

**Convention on
Biological Diversity**

Distr.
GENERAL

CBD/SBI/2/INF/9
7 May 2018

ENGLISH ONLY

SUBSIDIARY BODY ON IMPLEMENTATION

Second meeting

Montreal, Canada, 9-13 July 2018

Item 8 of the provisional agenda*

**COMPILATION OF VIEWS ON RESOURCE MOBILIZATION: ASSESSING THE
CONTRIBUTION OF COLLECTIVE ACTIONS OF INDIGENOUS PEOPLES AND LOCAL
COMMUNITIES AND SAFEGUARDS IN BIODIVERSITY FINANCING MECHANISMS**

Note by the Executive Secretary

INTRODUCTION

1. As requested by the Conference of the Parties in decision XIII/20, paragraphs 21 and 27 on resource mobilization, the Executive Secretary is circulating herewith, for the information of participants in the second meeting of the Subsidiary Body on Implementation, a compilation of views and comments submitted to the Secretariat regarding:

- (a) Collective action by indigenous peoples and local communities;
- (b) Safeguards in biodiversity financing mechanisms.

2. Submissions were received from: Iraq, New Zealand, the United States of America and the Foundation for Aboriginal and Islander Research Action. The submissions have been reproduced in the form and language in which they were provided to the Secretariat.

* CBD/SBI/2/1.

Content

A. Submission from Parties	3
Iraq	3
New Zealand	3
B. Submission from non-Parties	4
United States of America	4
C. Submission from relevant organizations	6
Foundation for Aboriginal and Islander Research Action	6

SUBMISSIONS

A. Submission from Parties

Iraq

SUBMISSION

This is an example of a specific comment on page 3, paragraph 6.

Include some of the traditional knowledge on biodiversity conservation within the curriculum to ensure the preservation of this knowledge.

Support traditional industries concerned with biodiversity conservation.

Encourage synergies, cooperation, exchange, mutual learning and communication between various conventions such as the Convention on Biological Diversity, Ramsar, the United Nations Framework Convention on Climate Change, CMS, etc. to preserve, document and study traditional knowledge on biodiversity.

New Zealand

SUBMISSION

Elements of Methodological Guidance for Identifying, Monitoring, and Assessing the Contribution of Indigenous Peoples and Local Communities to the Achievement of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets

CBD/WG8J/10/5

New Zealand thanks the Secretariat for the opportunity to provide comment on the list of elements of methodological guidance for identifying, monitoring, and assessing the contribution of Indigenous Peoples and Local Communities to the achievement of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets.

Māori play an important role in New Zealand's biodiversity objectives. Iwi (tribal groupings) are key interested parties in New Zealand's National Biodiversity Action Plan 2016-2020 that includes national targets to increase Māori participation across implementation activities that align with the Strategic Plan for Biodiversity 2011-2020, including the Aichi Biodiversity Targets.

New Zealand welcomes the non-exhaustive list of methodological elements. Opportunities for IPLC participation – recognising their important role in the conservation and sustainable use of biological diversity – will be a crucial and ongoing part of the achievement of our objectives for biodiversity.

New Zealand agrees with the principled approach to the methodological guidance. In recognising and fully including traditional knowledge, we acknowledge IPLCs as traditional knowledge holders and note the importance of early engagement with the IPLCs as holders responsible for that knowledge, to allow all subsequent steps to adequately reflect the rights, interests and aspirations of impacted IPLCs.

We further recommend that:

- enhancing outcomes should reflect the aspirations of participating IPLCs, including consideration of mental wellbeing and physical wellbeing in addition to livelihood and food security.
- data collection, sharing and storage should be considered consistent with other guidance produced by the CBD secretariat in relation to article 8(j) and related matters, for example the Mo'otz Kuxtal Voluntary Guidelines for Traditional Knowledge.
- it is noted that consistent use of identical indicators over time enables repeatability and comparisons at temporal scales; and that a baseline allows for greater assessment of changes or trends.

B. Submission from non-Parties

United States of America

SUBMISSION

Taking the voluntary guidelines on safeguards in biodiversity financing mechanisms into account when selecting, designing and implementing biodiversity financing mechanisms and when developing instrument-specific safeguards Recommendation:

Safeguards in biodiversity financing, with focus on the potential effects of these safeguards on the social and economic rights and livelihoods of indigenous peoples and local communities

The Conference of the Parties

1. *Highlights* with appreciation the ~~important synergies and convergence that are~~ **is** emerging between the existing processes for developing and/or improving safeguard systems of the financing mechanisms and the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms, and encourages all such processes to further refer to the guidelines for creating greater ~~synergies convergence~~;

Comment: We consider that the safeguard processes should be independent, government led processes tailored to fit each financial mechanism so we recommend deleting "synergies" but retaining recognition of the convergence across them.

2. *Takes note*, in particular, of the processes undertaken by the United Nations Framework Convention on Climate Change financial mechanism's operating entities to design, establish and apply safeguard systems that would cover all climate-related financing under their responsibility ~~in a way that would be consistent with the voluntary guidelines on safeguards in biodiversity financing mechanisms~~;

Comment: The UNFCCC did not set up the safeguards deliberately to be consistent with the voluntary guidelines, so in order to avoid inadvertently giving this mistaken impression we recommend deleting the clause starting with "in a way".

3. *Welcomes*, in particular, the Global Environment Facility's process to review and upgrade its environmental and social safeguards and the related systems of its agencies, noting that the result of such a process will be ~~equally applicable to all GEF funded projects climate-related financing under the United Nations Framework Convention on Climate Change and to biodiversity-related financing under the Convention on Biological Diversity~~, and invites the Global Environment Facility to inform the Conference of the Parties about how it is taking into account the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms in its important process;

Comment: The process is applicable to all GEF funded projects so it is unusual to specifically highlight only the UNFCCC and CBD. We recommend the edits shown above.

4. *Invites* ~~the Green Climate Fund and the Adaptation Fund as operating entities of the financial mechanism of the United Nations Framework Convention on Climate Change, to share their views and lessons on the value of using the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms in their processes to develop and implement their safeguard systems to address potential risks and impacts of climate-related funding on the rights and livelihoods of indigenous peoples and local communities and to enhance the benefits of such funding to them~~;

Comment: We recommend this paragraph be deleted, as it is inappropriate for the CBD to invite other Funds to share views or take action. Further, as drafted the paragraph is inaccurate. The GCF is relying on the IFC Safeguards as interim standards, not applying the "voluntary guidelines on safeguards in biodiversity financing mechanisms". Additionally, the Adaptation Fund is not an operating entity of the UNFCCC.

5. *Invites* Parties, other stakeholder organizations and other institutions to continue using the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms in designing and operating their financing mechanisms and in setting up their safeguard systems, making use, as appropriate, of the checklist contained in the annex to the present decision;

6. *Also invites* Parties, other stakeholder organizations and other institutions to contribute views on experiences, opportunities and options to advance the application of the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms to the design and operation of biodiversity financing mechanisms;

7. *Requests* the Executive Secretary to compile further information on the use and value of the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms and other relevant guidance under the Convention by Parties, other stakeholder organizations and international institutions in relation to the development and application of relevant safeguard systems.

Annex

ASSESSMENT OF REQUIREMENTS UNDER THE CONVENTION ON BIOLOGICAL DIVERSITY FOR SAFEGUARDS IN BIODIVERSITY FINANCING MECHANISMS

The following questions may be used as a checklist for compliance with requirements of the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms.

Overall question on the purpose of the Convention's voluntary guidelines on safeguards in biodiversity financing mechanisms

Does the financing mechanism have a safeguard system designed to effectively avoid or mitigate its unintended impacts on the rights and livelihoods of indigenous and local communities and to maximize its opportunities to support them?

Guideline A: The role of biodiversity and ecosystem functions for local livelihoods and resilience, as well as biodiversity's intrinsic values, should be recognized in the selection, design and implementation of biodiversity financing mechanisms.

A.1 Is the role of biodiversity and ecosystem functions for local livelihoods and resilience recognized in the selection, design and implementation of the mechanism?

A.2 Are biodiversity's intrinsic values recognized?

Guideline B: Rights and responsibilities of actors and/or stakeholders in biodiversity financing mechanisms should be carefully defined, at national level, in a fair and equitable manner, with the effective participation of all actors concerned, including the prior informed consent or approval and involvement of indigenous and local communities, taking into account, the Convention on Biological Diversity and its relevant decisions, guidance and principles and, as appropriate, the United Nations Declaration of the Rights of Indigenous Peoples.

B.1 Are the rights and responsibilities of actors and/or stakeholders carefully and equitably defined?

B.2 Has there been effective participation of all actors concerned in the definition of such roles and responsibilities?

B.3 Has there been prior informed consent or approval and involvement of indigenous and local communities in the definition of such roles and responsibilities?

B.4 Has the mechanism taken into account the Convention on Biological Diversity and its relevant decisions, guidance and principles and, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples?

Guideline C: Safeguards in biodiversity financing mechanisms should be grounded in local circumstances, should be developed in consistency with relevant country-driven/specific processes as well as national legislation and priorities, and take into account relevant international agreements, declarations and guidance developed under the Convention on Biological Diversity and, as appropriate, the United Nations Framework Convention on Climate Change, international human rights treaties and the United Nations Declaration on the Rights of Indigenous Peoples, among others.

C.1 Are the financing mechanism's safeguards grounded in local circumstances?

C.2 Are safeguards consistent with relevant country-driven/specific processes as well as national legislation and priorities?

C.3 Do they take into account the instruments mentioned in point B.4 and the United Nations Framework Convention on Climate Change, international human rights treaties and others, as appropriate?

Guideline D: Appropriate and effective institutional frameworks are of utmost importance for safeguards to be operational and should be put in place, including enforcement and evaluation mechanisms that will ensure transparency and accountability, as well as compliance with relevant safeguards

D.1 Are appropriate and effective institutional frameworks in place to ensure application of the safeguards?

D.2 Does the safeguard system include enforcement and evaluation mechanisms?

D.3 Are requirements of transparency and accountability included?

D.4 Are all stakeholders required complying with safeguards' provisions?

Additional questions elaborated from the relevant decisions, guidance and principles under the Convention on Biological Diversity would include the following:

E. Are there provisions to ensure equity, or reduce risks of inequity, in benefit sharing?

F. Are cultural impact assessment procedures included in safeguard instruments? Do they specifically include respect for the spiritual values of indigenous peoples and local communities?

G. Is customary use considered in avoidance of risks?

H. Are there safeguard provisions for risk mitigation and avoidance in relation to the traditional knowledge of indigenous peoples and local communities, especially regarding the protection of their knowledge rights?

C. Submission from relevant organizations

Foundation for Aboriginal and Islander Research Action

SUBMISSION

I wish to recommend further work on developing and developing a CBD IPLC specific Safeguards Framework based on principles, standards and guidelines developed under the CBD (refer to CBD/WG&J/10/INF/7 attached), also addressing any additional gaps identified as a major element of work for article 8(j) and related provisions in the Post 2020 Biodiversity Framework.
