

In this issue:

- Is it doable from a scientific and technical perspective?
- Article 3: An overlooked provision in the text of the CBD?
- Links between nature and culture
- No technology transfer without technology assessment

Is it doable from a scientific and technical perspective?

Nele Marien, Friends of the Earth International

Last night, the contact group on the evidence base for the post 2020 GBF considered several proposals for a 2030 mandate. The first criterion used to discuss these proposals was “Is it doable from a scientific and technical perspective?”

However, all proposals – including halting and reversing biodiversity loss - are scientifically and technically possible, if there is political will. Without political will, none of the proposals will be feasible.

Maybe the more important question is: “**Can we afford not to do so**”?

If we don't halt biodiversity loss, then by 2030 the world will be in a worse place, having passed tipping points towards irreversible ecosystem collapse, having worsened poverty indicators and the human rights situation of all people, and IPLCs in particular.

Statement on Agenda Item 4 : Biodiversity and Climate Change

Global Forest Coalition

We appreciate the background documents and we were heartened by the clear recognition in the IPCC report on Climate Change and Land Use that ecosystems play a central role in climate change mitigation and adaptation, and that climate change policies should thus avoid negative impacts on biodiversity.

We regret that the proposed recommendations do not address the significant challenge of genuinely mainstreaming biodiversity and ecosystem-based approaches, and related existing CBD

COP decisions, in climate policy. We strongly question the use of new terms like *Nature-based solutions* in this respect, which might undermine the existing work of the CBD on ecosystem-based approaches and ecological restoration. The current proposed decision language includes the term “Nature based solutions” in brackets as if this was equivalent term to the ecosystem based approach. *Nature based solutions* as a term is subject to an unfinished process of definition. We feel it would be wiser that the CBD stays with the well understood term that is long used here - the ecosystem based approach.



It is critically important for both biodiversity conservation and climate mitigation and adaptation to improve the conservation, governance, management of all primary ecosystems and focus restoration on buffering and reconnection to maximize the stability of carbon storage and the long term outlook for biodiversity.

Integration between the UNFCCC and the CBD is important. However, we must really make sure that biodiversity stays at the forefront of all decisions and implementation in this convention, and raise the awareness of the importance of biodiversity in the climate convention. We cannot afford any measures that enhance carbon stocks but decrease biodiversity and ecosystem functioning anymore, like monoculture tree plantations, large-scale bioenergy and BECCS.

We welcome the emphasis on addressing drivers of both climate change and biodiversity loss like unsustainable livestock production, and would like to emphasize in this respect that addressing unsustainable livestock production and consumption is not just a matter of behavioral change, but also very much depends on a redirection of perverse incentives and other regulatory and economic tools.

We think that a collective approach in ecosystem restoration and the recognition of collective rights is key to the protection of biodiversity as well as the recognition of the rights of nature (also called Mother earth or Pachamama) when the Indigenous Peoples or local communities assert that right. UNDRIP and UN Declaration on the Right Of Peasants should be lighthouses to guide the convention in its decisions.

Last but not least, we want to reiterate that the conservation initiatives of Indigenous Peoples, local communities and women are at the heart of long-term, sustainable ecosystem-based conservation approaches and climate change mitigation and resilience and efforts to halt biodiversity loss. We urge Governments to respect their rights and empower their role, including by adopting a gender target and a target on land and natural resources governance rights in the future GBF.

Towards COP15: Article 3: an overlooked provision in the text of the CBD?

Helena Paul, EcoNexus

Since we live in an increasingly interdependent world and yet we appear collectively to be as slow to tackle biodiversity destruction as CO2 emissions, it seems like the right moment to go back to **first principles of the CBD as set out in 1992**. This was a moment when it looked as though there really was a shared determination to tackle our common problems. It is sobering to consider that nearly 30 years later, we have made so little progress.

One example of a principle set out in the CBD text that urgently needs proper application is **Article 3**, especially the text in bold:

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies and **the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.**

Is the second part of this Article being observed by Parties to the CBD or not? Surely it should be a central part of any Global Biodiversity Framework we may develop?

Mainstreaming and power imbalances

This is especially the case since biodiverse, healthy, resilient ecosystems are vital if we are to have any hope of addressing climate change effectively. Yet the sectors where biodiversity is supposed to be mainstreamed are powerful actors: agriculture, fisheries and aquaculture, forestry, tourism, health, energy, mining, infrastructure, manufacturing and processing. The relevant ministries usually have far more influence on government than ministries of the environment. Many of these sectors involve impacts from the activities of one Party on the biodiversity of another and infrastructure in particular is a vital component of many of the other sectors. Hence the strict application of Article 3 would seem particularly important in the build-up to COP15 and beyond.

Article 3 also helps to ensure that even if the state that is affected by the activities of another state only has very weak laws to address such activities, it is still the case that Parties are obliged to avoid damage to the environment of that state under Article 3. And crucially, it provides protection for **areas beyond national jurisdiction** such as deep seabeds, highly biodiverse, fragile and slow to recover from impacts. These are currently threatened with projects to explore for oil, cobalt and other resources whose extraction we should be reducing if we are truly to address the climate and biodiversity crises.

Article 3 and business

This is an aspect that needs debate internationally as well as within the CBD: the fact that corporations are often major players in projects that impact biodiversity in other states. Many corporations now have a global presence with multiple subsidiaries and some are larger than the economies of smaller states. They are able to adopt complex structures, eg: creating 'shell' companies that can make it difficult to hold the parent company to account for damage caused.

The system of **Investor State Dispute Settlements (ISDS)** allows investors (usually corporations) to sue states on charges of hampering their profits. This can have serious impacts on attempts to protect biodiversity and human rights, or tackle climate change. We urgently need a legally binding international treaty on corporations and meanwhile we must consider how to apply Article 3 to help create an effective post-2020 global biodiversity framework.

Finally, the UNFCCC Paris Agreement signed in 2015 is frequently held up as an example for the CBD to try and emulate at COP15 in China. This is not acceptable: the Paris Agreement is deeply flawed and commitments made are insufficient. COP15 must go much further.

The Links between Nature and Culture and the GBF

Cristina Eghenter, WWF Indonesia

Recognizing and integrating the linkages between nature and culture can strengthen an alternative system of values needed to underpin effective efforts to address the root causes of biodiversity loss and inequality. *The possible elements of work on the links between nature and culture in the post-2020 global biodiversity framework*, by also leveraging on the broad-based international alliance with a common strategy across conventions and agreements, represent a strategic opportunity to fully and meaningfully incorporate the recommendations of The Sharm El-Sheikh Declaration on Nature and Culture at CBD COP14 in the GBF. Biological and cultural diversity are not only closely linked but also mutually reinforcing. Their separation brings loss and weakens both.

Over centuries, knowledge and practices of IPLCs have contributed greatly to domestication of food plants, conservation of food biodiversity, sustainable use of biodiversity, discovery of medicinal properties of plants, and much more. Global challenges for biodiversity, including climate change crisis, require transformative change and demand effective and equitable nature solutions that are place-based, uphold social justice and the respect for human rights, and are rooted in cultures and values.

A strong and ambitious post-2020 framework to bend the curve of the current dramatic biodiversity loss will require a stronger cultural and value basis. Moreover, it also needs to be complemented by the recognition, respect and support for the custodians, practices, values, institutions and governance models that have nurtured and supported nature and culture links and demonstrated living in harmony with nature.

The possible elements of work on the links between nature and culture in the post-2020 global biodiversity framework can be further strengthened by more explicit reference to the meaningful engagement of women and youth, and the implementation of article 10c for protecting and encouraging customary sustainable use. Both aspects can help further highlight the critical bonds between cultures and places/territories, and the need to recognize these bonds for reversing the loss of biodiversity for present and future generations.

The opinions, commentaries, and articles printed in ECO are the sole opinion of the individual authors or organizations, unless otherwise expressed. Submissions are welcome from all civil society groups.

Email: gadirlavadenz@gmail.com

No Technology Transfer without Technology Assessment - The case for a better Technology Mechanism in the Post 2020 Framework

Jim Thomas - ETC Group

The Story of environmentalism is entwined with technology:- from combustion engines that brought climate chaos and the GMOs that prompted the Cartagena Protocol to the sensors that monitor biodiversity, our technological tools can both define and frustrate humanity's ability to live in harmony with nature.

Today we are in the foothills of an immense economic upheaval that the World Economic Forum calls The fourth industrial revolution. Technologically driven change from artificial intelligence to big data and synthetic biology is disrupting not our democracies and livelihoods and also nature.

CBD delegates know too well that the question of technology in the fight to save life on earth is a complex question. From experience governing synthetic biology, geo-engineering and GMO's they know that that we can and must regulate and set directions on some technological innovations while boosting others. Indeed SBSTTA is a world leading body for assessing and weighing the advantages and disadvantages of cutting-edge technologies .

Yet something odd happened on the way to the zero draft. Technology governance, which should have been a key means of implementation for the post 2020 global biodiversity framework disappeared from view. Instead there has emerged a narrow focus on "technology transfer". That is the wrong label for the governance we need.

"Technology transfer" is important but insufficient. it refers narrowly only to the diffusion and movement of technologies from one place to another . Simply transferring technologies without first assessing them for their social and ecological impact is a recipe for disaster that flies in the face of the precautionary approach at the heart of the convention. Building only "tech transfer" into the post 2020 agenda without the safeguards of assessment, horizon scanning and monitoring is to turn the CBD into a blind broker for every crazy technological scheme - a one stop shop for dumping dangerous and unjust technologies. There cannot be safe technology transfer without also the means for prior technology assessment.

Governments know this. At the Rio+20 Summit they agreed paragraph 275 of "The Future We Want" recognizing "the importance of strengthening international, regional and national capacities in research and technology assessment, especially in view of the rapid development and possible deployment of new technologies that may also have unintended negative impacts, in particular on biodiversity and health, or other unforeseen consequences"

They also established a global "Technology Facilitation Mechanism" (TFM) as a key means of implementation to enable the Sustainable Development Goals. The TFM is intentionally not simply a 'technology transfer ' mechanism. It's wider than that. Its annual forum engages in Horizon Scanning and Assessment of emerging technologies which can impact the sustainable development goals - good and bad. Meanwhile the UN Commission on Science and Technology for Development (UNCSTD) is exploring proposals for global technology assessment. The means of implementation in the Post2020 agenda should cohere with this approach by the rest of the UN system.

The good news is that the CBD and SBSTTA in particular has bucketloads of experience with Technology Assessment. Recently COP15 mandated the AHTEG on Synthetic Biology to elaborate how the Convention can establish systems of Horizon Scanning, Assessment and monitoring . These proposals will be discussed at next SSBTTA but should also be reflected in the Post 2020 framework so that when we reach 2030 (and 2050) parties, communities and others will still have the means to wisely watch, assess, monitor and act to protect nature in the face of the fourth industrial revolution.