



TOWARDS POST-2020 EXPERTISE ON #34

CONNECTING THE DOTS BETWEEN BIODIVERSITY CONSERVATION, EQUITY AND JUSTICE



“THE BIGGEST CHANGE I HAVE SEEN OVER THE LAST 20 YEARS IS THE GROWING RECOGNITION OF A FACT THAT THOSE LIVING CLOSEST TO NATURE AND WILDLIFE HAVE ALWAYS KNOWN: THAT PEOPLE AND NATURE MUST COEXIST. THIS HAS RESULTED IN A SHIFT TO A MORE PEOPLE-CENTRED AND RIGHTS-BASED CONSERVATION APPROACH.”

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Better reflecting the multi-faceted concepts of equity and justice in the Post-2020 Global Biodiversity Framework (GBF) will be vital in achieving an equitable, carbon-neutral and nature positive world. This paper identifies the gaps for a complete and enhanced integration of these concepts in the GBF.

Authors such as Chan and Satterfield early pointed out that the struggle to sustain biodiversity is a struggle for justice and equity, a struggle to treat others fairly where those others include existing people, as well as future generations and non-human organisms¹.

The Convention on Biological Diversity (CBD) is an environmental treaty. Its origins lie in a concern for the conservation of Nature. It has always had a concern for socioeconomic issues, reflecting the international attention being afforded to sustainable development at the time it was being discussed, and increasing recognition of the interconnectedness between environmental, economic, and social agendas. From the very outset, the CBD has demonstrated concern about equity and justice – from various perspectives, including equity between different countries, between different generations and different people. Equity is, however, a complex concept which has, at times, been challenging to define and implement in the context of biodiversity conservation.



Batwa villagers on the edge of Bwindi NP Uganda
© Lesley King

1. ATTENTION TO EQUITY IN THE CBD: A BRIEF OVERVIEW

Equity is embedded in the three objectives of the Convention. The Nagoya Protocol, adopted in 2010, elaborates on the concept and process behind one of the three objectives – the fair and equitable sharing of benefits arising from utilising genetic resources. There is no similar formalisation of what equity means in the context of the other two objectives of the Convention – conservation and sustainable use. Nevertheless, different aspects of equity are reflected in the Convention text, and multiple decisions, programmes of work and guidelines produced by the Convention. Inter-generational equity², for example, is implicit in the Convention's definition of sustainable use. In contrast, equity of recognition is demonstrated in the focus of Articles 8(j) and 10 (c) on IPLCs knowledge, rights, and lifestyles.

Different aspects of equity are also evident in the Ecosystem Approach, which was adopted at the second Conference of Parties (CoP) in 1995 and is defined as “a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way.”³. CoP7 in 2000 adopted a set of key principles and operational guidelines for the Ecosystem Approach, including mention of the need for, among other things, equitable access to information, equitable sharing of costs and benefits, and inter-generational equity. The CBD has also emphasised gender equity. Highlighted by Lau (2020)⁴ as “a key consideration for equitable and effective biodiversity conservation practice”, this priority is reflected in two successive CBD Gender Action Plans adopted in 2008 and 2015.

However, it is perhaps not surprising that it is within the context of protected areas (PAs) that most discussion on equity has occurred. PAs are described by the CBD as “the cornerstones of biodiversity conservation”⁵ and supporting the delivery of the SDGs⁶. It suggested that Parties should, amongst other things: (a) assess the costs and benefits of PAs, especially for IPLCS; (b) mitigate costs and equitably share benefits; (c) involve IPLCs in PA planning and governance. The Aichi Targets adopted at CoP10 in 2010 built on the PoWPA included the effective and equitable management of protected areas as a specific target (Target 11).

Despite the affirmation of equity as an important issue for the CBD – as evidenced by the over 100 decisions that have been taken at successive CoPs referring to it – progress in delivering on commitments has been slow or hard to measure. For example, an in-depth review of the implementation of the PoWPA undertaken in 2010⁷ identified the goal on equity and benefit-sharing

as one in need of greater attention. Meanwhile, Global Biodiversity Outlook 5 (SCBD 2020)⁸ noted that there is no comprehensive global indicator to assess the proportion of protected areas that are equitably managed.

Despite these challenges, throughout the negotiation of the GBF, increasing attention has been drawn to the need to address equity better to drive the transformation required to achieve the 2050 vision of ‘Living in Harmony with Nature’. The IPBES Global Assessment (IPBES 2019)⁹ highlighted that the transformative change needed to halt biodiversity loss will require inclusive governance that reflects a plurality of values and ensures equity. A report of the CBD Thematic Workshop on Human Rights (February 2020)¹⁰ further elaborated this point, noting that “In order to bend the curve of biodiversity loss, we need to bend the curve of inequality. The Post-2020 Global Biodiversity Framework must deal better with governance, human rights and equitable sharing of benefits and costs.” We discuss how this might happen in the final stages of negotiations below.

“A MORE INCLUSIVE, JUST AND SUSTAINABLE APPROACH TO SAFEGUARDING AND RESTORING BIODIVERSITY IS AN OBLIGATION, NOT AN OPTION.”

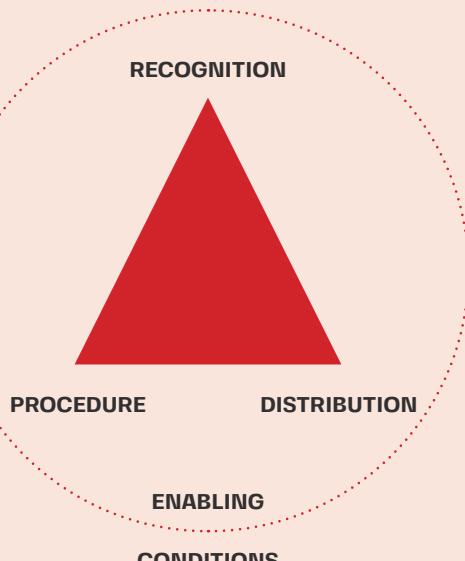
David Boyd, UN Special Rapporteur on Human Rights and the Environment

2. THE MULTIPLE DIMENSIONS OF EQUITY AND JUSTICE IN THE BIODIVERSITY AREA

Equity is a poorly defined concept but is essentially about fairness in terms of the process and outcomes of decision-making. A recent paper on equity in the context of marine conservation (Bennett et al. 2021¹¹) describes how it draws from a long history of scholarship on environmental and social justice. Additionally, and in the context of conservation, the two terms – equity and justice – are often used interchangeably. The fundamental point to note is that equity is a multi-dimensional concept. Academic framings of equity and justice highlight three key dimensions: distribution, procedure, and recognition. All three are reflected in the CBD Voluntary Guidance on effective and equitable governance models for PAs, adopted at CoP14 in 2018.



THE THREE DIMENSIONS OF EQUITY EMBEDDED WITHIN A SET OF ENABLING CONDITIONS



Source: Adapted from McDermott et al. (2013) and Pascual (2014)¹²

Members of the community finalise the zoning and Plan de Vida of the Tacana II indigenous territory, Bolivia
© Teresa Morales (ACEAA-Conservación Amazónica).

¹² McDermott et al. (2013). Examining equity: A multidimensional framework for assessing equity in payments for ecosystem service. *Environmental Science and Policy* 33: 416–427; and Pascual et al. (2014). Social equity matters in payments for ecosystem services. *Bioscience* 64(11) 1027–1036.

¹³ Borrini-Feyerabend, G.; Kothari, A. and Oviedo, G (2004) Indigenous and Local Communities and Protected Areas: Towards Equity and Enhanced Conservation. IUCN,

¹⁴ Post-2020 Partnership <https://cutt.ly/ETD6BQd>

Inequities and injustices can arise in all three dimensions of equity in the context of biodiversity. For example, the immediate impacts of biodiversity loss, like climate change, disproportionately affect poor and rural communities who are most directly dependent on natural resources and ecosystems services for their livelihoods (distribution). Efforts to take remedial action against biodiversity loss and to conserve or protect biodiversity can, however, also have adverse effects on poor and/or marginalised communities (distribution) if, for example, their rights to land and resources are ignored (recognition) or they are excluded from decision-making or access to information about the intervention (procedure). Borrini-Feyerabend et al. (2004)¹³ note that “there is ample field-based evidence that conventional conservation initiatives have harmed many communities, including some among the world’s poorest and most marginalised” and argue that equity is critical for both practical reasons – in terms of gaining long-term support for conservation – and for moral reasons. It is also important to note that there are also increasing cases of local people and other environmental defenders bearing the cost of protecting nature and being affected by violence and repression.

3. RAISING THE PROFILE OF EQUITY AND JUSTICE IN THE POST-2020 GBF

Ahead of the Biodiversity Summit at the UN General Assembly in 2020, civil society organisations that were part of the “Post-2020 Partnership”¹⁴ issued a call to world leaders to aim for the highest levels of ambition for the Post 2020 GBF in order to secure an “equitable, carbon-neutral, nature-positive world”.

The zero draft of the GBF included some of the basic building blocks of equity. The Theory of Change, for example, emphasised the need for a rights-based approach to conservation – but little explicit language followed in the targets. Draft One was considerably strengthened: Target 3 has reinserted language around equitable management of PAs; Goal C and Target 13 reiterates the need for fair and equitable sharing of benefits from genetic resources; and Target 21 highlights the need to “Ensure equitable and effective participation in decision-making 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.” Nevertheless, more still needs to be done if it is to be transformational.

The table below summarises some areas where the GBF could be further strengthened for each dimension of equity.

In addition to these three core dimensions of equity, the enabling conditions in which they are embedded are sometimes referred to as **contextual** equity, described by Bennett et al. (2021) as the surrounding social, economic, and political conditions that influence people’s status and the structures that enable or undermine people’s ability to achieve equity. Meanwhile, in discussions on justice, an additional concern is **restorative** justice, which emphasises repairing any negative harms associated with biodiversity conservation and establishes mechanisms to resolve how to deal with the aftermath of experienced injustices, for both present and future generations.

LAND RIGHTS IN THE GBF

Sunday September 5th, 2021



Discussions on equity on the GBF taking place at the IUCN World Conservation Congress Post-2020 Partnership Pavilion.
© Dilys Roe

¹⁵ See Expertise on #19 – Building Transparency and Accountability for Delivering Global biodiversity Goals. <https://cutt.ly/mTD6iQ6>

Cover photo
Women from Luano Game Management Area in Zambia, participating in a Site Level Governance and Equity Assessment (SAGE)
© Phil Franks

TOGETHER
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TOWARDS
A GLOBAL
DEAL FOR
NATURE &
PEOPLE

ENHANCING DIFFERENT DIMENSIONS OF EQUITY IN THE GBF – SUGGESTIONS FOR ACTION

RECOGNITION

Strengthen recognition of IPLCs role in conservation and ensure respect of their rights to land and resources. Very few of the targets explicitly recognise IPLCs knowledge and traditional practices, despite a key finding in the IPBES Global Assessment that they are the most effective stewards of biodiversity (IPBES 2019).

Ensure that the rights of women, youth, and often marginalised groups, are more strongly reflected across the framework. Youth, in particular, have been vocal in discussions about the GBF and their inclusion promotes intergenerational equity, ensuring decisions are fair for current and future generations.

Include specific references to human rights. Currently, nowhere in the GBF is there a commitment to respecting and protecting human rights that are already defined in international law. If the language of “rights-based approaches” is retained it should be framed clearly (human, civil and site-specific rights, rights of environmental de-fenders, etc.).

DISTRIBUTION

Promote equitable access to biodiversity finance. Target 19 suggests increasing the flow from developed to developing countries by at least \$10bn/year. However, there is no clear plan for ensuring this is delivered and, critically, for ensuring it reaches the most adequate and efficient level for the implementation of the GBF.

The Human Rights Council has recently approved the Right to a Healthy Environment to be adopted as a universal human right. This development could be reflected in the final GBF paving the way for enhanced intra and intergenerational equity.

PROCEDURE

Embed procedural equity (including participation in decision-making, accountability, and dispute resolution) in the GBF enabling conditions.

Need to ensure that IPLCs and other relevant Non-State Actors are engaged through the development and implementation of the GBF and their knowledge, good practices and skills recognised.

The GBF makes no mention of access to justice which is a major impediment to procedural equity. The GBF could contribute to SDG 16 in addressing this issue in the context of biodiversity conservation and sustainable use.

Accountability¹⁵ is a fundamental procedural right. Yet it is missing as such in the GBF while the Leaders' Pledge for Nature refers to “meaningful action and mutual accountability”.

4. POSITIVE SIGNS OF PROGRESS

Numerous assessments and analyses have now concluded that we need a transformative shift in our relationship with nature to create a positive world for nature and people – not one pitted against the other but one in harmony. To date, the global community has failed to meet any of the global biodiversity goals and targets that have been set. We need a change from “conservation as usual” to a “conservation unusual” that is more inclusive, equitable and sustainable. The evidence is clear that indigenous peoples, local communities, farmers and fisherfolk, women and youth are all key partners in protecting and restoring nature, and for the sustainable use of biodiversity. As it stands, the GBF could improve how it reflects their importance. Ongoing discussions around the draft GBF show progress is being made. Moreover, beyond the GBF additional commitments including the Leaders' Pledge for Nature – which prioritises a green

and just recovery from the Covid-19 pandemic, the prioritisation of nature in climate change negotiations, the increasing recognition and respect afforded to IPLCs and other Non-State Actors, and the recent acknowledgement that we all have a human right to a clean environment are clear signs of hope. Recent commitments by philanthropists to finance the achievement of the 30% of PAs by 2030 target are a clear sign that this must be led in partnership with IPLCs and with full respect for their rights. Furthermore, calls are now increasing to ensure increased biodiversity financing is directed to the most relevant level for implementation – i.e., the local one.

We are now reasonably close to having the right words in place to achieve an equitable, nature positive world. What will be more important than getting the words right will be ensuring implementation and accountability for action.

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