**Submission to UN Human Rights Commission Consultation on Biodiversity and Human Rights**

**The following comments are respectfully submitted to Dr David Boyd, UN Special Rapporteur on human rights and the environment in response to the questionnaire ‘Healthy Ecosystems and Human Rights: Sustaining the Foundations of Life’. These comments are submitted on behalf of a network of rural Community Leaders engaged in Community Based Natural Resource Management (CBNRM) initiatives in 8 countries within the Southern Africa region (Botswana, Malawi, Mozambique, Namibia, Tanzania, South Africa, Zimbabwe and Zambia). These comments reflect the opinion of millions of rural citizens in our countries.**

Question 1: Declining Biodiversity adversely affecting human rights**.  (Siyoka Simasiku - Botswana)**

*I am delivering these comments on behalf of rural community leaders  from 8 countries in the SADC region.*

The history of biodiversity conservation in southern Africa is one of an exclusionary, protectionist and militarized approach which has been rife with flagrant abuse of human rights. Such abuses ranged from violently enforced denial of access to resources that rural peoples livelihoods depend on – including land, water, food and energy sources (firewood) - to arrest, detention and summary execution without regard to legal process. This militarized, protectionist approach relied on coercion and enforcement, often resorting to physical beating, torture and death.

Whilst most countries in Southern Africa have taken huge strides to address this situation since the end of the colonial period, there are notable exceptions with some countries now sliding back into adopting an exclusionary and militaristic approach to conservation leading to increasing incidents of abuse of human rights.

Speaking on behalf of communities from 8 countries in the SADC region, we would like to bring attention to this regression, which reflects in large part increasing calls for an exclusionary approach to conservation adopted by many international organisations masquerading as conservation organisations. To protect the security of individuals, a confidential written submission will provided with further elaboration.

**Question 5: (Rodgers Lubilo - Zambia)**

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

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Most Southern African countries adopt a Rights Based Approach to conservation in which conservation policies are focused on the well being and the rights of the people depending on wildlife resources for their livelihoods, as well as for species and ecosystems conservation.  These policies are underpinned by principles of restorative and social justice and go some way to addressing the injustices of the colonial period which witnessed dispossession of our local peoples rights to land and access to natural resources. They are based on pragmatic recognition that the fate of wildlife lies mainly in the hands of us, the rural citizens who live on the front-line with wild animals, and that local communities must have appropriate incentives if we are to live with and conserve dangerous animals and habitat in the face of increasing competition for land.  Provision of these incentives is ensured through recognition of the rights of citizens (particularly local rural communities) which has led to devolution of rights – the extent of devolution varies  from country to country - to manage and earn a living from the use of their natural resources, including wildlife, within sustainable, legally mandated boundaries.

The extent of devolution varies between Southern African countries and there is compelling evidence that those countries in which rights are more fully devolved are those which have been the most successful in terms of conservation.

The success of this rights based approach (commonly known throughout Southern Africa as Community Based Natural Resource Management – CBNRM) in contributing to global conservation efforts is incontrovertible. Southern Africa is one of only two places in the world where wildlife numbers and habitat for wildlife have increased – in many countries by several fold – in comparison to global losses of 84% since 1970. This increase in wildlife habitat is occurring outside of state protected areas on both communal and commercial lands. Similarly, Botswana, Namibia and Zimbabwe together house two-thirds of Africa’s elephants, and, along with South Africa, are home to over 90% of Africa’s rhino’s and these populations are steadily expanding.

In Southern Africa wildlife and its habitat remains and flourishes because the devolution of rights to rural communities has insured that wildlife and wild lands are integrated into rural economies, with the result we, the local people, are incentivized to sustainably manage and protect wildlife and wild lands in keeping with our traditions and culture.

**Question 6: (Maxi Louis - Namibia)**

*I am delivering these comments on behalf of rural community leaders  from 8 countries in the SADC region.*

 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.

Southern African communities still face many challenges in exercising our rights to make a livelihood from sustainable use of our natural resources. These barriers are largely the result of the propaganda campaigns and advocacy efforts of many international animal protectionist organisations – as distinct from credible, mainstream conservation organisations - to undermine market access for resources that our communities produce, particularly wildlife, coupled with the efforts of these same institutions to effectively expropriate our rights as African communities, in the name of concepts that are alien to us such as animal rights, and thrust exclusionary militaristic, approaches upon us which alienate us from conservation, lead to human rights abuses and undermine the notable conservation successes that we have achieved to date.

This situation is compounded by the failure of some international environmental policy making processes, notably CITES, to recognize and incorporate through specific mechanisms, rural communities as equal partners - not just one more amongst many stakeholders - in the development of policies that affect our rights to sustainably manage the natural resources on which our livelihoods depend.

Such recognition should include development and strengthening of mechanisms to enable the pro-active engagement of rural community representatives in key international policy making forums to ensure that our rights to manage and benefit from our resources are strengthened and upheld. We recognize that some multi- lateral forums, notably the CBD and UNEA, have in recent years made efforts to create space and mechanism for us to engage. However in the face of the dominance at COPs, and related meetings, by well resourced international animal rights, protectionist and special interest NGOs and their overwhelming efforts to force exclusionist conservation approaches upon our countries, which will deny us our human rights, we call upon the international community to strengthen our ability to exercise our rights and further enhance the ability of indigenous people and local communities to engage in these policy making processes.

We also note that many international animal protectionist organisations are effectively expropriating resources we rely on for our livelihoods and using these to raise vast sums of money ostensibly for conservation of individual African species (eg. elephants, lions, rhinos’s) but there is little evidence that these funds go into conservation efforts in Africa. It is widely suspected that they are instead seem diverted into propaganda campaigns, advocacy and lobbying that uphold their world view and ethical frameworks but which undermine our human rights to generate a livelihood from the sustainable use of our resources. . It should be clearly recognised that respecting the rights of individual animals comes at a high cost, that cost is the human rights of millions of rural Africans.

**Question 7: Additional protection and empowerment (Florentina Julius - Tanzania)**

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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

Whilst Southern African countries have made efforts devolve management and beneficiary rights to rural communities to enable us to generate sustainable livelihoods from natural resources, these have been piecemeal and varied both between countries and resources. So whilst there has for example, been a strong degree of devolution of rights over wildlife resources, there has been limited progress in devolution of land or forestry rights. This partial devolution should be addressed to ensure rights of marginalized people are strengthened and upheld.

In keeping with well established, tried and tested principles of Common Property Management, this should emphasise:

* Devolving and registering land and property rights for those communities who have been living with these resources for many years :
* Establishment, or strengthen existing, systems of representative and accountable community governance and ensure these local systems are nested within and supported by the framework of local and national government institutions. Local community institutions must be vested with full, recognised and upheld (de jure or de facto) rights to make decisions over their land and natural resources, including decisions on opportunity costs, and to retain 100% of income generated from their sustainable use, as they do from their cattle and crops.
* Enhancement of community management capacities through provision of required tools, information and skills development - such as land use planning and monitoring and evaluation of their resource base, development of bylaws/constitutions for community institutions – to ensure sustainable resource management and accountable and representative governance.

Where feasible, it is preferable to ensure that these elements be introduced as a consolidated ‘package’. This requires time, considerable human and financial resources and an adaptive management approach. The necessary financial resources are often not available nationally as governments have many competing development priorities and limited budgets.

Rural communities are eager to restore our ecosystem’s as we are well aware that degraded systems undermine our rights to a basic standard of living - including access to clean water, a healthy environment and sufficient nutrition - and that illegal use of natural resources (eg. Poaching of wildlife or timber) exposes us to security risks. However, it is vital that investment costs (including time and opportunity costs) of ecosystems restoration are not borne by rural communities, many ofwhom are already economically and socially marginalised. Ecosystem restoration can take many years and alternative and diversified means to generate livelihoods – eg. Sustainable agriculture, business incentives, or compensation - should be supported and introduced during the restoration phase and such opportunities be targeted to ensure women, youth and other marginalised groups are included as beneficiaries.

**Question 9 ( Jose Monteiro - Mozambique)**

*I am delivering these comments on behalf of rural community leaders  from 8 countries in the SADC region.*

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?

Despite the Africa population growth, this trend will continue for some more decades. This scenario has somehow driven some countries economic growth but at cost to the environment, biodiversity and human rights fragmentation. The international frameworks for check-and-balances are just not working, and stricter regulated local systems are required. Therefore, three urgent suggestion are presented:

* Support sustainable use under a rural economic growth perspective. As long as rights are devolved, rural communities have the rights to sustainably manage their land and natural resources based on principles of biodiversity conservation without interference. In this context, local frameworks and standards needs to in place to ensure conformity, and these such be respected in international context. This suggestion allows rural communities to commercialize, under sustainable use principles, land and nature-based products that has a potential to generate income and rapidly increase livelihood income. Communities needs to be considered as partners in a sustainable demand-and-supply chain, that yields win-win situation for the economy and environment;
* Implement a transparent and effective biodiversity compensation and insurance scheme, as a socioeconomic norm. Climate change is a clear example where rural communities are baring the consequences (which will increase in intensity and frequency) of high consumption from the high-income states. Therefore, a clear Compensation and insurance schemes needs to be in place and less bureaucratic, where resources are directly channelled to rural communities, those living in vulnerable places and those baring the consequences. These compensation and insurance schemes, needs to be calculated in a base for support resilience either under adaptation and mitigation mechanisms. Most of the compensation prices are calculated without and effective involvement of those affected. These communities need to be involved in decision-making process, their voice need to be heard, and enabling condition for it to happen need to be in place;
* High-income countries need to financial support biodiversity restoration as result of the disruption caused by high consumption. High consumption needs to be associated with an environmental and biodiversity cost (not social responsibility!) that supports the loss of opportunity cost for those people in frontline of these disruption. Consequences such as Human Wildlife Conflicts, Pandemics, and other nature-based consequences, needs to integrated in a socioeconomic and environmental debt and credit mechanism that support a balanced system, particularly for those who are forced to embrace malpractices because of weak or no livelihood alternatives.

We would also respectfully refer you the Declaration ‘Voices of the Communities: A New Deal for Rural Communities, wildlife and Natural Resources’ at https://wedocs.unep.org/bitstream/handle/20.500.11822/28513/AUWLSummit.pdf?sequence=1&isAllowed=y

We would like to express our sincere thanks to the Special Rapporteur, Dr David Boyd, for providing us with the opportunity to submit these comments.