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| **Review comments on the draft monitoring framework for the post-2020 global biodiversity framework** |
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| ***General Comments*** |
| Some reports have estimated that Indigenous peoples’ territories coincide with a significant portion of the world’s biodiversity. Indigenous peoples are (conservatively) estimated to manage or have customary and other tenure rights over at least 38 million square kilometres (nearly 9.4 billion acres), or more than a quarter of the world’s land surface. However, indigenous peoples and local communities have formal legal ownership over only 10% of the world’s land. Significant efforts are needed to secure these collective lands (and waters) – both for the custodian communities and for the biodiversity and nature within them. Supporting Indigenous peoples and communities to secure and self-strengthen their collective systems of tenure, self-governance and sustainable ways of life is fundamental to achieving the goals of the post-2020 global biodiversity framework. While the current draft includes some references to tenure rights and inclusive decision-making, it would benefit from stronger linkages specifically related to inclusive and collective tenure rights and governance. We strongly encourage acknowledging the role of collective land tenure in biodiversity conservation by including additional indicators that hold countries accountable to ensuring land rights for biodiversity conservation.It is increasingly recognized that protected areas on their own are insufficient to address our current biodiversity and climate crisis, and when they are not equitably governed and effectively managed, they can actually contribute directly and indirectly to further injustices and inequalities, particularly affecting Indigenous peoples and local communities whose territories and areas are often overlapped by state-recognized protected areas. Targets on protected and conserved areas must address governance, equity and effectiveness; an overemphasis on spatial targets will likely lead to a rush to recognize areas just to meet these targets but without any meaningful support or even ‘value addition’ for actual conservation. Area-based conservation needs to move far beyond conventional state-run protected area systems, which still remain the ‘norm’ despite a raft of COP decisions that recognize diverse governance types and the contributions of Indigenous peoples and local communities to conservation, and underscore the central importance of governance, participation, equity and benefit-sharing to protected areas (e.g., Programme of Work on Protected Areas, Element 2). Area-based conservation needs to include diverse notions and practices of conservation and sustainable use, and appropriately recognize and support the self-determined governance and knowledge systems of Indigenous peoples and communities who are caring for so much of the planet’s biodiversity. It is not acceptable to ‘count’ their territories and areas towards national and international targets without counterpart recognition and support, including protection and defence against industrial threats. The monitoring framework would benefit greatly from a better articulation of the links between land tenure, governance, and biodiversity conservation (see proposed monitoring elements and indicators below). More broadly, targets on protected and conserved areas must be backed up by and closely linked with targets on halting the drivers of biodiversity loss. As long as public funds are spent on perverse incentives that are harmful for biodiversity (such as monoculture plantations, mining, bioenergy, use of chemical inputs for food crops and physical infrastructure projects), we will continue to lose biodiversity and any positive effects of protected and conserved areas will be significantly undermined if not entirely negated. Furthermore, the drivers of biodiversity loss are often the same direct threats to Indigenous peoples and communities and the territories and areas they conserve. It is well known that communities are under increasing threat from industrial activities, simply for defending their territories of life. The post-2020 framework needs to reject these injustices and stand with the people and communities who are putting their lives on the line to defend the nature on which we all depend. Scarce public funds should be redirected away from perverse incentives that harm biodiversity and further entrench inequality and injustice and towards positive incentives that support systemic alternatives to the status quo (not financial or market-based mechanisms). A leading example of such a positive incentive is appropriately recognizing and supporting indigenous peoples and local communities who conserve their collective territories and areas (ICCAs—territories of life) and other effective community conservation initiatives (Decision XIII/20, para. 23). These positive incentives are not prevalent in the current framework draft and should be incorporated throughout. Specific suggestions have been included below. In addition to integrating human rights throughout the post-2020 framework, we strongly encourage including a specific target on environmental human rights defenders. The increasing attacks (political, legal, economic, physical, mental and emotional) on Indigenous peoples and communities, organisations, movements and everyday citizens who are defending biodiversity and nature against external threats are unacceptable and it should be the utmost priority to ensure they are protected and can continue their work safely. A key need is to focus more on collective protections (in addition to individual protections) as people primarily work collectively to defend biodiversity and associated human rights. This proposed target is closely related to SDG 16 on environmental democracy, good governance and human rights.  In terms of monitoring elements and indicators, we firmly believe that these should be based on multiple types of knowledge and evidence, including indigenous and local knowledge systems as well as social science. The framework should promote and further develop culturally-relevant and community-based monitoring and reporting indicators which can provide strong evidence, lead to better tracking and enable meaningful action on the ground to address local issues and key threats. Possible specific indicators have been noted below.  |
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| ***Specific Comments*** |
| **Table** | **Page** | **Column letter** | **Row number** | **Comment** |
| 0 | 0 | 0 | 0 | Recommend recognizing the importance of local actions and solutions and the effective involvement and participation of indigenous peoples and local communities throughout the framework. Although the CBD is a multilateral agreement with state governments as the only Parties, they are not the only actors who contribute to the implementation of the CBD. Monitoring elements and indicators that recognize rights-holders, including Indigenous peoples and local communities, must be present throughout the framework for its effective delivery.  |
| 1 | 2 | B | 1-2 | Any increase in extent of natural ecosystems must have monitoring elements and indicators that recognize the importance of Indigenous territories. A high proportion of remaining biodiversity and intact ecosystems are on lands which indigenous peoples govern and/or have rights over. Appropriately recognizing collective lands, waters and territories of life of Indigenous peoples and local communities is fundamental to achieving this goal. We suggest the following as a possible monitoring elements: number of initiatives supporting IPLCs’ collective lands, waters and territories; number and extent of community-determined and community-governed protected and conserved areas; increased protection and legal recognition of collective land and water rights of IPLCs, trends in the extent and security of customary and collective land tenure of IPLCs. As possible indicators: ICCA Registry, increased percentage of forest ecosystems under the collective governance and active stewardship of Indigenous peoples and local communities against 2020 baselines  |
| 1 | 2 | B | 3-4 | Suggested indicator: increased percentage of other terrestrial ecosystems under the collective governance and active stewardship of Indigenous peoples and local communities against 2020 baselines.  |
| 1 | 2 | B | 13-14 | Suggested indicator: increased percentage of wetlands under collective governance and active stewardship of Indigenous peoples and local communities against 2020 baselines.  |
| 1 | 2 | B | 14 | Trends in the extent and quality of seemingly “natural” critical ecosystems with low-human impact including IPLC territories, lands and waters as a distinct land use category  |
| 1 | 2 | B | 15-28 | Indigenous peoples and local communities have helped to maintain the ecological integrity and connectivity of natural ecosystems. Any increase in % of area with ecosystem integrity and connectivity must recognize the rights and important role that Indigenous peoples and local communities play in ecological integrity and connectivity. The appropriate legal recognition of collective rights and responsibilities to land and resources plays a key role in Indigenous peoples and local communities’ efforts to continue to ensure the effective ecological integrity and connectivity of natural ecosystems. Suggested indicators here could be: increased percentage of access to, security for, and integrity of forest areas used for traditional food production, harvesting and/or gathering and related cultural/ceremonial purposes (row 15); increased percentage of land area under indigenous tenure for food production (row 16).  |
| 1 | 2-3 | A | After row 28 | Integrity and Intactness of IPLC territories, land, waters and resources  |
| 1 | 4 | C | 16 | Monitoring elements should also include trends in traditional food systems. Indicators could include: access to, security for and integrity of lands, territories, natural resources, sacred sites and ceremonial areas used for traditional food production, harvesting and/or gathering; abundance, scarcity and/or threats to traditional seeds, plant foods and medicines, food animals as well as cultural practices associated with their protection and survival.  |
| 1 | 3 | B | 29-33 | Proposed to add (in relation to A3 and A4): Trends in conservation status of culturally significant species for IPLCs |
| 1 | 4 | C | 37-39 | Should also include small scale marine/freshwater species in fisheries and aquaculture as it links with sustainable livelihoods in some countries. Monitoring elements should also include trends in halting industrial fisheries and aquaculture that is harmful for biodiversity.  |
| 1 | 4 | C | 43, 45 | For the sake of communication and clarity suggest “conserved areas” in place of “other effective area-based conservation measures.” See: Jonas, H.D., and H.C. Jonas, 13 December 2018. “Global agreement on ‘conserved areas’ marks new era of conservation (commentary).” Mongabay ([https://news.mongabay.com/2018/12/global- agreement-on-conserved-areas-marks-new-era-of-conservation-commentary/](https://news.mongabay.com/2018/12/global-%20agreement-on-conserved-areas-marks-new-era-of-conservation-commentary/)) and “Are ‘conserved areas’ conservation’s most compelling story?” PARKS 25.2 (<https://parksjournal.com/wp-content/uploads/2019/12/PARKS-25.2-Jonas-and-Jonas-10.2305-IUCN.CH_.2019.PARKS-25-2HJ.en_.pdf>).  |
| 1 | 4 | C | 48 | Suggest conserved areas in place of “other effective area-based conservation measures.” Including an element of equity as a fundamental aspect of protected and conserved areas is essential and has been in CBD law since PoWPA was adopted in 2004. Suggest indicator should be: Coverage of equitably governed and effectively managed protected and conserved areas.  |
| 1 | 5 | A, B, C | 51-71 | Collective lands, waters and territories of Indigenous peoples and local communities could be an additional monitoring element. As indicators, trends in biodiversity and ecosystem functions in such collective lands, waters and territories, including for marine, coastal and other water and food sources. However, any mapping, recognition or designation of collective lands, waters and territories, whether as protected areas, conserved areas or otherwise, must be subject to the self-identification, self-governance, and free prior and informed consent of the relevant Indigenous peoples and communities.  |
| 1 | 6 |  |  | General comment on Goal C: It needs to expand benefit-sharing from use of genetic resources and associated traditional knowledge to use of biological resources and to include broader other forms of benefit-sharing linked to conservation and sustainable use. |
| 1 | 6  | B | 64-71 | Monitoring elements described should include languagearound equitable and just distribution of benefits,including to women and indigenous peoples and local communities as populations requiring additional attention; call for diverse perspectives of rural land users, including women, youth, and indigenous peoples and communities, in assessing these trends; and distinguish between small-scale provision from biodiversity and large-scale or commercial provision. |
| 1 | 6 | C | 68-71 | Trends of linguistic diversity and numbers of speakers ofindigenous languages (decision VII/30 and VIII/15) andtraditional knowledge. Other possible indicators could be: increased % of sacred sites recognized by governments; increased level of Indigenous peoples’ and communities’ access to and culturally appropriate activity within sacred sites, increased engagement in indigenous and local practices (including participation and knowledge of ceremonies related to biodiversity and food). |
| 1 | 6 | A, B, C | 72-76 | The Nagoya Protocol on Access and Benefit Sharing (ABS) recognizes the rights of indigenous peoples and local communities in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). State Parties are obliged to take legislative, administrative and technical measures to recognize, respect and support/ensure the free, prior and informed consent of Indigenous peoples and their effective involvement. To be able to have access and to ensure equitable benefit sharing, the monitoring elements must include: 1. focus on developing mechanisms for the protection of knowledge and capacity building in indigenous peoples and local communities (indicator could be: increased capacity development among indigenous and local communities on access and benefit sharing) 2. Trends in men’s and women’s ownership and rights over land and other forms of natural resources.  |
| 1 | 6 | C | 72-76 | Proposed indicator: proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure by sex and by type of tenure (SDG 1.4.2), including marine and coastal territories. |
| 1 | 6 | C | 74 | Suggest indicator on % of women and men who benefit from access to genetic resources, ensuring data is disaggregated by sex.  |
| 1 | 7 | C | 77-85 | Targets on protected and conserved areas must be closely linked with targets on halting the drivers of biodiversity loss. Monitoring elements should include trends in reallocation of resources from drivers of biodiversity loss (infrastructure, monoculture plantations, bioenergy, use of chemical inputs for food crops, etc.) to positive incentives such as appropriate recognition and support for collective territories and areas conserved by indigenous peoples and communities. |
| 1 | 7 | C | 81,82 | Indicators should focus on quality not just quantity of capacity development and capacity building activities. Indicators on these monitoring elements should be designed in collaboration with rights-holders and stakeholders. We strongly encourage that these indicators be culturally relevant and community-based to enable meaningful action on the ground.  |
| 2 | 8 | A, B, C | 1-34 | Any spatial target should not be considered in a vacuum and additional components should consider governance diversity, quality and vitality. A specific target on collective lands, waters and territories should be considered. Potential indicators could be: percentage of collective lands, waters and territories, under the collective governance and stewardship of Indigenous peoples and local communities, against 2020 baselines.  |
| 2 | 10 | A | After 34 | **Propose to add component T1.5 bis**Full legal recognition of IPLC lands/territories as a distinct land category contributing to conservation, sustainable use and restoration outcomes |
| 2 | 10 | B | After 34 | Community based monitoring and information systems (CBMIS), e.g. community mapping |
| 2 | 10-11 | B, C | 38-52 | Emphasis should again be on “quality” of protection not just quantity. An emphasis on diversity, quality and vitality of governance in protected, conserved and other areas should be considered.  |
| 2 | 11 | C | 38 | Target for this should be more ambitious – perhaps: appropriately recognize and protect against external threats of collective lands, waters and territories of life of indigenous peoples and local communities by 2030.  |
| 2 | 11-12 | A, B | 46, 51, 52 | Monitoring elements need to extend beyond management effectiveness to incorporate issues of governance and equity. Governance practices are critical elements of conservation effectiveness and equity and should be reflected in the monitoring elements and indicators here.  |
| 2 | 12 | B | 46 | Clear quantitative measure of indigenous peoples’ and local communities’ participation and inclusion in and contribution to effective protected and conserved areas; trends in recognition of collective lands, waters and territories within systems of protected and conserved areas, where the custodian communities wish to do so.  |
| 2 | 12 | B | 48 | Issues of land tenure and governance arrangements need to be reflected in these monitoring elements. Monitoring element could be: trends in land rights governance and the national and local scales. Indicator: % of adult population with secure tenure rights to land. In the case of marine territories of life and small-scale fisheries we recommend incorporating advances on the efforts made towards the implementation of the Voluntary Guidelines for the sustainability of small scale fisheries in the context of food security and poverty eradication which emphasize the need of a human-rights based approach to marine conservation.  |
| 2 | 12 | B, C | 55 | Trends in human-wildlife conflict should also consider trends in human-wildlife coexistence with an integrated systems thinking approach (i.e., understanding the drivers and causes of human-wildlife conflict. To work toward transformative change in conservation it is necessary to include trends in positive interactions, coexistence, and attitude of tolerance toward wildlife. It is also necessary to halt and avoid further militarization of conservation to avoid further militarization of conservation.  |
| 2 | 13 | A, B, C | 56-66 | Customary sustainable use is an important part of this target. Monitoring mechanisms should include trends to ensure the full and effective participation of indigenous peoples and local communities in ensuring sustainable harvesting, trade and use of wild species of fauna and flora, including for subsistence and small-scale use by communities. Indicators could be related to community-led plans of action on customary sustainable use. The term “legal” in this Target is problematic and could have implications for indigenous peoples (including the criminalization of communities for customary wildlife use). Work by IUCN SULi[[1]](#footnote-1) could provide more clarity and context to this target.  |
| 2 | 13 | B, C | 59-60 | Monitoring elements should ensure that harvesting, trade and use is respecting and recognizing the rights of Indigenous peoples and local communities to customary use.  |
| 2 | 16, 17 | B, C | 97-102 | Monitoring framework should ensure that nature-based contributions to climate change mitigation, adaptation, and disaster risk reduction respect and recognize the rights-holders and all contributions should comply with rights-holders’ free, prior and informed consent. Trends could include inclusion of indigenous and local knowledge and rights-holders in the design and implementation of these nature-based solutions.  |
| 2 | 18 | A, B, C | 103-116 | Monitoring elements should include trends in sustainable management of wild species of flora and fauna by indigenous peoples and local communities. Indicators could include diversity of flora and fauna used for food security, livelihoods, and health and well-being. |
| 2 | 20 | B, C | 118, 120 | Trends in area under customary, indigenous and/or local practices could be a useful monitoring element, especially linked to productivity, sustainability and resilience of biodiversity. Other possible indicators could be: proportion of total agricultural populations with ownership or secure rights over agricultural land. |
| 2 | 22 | C | 133-139 | Indicators for these monitoring elements related to human health and well-being should be based on diverse worldviews and knowledge systems and culturally relevant definitions of well-being.  |
| 2 | 33 | A | 205-210 | Tools to monitor and implement this target should clearly recognize the rights of indigenous peoples and local communities.  |
| 2 | 38-40 |  |  | **General point on Target 20**Human rights are indivisible. While critical as a target under Means of Implementation, they need to be linked specifically to substantive rights in Goals and Targets. Participatory rights (as a Means of Implementation) are needed to exercise and realise substantive rights as elaborated by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), Convention for the Elimination of Discrimination Against Women (CEDAW), Rights of the Child, or as defined in international law. Also, we suggest a clear target on environmental human rights defenders due to the increasing attacks (political, legal, economic, mental, physical and emotional) on those who are defending biodiversity and nature against external threats.  |
| 2 | 38 | B, C | 239, 240 | Monitoring elements need to ensure meaningful participation (not just participation) of Indigenous peoples and local communities. Here monitoring elements could be linked to the spatial area coverage of collective lands, waters and territories that are formally recognized, and recognition of the four governance types (government, private, indigenous peoples and local communities, shared). |
| 2 | 38-39 | C | 239-243 | **Propose to add indicators** related to participation of IPLCs, e.g.:* Number of Parties reporting on inclusion of IPLCs in the updating, implementation and monitoring of NBSAPs, and their full and effective participation in the implementation of the post-2020 GBF at all levels.

Number of Parties with designated Focal Point of Art. 8(j) and related provisions |

1. IUCN Sustainable Use and Livelihoods - <https://www.iucn.org/commissions/commission-environmental-economic-and-social-policy/our-work/sustainable-use-and-livelihoods> [↑](#footnote-ref-1)