

Submission by FIAN International to the Secretariat of the Convention on Biological Diversity (CBD)

Re: Response to the invitation to provide views on the initial discussion document on the post-2020 global biodiversity framework (Ref. CBD/POST2020/PREP/1/1), in response to Notification No. 2019-008 of 30 January 2019.

- Regarding point **A. Structure of the post-2020 global biodiversity framework**

Question: What could constitute an effective structure for the post-2020 global biodiversity framework, what should its different elements be, and how should they be organized?

FIAN considers that the post-2020 global biodiversity framework should contain short, medium and long-term targets, in order to be more effective by providing clear guidance to the actions to be taken by Parties, and to facilitate monitoring of its implementation. Strategic long-term objectives should be broken down into targets that need to be achieved in clearly defined shorter time frames.

- Regarding point **B. Ambition of the post-2020 global biodiversity framework**

Question: In the context of the post-2020 global biodiversity framework, what would “ambitious” specifically mean?

In the light of the dramatic decrease of biological diversity and the clear evidence regarding the main driving factors responsible for this decline, FIAN considers that the post-2020 global biodiversity framework needs to set objectives and targets that will require Parties to take action to reverse current trends. In order to do so, the objectives and targets need to relate directly to the main drivers of biodiversity loss, as well as measures, practices and actions that preserve and further develop biological diversity. The post-2020 global biodiversity framework needs to be more than a list of intentions, but rather provide concrete commitments towards the needed transformational changes, including regarding the means (political, legal, technical, financial etc.) that Parties need to mobilize in order to achieve these.

- Regarding point **E. Biodiversity Targets**

(b) How should the set of targets in the post-2020 global biodiversity framework relate to existing Aichi Biodiversity Targets?

The Aichi Biodiversity targets can serve as a basis for developing the objectives and targets of the post-2020 global biodiversity framework. As stated in the response to point A., FIAN considers that the new framework should differentiate between short, medium and long-term targets. As stated in the response to point B., we recommend that the objectives and targets relate directly to the identified main drivers of biodiversity loss/destruction, as well as measures, practices and actions that preserve and further develop biological diversity. In addition to long-term strategic objectives, the framework needs to set out the path for the implementation of the actions required to achieve transformational changes.

(c) How should the set of targets in the post-2020 global biodiversity framework align with other global targets, including those adopted under the 2030 Agenda for Sustainable Development?

FIAN considers that the coherence of the post-2020 global biodiversity framework with other relevant commitments and frameworks is crucial. In particular, FIAN considers that the post-2020 global biodiversity framework needs to be coherent with human rights, and international human rights law. Rather than “targets”, the human rights framework is the basis of the UN system and describes the binding obligations of States. Biodiversity is closely linked to human rights in several ways: it is necessary for the realization of several human rights (among others, the human right to food and nutrition, as well as the rights of indigenous peoples, women’s rights and the rights of peasants and other people working in rural areas); at the same time measures to preserve and further develop biodiversity need to be done in a way that guarantees the human rights of affected people and communities.

The international human rights framework would, among others, allow giving due consideration and protection to the contribution of small-scale food producers and other communities and indigenous peoples in preserving and the continuous developing biological diversity (co-evolution), in particular the genetic diversity of cultivated plants and animal breeds.

- Regarding point F. **Voluntary commitments and contributions**

Question: What form should voluntary commitments for biodiversity take and how should these relate to or be reflected in the post-2020 global biodiversity framework?

FIAN considers that the post-2020 global biodiversity framework needs to build on the basic distinction between rights holders, duty bearers and third parties, which is well established in international law, in particular human rights law. This distinction sets a clear framework for accountability, based on the distinct role of states and intergovernmental institutions (duty bearers), communities and people (rights holders), and other actors, such as corporations, philanthropic foundations, etc. (third parties). The post-2020 global biodiversity framework should provide clear guidance to States regarding required action to address the drivers of biodiversity loss, and promote the preservation of biodiversity. This is also coherent with the CBD’s status as an intergovernmental agreement, that Parties have committed to implement. While the actions of other actors, such as the private sector, undoubtedly impact biodiversity, and these can play a role in reversing current trends of biodiversity loss, such a contribution needs to be clearly embedded in public regulation, monitoring and accountability. Voluntary commitments by such actors entail the risk of mere lip service for PR reasons.

- Regarding point G. **Relationship between the post-2020 global biodiversity framework and other relevant processes**

Question: How could a post-2020 global biodiversity framework help to ensure coherence, integration and a holistic approach to biodiversity governance and what are the implications for the scope and content of the post-2020 global biodiversity framework?

As stated under point E, FIAN considers that the human rights framework is critical in order to ensure coherence in the context of the post-2020 global biodiversity framework. Therefore, FIAN

recommends including references to existing human rights standards into the post-2020 global biodiversity framework, in particular those that recognize the rights of small-scale food producers over natural resources and common goods. One way of integrating human rights principles and standards into the post-2020 global biodiversity framework is through the development of indicators.

- Regarding point **K. Indicators**

Question: What indicators, in addition to those already identified in decision XIII/28, are needed to monitor progress in the implementation of the post-2020 global biodiversity framework at the national, regional and global scales?

Based on FIAN's experience as a human rights organization, we propose that monitoring progress in the implementation of the post-2020 global biodiversity framework considers structures, processes and outcomes of policy measures related to biodiversity. The use and development of indicators to monitor these three levels has been developed mainly in the context of human rights monitoring and has received increasing recognition within the international community in recent years. This typology – although the nomenclature is not always exactly the same – is used by an increasing number of national and international organizations and institutions, including FAO and the International Labour Organization (ILO).¹ Such a framework allows assessing: 1) legal, policy and administrative frameworks (structures); 2) the way policies and laws are developed and implemented (process); as well as 3) the actual achievements in terms of preserving and promoting biodiversity (outcomes).

In order to monitor progress in the implementation of the post-2020 global biodiversity framework at all levels, and the achievement of the targets, indicators need to be created that allow for the monitoring of these three aspects. Benchmarks could establish specific goals and timeframes for delivering improvements.

The current indicators, which were developed for the Strategic Plan for Biodiversity 2011-2020 (noted in decision XIII/28), focus mainly on structures and outcomes, and concern much less processes. FIAN considers that targets and corresponding indicators that refer to processes would be an effective means to provide concrete guidance to Parties about how to enact transformational changes, and to ensure participatory processes involving, among others, communities and groups who contribute substantially to preserving and further developing biodiversity.

Indicators and means of verification should not focus exclusively, nor predominantly, on macro-statistics, but be designed to ensure participatory monitoring processes (see response to point O.).

- Regarding point **O. Review process**

Question: What additional mechanisms, if any, are required to support the review of implementation of the post-2020 global biodiversity framework and how should these be integrated into the framework?

¹ Cf. Malhotra, Rajeev and Fasel, Nicolas, 2005, Quantitative Human Rights Indicators – A Survey of Major Initiatives, March 2005, p. 11.

Based on FIAN's experience with monitoring of human rights instruments, as well as in other UN bodies (among others the Committee on World Food Security), we consider that monitoring is an essential part of implementation. A robust monitoring mechanism is therefore essential in order to encourage Parties to achieve the targets of the post-2020 global biodiversity framework. FIAN recommends that a monitoring/review process be based on the so-called PANTHER principles, which have been developed in the context of human rights monitoring:

- Participation
- Accountability
- Non-discrimination
- Transparency
- Human dignity
- Empowerment
- Rule of law

While national reporting by Parties should remain a central part of a review and monitoring process in the context of the post-2020 global biodiversity framework, FIAN considers that this should be made through a more dynamic process. Among others, we recommend that the CBD issue guidance to Parties regarding the process to develop national reports, to insure that these are participatory. Such guidance would ensure common criteria for the active involvement of civil-society in the monitoring processes, including those groups that rely on and contribute to further developing biodiversity. The terms of reference to conduct national, regional and global monitoring events, which have been developed and approved by the UN Committee on World Food Security provide a good example of how human rights principles have informed the shaping of a monitoring mechanism of a non-human rights forum (www.fao.org/3/a-mr182e.pdf).

FIAN also proposes to provide the possibility for civil society organizations to present parallel reports regarding the progress of implementation of the post-2020 global biodiversity framework at different levels.

FIAN further considers that the review process needs to take into due consideration other relevant monitoring processes, including the international and regional human rights systems, as well as periodic reports by FAO, among others.

In order to create the conditions for a dynamic implementation and monitoring process, monitoring events could be organized during the COPs, in order to assess progress made, identify gaps, exchange experiences, and share lessons learnt. Such events need to be based on terms of reference that ensure participation of rights holders at all stages. They should also proactively involve other processes and institutions that carry out monitoring that is relevant for the implementation of CBD and achievement of the post-2020 global biodiversity framework.

- Regarding point **P. Relationship between the Convention and the Protocols**

Question: What are the issues associated with biosafety under the Convention and what are the implications for the post-2020 global biodiversity framework?

Current biotechnologies and new technologies that are at different stages of development have major impacts on biodiversity. One example is the so-called gene drive technology, which is intentionally developed as a means to reduce, or even extinguish certain populations and species. FIAN considers that the post-2020 global biodiversity framework should provide guidance on what kind of innovation and technology are required to achieve the set targets, as well as the core

principles of the CBD. At the same time, it should also set a framework with criteria to identify those technologies and innovations that are not conducive to protecting biodiversity. The monitoring framework of the post-2020 global biodiversity framework (including the indicators) needs to assess Parties' actions regarding the monitoring and regulation of technologies that may have adverse impacts on biodiversity.

Question: What are the issues associated with access and benefit-sharing under the Convention and what are the implications for the post-2020 global biodiversity framework?

Digital Sequence Information (DSI) and the appropriation of genetic resources through patents on “native” traits are a major concern for the preservation of biodiversity, including the access and benefit-sharing under the Convention. Therefore, the post-2020 global biodiversity framework and its monitoring framework should take into consideration the effects of DSI, the development of this technology and the use of data collected from DSI.

- Regarding point Q. **Integrating diverse perspectives**

(a) Question: How can the post-2020 global biodiversity framework facilitate the involvement of indigenous peoples and local communities and support the integration of traditional knowledge as a cross-cutting issue?

(b) Question: How should gender issues be reflected in the scope and content of the post-2020 global biodiversity framework?

FIAN considers that the rights holders identified in the CBD need to be at the center of the CBD implementation process, as well as the development, implementation and monitoring of the post-2020 global biodiversity framework. Their active involvement and the need for participatory processes at all levels is also at the core of the human rights framework. The post-2020 global biodiversity framework therefore needs to contain concrete measures that guarantee adequate participation of these groups, including by Parties. Participation of these groups should also be one of the elements to be assessed as part of the post-2020 global biodiversity framework monitoring/review process, among others by including specific indicators.