

## **Conserving Biodiversity, Respecting Rights: BirdLife's Position**

### **About BirdLife International**

BirdLife International is a global Partnership of conservation organisations that strives to conserve birds, their habitats and global biodiversity, working with people towards sustainability in the use of natural resources. BirdLife Partners are grassroots, national, non-governmental organisations that are governed by a democratic body. Through its structure and procedures the BirdLife Partnership engages civil society in conservation and sustainable development issues at local, national, regional and global levels, in a participatory and transparent way.

BirdLife believes that humans have a moral duty, and often a legal one, to conserve birds and biodiversity, prevent extinctions and live within the ecological limits of our planet. The future welfare of people everywhere is intimately dependent on the health of the Earth's ecosystems and the goods and services they provide. The functioning of those ecosystems is underpinned by biodiversity — the complex interactions of living organisms which together supply provisions, support production, regulate ecosystems and provide cultural, spiritual and recreational benefits. The UN Convention on Biological Diversity sets out the principle that the conservation of biodiversity is a common concern of humankind<sup>i</sup>, a view that BirdLife shares. As well as their intrinsic value, as species that share the planet with us, birds provide an important focus because they are beautiful, they inspire people and because they occur and are valued internationally — they are excellent flagships and vital environmental indicators. By focusing on birds, and the sites and habitats on which they depend, the BirdLife Partnership is working to conserve all nature, and for the benefit of people.

BirdLife's approach everywhere is to work with people for more effective conservation. From an entirely practical point of view, experience shows that conservation is more effective with the engagement and support of local people. BirdLife works alongside local communities, adapting conservation measures to the local social, economic, environmental, cultural and legal circumstances, helping to integrate conservation with social development, livelihood security and human wellbeing, for the benefit of people and biodiversity – addressing people's right to development, and their right to a healthy environment.

### **The Environment, Conservation and Rights**

The environment is essential to human wellbeing. The goods and services provided by a healthy environment influence peoples' incomes, health, nutrition, vulnerability and cultural and social identity. Reflecting this, the right to a healthy environment is recognised in a number of international human rights instruments<sup>ii</sup> and nationally in many constitutions and laws<sup>iii</sup>.

Conservation of biodiversity and the sustainable use of ecosystems concerns the way natural resources are managed and used – as sources of goods, sinks (for wastes) and for the provision of services. As a conservation organisation, BirdLife's objective is to maximise the long-term benefit of nature for all, including future generations. The responsibility of the present to future generations is widely recognised, whereby "each generation inheriting the Earth temporarily shall take care to use natural resources reasonably and ensure that life is not prejudiced by harmful modifications of the ecosystems"<sup>iv</sup>.

Achieving this is a fundamental aim of conservation, which must also balance the freedoms of the individual with the wider rights of society<sup>v</sup>; and seek solutions within a broad understanding of the relationship between society and nature (including the rights of other species with which we share the Earth). These freedoms and rights must be balanced everywhere in the world, as we all ultimately depend on the environment. However, whilst BirdLife respects the UNDHR we do not subscribe to an interpretation which allows individuals to destroy nature at the expense of wider society, future generations, or nature itself.

Where there are positive linkages between human rights and conservation, BirdLife aims to enhance these through its projects and programmes. BirdLife acts in good faith to achieve biodiversity conservation with social justice; to contribute to the realisation of human rights through its conservation programmes; and strives to avoid harming the most vulnerable people. To this end BirdLife implements initiatives that integrate the sustainable management of biodiversity with the provision of basic, subsistence rights.

These initiatives may include improving access to food and water; raising levels of education, health, employment and incomes; building skills; developing livelihood alternatives that facilitate greater resilience and resource protection and which incentivise sustainable management; and enhancing mental and cultural wellbeing. Through its support for grass-roots participation and good governance of natural resources

BirdLife also supports people's procedural rights, enabling civil society participation, effective partnerships, transparency, provision of information and a voice in decision-making.

### **Conservation and the Rights of Poor People**

Poor people often rely most directly and immediately on environmental goods and services, and BirdLife Partners are active in some of the poorest countries in the world. In many of the developing countries where BirdLife works, meeting immediate basic needs and alleviating poverty are top of the list of priorities for local people and governments. At large spatial scale there is a correlation between human population density and areas of unique or irreplaceable biodiversity. These conditions set the context in which conservation must operate in many places.

The relationship between poverty and conservation is complex and often situation-specific. As stated above, conserving the lands and resources on which local people depend can contribute to the realisation of many fundamental human rights. On the other hand, realisation of rights (including alleviation of poverty) may enable more effective conservation outcomes. However, the interests of nature and the interests of individuals may not always be aligned – win-win situations are not always possible. Those potentially affected must have the chance to participate fully in the decision-making process, and, where appropriate, it is essential to provide adequate compensation or alternatives.

Inequities can and do arise whereby the costs of conservation fall mainly on local, poor people, who have limited access to legal redress, while others, further away, gain most of the benefits (eg - from certain ecosystem services), or where compensation for restrictions imposed by conservation measures are inadequate or fail to reach those most affected. BirdLife is working to address the urgent need to stem the loss of biodiversity, whilst also working at national and global levels to help resolve the deep economic and political problems causing injustices such as these.

### **BirdLife's Commitment**

BirdLife **reaffirms** its commitment to support the basic and procedural rights of the individual within its sphere of influence, and within a framework that brings these rights alongside those of future generations, wider society, and other species. BirdLife will:

- respect internationally proclaimed human rights as contained in the Universal Declaration on Human Rights;
- support and promote the realisation of human rights wherever appropriate within the scope of our conservation programmes;
- strive to avoid harming the most vulnerable<sup>vi</sup>;
- and promote the improvement of governance systems that can secure the rights of local people, as they relate to conservation and the ecologically sustainable use of natural resources.

BirdLife is a Partnership of autonomous, grassroots conservation organisations. Thus this commitment will be implemented by individual BirdLife Partners in a way appropriate to national and local social, cultural and economic circumstances. In support of this commitment BirdLife will collectively develop guidance for the practical implementation, in varying situations, of conservation action that supports human rights, drawing on case studies of how this issue has been handled across the Partnership, and sharing the lessons from Partners' experience. As a participant in the Conservation Initiative on Human Rights (CIHR), BirdLife will explore how best to put in place accountability measures suited to the diverse contexts in which BirdLife is working.

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## NOTES

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<sup>i</sup> Secretariat of the Convention on Biological Diversity (2000) *Sustaining life on Earth: How the Convention on Biological Diversity promotes nature and human well-being*. CBD Secretariat, Montreal, Canada.

<sup>ii</sup> The 1988 Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, states (Article 11) that:

1. everyone shall have the right to live in a healthy environment and to have access to basic public services;

2. the States Parties shall promote the protection, preservation, and improvement of the environment.

In Africa, the 1981 African Charter on Human and Peoples' Rights, likewise, provides (Article 24) that "all peoples shall have the right to a general satisfactory environment favourable to their development."

At global level, the 1966 UN International Covenant on Economic, Social and Cultural Rights (ICESR) recognises "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health" (Article 12) and notes that "the steps to be taken by the States Parties to the present Covenant to achieve the full realisation of this right shall include those necessary for . . . (b) The improvement of all aspects of environmental and industrial hygiene". Also at international level, Principle 1 of the Stockholm Declaration (a product of the Stockholm Conference in 1972) linked environmental protection to human rights norms, stating: "Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well being, and he bears a solemn responsibility to protect and improve the environment for present and future generations".

<sup>iii</sup> For example, South Africa's Constitution stipulates that: "Everyone has the right (a) to an environment that is not harmful to their health or well being; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development".

Similarly, the Constitution of the Republic of Seychelles contains Article 38 on the right to a safe environment, whereby "The state recognises the right of every person to live in and enjoy a clean, healthy and ecologically balanced environment and with a view to ensuring the effective realisation of this right the state undertakes (a) to take measures to promote the protection, preservation and improvement of the environment; (b) to ensure a sustainable socio-economic development of Seychelles by a judicious use and management of the resources of Seychelles; (c) to promote public awareness of the need to protect, preserve and improve the environment".

<sup>iv</sup> Article 4 of the Universal Declaration on the Responsibilities of the Present Generation towards Future Generations (1997).

<sup>v</sup> Universal Declaration of Human Rights, Article 29 (2): "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

<sup>vi</sup> BirdLife works in many political and social environments, where we may have little or no control or influence over circumstances at national and local level. However, BirdLife will work to ensure the most vulnerable are fairly and justly heard and represented.