

**Online Consultation: UN High-Level Political Forum 2020 for Work  
Stream on Protecting the Planet and Building Resilience**

**1. Systems transformation**

- a. Adopting a broader approach in revising our economic systems, particularly those that are inter-linked with environmental systems. There is a need to focus on the current large-scale economic deals and activities within and among states, and the possible risks they present. States and investors should shift focus to eco-friendly projects and ventures, to create a win-win between economic and environmental gains.
- b. Countries (particularly in Africa) are seemingly under huge pressure for socio-economic development, evident through their ambitious development agendas. Kenya, for instance, has multiple development blueprints (the Vision 2030 and the Big 4 agenda) that push for expansion of extractivism and large-scale infrastructural development. Such development plans do not adequately explore the alternatives for development.
  - There is a need to develop and strengthen policy and regulatory frameworks that support alternatives and further provide mitigation measures and solutions to the ensuing impacts of such projects.
  - Consider mandating socio-economic development be pursued through models that work within planetary boundaries, such as the doughnut economics model<sup>1</sup>
- c. A paradigm shift to ensure people-centered development approaches by shifting creating more platforms for participation in decision-making for the citizenry. Greater milestones can be achieved when the people are informed and aware of the environmental risks we face and subsequently consulted in the generation of both long term and short-term solutions.
- d. Fundamental change in governance systems through decentralization of power, to ensure that people have control over their natural resources. This for instance,

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<sup>1</sup> <https://www.kateraworth.com/doughnut/>

includes securing community land tenure for local communities. Once people have security through tenure and control over their resources and the benefits that accrue from them, they will be in a better position to increase their resilience and face shocks related to Climate Change, among others. This can be through unrestricted use of land for subsistence purposes, economic security through ownership, and cultural security from being able to take part in their traditional ways of life.

- e. Transforming the conservation paradigm towards rights-based approaches: The last Global IPBES assessment<sup>2</sup> highlights that at least a quarter of the global land area is traditionally owned, managed, used or occupied by indigenous peoples. These areas include approximately 35 per cent of the area that is formally protected, and approximately 35 per cent of all remaining terrestrial areas with very low human intervention. Community-based conservation institutions and local governance regimes have often been effective, at times even more effective than formally established protected areas, in preventing habitat loss. Nature is generally declining less rapidly in indigenous peoples' land than in other lands, but is nevertheless declining, as is the knowledge of how to manage it. Rights-based approaches provide a foundation for transforming the conservation paradigm, and enabling local people and conservation organizations to be strategic allies, rather than be set in opposition to each other. Part of this paradigm shift is the formal recognition of, and support for, the contributions of IPLCs to conservation and sustainable use of biodiversity, including ICCAs - territories and areas conserved by indigenous peoples and local communities. ICCAs are natural and/or modified ecosystems containing significant biodiversity values, ecological services and cultural values. They are voluntarily conserved by Indigenous peoples and local communities, both sedentary and mobile, through customary laws or other effective means<sup>3</sup>. At the same time, a transformative redirection of biodiversity finance from large scale conservation agencies towards conservation led by indigenous peoples and local communities, that benefit nature and people at the same time is needed.
- f. Effectively addressing the current consumptive and organic fuel-reliant energy systems. States should push for decentralized energy as opposed to the normal centrality of energy systems that cause poverty of power for local communities whom the resource is drawn from. Countries like Kenya, for instance, need to

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<sup>2</sup> <https://ipbes.net/global-assessment>

<sup>3</sup> <https://www.iucn.org/content/indigenous-and-community-conserved-areas-bold-new-frontier-conservation>

develop efficient energy grids that supply energy locally at lower costs. The current rhetoric of Kenya being in a power deficit and not being able to supply the proposed industrialisation with enough energy is not entirely true. The energy (electricity) currently being supplied cannot effectively serve the population because of the lack of sufficient infrastructure and a central grid. Smaller renewable energy projects in different regions will lower the burden on the central grid while providing a more reliable source of power at lower levels. For example, more solar plants like the one in Garissa in areas that have a bigger production capacity will ensure that these areas are not at the mercy of one system. It can be an economic resource for counties who can sell excess electricity.

- g. Reform legal and governance systems so that the right to a clean, healthy and sustainable environment is recognized and implemented (for details, see the report of the Special Rapporteur human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment to the Human Rights Council in its Thirty-seventh session<sup>4</sup>), and the Rights of Nature are protected through constitutions and legislation<sup>5</sup>
- h. Push for curricula change, to inculcate environmental protection and resilience-building at an elementary stage, and further integrate the environmental-sensitive thinking into our lifestyles, careers and innovations.

## **2. Specific Actions to Drive Transformation**

- a. In adopting level-specific actions; countries need to commit and further work towards achieving the national-determined goals on environmental protection and climate change. Additionally, there is a need for building multi-level synergistic approaches among different states and sectors to address common problems.
  - i. E.g. Leveraging existing multilateral institutions (e.g. AU, EAC) by empowering them with more legally-rooted responsibility.
- b. Support and extensively engage in communities' empowerment geared towards increasing their capacity to assert their environmental rights and to hold governments accountable. The communities should further be empowered to engage in a people-led critical decision-making and resist state-driven initiatives.

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<sup>4</sup> <https://undocs.org/A/HRC/37/59>

<sup>5</sup> <https://therightsofnature.org/>

- i. Highlight and strengthen the role of community members around the decisions made on their land even where they are development projects done for ‘national interest’. A more inclusive approach will help curb situations like the Marsabit wind power plant or Lamu coal plant which do not have the backing of the communities who will suffer for the sake of ‘development’
  - ii. Root Free, Prior and Informed Consent into law (pre-step: identify best practices for doing so in order to assist government with less capacity)
- c. International organizations, in particular the United Nations, should come out strongly to critique state actions (when necessary) given that the environment is a public good and the externalities that are to be felt as a product of environmental degradation shall be experienced by all, regardless of whether you contribute. A multitude of projects that are potentially harmful to the environment are initiated and orchestrated under bilateral arrangements therefore evading the scrutiny of multilateral organizations such as the UN. Despite this, international organizations with a visible platform such as the UN should be at the forefront in criticizing potentially environmentally risky deals (especially those between developed and developing states). They should avail resources and information that can be used by activists and other stakeholders at the national and grassroots level to challenge these projects.
- d. Adopt a better and sustainable structure of engaging communities in international environmental deliberations. Community meetings ahead of key CBD meetings, for instance, help the grassroots communities to engage effectively at international level on key biodiversity concerns. Beyond these negotiations, it is important to create a follow-up system through linkages between the engaged local communities and their respective government representatives.
- e. Need to create efficient ways of Access to Justice through developing accessible tribunals and relevant administrative systems; and further tackling the barriers thereof. The decentralization of these administrative systems support the effectiveness to address environmental issues at local level.
- f. Ensuring that law and regulation recognize the centrality of local communities in impact assessment processes to ensure that key issues are captured, addressed and that the mitigating measures are implemented accordingly. Further, law and regulation provide adequate opportunity for communities to monitor and audit project activities in their areas. Natural Justice has developed models to support communities both actively engage in the impact assessment process and monitoring of project compliance.

- g. Creation of more consultative platforms with duty-holders, investors and environmentalists, to offer practical solutions that drive efficient infrastructural development and economic production in an environmentally friendly manner, based on nature-based solutions.

### **3. Means of implementation and the global partnership for development (SDG 17)**

- a. Adoption of community legal empowerment approaches alongside other community capacity building approaches across levels. In this case, CSOs rather than being project implementers, transfer capacities to communities to assert and defend their social and environmental rights.
- b. Creation of robust partnerships, network and movement building that effectively spearhead community-centred campaigns and advocacies at different scales.
- c. Using environmental-related fora, platforms and barazas to advance conversations on science and technology and using this to solve the planetary crisis.
- d. Development of innovative tools that highlight real-time environmental issues facing communities. For instance; Natural Justice's case-tracking has been useful in tracking environmental justice issues among local communities. This has been used as evidence in pushing duty-holders to act responsively.
- e. Promote the importance of and the protection of traditional knowledge, given its role in conservation and protection of natural resources. Community Protocols<sup>6</sup> is one tool used by a number of communities in Africa to protect knowledge, associated resources and promote the integration of sustainable global objectives. This community led process also seeks to solidify traditional governance structures and alternative dispute resolution in the protection of biodiversity and associated knowledge. Such processes contribute to building situations where communities are able to move past the cycle of conflict and build institutions that will help them mitigate negative impacts from different contributors.
- f. Push for and support value-driven leadership that seek to advance environmental protection and related investments over detrimental economic activities. CSOs

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<sup>6</sup> <https://naturaljustice.org/community-protocols/>

and activists should support campaigns and political movements that align with green movements, despite the brand risks that such actions may present.

#### **4. Covid-19 Crisis**

- a. Covid-19 is not just a health issue but also an environmental one. The pressures on the earth's ecosystem, primarily through the loss of biodiversity and climate change, are placing increasing pressures on many indigenous peoples and local communities who are dependent on their local environments for health, livelihood and cultural needs. There are numerous examples, from communities that Natural Justice supports in Africa, where access to water, clean air and land has been restricted or stopped by industrial expansions or land acquisitions. These communities are now more vulnerable to impacts to issues, such as the COVID pandemic, and have less resilience to respond.
- b. Ill-health caused by air pollution may exacerbate the symptoms suffered by those who have contracted the Covid-19. There is an overarching need to employ effective measures of monitoring and tracking air quality (at state-level) and to ensure that human activities and other possible pollutants do not exceed the acceptable limits.
- c. The commendable governments' unity, actions and regulations to fight Covid-19 can be equally redirected to climate change issues, in the post-pandemic era. Covid-19 situation has proven the ability to facilitate a concerted global action to address a crisis. A concerted approach must be used in solving the current and anticipated planetary crises. The sooner this is addressed, the less likely draconian measures, such as complete lock-downs, would be required.
- d. The response strategies to Covid-19 have so far not extensively pushed for the consideration of traditional knowledge, for instance, the regulations around isolations, food and basic needs access and medicine. These considerations are extremely vital.
- e. The revealed interlinkages between human-environment relationships and systems need to push governments and people in general to rethink and redirect financial flows to building environmentally-safe investments, and preserving nature for health benefits.
- f. Covid-19 is likely to present tough economic situations for countries and more vulnerable communities will be hard hit. There is a need to think through strategies that compel multi-level interventions and solutions for the anticipated problems.



- g. Nature has proven to provide solutions to crises, especially the medicinal plants and their value chains. Governments should now create opportunities for nature-based solutions to address the health crisis, and valorise the traditional knowledge of indigenous peoples and local communities.
- h. Urban environments that are less in harmony with surrounding environments—e.g. Informal settlements—have had a higher risk level of exposure to and spread of COVID-19. This is similar for other pathogens. Urban development and planning that seeks to harmonize with nature is both better for public health and sustainability.