30% of land and sea to be designated as protected areas by 2030 is unacceptable *in the absence of much stronger guarantees of the rights of indigenous people and other local inhabitants*. Instead, we believe that an alternative approach should be developed, which foregrounds indigenous peoples’ and local community efforts for wildlife protection. We believe that such measures can be developed without the need to divert already inadequate climate funding into ineffective and unproven ‘natural climate solutions’.

2. PROBLEMS WITH THE PROPOSED ‘POST-2020 BIODIVERSITY FRAMEWORK’

The ‘zero draft’ of this document dated 6th January 2020 contains numerous key clauses which seem closely to reflect the advocacy positions of specific conservation interests, even if the Working Group which developed it includes indigenous and NGO representatives. We believe that, as it stands, key elements of the draft will not be effective in protecting biodiversity, and potentially represent a danger to indigenous people and other local communities. These include (but are not limited to):

2.1 The 30% protected areas’ target

The draft document sets out the target to:

“Protect sites of particular importance for biodiversity through protected areas and other effective area-based conservation measures, by 2030 covering at least [60%] of such sites and at least [30%] of land and sea areas with at least [10%] under strict protection”. (Para D. 12. (a) 2.)¹

We challenge this formulation, on several grounds:

The science: Whilst IUCN and the CBD Secretariat themselves argue that the post-2020 targets *“should be science-based”*², there appears to be no scientific evidence to show that increasing protected areas to 30% would satisfy the overall goals of the proposed agreement. The target and

¹ UNEP/CBD, 2020

² IUCN, 2019

any analysis underlying it does not (but should) refer to credible scientific evidence of what works and does not work to protect biodiversity. It assumes that the prevailing approach of establishing (more or less strictly) ‘protected areas’ is broadly the right one, and simply needs to be nearly doubled, even if the scientific evidence for this is scant, at best³. There is no apparent evidential basis for why 10% of Earth needs to be under “strict protection”, where such areas might be, or indeed any definition of what “strict protection” in this context actually consists of.

Differentiated targets: Even though IUCN also rightly argues that the targets should be “*formulated such that they can be disaggregated to reflect contributions from any actor*”⁴, the simple 30% target does not do this. Thus, it does not reflect that any increase in ‘protected areas’ above the current 17% target level could come, for example, primarily through increases in the legal recognition of indigenous lands or strengthening of tenure for local communities. IUCN has also stated that “*Post-2020, it will be of crucial importance to identify and recognize appropriately those areas that are already conserved through the actions of indigenous peoples and local communities...that meet the definition of other effective area-based conservation measures*”.⁵ But the role of indigenous peoples and local communities is potentially so great that it would be a nonsense for this not to be ‘identified and recognized’ before the simple post-2020 “30%” target is established.

Human rights implications: IUCN’s has stated that protected areas “*should be effectively managed and equitably governed*”.⁶ However, far from being equitable, the establishment and operation of many protected areas, in Africa and South Asia for example, has been shown to be associated with human rights abuses, including expropriation of land, eviction, and destruction of local livelihoods, along with murder, gender-based violence, torture and other abuses carried out by park rangers.⁷ We believe that these unacceptable occurrences are inherently related to the model of conservation premised on an often-artificial separation of humans and nature. They are mostly, though not exclusively, associated with “strict protection” regimes, which are therefore of particular concern. They have been perpetuated by shockingly poor management practices. An increase in protected areas could intensify and expand such problems, potentially affecting hundreds of millions more people.⁸ We thus believe that no further expansion of protected areas should be signaled until such time as the culture, management practices and target-setting of protected areas’ agencies, their technical and managerial partner NGOs and the donors supporting them, have been shown to have fundamentally changed with respect to human rights and ‘equitable governance’.

“Strict protection”: in addition to the comments included above, it is not clear whether the proposed 10% target is in addition to the 30%, or is included within it.

2.2 Lack of proper provisions on the rights of indigenous people and other communities

Despite recent advances in the understanding of the importance and effectiveness of indigenous lands in protecting biodiversity⁹, the draft agreement includes very limited substantive text relating to such people, setting out the targets to:

³ See for example, Sutherland et al, 2017, Geldman et al, 2013

⁴ IUCN, 2019

⁵ IUCN 2019

⁶ IUCN 2019

⁷ BuzzFeed, 2019

⁸ See for example, Schleicher etc al, 2019

⁹ See for example, Pretty, J, et al 2009

“Promote education and the generation, sharing and use of knowledge relating to biodiversity, in the case of the traditional knowledge, innovations and practices of indigenous peoples and local communities with their free, prior and informed consent” (Para D. 12. (c) 18)

“Promote the full and effective participation of indigenous peoples and local communities, and of women and girls as well as youth, in decision-making related to the conservation and sustainable use of biodiversity, ensuring by 2030 equitable participation and rights over relevant resources.” (Para D. 12. (c) 19)

Whilst “full and effective participation” and “equitable participation and rights over relevant resources” would be a welcome improvement on the present situation, its inclusion only under the section D of the text on “Tools and solutions for implementation and mainstreaming” of the agreement makes it clear that participation and rights are being subjugated to and mobilized for the cause of biodiversity conservation, rather than made central to it. The wording does not require the most important condition, which is legal rights to land, and even qualifies the intent to attribute rights over “resources” with the word “relevant”. Whilst the wording refers to the need for free prior and informed consent (FPIC) for use of indigenous knowledge, it makes no reference to seeking and obtaining FPIC for establishing new protected areas on indigenous lands. There is no reference to the need to re-establish the rights of indigenous people or local communities where these have been extinguished by existing protected areas.

This wording thus largely repeats the formulation and sense concerning “indigenous knowledge” and “indigenous technologies” of the original 1992 Convention, which has proven to be almost entirely ineffective in protecting indigenous rights in the development of biodiversity conservation programmes. Recent revelations have shown that conservation programmes are likely to put worthy paper principles on human rights, community participation and indigenous knowledge (such as those developed over the last thirty years) on the back burner if not constrained by strong provisions and oversight mechanisms. If members of the post-2020 Biodiversity Framework Working Group are intent on protecting the rights of indigenous people and other communities and promoting ‘effective area-based conservation measures’, these aspects must be put front and centre of the post-2030 agenda

2.3 Promotion of ‘nature-based solutions’ and diversion of climate resources

The text sets out the goal that:

“Nature provides benefits to people contributing to: (iv) At least [30%] of efforts to achieve the targets of the Paris Agreement in 2030 and 2050” (para 10.(d) iv.¹⁰

And to:

“Contribute to climate change mitigation and adaptation and disaster risk reduction through nature-based solutions providing by 2030 [about 30%] [at least XXX MT CO₂=] of the mitigation effort needed to achieve the goals of the Paris Agreement” . (Para D. 12 (a) 4.)

This is also challengeable on the basis that it is entirely unfounded in science, and is potentially a dangerous distraction from more effective means of tackling climate change. Specifically, the suggestion that 30% or more of climate mitigation could be achieved by 2030 through ‘nature-based solutions’ is derived from only one paper (that of Griscom et al. 2017) which contains a number of

¹⁰ UNEP/CBD, 2020

highly implausible theoretical assumptions about the measures that could or would need to be taken¹¹. Those relating to massive tree planting and immediate forest conservation constitute the large majority of the estimated theoretical mitigation potential being put forward. Setting aside the entirely unrealistic scale on which such tree planting would have to be undertaken well before 2030 and the consequences of doing so could be catastrophic both for biodiversity and for indigenous and other communities' rights. The diversion of up to 30% of climate effort into unproven and possibly complex, slow and politically fraught 'nature-based solutions' could mean even less effective measures can be taken to reduce fossil fuel emissions, which would also be catastrophic for biodiversity.

RECOMMENDATIONS

- The target of 30% protected areas should be removed, pending credible scientific justification of how this would satisfy the aims of the agreement.
- Instead, a more differentiated approach to the overall aim of 'protected areas' should be used. Recognising the deep unresolved problems of human rights abuses and other social harms caused by protected areas, and the underlying unsustainability of this approach, one alternative to this could be to state that any further increase in areas managed for biodiversity protection should exclusively or primarily be done through expansion of indigenous and community-managed lands.
- Given the extremely close link between indigenous peoples land and biodiversity, a specific target for the legal recognition of indigenous peoples' land should be elevated to Section B of the document '2030 and 2050 goals'.
- The target for mobilization of "30% of climate effort" towards nature-based solutions should be removed, pending proper independent assessment of the realistic climate mitigation potential of such solutions by 2030.

References

Buzzfeed (2019) <https://www.buzzfeednews.com/article/tomwarren/wwf-world-wide-fund-nature-parks-torture-death> and passim.

Geldmann, Jonas & Barnes, Megan & Coad, Lauren & I.D, Craigie & Hockings, Marc & Burgess, Neil. (2013). Effectiveness of terrestrial protected areas in reducing biodiversity and habitat loss. Collaboration for Environmental Evidence.

Lang, Chris and Counsell, Simon (2019) Offsetting fossil fuel emissions with tree planting and 'natural climate solutions': science, magical thinking, or pure PR? <https://redd-monitor.org/2019/07/04/offsetting-fossil-fuel-emissions-with-tree-planting-and-natural-climate-solutions-science-magical-thinking-or-pure-pr/>

Griscom, B et al (2017) Natural Climate Solutions. PNAS October 31, 2017 114 (44) 11645-11650; first published October 16, 2017 <https://doi.org/10.1073/pnas.1710465114>

IUCN (2019) IUCN's views on the structure of the Post2020 Global Biodiversity Framework, August 2019 https://www.iucn.org/sites/dev/files/iucn_position_paper_oewg-1_-_22_august_2019.pdf

¹¹ See for example, Lang and Counsell, 2019

Pretty, J., Adams, B., Berkes, F., De Athayde, S., Dudley, N., Hunn, E., Pilgrim, S. (2009). The Intersections of Biological Diversity and Cultural Diversity: Towards Integration. *Conservation and Society*, 7(2), 100-112. Retrieved February 25, 2020, from www.jstor.org/stable/26392968

Sutherland, William & Pullin, Andrew & Dolman, Paul & Knight, Teri. (2004). The Need for Evidence-Based Conservation. *Trends in ecology & evolution*. 19. 305-8. 10.1016/j.tree.2004.03.018. https://www.researchgate.net/publication/7080806_The_Need_for_Evidence-Based_Conservation

Schleicher, J., Zaehring, J.G., Fastré, C. et al. Protecting half of the planet could directly affect over one billion people. *Nat Sustain* 2, 1094–1096 (2019). <https://doi.org/10.1038/s41893-019-0423-y>

UNEP/CBD (2020). Zero-draft of the Post-2020 Global Biodiversity Framework <https://www.cbd.int/doc/c/efb0/1f84/a892b98d2982a829962b6371/wg2020-02-03-en.pdf>