

## Target 15: Business

### What the scope of the target should be

- Ensuring liability, legal responsibility and accountability of business

Hold business and the finance industry legally accountable for any negative impacts on biodiversity and human rights and apply the polluter pays principle.

- Installing a governmental regulatory framework

Such framework should ensure all business and economic activities are sustainable and are in line with the needs of biodiversity.

### Addressing elements in the right order

- The first and key element in this target must be government responsibility

Businesses do not have the obligation to change their behaviour because the CBD says so. They do if governments regulate them. And the role of the CBD is to ensure governments cooperate on this

### Elements to be replaced:

- “Reducing biodiversity-related risks to businesses and financial institutions” by “reducing business-related risks to biodiversity”

The risks businesses have, should not be the concern of the CBD, but the risks of undermining biodiversity are at the core of the work of the CBD

- “Eliminate” instead of “reduce” negative impacts

The earth has already surpassed planetary boundaries, also in particular related to biodiversity. We need to return to living within the planetary boundaries. This requires stopping the impacts rather than merely reducing them. If negative impacts continue to happen -even if to a lesser degree- the situation keeps worsening.

- “accept responsibility for their actions” by “be held responsible for their actions”

The difference is that in “accept responsibility” corporations can choose themselves how they fill in this responsibility, and how lightly they go over problems, whereas “being held responsible” implies a policy framework that defines the implications of responsibilities and liability.

### Elements that should be part of the target

- Operate within planetary boundaries

Planetary boundaries are already being breached with serious and inequitable impacts and this must be the basis for planning all business activity.

- Legal, administrative and policy measures

The target needs to be based on all types of implementable regulatory measures, issued by governments at all levels

- penalties for infractions and liability and redress

Environmental regulation for business needs to be binding, and needs to be implemented. This includes penalisation for infractions of environmental regulation, both nationally and transboundary for those businesses which work at transboundary for those businesses which work at transboundary level.

Also, green labelling for products which do have negative environmental and social impacts needs to be penalised

- address conflicts of interest

Businesses which have an economic interest in the outcome of regulations or environmental decision making should not have a say in these regulations or decisions. Clear conflict of interest policies need to be established. This applies for local, national and UN decision spaces.

- Monitor and regulate all processes and activities of business

States have to identify and monitor all processes and activities of business and financing which have adverse impacts on world's biodiversity

- Especially large and economically significant businesses

Large businesses work internationally. International coordination of regulation is needed because of their size and transboundary characteristics.

Large businesses also have significantly more impact than small ones, and have a bigger capacity to implement measures than small ones.

- Those with significant impacts on biodiversity

Industrial agriculture, mining, forestry are major causes of biodiversity loss and thus require particularly strong regulation.

- Ensure full transparency of business' activities and their impacts

Governments must follow up on business' activities and their impacts and citizens have the right to have verifiable information

- Respect human rights

Most environmental defenders whose rights are being violated, were standing up against corporate projects, in defence of nature. Defence of the life and rights of environmental defenders is intrinsically important, and their plight is important for ecosystem conservation.

- Telecoupling

comprehensive analysis of both the socioeconomic and environmental impacts of distant, coupled human and natural system's interactions. This is a concept explained and demonstrated in the IPBES global assessment report.

- Cross-border responsibility regarding environmental impact

According to paragraphs 3 and 4b of the Convention, countries need to take responsibility to stop damage to biodiversity in other countries, including through their production and consumption, and thus through regulating their businesses. Any overstep of the fair and equitable footprint of countries does involve such damage to other countries. This obligation is particularly important in relation to supply chains and telecoupling.

From CBD articles 3, 4b, 7c, 8 1, 14.1d & 22.1, it follows that developed country CBD parties with many transnational corporations under their jurisdiction are obliged both to control them to prevent adverse impacts and also to provide resources for the developing countries to regulate such TNCs ( CBD articles 8m, 11, 14 and 20)

## Elements that should NOT be part of the target

- Business self-responsibility and self-reporting

Self-regulating and self-reporting have in the past not proven to be effective measures to improve environmental protection or human rights compliance. Even if governments “regulate that business needs to self-regulate” this doesn't change the underlying problem of self-regulation. They also involve a direct conflict of interest

- Subordinating implementation to WTO or other trade agreements

Other agreements such as WTO cannot be cited to avoid obligations to protect biodiversity within states and in areas beyond national jurisdiction. Else the environment will forever be subordinated to economic interests.

- **Sustainability of extraction**

To become sustainable, extraction and production need to be reduced without delay to end the breaching of planetary boundaries.

Business must verifiably, publicly and independently prove that its extraction and production processes are not causing biodiversity destruction.

- **Encourage** business and financial institutions

Measures which just “encourage” will not be sufficient in scope and impact to revert the significant impact of business on the environment. A much deeper change is needed.

- **Biodiversity-positive practice**

Biodiversity-positive is not a well-defined term, but it seems to imply the adding up of negative impacts and supposed positive ones. More often than not, this is greenwashing.