

**Submission**

**Reflections on the
POST-2020 GLOBAL BIODIVERSITY FRAMEWORK DISCUSSION PAPER**

# 1. Introduction

The present paper responds to CBD notification 2019-008 on behalf of Friends of the Earth International. FoEI is the world’s largest grassroots environmental network, uniting 75 national member groups and some 5,000 local activist groups on every continent and over 2 million members and supporters around the world. We are happy to provide our additional input, based on the questions raised in the discussion document CBD/POST2020/PREP/1/1 and the face to face discussions in several of the regional meetings.

This submission complements our additional views which were given in the submission available here: <https://www.cbd.int/doc/strategic-plan/Post2020/postsbi/foei.pdf>

# 2) Important general considerations in addition to the issues and questions for discussion

## A Drivers to Biodiversity loss

Biodiversity loss will only be halted if we stop the drivers to them. The current framework gives some elements to attend these drivers, but this has not been implemented.

The new framework will need to specify them more clearly, and set up strategies and policies to tackle each of the drivers. This includes identifying and regulating the economic powers behind the drivers.

The upcoming IPBES report clearly identifies the following drivers:

* Large scale industrial agriculture
* Industrial Scale Fisheries
* Mining
* Energy extraction
* Infrastructure development
* Logging
* Plantations
* large scale bio-energy
* Consumption

Pathways to stop drivers to biodiversity loss need to be developed better, and its implementation carefully followed up. Each driver in the framework needs to be considered and addressed in all the targets for which it is relevant

## B. Ecosystem Approach

A key principle of the CBD is the ecosystem approach, meaning a holistic approach that looks at ecosystems as a whole rather than single species or single functions of it.  The upcoming framework needs to assure that all ecosystems are properly protected. Specific application measures of each of the targets need to be put in place in each of the ecosystems, where applicable.

The ecosystem approach considers the importance of each of the ecosystems, the internal dependency, as well as the interdependency of the ecosystems. The material benefit of ecosystems for humans is only one aspect, and should not be overstated versus other important aspects as their role for other species or the intrinsic value of nature for its own sake.

## C. False solutions to be avoided in the upcoming framework

Biodiversity and ecosystems need to improve overall. There is no space for further loss so we need to safeguard all existing biodiversity, rather than legitimizing its destruction by **offsetting.** It is not possible to fully offset one ecosystem with another. Also, the offsetting makes it easier to destroy nature “Because it is being replaced” rather than taking every effort to maintain it.  Offsetting, or any other type of mechanism that involves mercantilization, privatization or financialization of nature, should therefore not be considered as a feasible option.

Please see the Position paper of Friends of the Earth Europe “Nature is not for sale” and the FoE EWNI website for more details.

Likewise, FoEI considers **voluntary commitments,** especially by business to be a false solution. Corporate Social Responsibility does not give any guarantee to sufficient change, and often covers up real problems. Governments should regulate and verify claims made by CSR, and not base their regulation on it.

## D. Fairness and equity

The new framework will need to be based on fairness and equity. There is no way to resolve the ecological crisis without solving the related inequities caused by different economic and legal situations around the globe and the pressures exerted by mostly northern-based global corporations. Every human, independent of where he lives, has a right to nature, for it to exist and for her/him to enjoy and profit in a sustainable way.

Everybody has the right to a fair share of the benefits of biodiversity resources. Therefore, policies that aim at reducing the impact on biodiversity of those who already have low impact, while being blind to actions that overuse or destroy biodiversity resources of those who have high impact is not acceptable.

Nobody has the right to use or destroy through their actions excessive amounts of biodiverse resources, at the cost of others suffering the impact of the loss of biodiversity.

Special research needs to be done and policies need to be developed and implemented on the following questions:

* All impacts of the use of biodiversity resources or their destruction on IPLC, woman, youth, and other vulnerable groups
* The biodiversity impact of policies and (resources) consumption outside of the borders of a country, particularly from developed countries
* The unequal burden of preserving the common good of ecosystems and biodiversity on certain countries, while other countries destroyed their own ecosystems long ago.
* The benefits businesses and countries receive from biodiversity in other countries, including through the use of Digital Sequence Information.
* Possible consequences on future generations
* Specific impacts on women of biodiversity degradation

 As Article 20 of the Convention states, developed country parties have a special responsibility for ensuring that developing countries are capable to implement their share towards reaching the goals of the convention. In FoEI’s view, this includes not only financial obligations but also the need to ensure that their own foreign and trade policies do not encroach on these countries’ biodiversity.

## E Lessons learned and further research needed

The upcoming strategic plan needs to be built on valuable research produced lately, including all of the publications mentioned in “E. Key information sources” of COP decision 14/34 as well as:

* WEF Global Risks Report 2019 (WEF, January 2019)
* The State of the World’s Biodiversity for Agriculture (FOA, February 2019)
* Global Resources Outlook (UN Environment, 2019)
* The Global Assessment Report on Biodiversity and Ecosystem Services (IPBES, upcoming May 2019)

Additional research and evaluation needs to be undertaken:

* On the reasons for the lack of implementation
* On the effectivity of different implementation strategies
* On the economic and power structures behind the drivers
* On how drivers of biodiversity loss can be effectively addressed

As there is a general agreement that the implementation of the current strategic plan has largely been insufficient, it is of utmost importance to study the reasons why this has happened, and to make amendments so that the same reasons will not apply to the new strategic plan. In the actual proposed process for defining the post 2020 framework, we don’t see any process to include this analysis and to consciously propose to do things differently.

It is already clear that the main reason for failure is related to implementation elements, and not to the targets, their formulation, or the overarching framework. Therefore, we believe it is imperative to study implementation obstacles, to develop solutions to overcome these and take measures to improve implementation at all levels. Implementation action should start at once, and not be dependent on the finalization of the studies.

# 3) Responses to the issues and questions for discussion

## A.    Structure of the post-2020 global biodiversity framework

The structure of the framework consists on the one hand of elements that define the contents, and on the other hand on elements that must ensure a good implementation and follow up.



OBJECTIVES

1)    The objectives of the Convention

2)     The objectives of the protocols of the Convention

3)     2050 Vision

4)     2035 Mission

5)     Targets

IMPLEMENTATION ELEMENTS

1) Principles

2)     Implementation mechanisms

3)     Review mechanism

4)     Compliance Mechanism

### Objectives and Implementation

FoEI considers the framework to consist of 2 main parts: the **objectives** to be achieved on the one hand, starting from the objectives of the Convention and its protocols, the mission, the vision and of course the targets, and, on the other hand, the **means and mechanisms** to obtain then: principles, implementation mechanisms, a review mechanism, and a compliance mechanism.

As has been stated by many parties, experts and stakeholders, the main reason of not achieving the current strategic plan lies not in its targets which are in essence indispensable if we want to reach the Convention’s three objectives. In our view, the focus of the reflections on the post - 2020 debate should therefore be on improving the implementation mechanisms (graph, right side). This is key for reaching any objectives.

### Objectives

The three objectives of the Convention need to be held at the core of the Framework.

The convention text is an obvious core to any framework within the Convention. However, there are many articles which call for direct implementation within the convention, and which are often overlooked. We make a plea for bringing the Convention - and its objectives- to the heart of the implementation again.

Also, the objectives of the Protocols need to be fully honoured in the upcoming strategic plan.

Concerning the other types of objectives (vision, mission, targets) we will go more into detail in the sections further below.

### Implementation elements

One of the implementation elements missing in the framework are principles which need to be respected when taking decisions and implementing the CBD at all levels.

Principles

Principles need to be embedded in the framework, and need to be taken at heart in all phases of decision making and implementation of the upcoming strategic plan.

The Principles from the Rio Declaration keep on being the cornerstone for the Rio Conventions, and therefore also for the post 2020 framework. From all the Rio Principles, we want to highlight specifically the following:

* Principle 2: particularly the obligation not to cause damage beyond national jurisdiction
* Principle 7: particularly the obligation to cooperate to conserve, protect and restore the health and integrity of the Earth's ecosystem. Taking into account common but differentiated responsibilities.
* Principle 8: To reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.
* Principle 10: Environmental issues are best handled with the participation of all concerned citizens, at the relevant level.
* Principle 11: States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply
* Principle 15: The precautionary principle
* Principle 16: the Polluter Pays principle, applied in such ways that it does not create the opposite effect “he who pays, may pollute”.

Other principles which are all actions under this framework are to abide:

* Intergenerational justice perspective
* Human rights perspective
* Indigenous peoples and local communities rights:
* Gender justice perspective
* Equity and poverty reduction
* Benefit sharing
* Non-­‐regression and progression, reflecting highest possible ambitions.
* Fair and equitable sharing and distribution of costs and benefits;
* free, prior and informed consent, including the right to object to the proposed process or to the development

The other implementation elements are worked out in detail in responses to the questions below.

### Crosscutting issues for all levels of implementation.

There’s three aspects that are crosscutting to most of the targets, and need to be systematically applied to all of them, where applicable: drivers, stakeholders and ecosystems.

The CBD needs to answer the questions:

* What can be done to make sure each driver is attended in the implementation of each ecosystem?
* How can we apply each target to each ecosystem?
* What can be done to make sure each stakeholder is taken into account in the implementation of each ecosystem?

These questions need to be worked out in detail at the level of the strategic plan for the CBD, providing specific measures to be achieved in each milestone. They also need to apply to each NBSAP, making sure no important gaps are left open in the implementation plans.

Of course, there will be specific elements which are not applicable to certain targets, or even if they are, they are not applicable in certain countries. This should not stop us from doing the exercise as thoroughly as possible.

### Timeline

We propose the framework to cover the period **2021-2035**, with **milestones** in 2025 and 2030. The Milestones would need to be worked out as subtargets with specific steps to be taken in each of the five-year periods.

After each five-year period, a review needs to be done, which would include the reasons why implementation worked and didn’t work, and necessary adjustments need to be worked out.

This would allow for more continuity while still enabling stocktaking and adapting the catalogue of measures twice without putting the whole framework in question again in 2030 and 2040. It would also allow for more consistency between the Convention and the follow-up of the Agenda 2030, because the latter would need to reflect the CBD Post-2020 targets when it is drafted. If both are rewritten at the same time, both objectives can be developed more freely and there is a big risk of having a much lesser level of ambition.

## B. Ambition of the post-2020 global biodiversity framework

In 1992, the UN saw an upcoming threat to humanity in the loss of biodiversity, and decided to respond to this by approving the Convention on Biological Diversity. It is therefore the core mission of this Convention to respond to this threat.

Any level of ambition that cannot guarantee the respect for planetary boundaries and a safe operating space for humanity would fail the objectives of the convention. Therefore, the level of ambition must be not only to halt biodiversity loss, but to aim at recovery to a level where species populations not only merely just survive, but reach a good (conservation) status so that their resilience and long-term existence is assured.

 The ambition must respond to the three **objectives of the convention.** It’s not only the ambition to halt biodiversity loss. It’s also to ensure the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

Fairness and equity need to be inherent part of the ambition.

## C. 2050 Vision for Biodiversity

The 2050 vision has recently been ratified and is still valid, and in order to maintain the stability and continuity of the subsequent strategic plans, it is best to maintain this vision.

What this vision in real terms entails is that we need to go back to a state of equilibrium, whereby the overall use of resources is lower than the capacity of the earth to regenerate them, whereby further destruction of ecosystems and natural habitat is avoided, and whereby we return to live within planetary boundaries. This includes recovery of natural areas that were degraded or destroyed previously.

## D. Mission

 The Mission needs to bring the key elements of the CBD and its post 2020 strategy together. It needs to strive for halting biodiversity loss, conserving existing biodiversity, ensure that any use of biodiversity is done sustainably and that the benefits arising from the use of genetic resources are shared fair and equitably.
The present Mission is still valid, but quite long and hard to communicate in its full length. We therefore suggest to shorten its so the new mission which could read:
“to ensure that biodiversity loss is halted, biological resources are sustainably used and benefits arising out of utilization of genetic resources are shared in a fair and equitable manner.”

We warn against a APEX target that would intent to bring all aspects of biodiversity together under one single number or parameter. It is clear that biodiversity entails so many different and important aspects that reducing it to one single valuation would not do justice to many of them. In order to protect biodiversity, we need to protect ecosystems, the relation of species within ecosystems, the relation between them, and the relation with humans. This cannot be measured in any single and clear-cut way.

The risk of such an overall goal is that it takes away the attention from the diversity of aspects that need to be attended. It also risks leading to “accounting tricks” in order to comply with the target, while this does not contribute to real biodiversity benefits.

## E. Biodiversity Targets

### a. What does a “SMART” targets mean?

SMART-ness of targets should be a means to ensure good implementation of ambitious targets, not an objective in itself.

While indeed a certain level of SMART-ness is important to ensure progress on the targets, we want to underline that it is not the lack of SMART-ness which has caused the lack of progress during the current strategic framework.
Under certain circumstances, the  SMART-ness of targets could have negative impacts. E.g. measuring all biodiversity in economic value and having targets to maintain a certain value could be very SMART, but would pave the way for the loss of the connection with intrinsic values of Nature, and lead to systems which allow destruction of biodiversity when its nominal value is lower than that of destructive “development” projects.

FoEI believes there is a benefit to making the targets more SMART, without needing to completely redefine the goals. We have the following thoughts on the different elements that define “SMARTness”:

-      **Specific**: Targets can be made more specific by agreeing in milestones (as subgoals) for each five-year period. E.g. For each target, there needs to be a specification on how it applies to different ecosystems, to different stakeholders, to different drivers (see section A).

-       **Measurable**: Indicators for the Aichi targets have been elaborated, and approved in COP decision 13/28. Many of them can be continued, providing a basis for continuity. Some need to be refined, and new indicators may need to be added on, especially for new or reformulated parts of the targets, but unless there are important reasons against this, the present indicators should be further used for continuity.

-       **Ambitious**: the new framework needs to be sufficiently ambitious to make sure the global economy stays within the planetary boundaries, while ensuring a fair share of the available resources for all people (see section B).

-       **Realistic**: the key objective is to be environmentally realistic. Making targets politically and economically realistic is subordinate to this. Ultimately, an environmentally non-realistic pathway will destroy fair and viable societies, and even cause economic collapse.
So far, economic and political reality-policies have proven to be counterproductive for biodiversity. Demanding biodiversity policies to be realistic in the economic and political sense is a killer of ambition. What is “realistic” is to a large extent driven by political willingness. We therefore need realism to be understood as environmentally realistic.

-       **Timebound**: the proposal of having a framework that runs until 2035, with milestones in 2025 and 2030 automatically provides the timebound element (see section A).

### E.b. Relation between the Aichi targets and the post-2020 targets

This question is answered in section I, regarding the relation between the current and upcoming Strategic Plan including its targets

### E.c. Relation of set of post-2020 targets with global other targets

This question is answered in section G, which deals with the relation between the upcoming Strategic Plan, the SDGs and other relevant processes

## F. Voluntary commitments and contributions

In decision 14/34, the CBD COP “*Invites* Parties and other Governments to consider developing, as appropriate to the national context, individually or jointly, and on a voluntary basis, biodiversity commitments that contribute to the achievement of the three objectives of the Convention.”. The role and definition of these voluntary commitments remains unclear.

There is already a place for commitments in the CBD - these are the NBSAPs. In Art. 6 (1), the CBD foresees to have mandatory national biodiversity strategies and action plans (NBSAPs) that contain all the national measures and targets in order to fulfil the CBD’s objectives and decisions and its strategic plan. All commitments can (and shall) be incorporated in the NBSAPs. It is necessary that they add up to the overall targets, and that the overall targets are up to the level of ambition needed in a view of the current ecological situation. These commitments are mandatory.

We oppose voluntary commitments as a statutory element of the post-2020 agenda. We don’t see a need for voluntary commitments as part of the framework. Of course, any party or other actor, can make additional commitment, or commitments that specify in more detail ways of operationalising the mandatory commitments. They would have to be additional to the NBSAPs or a pledge for a certain action an institution takes to fulfil the NBSAPs (e.g. a financial contribution or an action by a subnational government). But this will be hard to distinguish form actions the government needs to undertake anyway to reach its NBSAP.

If the NBSAP process is comprehensive and participatory, any potentially voluntary elements could be included in it right in the beginning - we wonder why one would have voluntary elements in addition.

Our concerns regarding a process based on voluntary commitments are:

* Voluntary commitments bear the great risk to lower the level of ambition of the binding goals of the post 2020 framework. We see a great likelihood that these voluntary commitments will distract from, or compete with, the mandatory obligations under the NBSAPs and the resources needed for their implementation. Parties may focus on a few key voluntary measures in order to highlight and show off, while neglecting the very necessary less prominent groundwork of mandatory NBSAPs. It may be harder to ask for the enforcement of voluntary measures than for NBSAP implementation.

## Voluntary commitments under UNFCCC have not led to sufficient level of ambition; all commitments combined still put us on a pathway far beyond the agreed 2°C temperature rise. In the biodiversity realm, other examples are the Bonn Challenge for reforestation and the Commitments on Aichi target 14 (Summer 17) by the UN Oceans Conference – the results of these are unsatisfactory too.

If, despite our concerns, the CBD chooses to institutionalize voluntary commitments, they should better be named “additional commitments”, indicating that these commitments will go beyond of what all parties agreed upon.

Any review would have to look at the progress towards achieving the biodiversity targets, irrespective of whether measures are mandatory or additional.

## G. Relationship between the post-2020 global biodiversity framework and other relevant processes (including answers on Etc.)

The CBD has the mandate to decide upon matters concerning biodiversity-related issues and must therefore, in these matters, have priority before other international agreements, including trade-related agreements, both in implementation and further development, and must be entitled to suggest changes to other international agreements so planetary boundaries are respected. If the other international agreements implement the CBD’s decisions and integrate them in their specific frameworks, this would, in consequence, ensure coherence, integration and a holistic approach to biodiversity governance.

The new targets must in the first place be coherent with planetary boundaries, in a just and equitable way for all people and all nations. This is compatible with SDGs 14 and 15 - which need to be updated to the new timeline anyway. The new framework, if successful, would also automatically contribute to stop poverty, end hunger, to ensure health for all people, provision of clean water, ensure sustainable consumption and production, and combat climate change. There are, however, contradictions with some elements of some SDGs, particularly the one which enshrines unlimited growth on a limited planet. This is not compatible with the CBD’s goals and not even with the Agenda 2030 in itself, as its own principle of staying within planetary boundaries will be disregarded.

## H. Mainstreaming

Mainstreaming needs to ensure that all sectors bindingly incorporate the convention’s objectives and implementation elements in a way that the sum of their activities - of each sector and all combined - stays within the planetary boundaries.

This needs the oversight of the CBD and other conventions (MEAs) at international level. At national level governmental oversight is needed, including active involvement of all ministries.

Ensuring that economic sectors stay within planetary boundaries requires clear policies, control, and penalties in case of infringement. The public good -including biodiversity conservation, human rights in general, and rights of IPLC in particular, needs to be put above the economic interest of corporations. This requires shifts in the global policy level, such as:

- disenabling the International Centre for Settlement of Investment Disputes to preserve economic interest above biodiversity conservation and IPLC rights.

- the approval and implementation of the Binding Treaty on Transnational Corporations

- change in trade rules

- gaining market advantages by disregarding international labour and environmental standards

Sector which are drivers of biodiversity loss will need to degrow - i.e. reduce their actual production. Voluntary measures, as proposed by corporations themselves, will not cause any limits to the growth of the sectors, and will lead to marginal improvements at best, because corporations need respond to their shareholders, remain competitive and can only take up additional costs for people and environment within limits. This risks leading to greenwashing practices, thereby further covering up and perpetuating environmental and social degradation. If the same rules of the game are instated for all corporations, there is a level playing field for everyone, and there is no disadvantage for corporations that respect environmental policies.

We therefore pledge for undertaking mainstreaming by adopting binding rules for all businesses in all sectors and policies.

## I Relationship with the current Strategic Plan and targets *(including answers on E.b.)*

The new framework’s objectives must build on the current strategic plan with its Aichi targets, with adaptations where necessary, and without lowering the level of ambition.

The main problem of the current strategic plan has been its lack of implementation. Therefore, the new plan needs to focus on additional and enhanced implementation mechanisms and addressing the drivers of biodiversity loss.

It is important that all the work done to start implementing the current strategic plan can still bear fruits into the next strategic plan.

  It is important that the new framework - and particularly the targets - provide a degree of continuity from the current framework, in order to ensure:

A similar structure for implementation

continuity in implementation frameworks

continuity in information gathering, monitoring, baselines, and review

Comparability of objectives

non-regressiveness

 The most important improvement for the new strategic plan needs to be its implementation (see sections L-O). This concerns enforcement, finance, review and a compliance mechanism (see below) that will assure this effectively happens.

## K. Indicators

We propose an overall level of continuity between the current Aichi targets and the post-2020 target. Therefore, the current indicators must also be relevant in future. Current indicators should be complemented by indicators that are biologically meaningful and that can preferably be measured not only within a country but also from the outside (such as forest cover measurements supported by satellite techniques). However, such global measurements should be complementary to by local ones, to have mutual verification and to ensure the involvement of the government and the peoples living there, and to ensure the importance of indicators that measure species variety, ecosystem functioning.

Environmental justice indicators shall be added to the existing indicators, to ensure that no social injustice will be committed because of complying with strictly environmental indicators.

In case additional (sub-) targets are included in the post 2020 framework, it will be necessary to discuss indicators for these AFTER these targets have been adopted.

## L. Implementation and National Biodiversity Strategy Action Plans

NBSAPS are at the heart of national implementation. According to Art, 6 (1) of the Convention, countries are obliged to develop these, and they shall reflect, inter alia, the measures set out in the Convention relevant to the Party concerned;

In order to better ensure coherence of the NBSAPs with the Convention and its strategic plan, and also to improve transparency, we suggest all NBSAPs follow a similar / standardized general structure for which the CBD issues a guidance document. This standardized structure described therein should help to improve comparability of NBSAPs, but leave sufficient flexibility for national realities and different forms of applicability to be reflected. National measures should be clearly aligned to the global targets set out in the post-2020 global framework, and ideally be followed up by its indicators. On the global level, clear milestones are necessary that will be integrated in the NBSAPs. This will increase understanding and transparency, and make it easier to identify places where implementation needs to be enhanced.

The NBSAPS and their progress should be reviewed at regular intervals (we propose every 5 years). Whenever an NBSAP is reviewed, the level of ambition must be higher than the previous version. This is important because in many countries, NBSAPs are at risk of being watered down during a review process.

Importantly, the NBSAPs should foresee actions for every part of the government and every sector. NBSAP need to include dialogue between different ministries. The governments as a whole need to feel responsible for achieving the NBSAPs, and every part of the government, every ministry and also subnational administration need to commit to their share in the relevant plans, programmes and policies. This is requested by Article 6b of the Convention, but has by far not been sufficiently done yet.

On the other hand, any future NBSAPs must build on an analysis of the previous NBSAP and ensure continuity of current planning. New plans must be drawn up in a transparent way and ensure effective participation of Civil society, both for the definition of the plan, as for the implementation. The process and participation moments need to be clearly communicated beforehand, both at national level, and to the CBD.

Recent research has shown that IP/LC contribute heavily to the CBD’s goals. Therefore, NBSAPs need to include an IP/LC perspective, build on their knowledge and, protect their rights.

## M. & N Resource mobilization & Financial Mechanisms

Resource mobilisation is a very important factor in the implementation, and FoEI calls upon all developed countries to fully take up their responsibility under the convention, as set out in its article 20 (2), and to fulfil the already agreed targets regarding resource mobilisation, taking into account the established common but differentiated responsibilities.

Resource mobilisation is only a small part of the picture though. The implementation of Aichi target 3 - stopping harmful subsidies-  could contribute more to biodiversity than all the mobilised resources together - and both are necessary!

The investment in sectors that are destructive to biodiversity conservation - including agro-industry, mining and fossil fuel extraction are many dimensions higher than the investment in biodiversity. This needs to change. Only then the resources mobilised for biodiversity will be effective and sufficient.

Further attention also needs be given to the **efficiency** of the allocation of funds and to their subsequent use. Resources allocated solely to administrative purposes and consultative processes are not useful if this is not linked to effective implementation.

**Transparency** on resource mobilisation needs to be both regarding sources of the resources provided, and on the use of resources. Transparency also is needed regarding international cooperation, as well as regarding national expenditures, both in developed and developing countries.

Care must be taken that the financial mechanisms and sources of finance do not have a negative bearing on biodiversity conservation or indigenous peoples and local communities. Examples of how this could happen are:

* REDD biodiversity offsetting, and any other financial mechanism that lead to the privatization, commodification and financialization of Nature, leading to displacement of people and not necessary ensuring conservation outcomes (sometimes even to the destruction of habitats, such as the replacement of highly diverse and endemic South African Fynbos by monoculture eucalypt plantations).
* Corporate money which actually serves as greenwashing and instead of contributing to biodiversity conservation actually covers up dirty business.

## O. Review process Friedrich

Any **monitoring, reporting or** **review** must be done and communicated separately for each party at national level. Only if we deal with each political entity, i.e. with each party, by itself, can a link be established between a situation and those capable to improve the situation. A global report that fails to do this can never trigger the necessary action as there is no specific responsibility, everyone will hide behind aggregated/average data. A first important step has been made on the CBD’s clearing house mechanism which allows to identify progress towards each Aichi target on a map.

The voluntary peer review of the CBD is already a first step that helps to improve implementation. Standardising NBSAPs, monitoring und National reports that are based on reporting the State of biodiversity and the progress towards agreed targets (instead of on actions taken) also help.

Review should be based on a comparison between required actions and committed outcomes on the one hand and real actions and real outcomes on the other. A review only praising the positives and not addressing the gaps is no longer acceptable.

Ideally, however, the CBD would introduce a mandatory **regular peer review** of parties’ NBSAP implementation. This could happen via an interactive, solution oriented dialogue meeting with neighbouring countries who have similar challenges, at dedicated meetings or during SBSTTA, SBI or COP.

A Compliance mechanism where breaches or non-implementation of parties can be treated would also be needed. A model for this can be found in the Arhus Convention. The compliance mechanism of the Aarhus Convention is unique in international environmental law, as it allows members of the public to communicate their concerns about a Party’s compliance directly to a board of independent experts, the Compliance Committee, who have the mandate to examine the merits of the case. While this mechanism has already delivered numerous results and significantly improved the implementation of environmental legislation, the application of such as mechanism to the CBD requires precise and measurable decisions by the Convention.

## P. Relationship between the Convention and the Protocols Nele

Protocols are legally binding, and have been agreed upon as important steps towards the full implementation of the Convention. Not implementing them, and not integrating their further development and implementation in the post-2020 framework would violate the principle of non-regression. FoEI expresses its worry that so far, this has by far not received sufficient attention.

It is important that all Parties who have not done so yet, urgently ratify the Cartagena and Nagoya Protocol. Otherwise different rules apply for the same issues which are agreed by the convention, objective 3 (Access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation) and Article 19 (3) and (4) on trading LMOs.

## Q. Perspectives of Rights holders and stakeholders

A clear distinction needs to be made between stakeholders whose principal objective coincides with the objectives of the convention, and stakeholders whose principal objective is different from, or even contrary to, the objectives of the convention.

FoEI believes each of the rights and stakeholders should be crosscutting over all the objectives. There is no use in having a specific objective for each of them, as most objectives will apply in one way of the other to all stakeholder groups. This needs to be made explicit in the specifications of each target.

### Indigenous peoples and local communities

IPLCs have a central role in the conservation of Biodiversity. It has been proven that areas which are under tenure, management or some form of governance of IPLCs are in much better shape than other areas, including National Parks.

IPLCs are the ones who have the knowledge on how to preserve biodiversity and use it sustainably. They are also the ones who suffer most from its deterioration. And the ones who put their lives in the line to defend it.

Therefor IPLC need to have a privileged position in all planning and implementation phases, both of international policy (CBD and other) and at national level (NBSAPs).

In the CBD, the continuation of the WG8J should set up a work program for the period of the next strategic plan that covers all the elements which hinder their possibilities to preserve biodiversity and to ensure its sustainable use.

Of particular importance are elements related to human rights and collective rights of IPLC. The CBD needs to actively engage in order to set up policies that ensure protection for those who protect biodiversity.

### Women

Woman, especially IPLC woman and women from poorer communities in general are the most affected by the loss of biodiversity, because their livelihoods depend on it. Therefore, women are very often also the fiercest defenders of biodiversity. The high percentage of women amongst the murdered environmental defenders speaks for this.

Therefore, the participation of women in the CBD needs to represent these women who are the rightsholders for biodiversity, the ones who are affected and defend it. They must be involved in the definition of biodiversity policies, as well as in their implementation.

Any form of tokenism and statistics in terms of percentages of women in meetings should be avoided, as this does not reflect the degree to which the rightsholders have been involved.

### Youth

Youth represent the next generations, which will be hugely impacted by the decisions of today. Youth needs to be actively engaged in all the relevant processes.

### Civil society

Civil society concerns, especially coming those organisations which are in close contact with grassroots, those promoting the objectives of the convention and those who relate to the impacts of the lack of implementation should be involved in all stages of planning and implementation.
Organisations which are more linked to business interests - because they are umbrella organisations of certain sectors, or because they receive money from corporations, should be treated with the necessary caution regarding conflict of interest.

### Private sector

Corporations and businesses’ main intent is to create economic profits which have a negative impact on biodiversity as it increases consumption. In order to minimize this impact, regulations need to be put in place. More information on this in the mainstreaming section.

Any additional commitments should be carefully verified by governments and false claims need to be prohibited and sanctioned, to avoid greenwashing. Green labels without real compliance confuse and demoralise the consumer, it is governmental obligation to prevent this.

Though engagement of the private sector in CBD and its working groups can be interesting, to understand technicalities or hindrances to do business in a sustainable way, their involvement needs to happen in a way which prevents a conflict of interest.

## R. Communication and outreach

Communication is important in order to raise awareness as broadly as possible. Broad understanding of the population is needed in order to gain support for biodiversity sound policies.

Communication should be done as much as possible through the national and local level. Biodiversity and the issues related to it are very different in different regions, and there’s different language for referring to it. Also, communications at national level help to establish linkages to the national governments who need to implement the CBD.
Furthermore, global communication leads to introducing language that generalises too much, and therefore losing a lot of the richness in understanding biodiversity.

An important distinction needs to be made between communication tools, and planning tools. The upcoming strategic plan is a planning tool. While it needs to be understandable for those involved, it does not need to be attractive for communication needs. Trying to do so bears the risk of losing important specificities. We therefore strongly suggest to have separate communication tools which use a different, more outreach-oriented language.

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