



INTERNATIONAL CAMPAIGN FOR TIBET

BRIEFING

COP15 on Biological Diversity: Integrating a rights-based approach

Tibet-informed recommendations for the post-2020 Global Biodiversity Framework

October 2021

The post-2020 Global Biodiversity Framework (GBF) presents an opportunity to design a framework that can make meaningful and sustainable gains in biodiversity conservation. A truly meaningful gain in biodiversity conservation is the integration of a rights-based approach to the environment. As the former Special Rapporteur on human rights and the environment, John Knox argued: “Environmental harm interferes with the enjoyment of human rights, and the exercise of human rights helps to protect the environment and promote sustainable development”.¹

Our experience examining the environmental and human rights situation in Tibet confirm this mutually reinforcing relationship. In particular, the case study of Tibet’s biodiversity challenges highlight the urgent need for a practical, inclusive, and accountable Post-2020 GBF. We therefore see the GBF as a new mechanism to institutionalize human rights principles such as, the rule of law, transparency and participation, and compliance and accountability.

Based on the First-draft of the Global Biodiversity Framework (5 July 2021)² and the outcome of the 3rd open-ended working group meeting on the Post-2020 Global Biodiversity Framework³, ICT proposes four recommendations for the COP15 meeting:

1. Integrate a rights-based approach throughout the framework, as it is empowered people who can enact and sustain environmental interventions.
2. Institute strong transparency and accountability measures
3. Using the ecosystem approach, directly address the drivers of biodiversity loss
4. Calibrate the language on protected areas, noting the risks of removing local communities and excluding traditional knowledge.

¹ United Nations Human Rights Council, 24 January 2018, ‘Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment’ (A/HRC/37/59), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/017/42/PDF/G1801742.pdf?OpenElement>, page 7.

² United Nations Environment Programme, 5 July 2021, ‘Convention on Biological Diversity: First draft of the post-2020 Global Biodiversity Framework’, <https://www.cbd.int/doc/c/abb5/591f/2e46096d3f0330b08ce87a45/wg2020-03-03-en.pdf>.

³ United Nations Environment Programme, 3 September 2021, ‘Convention on Biological Diversity: Report on the open-ended working group on the post-2020 Global Biodiversity Framework on its Third meeting (Part 1)’, (CBD/W2020/3/4), <https://www.cbd.int/doc/c/40c1/694c/45103add26c879cdcd0db6ce/wg2020-03-04-en.pdf>.



SUMMARY: Recommendations for Global Biodiversity Framework

I. INTRODUCTION	
A. Background	Add the bolded text to the end of the paragraph: “The post-2020 framework utilises the ecosystem approach to biodiversity management, which recognises the multiple components and dynamics of an ecosystem (including humans), and seeks to balance the use and conservation of biological diversity.”
D. Theory of change	Add explicit references to a rights-based approach
Paragraph 7	Add a definition of a rights-based approach
II. THE FRAMEWORK	
G) 2030 Action targets	
1. Reducing threats to biodiversity	
Target 1	Ensure that all land and sea areas globally are under integrated biodiversity-inclusive spatial planning addressing land- and sea-use change, based on the ecosystem approach , retaining existing intact and wilderness areas and respecting the interests and rights of indigenous peoples and local communities.
Target 3	Ensure that at least 30 per cent globally of land areas and of sea areas, especially areas of particular importance for biodiversity and its contributions to people, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes, with special emphasis on the participation and input of those most directly affected.
Target 4	Ensure active management actions to enable the recovery and conservation of species and the genetic diversity of wild and domesticated species, including through ex situ conservation, and effectively manage human-wildlife interactions to avoid or reduce human-wildlife conflict by involving and using the traditional environment knowledge of local communities.
New target	“Reduce or ban destructive urbanisation and extractive industries in biodiversity hotspots and require strict reporting for development plans in biodiversity hotspot areas.”
b) Meeting people’s needs through sustainable use and benefit-sharing	
New target	“Increase the number of benefits shared by IPLCs and the protection of all IPLCs to free, prior and informed consent.”
c) Tools and solutions for implementation and mainstreaming	
Target 20	Ensure that relevant knowledge, including the traditional knowledge, innovations and practices of indigenous peoples and local communities with their free, prior, and informed consent, guides underpin decision-making for the effective implementation and monitoring of the framework , enabling monitoring, and by promoting awareness, education and research including by cultivating and institutionally engaging with traditional knowledge holders.
Target 21	Ensure legally protected rights to equitable and effective participation in decision-making at all levels related to biodiversity by indigenous peoples and local communities, and respect their rights over lands, territories and resources, as well as by women and girls, and youth.
New Target	Ensure public access to information and periodic reporting on progress and challenges, as well as avenues for seeking environmental remedy and justice.



1. Promote and integrate a rights-based approach, as it is people who can enact and sustain environmental interventions

To meaningfully and sustainably address biodiversity loss, the GBF should strengthen the links between nature, people and culture, as it is people guided by their cultural values, who can enact and sustain environmental interventions. This can be achieved by integrating the human rights-based approach into the Global Biodiversity Framework. As the former Special Rapporteur for human rights and the environment, John Knox noted:

“Human Rights and environmental protection are interdependent: A safe, clean, healthy and sustainable environment is necessary for the full enjoyment of a vast range of human rights, including the rights to life, health, food, water and development. At the same time, **the exercise of human rights, including the rights to information, participation and remedy, is vital to the protection of the environment.**”⁴

“Ensuring that those most affected can obtain information, freely express their views and participate in the decision-making process, for example, makes policies more legitimate, coherent, robust and sustainable.”⁵

Defining a rights-based approach

The rights-based approach to the environment empowers those who are impacted by the effects of environmental degradation to improve environmental outcomes and supports state actors to fulfil their obligations with respect to the environment.⁶ The approach is based on the rights-based approach commonly applied to human development. It draws on international human rights standards and laws (such as all civil, cultural, economic, political and social rights) and is guided by the principles of equality and non-discrimination, participation and empowerment, and transparency and accountability.⁷ The principle of do no harm can also be included.⁸

States have a duty to protect against environmental harm in order to protect against effects of such harm on human rights. States also have a duty to ensure that people affected by potential harm have information about that harm, that they have the right to participate in decision making and that they have access to effective remedies. A human rights-based approach requires not only remedial action but also forward looking preventative action, taken with input and knowledge of local residents.

⁴ United Nations, 24 January 2018, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment' (A/HRC/37/59), <https://undocs.org/en/A/HRC/37/59>, page 2.

⁵ Ibid., page 20.

⁶ United Nations Sustainable Development Group, 2021, 'Universal Values, Principle One: Human Rights-Based Approach', <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>.

⁷ Ibid., United Nations Sustainable Development Group, 2021.

⁸ Laura Schafer, Vera Kunzel, and Pia Jorks, 29 September 2020, 'A Human Rights-based Approach to Climate and Disaster Risk Financing,' <https://germanwatch.org/sites/germanwatch.org/files/Human%20Rights%20Based%20Approach%20to%20CDRF.pdf>.



Actions: Add bolded text

- A reference to a rights-based approach (RBA) only appears in paragraph seven of the introduction (theory of change), where it states: the Framework “will be implemented taking a rights-based approach and recognizing the principle of intergenerational equity”⁹ We recommend promoting and integrating the rights-based approach by including a clear definition of the rights-based approach in paragraph seven, as well as explicit references to the RBA in the Theory of Change, where there is only a consideration for meeting human needs.
- Integrate indigenous peoples and local communities (IPLCs) as strategic partners and not just stakeholders. This value is reflected in paragraph 14 (a) of section ‘G: Enabling conditions’, but is not proportionately reflected in any of the targets. This can be remedied by:
 - Create a new target in “section B: meeting people’s needs through sustainable use and benefit-sharing” requiring an increase in **“the number of benefits shared by IPLCs and the protection of the right of all IPLCs to free, prior and informed consent.”**
 - Target 21: Add a requirement to protect right to equitable participation and decision-making through legal protections. This is essential, as the indicators used to measure target 21 predominantly focus on land tenure, and does not specifically hold countries accountable for the ensuring the right to participation of local groups of distinct ethnic, cultural or religious background.¹⁰
- Emphasise the importance of and prioritise the use of traditional knowledge, including the preservation of traditional languages which stores traditional knowledge. The role of language in transmitting knowledge and values associated with biodiversity is acknowledged in 14(d) of section ‘G: Enabling conditions’ and peripherally acknowledged in target 20. The indicators for target 20 do not mention consultation with sources of traditional and local knowledge. We therefore recommend adding the following bolded text to relevant targets:
 - Target 4: Ensure active management actions to enable the recovery and conservation of species and the genetic diversity of wild and domesticated species, including through ex situ conservation, and effectively manage human-wildlife interactions to avoid or reduce human-wildlife conflict by **involving and using the traditional environment knowledge of local communities.**
 - Target 20: Ensure that relevant knowledge, including the traditional knowledge, innovations and practices of indigenous peoples and local communities with their free, prior, and informed consent, ~~guides underpin decision-making for~~ **the effective implementation and monitoring of the framework, enabling monitoring, and by promoting awareness, education and research including by cultivating and institutionally engaging with traditional knowledge holders.**

9 Op. Cit., ‘Convention on Biological Diversity: Update Of the zero draft of the post-2020 Global Biodiversity Framework,’ Annex: The post-2020 Global Biodiversity Framework, Section I, paragraph 7.

10 UN Environment Programme, 25 November 2020, ‘Post-2020 Global Biodiversity Framework: Scientific and Technical Information to support the review of the updated goals and targets, and related indicators and baselines’ (CBD/SBSTTA/24/3Add.1), <https://www.cbd.int/doc/c/ddf4/06ce/f004afa32d48740b6c21ab98/sbstta-24-03-add1-en.pdf>.



2. Institute strong transparency and accountability mechanisms

Create more access points for non-state actors to participate in the planning, implementation, and monitoring mechanisms which ensure transparency and accountability. Transparency and accountability is important for ensuring that states follow clear and publicly known rules, and that citizens can access information, submit complaints and seek effective remedy when states have failed to fulfil their duties.

While section G on 'Enabling conditions' extolls a whole-of-society approach (including the participations of IPLCs, NGOs, youth, civil society, academia, and more) to participation, no targets or indicators reflect the importance of these enabling conditions in the planning, implementation and monitoring stages of biodiversity management. While target 21 mentions "equitable and effective participation in decision-making related to biodiversity", it does not ensure processes exist for non-state groups to request transparency, raise concerns, or seek remedies.

Action: Add bolded text

- Create a new target under 'Tools and solutions for implementation and mainstreaming': **Ensure public access to information and periodic reporting on progress and challenges, as well as avenues for seeking environmental remedy and justice.**

3. Using the ecosystem approach, address the drivers of biodiversity loss

It is of serious concern that the targets in the GBF only address the symptoms of biodiversity loss and not the underlying causes, such as investment in extractive industries, infrastructure, and eco-tourism policies that enclose lands from traditional residents. Such a holistic response is captured by the ecosystem approach, which recognises that biodiversity is one component of an ecosystem that has its own structure, multiple functions, and dynamics. The ecosystems approach is also upfront in recognising that ecosystem management is a social process that must balance the competing interests of biological diversity conservation and use.¹¹

Action: Add bolded text

- Add the following text to the "1. Background": **"The post-2020 framework utilises the ecosystem approach to biodiversity management, which recognises the multiple components and dynamics of an ecosystem (including humans), and seeks to balance the use and conservation of biological diversity."**
- Create a new target under 'Reducing threats to biodiversity': **"Reduce or ban destructive urbanisation and extractive industries in biodiversity hotspots and require strict reporting for development plans in biodiversity hotspot areas."**

¹¹ Shepherd, Gill. (2004). The Ecosystem Approach: Five Steps to Implementation. IUCN, Gland, Switzerland and Cambridge, UK, <https://portals.iucn.org/library/sites/library/files/documents/CEM-003.pdf>.

4. Calibrate the language on protected areas

The top-down practice of creating protected areas can be highly problematic as the designation of a protected area *can* and *has* been used as political tools to remove indigenous people and local communities off their lands. Protected areas can also harm environmental management efforts by detaching local residents from their land and erasing the environmental knowledge, relationships and experience that have been accumulated over generations. The promotion of protected areas needs to be carefully articulated, as how protected areas are defined and managed matters most.

Action: Added bolded text

- Target 3: Ensure that at least 30 per cent globally of land areas and of sea areas, especially areas of particular importance for biodiversity and its contributions to people, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes, **with special emphasis on the participation and input of those most directly affected.**

Case Study: The Tibetan experience

The Tibetan Plateau is a distinct geographical region located about 4,000m above sea level. The plateau spans 2.5 million square kilometers and constitutes one quarter of the People's Republic of China. The Tibetan Plateau deserves particular environmental attention and concern, as it is a fragile and unique ecosystem of regional importance, which has historically enjoyed protection by natural geographic barriers and approximately six million Tibetan inhabitants whose animistic and Buddhist traditions have promoted coexistence with nature.

This however changed with the occupation of Tibet by the PRC in 1949/50. China's re-engineering of the Tibetan landscape through large infrastructure projects, resource extraction, nomad relocation and enclosed parks has expanded the human footprint, marginalized traditional inhabitants and significantly altered the ecosystem. China's unchecked development projects have magnified the causes and effects of climate change, with temperatures on the plateau rising at least twice as fast as the global average. Changes in the ecosystem have serious ramifications for the region's three biodiversity hotspots, monsoon system, and major rivers that support 1.4 billion people. Scientific research and engagement with local Tibetans is urgently required to improve our understanding of the ecosystem and to facilitate sustainable local solutions.

In China, and in Tibet in particular, we have observed that protected sites have ignored key and real areas of biodiversity, disregarded connectivity issues and excluded local knowledge and people from biodiversity management to the detriment of both human wellbeing and the environment.

The conservation of the Tibetan plateau's biodiversity is urgently needed to ensure that ecosystems remain stable, productive and resilient to environmental stress. Biodiverse ecosystems also ensure the healthy provision of the ecosystems services and natural resources that support at least 1.4 billion people in the region.





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