



## **ECO-CALL**

### **LINKING BIODIVERSITY CONSERVATION, CLIMATE CHANGE, PEOPLES' RIGHTS AND A MORATORIUM TO OIL ACTIVITIES**

The Framework Convention on Climate Change and The Convention on Biological Diversity are international responses to global environmental crises. The texts of both conventions were submitted to heads of State during the Earth Summit held in Rio de Janeiro in 1992.

The two conventions can be linked through the analysis of the oil industry, which produces CO<sub>2</sub> emissions while its extraction degrades natural habitats.

Scientific evidence indicates the urgent need to reduce the burning of fossil fuels to alleviate the negative impacts of the current climate crisis. In the same way, industrial activities are causing the Sixth Mass Extinction Crisis, largely due to the abrupt loss of tropical rainforests and marine habitats as well as other fragile ecosystems. It is also evident that the communities most negatively affected by climate change and mass extinction are also the most vulnerable: indigenous peoples and the most impoverished groups (farmers, peasants, fishermen).

Our Earth needs drastic reductions in the emissions caused by fossil fuels burning. It must also seek real, feasible and sustainable solutions without sacrificing those historically segregated communities or the most fragile ecosystems.

Liberal economists have responded, although belatedly, to these two environmental crises. Almost all their responses work within the framework of taxes/subsidies or property rights allocation. Some even attempt to calculate the total economic value of biodiversity in order to optimise land use. The fact remains that these proposals do not address the real causes of the crises.

The truth of the global environmental crises cannot be found through these economic visions.

The fact is that oil exploitation produces air, soil and water pollution and reduces biodiversity, many a time irreversibly. Pollution disables other strategic resources like water and biodiversity, not to mention the social impacts caused by these activities among the local populations. All these impacts become environmental liabilities that the oil industry does not acknowledge or accept and must be paid by States, thus drastically reducing the financial resources that could be used for social expenditures.

Yet, even though all these impacts are well known, from the national governments' perspective the extraction of hydrocarbons is justifiable because it is a source of income that helps to pay the illegitimate foreign debt – which should be immediately cancelled – despite the impoverishment and environmental destruction it causes.

Experts believe that oil prices will remain high, which means that profits will be lofty as long as the concomitant costs can be borne by vulnerable traditional and indigenous populations; i.e. the irreversible loss of biodiversity and the violation of the rights of the local populations. In our globalized world, the technology and expertise exist to exploit oil reserves even in the most remote corners of the tropical rainforests. For the businesses and governments of the North, it is a matter of profit. For the peoples of the South, it is a matter of death and desolation.

Both the Framework Convention of Climate Change and the Convention of Biological Diversity have ratified the Precautionary Principle as a mechanism to address environmental problems.

The time has come to make both legal frameworks converge so that all the efforts made for our planet's benefit have real concrete results. And what could be more concrete than liberating protected areas from the destructive dynamics brought about by extractive industries, especially hydrocarbon activities?

## **AN ECO-LOGICAL CALL FOR CONSERVATION, CLIMATE AND HUMAN RIGHTS**

*Addressed at COP 11 of the Climate Change Convention, MOP 1 of the Protocol of Kyoto, the SBSTA 23 and SBSTTA 23 of the Convention on Biological Diversity.*

### **RATIONALE**

The Framework Convention on Climate Change urges its State Members, and particularly those included under Annex 1, to reduce their greenhouse gas emissions, and recommends all other State Members to comply with this disposition. During the Conference of the Parties of the Climate Change Convention held in Japan in 1997, the Protocol of Kyoto was adopted. This legal instrument proposes several solutions to reduce greenhouse gas emissions based on market options. These proposals include the Mechanisms for Clean Development and the Joint Implementation. However, these two proposals do not guarantee the objectives of conservation and reduction of gas emissions; rather they threaten other rights like ILO Convention 169, which addresses the territorial rights of traditional populations.

The Convention on Biological Diversity represents the most important international legal instrument designed for the conservation of biodiversity, as stated in Article 1 of the Convention's objectives.

Article 8 of the Convention addresses the issue of *in-situ* conservation of biodiversity, and paragraph 8.j. calls upon the State Members to respect and preserve traditional knowledge, innovations and practices that bond traditional ways of life with the conservation of biodiversity, particularly among those populations living in protected areas. Article 3 of the Convention urges State Members to ensure that activities undertaken within their jurisdiction do not damage other States' environments.

The international eco-logical call proposes the combination of all matters related to the conservation of biodiversity, soils and air, climate change and the rights of the peoples, particularly of the indigenous populations, to forge a common strategy to save all those areas home to the largest amount of diversity, leaving the sequestered carbon in the underground, under the protection of the Climate Change Convention and all other international agreements and conventions.

The aim of this proposal is to make all polluting countries compensate those who defend sustainable development and inherent rights. In other words, reward the tropical countries whose local populations are affected by such forms of production and consumption that attempt against the rights of these people.

The eco-call is also an acknowledgment of the ecological debt that industrialised countries in the North have towards the countries and peoples of the South.

## **OBJECTIVES OF THIS PROPOSAL**

1. Urge national States to forgo oil and gas extraction from all existing protected areas due to their incompatibility with conservation and their role in the degeneration and fragmentation of vulnerable ecosystems, which hinder the lives of humans and other permanent forms of life.
2. That the same national States be compensated for the economic profit they would have derived from the extraction of hydrocarbons, as well as for their efforts to prevent further CO<sub>2</sub> emissions and for their will to support the conservation of biodiversity and natural habitats.
3. Attain international commitments from those countries that have pledged to make a drastic reduction of their CO<sub>2</sub> emissions to compensate those countries that have taken the decision not to place their oil resources in the market.
4. Include the international community in the effort to create an international fund that will recognise the valuable existence of important protected areas and biodiversity, threatened by oil activities, throughout the world, vis-à-vis the mere exothermic value of fossil fuels.
5. Ensure that this effort is recognised as part of the ecological debt that the industrialised countries in the North have towards the countries and peoples of the South.

## **METHODOLOGY**

1. The proposal will be applied in fragile protected areas, indigenous territories rich in biodiversity and other vulnerable ecosystems threatened or affected by oil activities, which are the main cause of climate change.
2. All those organisations that decide to adopt this proposal will start lobbying activities with the governments of those tropical countries wishing to adopt this proposal in order to win political support. Those States adopting this proposal will analyse the technical and legal mechanisms necessary to regulate this decision. In the case of existing contracts or concessions, the necessary steps will be taken to revert them and to evaluate the socio-environmental liabilities in these areas so as to determine the compensation and environmental remediation actions.
3. A multidisciplinary expert commission must be formed to analyse the economic and legal mechanisms of the eco-call framework.
4. Develop the guidelines of an international agreement between oil-exporting tropical countries that will support the Eco-Call. In addition, establish a mutually-agreed international fund calculated on an index that takes into consideration the value of not

producing tons of carbon emissions, based on an estimation of non-extracted reserve, per capita energy consumption and other variables.

5. Apply the commission's findings to individual cases to determine the economic price of foregoing oil, establishing whenever possible pilot funds.
6. Analyse the value of the compensations that will have to be paid by the ecological creditors from the North for the burning and consumption of fossil fuels, as a way to repay the ecological debt.

## **EXPECTED RESULTS**

The ECO-CALL coherently articulates global objectives for the conservation and protection of economic, social, cultural, environmental and collective rights; the conservation of biodiversity, and solutions for climate change. This proposal does not imply the commercialisation of life nor the charge for environmental services, and it will definitely not generate any type of property rights or use on project areas. This approach contrasts with other proposals questioned by networks, organisations, and communities which state that sovereign rights may be put in jeopardy.

In the short term, the proposal will unite all interested stakeholders, many times antagonistic to one another, around the logic of offering further incentives. The Eco-Call may then act as a means to outreach new participants internationally.

In the middle term, the proposal will demonstrate the failure of the market-approach to solve the environmental crises; i.e., biodiversity conservation and climate chaos. Another result will be the generation of new national income from the compensation of oil non-extraction and conservation. This will have a direct effect on the tropical countries' economies. An indirect effect could be the reduction of the pressure of the foreign debt service, enabling money from the national budget to be assigned to social expenditures. Finally, governments will have new resources for the national current accounts.

The long term results will have local, national and global benefits. If oil activities are stopped, then CO2 emissions will remain sequestered in the sub-surface or in the forests that the oil industry will no longer destroy. This alone is a victory, not to mention the conservation of the cultures and the biodiversity that are the heritage of all mankind.

Montreal, December 2005

For the Planet and its people,

### **OILWATCH**

tegantai@oilwatch.org

www.oilwatch.org