



**Annual Report:
Biodiversity and Human Rights;
and Country Visit to Madagascar**

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Statement

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Excellencies, distinguished delegates, ladies and gentlemen, today, I present a report on the human rights obligations relating to the conservation and sustainable use of biological diversity. Biodiversity includes not only the millions of species of plants and animals. It also includes the genetic variations within species, and the many different ecosystems that make up the global environment, such as forests, wetlands, deserts, rivers, and oceans.

The main message of the report is simple: The full enjoyment of human rights depends on healthy ecosystems, and healthy ecosystems depend on biodiversity. The full enjoyment of human rights thus depends on biodiversity, and the loss of biodiversity undermines our ability to enjoy our human rights, including the rights to life and health, to food and water, and to cultural life.

For example, biodiversity supports the rights to life and health because, among other reasons, the development of human immune systems depends on exposure in childhood to bio-diverse surroundings; biodiversity also helps to protect us against certain diseases that are transmitted from animals to humans; and biodiversity provides a treasure house of sources of medicinal drugs, many of which remain unexplored. Our debt to nature is particularly great with respect to antibiotics and anti-cancer medications. To take just one of thousands of examples, the leading treatment for childhood leukemia was derived from the rosy periwinkle, a flower used as a traditional medicine in Madagascar.

Biodiversity is also integral to the full enjoyment of the rights to food and water. Greater diversity makes fisheries and commercial crops more productive, more stable, and more resilient to disasters and to climate change. Diverse animal, plant, and algae species help to filter water,

including of toxic substances. A famous example is Lake Baikal in the Russian Federation, where crustaceans the size of poppy seeds keep the water clear by ingesting pollutants as well as food. In the words of a local environmentalist, they are “the heroes of the lake”.

To protect and promote the full enjoyment of these and other rights that depend on biodiversity, it is necessary to protect biodiversity. As in other areas of human rights and the environment, the human rights duties can be categorized as procedural obligations, substantive obligations, and obligations relating to those who are most vulnerable.

Procedurally, before a State grants a concession for exploitation of a forest, authorizes a dam, or takes other steps that allow the degradation of biodiversity, it should assess the impacts of the proposal, provide information about its possible effects, facilitate public participation in the decision-making process, and provide access to effective legal remedies for those who claim that their rights have been violated. Many of your governments have sent me examples of procedural safeguards and innovations at the national level. I have made all of the contributions available on the UN website, and I encourage you to review them.

However, many shortcomings still remain. Perhaps the most egregious problem is the continuing failure to protect environmental human rights defenders. In 2015 alone, there were 185 confirmed killings of environmental defenders around the world. Countless others are subjected to violence, unlawful detention, or other types of harassment. Governments must do better at responding to threats, investigating violations, and arresting those responsible. Moreover, States must ensure that their laws do not criminalize peaceful protests and opposition, or otherwise restrict or prohibit the work of environmental defenders.

Substantively, human rights law does not require that ecosystems remain untouched by human hands. Economic and social development depends on the use of ecosystems, including, in appropriate cases, the conversion of natural ecosystems such as forests into human-managed ecosystems such as pastures and cropland. As States have recognized, however, this development cannot overexploit natural ecosystems. In Sustainable Development Goal 15, States committed to “protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss”.

Under the Convention on Biological Diversity, States have adopted a comprehensive strategic plan for the decade 2011-2020, which sets out the Aichi Biodiversity Targets. For example, target 5 is to at least halve the rate of loss of all natural habitats, including forests, by 2020.

But States are not meeting the goals they have set for themselves. The drivers of biodiversity loss continue, including habitat destruction, poaching, and pollution. Of the 56 components of the Aichi Targets, States were on pace to meet only five, as of 2014. And in December 2016, the Conference of the Parties to the Convention stated that “only a minority of parties have established targets [in their national biodiversity strategies and action plans] with a level of ambition and scope commensurate with the Aichi Biodiversity Targets”.

One unmistakable sign of the failure to safeguard biodiversity is the increasing loss of animal and plant species. We are well on our way to the sixth global extinction of species in the history of the world. The last global extinction occurred 66 million years ago, when an asteroid ten kilometers wide struck the planet, altering the climate and destroying the dinosaurs and three-quarters of all species on Earth. This time, we are the asteroid. We are bringing this catastrophe upon ourselves.

Over the past 40 years, the population of vertebrate animals on the planet has declined by more than fifty percent. On current trends, the decline will be two-thirds by 2020. According to the International Union for the Conservation of Nature, 13 per cent of bird species, 25 per cent of mammals, 33 per cent of corals, and over 40 per cent of amphibians are threatened with extinction. Over 2000 species are critically endangered, which means that they face “an extremely high risk of extinction in the wild.”

Some of the best-known animals in the world are at perilously low numbers. Even with some recent gains, there are fewer than 6,000 black rhinos, fewer than 3,000 Bengal tigers, and fewer than 2,000 giant pandas left in the wild. But we are also losing species before we even know them. Only a small fraction of the hundreds of thousands of plant species have been studied for their medicinal potential, and even plants known to be valuable are often at risk. As many as 40 per cent of the 60,000 plant species used for medicinal purposes are endangered, including plants long important in traditional medicine such as the African cherry and the Himalayan yew.

Although the global failure to protect biodiversity ultimately affects everyone, it is already having disastrous consequences for indigenous peoples and others who depend closely on natural ecosystems for their food, water, fuel, and culture. Too often, heedless exploitation of natural resources pollutes their rivers, cuts down their forests, displaces them from their homes, and destroys their sacred places. Peaceful opposition is often met with harassment and violence.

Even when the economic benefits of destroying an ecosystem outweigh the costs at a macro scale (which they often do not, since the real costs of cutting down a forest or damming a river are almost never taken into account), the benefits are recovered disproportionately by those who do not depend directly on the ecosystem, and the costs are imposed disproportionately on those who do.

In short, States should recognize that the biodiversity crisis is also a human rights crisis. At the same time, they should realize that the best way to protect biodiversity is to protect human rights, especially the rights of those who live closest to nature. It has been estimated that areas conserved by indigenous peoples and local communities cover at least as much land as protected areas administered by Governments. Protecting the human rights of indigenous peoples and local communities often results in improved protection for ecosystems and biodiversity, especially when those communities receive appropriate support.

Madagascar

I witnessed the benefits of community-based conservation on my visit to Madagascar. Madagascar has perhaps the most unique biodiversity in the world. Many of its plants and animals are found nowhere else. But it faces enormous challenges in conserving its biodiversity. Poaching and illegal logging drives species such as tortoises and rosewood trees closer to extinction, and habitat loss threatens many animals, including lemurs, which have been called the most endangered mammals on the planet.

Nevertheless, since 2003, Madagascar has taken the admirable step of tripling its coverage of protected areas, to nearly 12 per cent of the country. Many of its protected areas rely on management by local community associations. I visited a park managed by such an association, whose members monitor lemurs and other endangered species, protect against unlawful logging, plant seedlings, and remove invasive eucalyptus trees. I also saw good practices by the largest mining project in the country, the Ambatovy nickel mine, which supports conservation areas and development projects for communities near the mine.

At the same time, I saw issues of concern. Madagascar has only recently emerged from a period of political turmoil and transition, and during that period the number of mining permits rapidly increased, in many cases without consultation with local communities. As a result, protests and conflicts have proliferated. I have encouraged the Government to consider instituting mediation procedures to resolve conflicts between mines and local communities.

Under the previous, transitional government, illegal logging and trafficking also exploded, facilitated by official corruption. Many Malagasy people believe that the corruption continues today. To restore confidence in its legal system and “end the corruption that has weakened Malagasy society”, in the words of then Secretary-General Ban Ki-moon when he visited Madagascar last year, the Government should swiftly implement effective anti-corruption measures. At the same time, Madagascar must protect the rights of environmental defenders, including those who speak out against illegal logging. Doing so is critical to protecting its environment and the human rights of its people.

Like other countries in eastern and southern Africa, Madagascar is suffering the effects of one of the worst droughts in its history, attributed to El Niño but strengthened by global warming. During my visit, the United Nations announced that the drought had caused nearly 850,000 people to become acutely food insecure. In this respect, there is only so much that Madagascar can do by itself. To protect it and other vulnerable countries from climate change, the major emitters must comply with their commitments under the Paris Agreement – and strengthen those commitments. Donor countries must also help to provide the funding necessary to protect against the adverse effects of climate change.

Other activities

Finally, I will say a word about my other activities in 2016. Among other things: I helped Unitar to develop an online course on human rights and the environment; with the help of UN Environment, I began a series of regional judicial workshops on constitutional

environmental rights; and I worked with Universal Rights Group and other partners to develop a web portal for environmental human rights defenders, which went online this week.

In 2017, I intend to undertake country visits to Uruguay and to Mongolia; to prepare a report on children's rights and the environment; and last but not least, to develop clear and understandable guiding principles, or practical guidelines, on human rights and the environment to present to the Council next March, in my final report.

In conclusion, I would again like to express my gratitude to the many people, all over the world, including the members of this Council, who have provided invaluable support for this mandate.

Thank you, Mr. President.