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Abstract

When they were first officially introduced in the Millennium Ecosystem Assessment, Payments for Ecosystem Services (PES) were pictured as a panacea, a win-win solution able to speak the language of politicians and markets (monetary benefits) and tackle, at once, poverty and environmental issues. Conceived as payments made for the preservation, and reward of, positive environmental practices of local communities, PES were meant to promote the protection of important ecosystem services *entering* them into the market. However, PES have been criticized by many points of view, with some critics concerning the wrong functioning of their market mechanisms, and others picturing the entire market approach as inadequate to fit with the heterogeneous cultural and social specificities of local communities, and unable to counteract important issues such as marginalization, power asymmetries and injustices. As a response to these critiques, and alike more classic conservation approaches (such as protected areas), PES have received increased pressure to incorporate human rights and equity issues and to find alternative paths able to take in considerations the rights of local communities.

The presentation will explore the possibility of *turning* PES into *Rights for Ecosystem Services* (RES) to be recognized to traditional and non-traditional sustainable local communities that contribute to the conservation of ecosystems, with the aim of protecting and fostering their environmentally-beneficial actions. They would be rights (such as property rights, and *sui generis* intellectual property rights, etc) granted *in exchange for* the conservation of ecosystem services, based on two concurring foundations: the special link with a certain territory and the commitment to the conservation of the environment. Their double foundation – which incorporates environmental as well as human interests – leads to the rise of a set of *internal* limits, which turns them into environmentally-conditioned rights. RES would, in fact, be *local communities' rights with environmental duties* and may help reconceptualize (some) rights as embracing *both* human interests *and* the protection of the environment, thereby overcoming the classic anthropocentric/eco-centric dichotomy, and abandoning the market-based approach of PES. As an innovative theoretical and legal framework, RES may help to guide policy and legal developments towards reducing the risk of local communities abandoning their sustainable practices due to the lack of effective protection.

Short-bio

Giulia Sajeve began to explore the interface between environmental protection and human rights since her BA in Political Science and International Relations with her thesis on the implementation of the Convention on International Trade of Endangered Species in the EU. For her MSc in Conservation Science (Imperial College London) she focused on the circumstances that influence the success or failure of Access and Benefit Sharing agreements for the commercialization of Traditional knowledge. She has a PhD in Human Rights (Università degli Studi di Palermo) on the controversial idea of *biocultural rights* (published by Oxford University Press as G. Sajeve 2018, *When Rights Embrace Responsibilities . Biocultural Rights and the Conservation of the Environment*), and an MSc in *Rule of Law and Constitutional Democracy* (Università di Genova) with a thesis on the recognition of rights to the environment in the Ecuadorian Constitution as a constitutionalization of indigenous peoples' ethics. She is not a Marie Skłodowska-Curie Fellows at the Strathclyde Centre for Environmental Law and Governance, Strathclyde University, for which she is focusing on the protection of the rights of local communities acting as stewards of the environment in the European Union.