

Submission regarding the preparation, scope and content of the post-2020 global biodiversity framework (SCBD/OES/DC/RH/KNM/87538)

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We have used document CBD/COP/14/INF/16 as a guide for shaping our submission.

THE AMBITION LEVEL FOR THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK

The post 2020 global biodiversity framework must not be less ambitious than commitments, frameworks and processes established by other multilateral environmental agreements. In fact we must increase our level of ambition and sense of urgency.

A priority for the framework should be to increase awareness of just how completely we depend on biodiversity for every aspect of our lives and how the three pillars of the Convention must be at the core of our activities. Many people feel passionately attached to particular places or aspects of biodiversity and this passion must somehow be harnessed to increase action.

We must also prioritise the vital work of those who live closest to biodiversity, indigenous peoples and local communities. The links between biodiversity and cultural diversity including languages and indigenous knowledge are a core element in this.

We need both collective and individual ambition for the framework, at every level; we must tackle the drivers of biodiversity loss and avoid breaching planetary boundaries.

However, a serious lack of political will so far helps to explain why previous targets have mostly not been fulfilled. We now need systemic change, which reaches beyond the remit of the CBD, yet is critical to our future success within the CBD.

A major problem here is that in most government structures, environment is much weaker than other departments, such as business, industry, mining, agriculture, infrastructure, transport, development etc., and has to defer to their plans. We may now have reached a tipping point where our very future depends on making environment, ecosystems and biodiversity central elements in every decision we make, which means rectifying this imbalance of power. This also means that the CBD's role is now central to all our futures and the CBD needs to fully assume that role and avoid deferring to other agreements and bodies such as the UNFCCC or the WEF.

Biodiversity is essentially local – no two ecosystems are the same and knowledge, especially traditional knowledge, is related to specific areas and ecosystems and the relationships between the people and biodiversity within them. This means that IPLCs have a particularly important role to play in establishing the post-2020 global biodiversity framework and the rest of us have much to learn from their knowledge and their ways of consulting and making decisions.

Biodiversity is also critical to addressing the challenges of climate change. It helps to limit global warming through the absorption of carbon dioxide when we protect and undertake the sensitive restoration of ecosystems ranging from forests through to peatlands. Resilient ecosystems can also help us to adapt to the global warming that is occurring.

THE RELATIONSHIP BETWEEN THE CONVENTION AND ITS PROTOCOLS

Biosafety for the post 2020 framework

We believe that biosafety must be included in the post-2020 global biodiversity framework, since living modified organisms resulting from modern biotechnology may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health. We therefore welcome the decision by Parties to the Cartagena Protocol on Biosafety to develop a specific Implementation Plan for the Cartagena Protocol on Biosafety post-2020 that is anchored in and complementary to the post-2020 global biodiversity framework.

The elements of the biosafety component of the post-2020 global biodiversity framework should include the following elements of the Strategic Plan of the Cartagena Protocol on Biosafety 2011-2020 that are still relevant: (i) development of biosafety legislation, (ii) risk assessment and risk management, (iii) detection and identification of living modified organisms, (iv) socio-economic considerations, (v) liability and redress, and (vi) public awareness, education and participation.

The elements of the biosafety component of the post-2020 global biodiversity framework should also include the following new elements reflecting lessons learnt and new developments relevant to biosafety: (i) horizon scanning, monitoring and assessment of new technologies particularly in relation to synthetic biology, in order to be able to anticipate, monitor and assess developments in this rapidly developing field and their potential impacts on the objectives of the Convention and its Protocols, (ii) precautionary measures that may be implemented for new technologies in relation to synthetic biology, and particularly for organisms containing engineered gene drives (iii) the means by which the free, prior and informed consent of potentially affected indigenous peoples and local communities is obtained for any releases of living modified organisms into their lands and territories.

The Nagoya Protocol must be fully implemented. It is particularly important that any commercial use of genetic resources, including digital sequence information, should be fully subject to the Protocol and that indigenous and local communities are properly consulted for their free prior informed consent and that they fully share in the benefits arising from their knowledge and genetic resources.

THE ELEMENTS OF THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK

We must be extremely careful that a long timeframe such as that to 2050 does not simply postpone action, hence we need to establish milestones and we also need to establish targets for IMMEDIATE ACTION, such as immediately ceasing the further fragmentation, degradation and destruction of ecosystems and biodiversity.

Incidentally, we believe that the CBD should not use the term **science-based** but instead cite the Precautionary Principle, which means that its work is based on **the best available scientific evidence**.

Also some **SDGs** are directly contradictory to what is now required. For example, 8, on decent work and economic growth and 9, on industry, innovation and infrastructure do not suggest any limits, whereas limits to economic growth, industry and infrastructure are now vital if we are to stop destroying biodiversity. Such limits, and also the application of the precautionary principle, need not prevent innovation as is sometimes claimed, but instead can actively stimulate innovation of the kind we need.

TARGETS

We believe it is vital to keep the Aichi targets as a basis for future action, while learning from the reasons why we have largely failed to implement them to date. We need more clarity on who is responsible for taking action and how in connection with each target. We would like to suggest three new targets: on soil biodiversity; environmental defenders; and deep ocean sea beds, plus some elaboration on targets relating to agriculture.

It is also necessary to develop ways of **measuring compliance**, eg by Parties in their national biodiversity strategies and action plans with commitments made.

Above all, whatever decisions are made regarding targets, we must avoid losing valuable time on devising and agreeing new targets – instead we need to build momentum towards stopping biodiversity loss. We must also focus on the actual implementation of targets and address the inertia generated by the failure to do so previously.

Mainstreaming in strategic goal A of the Aichi Targets

Currently the phrase ‘mainstreaming biodiversity’ as currently used in the CBD is highly misleading. In fact biodiversity is being marginalised. This has to change, because, as alluded to above, we are now at a critical juncture after many years of failure to act.

Underlying this is a deep contradiction: between the current imperative for economic growth as the main development paradigm and the need to stop the destruction of biodiversity. This relates to the hierarchy within most government structures that marginalises environment, and the gap between perverse incentives that destroy biodiversity and the funding available to protect it.

Aichi target 3 on perverse and positive incentives is particularly important in this respect – perverse incentives have major impacts on both biodiversity and territory and land rights of IPLCs, for example the EU’s bioenergy policies have been shown to affect large areas of land both inside and outside the EU, with impacts on local communities whose land rights are not secure.

For example:

“The Biofuels Baseline noted that in 2008: (i) “The total gross land use associated with EU biofuel consumption in 2008 is estimated to be 7 Mha [million hectares] of which 3.6 Mha in the EU and 3.3 Mha in third countries.”¹

This is an very large area, taken from other uses such as food production, often depriving local people of access to their lands, helping to change small farmers into outgrowers for companies, using so-called marginal lands which are often important to local communities and biodiversity and helping to support large-scale phenomena such as the African Agricultural Corridors... all of which have far-reaching impacts on biodiversity. It is also an example of how policy changes and their accompanying incentives in one part of the world can impact other regions. There are obviously many other examples, for example the use of wood chips from biodiverse forests of the southern US to replace coal in a major UK power station and the global appetite for palm oil.

We therefore propose a deep analysis of the impact of perverse incentives

We suggest that a new report be commissioned by the CBD on the true impact of perverse incentives in the destruction of biodiversity and the contrast between the amounts of money involved and the amounts devoted to the protection of biodiversity. The aim of this would be to increase awareness of the extent of this problem and identify particular cases where action could be taken. We have spoken to some people who may be interested in taking this further and a piece of work on this topic is currently pending publication. Of course this issue, like many others, arises out of the current system based on economic growth and imbalances of wealth and power – the system that we need to change radically and urgently.

The development of genuinely positive incentives should also be a major focus for the post 2020 process.

Other elements required for post 2020 targets

The precautionary principle is fundamental to the Convention and must be reflected in any post 2020 framework. The Convention has taken globally significant decisions ranging from moratoria to the application of the precautionary principle to the use of new technologies and approaches that could have serious negative impacts on biodiversity, such as genetic use restriction technologies, gene drives and geoengineering. These technologies are sometimes proposed as a way of avoiding real change to our current energy intensive systems of development, such as trying to avoid some of the consequences of climate change with the application of geoengineering. These decisions are critical to the post 2020 framework and must be incorporated into the post 2020 framework.

It is interesting that the recent IPCC 1.5 degree report, while by no means perfect, has noted that reducing material consumption and energy demand, encouraging less energy intensive food consumption and reducing the vulnerability of human and natural systems have high synergies with sustainable development. It also notes that avoiding

¹Ecofys (2011) ‘Biofuels Baseline 2008’, p.90

http://ec.europa.eu/energy/renewables/studies/doc/biofuels/2011_biofuels_baseline_2008.pdf

Quoted in A Foreseeable Disaster: The European Union’s Agroenergy Policies by Helena Paul for TNI, FCCL and EcoNexus, July 2013, <https://www.econexus.info/node/240>

overshoot and reducing emissions and energy demand with immediate effect can enable us to avoid reliance on highly uncertain, large-scale geoengineering proposals such as bioenergy with carbon capture and storage (BECCS), which would have major impacts on biodiversity and land use generally if deployed. There are important potential synergies here. Clearly we must reduce consumption at every level in a context of equity and justice in order to address both biodiversity loss and climate change. This is coherent with the urgent need to live within planetary boundaries.

At the same time the IPCC 1.5 degree report makes it clear that even with 1.5 degrees of warming we face major destruction of biodiversity and other impacts.

The polluter pays principle is also crucial and must be part of the post 2020 framework. It could be very helpful in addressing perverse incentives and corporate power more generally. It can play an essential role in our efforts to change the current economic growth model.

The drivers of biodiversity loss: These need to be identified, and their impact rapidly reduced. Drivers include many of those industries where biodiversity is meant to be mainstreamed: agribusiness and unsustainable food systems, unsustainable fisheries and forestry, extractive industries, the energy sector, tourism, trade, and infrastructure for all the above.

The role of business in CBD processes as well as its impacts on biodiversity need careful evaluation. It is still extremely difficult to hold business to account for negative impacts on biodiversity. This is somewhat ironic, considering that businesses can bring actions against governments using the *Investor-State Dispute Settlement* (ISDS) mechanism or Bilateral Investment Treaties (BITs) if (for example) they are prevented from exploiting resources for profit in that state, even if on grounds of the need to protect biodiversity.

Additional target proposals

Agriculture and food systems - build on Aichi targets 7, 8 and 13

We must move towards agriculture and food production systems that enhance biodiversity conservation. We should therefore promote agriculture that applies agroecological principles. According to the FAO these are: diversity; synergies; efficiency; resilience; recycling; co-creation and sharing of knowledge; human and social values; culture and food traditions; responsible governance; circular and solidarity economy.² Such principles are also important for biodiversity protection generally. Agroecological approaches work within wider ecosystems and use elements from those ecosystems to tackle problems, for example encouraging beneficial predators to deal with pests; or providing good conditions for pollinators to flourish instead of applying pesticide.

Agrobiodiversity is a key part of genetic diversity. We have already lost many farmer varieties, adapted to their local context, and embodying levels of genetic diversity that can help us to adapt to the impacts of climate change. Large-scale monocultures and the use of pesticides and other chemicals are a major threat to both biodiversity and agrobiodiversity as well as human health, soil and water quality and need to be drastically

² <http://www.fao.org/3/i9037en/I9037EN.pdf>

reduced. Agrobiodiversity needs to be conserved largely *in situ*, where it can evolve and adapt to changing conditions and where those working with it can select for useful characteristics and pass their knowledge on to future generations.

New target proposal: on soil biodiversity

This is a crucial but still neglected element of biodiversity: it is currently under serious threat mainly from industrial agriculture. Soil biodiversity and healthy soil food webs are critical to the production of healthy, nutritious food, and a vital, sometimes overlooked, element of ecosystem functions. In some parts of the UK, it has been calculated that soil degradation means we are only 30-40 years away from eradicating soil fertility.³

New target proposal: to protect those who defend territories and lands rich in biodiversity

Some of the areas that are best conserved are those of indigenous peoples. At the same time they are often those most at risk of losing their territories, and even their lives when trying to defend those territories. More than 200 environmental defenders were murdered in 2017. Thus we need to commit to their real protection, involving relevant international human rights bodies. We also need to ensure that indigenous and Community Conserved Areas (ICCAs) are properly recognised so that their inhabitants are legally empowered to protect their territories. Free Prior Informed Consent Processes must include the right to say no to a proposed development.

New target proposal: on protecting deep sea beds

We would like to propose a specific target for the protection of deep sea beds both within and beyond areas of national jurisdiction. We believe it is still possible to set a very high level of protection here, since direct human interference is still at a comparatively early stage and we have a rare opportunity to intervene in a precautionary manner. However, there are proposals for seabed mining, with prospecting licenses already granted by the International Seabed Authority. We consider it vital that the CBD should attend to this issue in view of the very high level of unexplored biodiversity in the oceans and the fact that secrets about the beginning of life on the planet may be hidden here. It also seems to us to currently be a neglected facet of biodiversity. Hence our proposal for a specific target.

IMPLEMENTATION MECHANISMS

Clearly implementation has hitherto been lacking. Resources for this are vital, especially for awareness and capacity building and developing solutions at every level of society that are based on consultation with IPLCs and civil society more generally. We are aware that such consultation work requires funding, but we believe that it could also generate commitment and a strong sense of responsibility at all levels of society. We know that we need urgent action, so it is important to find a way to generate the political will that could in turn help to generate the necessary funding. For example, just a tiny fraction of global gross domestic product for 2017, estimated at 80.05 trillion US dollars, an almost unimaginable amount, would easily fund the work required. Perverse subsidies also involve far larger sums than any funding currently 'available' for protecting the biodiversity they impact. Clearly this has to change if we are to

³ <https://www.theguardian.com/environment/2017/oct/24/uk-30-40-years-away-eradication-soil-fertility-warns-michael-gove>

bequeath a liveable world to future generations. However, a number of developed countries have failed to fulfil their obligations regarding finance

INDICATORS

We would like to add indicators for ‘trends in potentially harmful elements of government support’ to Aichi Target 3 for the issues that were looked at under mainstreaming at COP14: the infrastructure, manufacturing and processing, energy and mining, and health sectors. We also note that human and ecosystem health is often seriously compromised by these other sectors.

The importance of horizon scanning

We believe that horizon scanning is a crucial aspect for the post 2020 framework, for new technologies and their impacts on biodiversity and society more broadly. Indeed horizon scanning should be part of the core work of the CBD with regular reporting to the Convention and its bodies.

COMMUNICATION AND OUTREACH

Ensure ownership of the process of developing the framework

A central part of developing the post 2020 framework has to be genuine communication and consultation with and between all sectors of civil society and IPLCs in particular, to ensure ownership of the process at all levels of society, and the fair and equitable sharing of knowledge about biodiversity, including agrobiodiversity, from the ground up. The construction of such processes of communication should be a core aspect of the post 2020 process. Communicating the urgency of the situation and the need for action at all levels of society is essential. People everywhere need to feel empowered to participate. This is obviously a major task, but the response of publics around the world to the issue of plastic waste shows that it is possible, even though actually solving this particular challenge has only just begun.

The challenge of plastic waste also clearly demonstrates the need to apply the precautionary principle to new developments and technologies and to avoid the deployment of those that clearly pose risks to biodiversity and ecosystems.

GAPS IN THE STRATEGIC PLAN FOR BIODIVERSITY 2011-2020 THAT COULD BE ADDRESSED IN THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK

As already noted, implementation is a major gap, mainly because of a lack of political will. Hence we would call for a transformative approach not so much to conservation but to the model of economic development that is helping to decimate biodiversity. We now know that this is not coherent with preserving a culturally and biologically diverse planet where people and biodiversity can flourish together into the future.

We have proposed some possible new targets that seek to address some of the gaps that others have identified – see above under targets.

We need much greater efforts to address the issue of **invasive alien species** pre-emptively, since IAS are a major driver of biodiversity loss, ecosystem degradation and species extinctions, while climate change is helping to facilitate their spread. They are also a threat to food security and livelihoods.

To be avoided

Finally we would like to highlight some proposals relating to biodiversity that we think should be avoided:

- Interest has been expressed in adopting some aspects of the UNFCCC Paris Agreement such as voluntary commitments. This could be deeply misleading in a context where we need urgent action. Furthermore we should not forget that the CBD is a binding treaty.
- Some are also tempted to try and reduce biodiversity to something that can be measured like CO₂ in the UNFCCC. However, as noted above, biodiversity is essentially unique to its location and cannot be reduced to a marketable commodity in this way.
- Thus biodiversity offsetting is also unacceptable – one piece of forest cannot be exchanged for another and such proposals often involve further fragmentation of ecosystems, which we can no longer afford.
- In the same way, natural capital accounting is not adequate to express the value of ecosystems and biodiversity
- Ecosystem functions cannot be reduced to a hierarchy of services to humans, not least because ecosystems are interactive wholes, full of intricate interdependent relationships, eg: between pollinators and plants, that are often not at all well understood. An example of some that have been studied is: the pollination of the brazil nut tree, the euglossine bee, *Eulaema meriana* and the orchids from which the male gathers perfume – to say nothing of the essential role of the agouti in breaking open the nut clusters when they fall.