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A RIGHTS-BASED APPROACH FOR THE POST 2020 GLOBAL BIODIVERSITY FRAMEWORK

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A rights-based approach (RBA) refers to the relationships between rights holders and duty holders. It develops the capacity of duty-bearers to meet their obligations and encourages rights holders to claim their rights. The RBA aims to address development complexities in a holistic manner, taking into consideration the connections between individuals and the systems of power or influence; and it endeavors to create dynamics of accountability.

The objective of an RBA to conservation is to harmonize nature conservation activities with respect for people's rights (particularly, human rights). An RBA favors sustainable governance of natural resources, ensuring that decisions at local and international levels are well-informed, implemented equitably and gender responsive. Numerous reports have highlighted the interrelation between conservation and human rights. Particularly noteworthy is the work of the former UN Special Rapporteur on Human Rights and the Environment, Professor John Knox who stated that "*biological diversity is necessary for the enjoyment of a wide range of human rights. Its degradation and loss undermine people's ability to enjoy these rights (...)*"

The conservation of nature leads to the realization of substantive rights such as the ones to life, culture, health, land, housing, food, water, self-determination and non-discrimination. Procedural rights such as access to information, access to justice and participation in decision making play an equally important role in the development of an RBA to conservation. They are essential for supporting and ensuring the implementation of and compliance with substantive rights.

The current scenario of harassment and attacks on the lives of people who defend nature and human rights is highly worrying and, without a doubt, hinders progress towards achieving the CBD vision of "*living in harmony with nature*". According to Global Witness, more than 3 people were killed each week in 2018, with countless more criminalized, for defending their land and our environment. The vulnerability and risk of activists, park rangers, indigenous peoples and local communities must be recognized and addressed effectively. Sectors

indicated as the cause of these deaths are precisely those identified in Decision CBD/COP/DEC/XIII/3 and related ones, on the incorporation and integration of biodiversity in all productive sectors. This is proof that extreme care should be taken when proceeding with the desired *mainstreaming*.

Parties to the CBD, through numerous decisions, have recognized the role of indigenous peoples and local communities, women, and others in the protection of biodiversity. But the CBD needs to go one step further, and adopt an RBA in the post 2020 global biodiversity framework as an essential principle and enabling condition to not only improve the chances of achieving biodiversity goals, but also a just world in which the protection of rights and biodiversity conservation are mutually reinforcing. This will allow Governments, in cooperation with already existent relevant environmental and human rights frameworks and mechanisms, to address the risks to fundamental human rights resulting from biodiversity loss, as well as properly consider and safeguard the rights of groups and individuals (particularly of those taking a stand and even giving their lives to defend biodiversity) in the design and implementation of actions to tackle and reverse the biodiversity crisis.

CBD, Stand Your Ground!

Lim Li Ching, Third World Network

In the discussions on the evidence base for the post-2020 global biodiversity framework, one Party has been adamant that trade issues should not be discussed at the CBD and should instead just be dealt with at the WTO. In that Party's opinion, the inclusion of trade issues at the CBD is "not doable from a technical point of view".

This is not the first time that the message has been sent that the CBD should keep out of areas occupied by other agreements and bodies. We heard these arguments in the discussions on the Nagoya Protocol on Access and Benefit Sharing, when we were told that those issues are for the WTO's TRIPS Agreement and WIPO. We were told that the Cartagena Protocol on Biosafety would be a barrier to trade. And that agriculture and food safety issues should be left to the FAO and the Codex Alimentarius Commission.

If we follow these arguments to their logical conclusion, then the CBD would be left with very little to deal with, except perhaps protected areas.

There is clearly an interface between biodiversity and trade. Indeed, many Parties have identified the need to address the fact that distant areas of the world are increasingly connected by trade and global supply chains which could result in biodiversity loss in other areas. This is called 'telecoupling' in the IPBES Global Assessment.

As eloquently argued by a developing country Party, to loud applause in the Contact Group, the CBD should absolutely address trade issues that impact on biodiversity. At the same time, trade should not trump other considerations, whether they be socioeconomic, or related to culture or human rights.

The post-2020 framework is meant to be a framework for all. This means that the CBD should stick to its mandate and that Parties have the obligation to proactively address any issue that impacts on biodiversity.

Youth recommendations for Post-2020 framework

Global Youth Biodiversity Network Intervention on Agenda Item 3

The IPBES Global Assessment report points out leverage points for transformative change. "Leverage" means that if we focus on these few aspects, we will make big changes. It also points out a set of enabling conditions or levers such as incentives and capacity-building, cross-sectoral cooperation, and environmental law and implementation. It also says implementation should be place-based, integrative, informed, inclusive, and adaptive. This is important guidance for us in designing a good post-2020 framework.

If we focus on creating fewer targets targeting these leverage points, then we will be able to focus on the things that matter in achieving transformative change, as determined by evidence. If we follow this logic, big changes in improving the state of biodiversity will follow. In this context, we believe that one of the targets focusing on the leverage point on "reducing inequalities" and "promoting education" could be the following:

"By 2030, ensure the respect, protection, and fulfilment of the rights of present and future generations to a clean, safe, sustainable environment with healthy and resilient ecosystems, taking into special account the vulnerabilities and key contributions of indigenous peoples and local communities, women, and youth."

"By 2030, ensure that culturally appropriate biodiversity, sustainability and heritage education are integrated into school curricula at all levels, including informal education; with a strong focus on reconnection with nature through learning-by-doing and experiencing nature."

This said, we strongly feel that to achieve these leverage points we will need to reflect differentiated responsibilities in the means of implementation. The developing countries and vulnerable groups on the frontline should not be burdened with the responsibility of addressing the indirect drivers which they frequently have no leverage or means to address. They should be supported in their work on the ground in addressing direct drivers, with appropriate capacity and resource allocation.



"SMART Targets? Co-chairs hit upon foolproof strategy for a "successful" post2020 Agenda."

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