

## Recommendations from ForUM to the Norwegian delegation to OEWG- 5 post 2020 GBF

Oslo, 9. June 2022

### Introduction

The Norwegian Forum for Development and Environment (ForUM, a network of 60 Norwegian NGOs) would like to thank for the opportunity to share our recommendations to the UN Post-2020 Global Biodiversity Framework to be negotiated at the OEWG4 in Nairobi 21.-26. of June 2022.

ForUM is concerned with the lack of progress and urgency demonstrated by state parties at the Geneva negotiations in March, and that the CBD COP15 date and place is yet to be confirmed. We urgently need a strong and ambitious GBF to be adopted and implemented to help solve the nature crisis, within planetary boundaries and in accordance with science (IPBES, IPCC), holding governments and business to account.

We support the general structure with action-oriented goals and targets, where goals focus on the desired status of biodiversity and the three objectives of the convention that must be achieved by 2050, and targets on actions that should be undertaken by 2030. We are pleased to see an improved recognition and inclusion of Indigenous Peoples and Local Communities (IPLCs) throughout the text, given their key role in the conservation and sustainable use of biodiversity. However, with the text currently on the negotiation table, we risk ending up with a new global agreement less ambitious than the Aichi targets supposed to be reached in 2020. The last negotiation meeting in Nairobi in June is the key moment to change this situation and present a draft text that can make the upcoming COP15 the historical moment of change that the planet and its people urgently need.

We are also still concerned that the current Mission is insufficiently ambitious and yet not measurable. The text should include a clear and measurable global goal or mission for nature, like the one we have for climate, to be achieved by governments by 2030. We need to halt and reverse nature loss measured from a baseline of 2020, through increasing the integrity, health, abundance, diversity and resilience of species, populations and ecosystems so that by 2030 nature is visibly and measurably on the path of recovery. By 2050, nature must recover so that thriving ecosystems that maintain the diversity of life can continue to provide essential life sustaining services and play a critical role in the mitigation and adaptation to climate change. Thus, urgent action is needed to halt biodiversity loss and safeguard the very essence that sustains life on Earth.

### **30 per cent by 2030**

Protecting the world's remaining intact ecosystems, such as large contiguous tropical rainforests, coral reefs and other biodiverse and productive areas is key if we are to succeed in addressing the current climatic, environmental and health crises, and deliver on international commitments including the Sustainable Development Goals. An evaluation of Norway's work has shown we failed to reach or contribute significantly to the Aichi area-based conservation targets. Now both implementation mechanisms and targets need strengthening.

We welcome a target to protect at least 30% of the world's lands and oceans by 2030. The "30% by 2030" target globally, though not enough on its own, is scientifically justified and needed to halt global biodiversity loss and to secure livelihoods for people. This target is widely supported by more than 100 parties, including Norway, and by most of the NGO community, and therefore needs to be vigorously defended in the negotiations.

Restoration of habitats, ecosystems and animal populations after historical degradation, overfishing or overharvesting is also needed. Halting the loss of biodiversity requires action

across all sectors, involving not only governments but also private sector, indigenous peoples and local communities, and civil society.

The GBF must ensure that highly intact ecosystems are maintained and that their connectivity, integrity and resilience is enhanced by restoring degraded areas. It is important to note that sustainable fisheries management measures important for Norway can be celebrated and recognized under Target 5 which reads “Ensure that the harvesting, trade and use of wild species is sustainable, legal, and safe for human health” and by Norway contributing on securing suitable indicators, implementation and monitoring on this.

As land use has been identified as one of the major causes for biodiversity loss, spatial plans for *all* areas should ensure sustainable management, avoid degradation from infrastructure and other drivers of land and sea-use change, retain highly intact ecosystems and other areas of particular importance for biodiversity, including the remaining tropical rainforests, and secure the customary use and rights of indigenous peoples and local communities to lands, waters, territories, and resources. This is particularly important to maintain ecosystem integrity and resilience. Intact tropical rainforests should be recognized as irreplaceable and fundamental ecosystems for human well-being worldwide, and thus the protection of large contiguous forests and other intact ecosystems and habitats should be a critical priority.

The target to protect at least 30% of the worlds’ lands and oceans by 2030 should be implemented with a rights-based approach. Inclusion, participation and partnership of Indigenous peoples and local communities (IPLCs), and recognition of their management and governance systems, solutions for protection and sustainable use of biodiversity and their rights and customary use to territories, waters, and resources are fundamental to achieving this target and reaching all three objectives of the convention. The lives of environmental and human rights defenders, mostly IPLCs, continue to be increasingly threatened. Their access to protection, information, participation, and justice will be imperative to the future implementation of the GBF and to the protection of areas of particular importance for biodiversity such as tropical rainforests.

**ForUM recommends that:**

- Protecting the world’s remaining highly intact ecosystems and habitats, including large contiguous rainforests, should be a first priority in order to halt biodiversity loss.
- The suggested draft target 3 to effectively protect at least 30% of the world’s lands and oceans by 2030 should be kept, including the drafted mentions of PAs and PA systems to be effectively and equitably managed, ecologically representative and well-connected systems. Both the target and the implementation mechanisms should recognize and safeguard indigenous peoples’ customary use and rights to territories, waters and resources, as well as recognize and support their governance systems.
- Spatial plans for all areas should be biodiversity inclusive, ensure sustainable management, avoid degradation from infrastructure and other drivers of land and sea-use change, retain highly intact ecosystems and other areas of particular importance for biodiversity such as the remaining tropical rainforests, include restoration efforts, and safeguard the rights and customary use of indigenous peoples to lands, waters and resources. The now bracketed text on target 1 “retaining intact ecosystems, sustaining ecosystem integrity and functions, enhancing connectivity, avoiding fragmentation, and respecting the rights of Indigenous Peoples and local communities” must be included in this target.
- Restoration efforts must prioritize degraded areas over destroyed ones, consider a landscape approach that aims to restore functionality, and encourage and support indigenous led activities.

### **Implementation mechanism**

To avoid a repetition of the failure to reach the Aichi targets, it is essential that a strong implementation mechanism is fully integrated and adopted together with the framework. Having robust and clear monitoring and reporting frameworks will facilitate transparency and accountability, both critical for successful implementation. Having clear, measurable indicators (drafted in Annex 1 to the draft framework) will support Parties and all relevant stakeholders in assessing progress and taking timely adaptive measures to achieve the agreed goals.

Indicators will have a critical role in guiding and operationalizing implementation of goals and targets. An important example of why good indicators are needed is the discussion around “paper parks”, i.e. protected areas which look good when it comes to a percentage target, but with little to no real effective protection for biodiversity. For both protected areas and OECM effective protection is key. Here, Norway should lean strongly on IUCN’s definitions and advice, for example that you cannot allow industrial extraction of natural materials (mining, oil and gas, industrial scale fishing) to take place in MPAs. As for OECMs, Norway should support a definition and criteria consistent with the established CBD and IUCN definition, which would ensure that any OECM delivers effective and long-term protection to the natural structure and function of ecosystems (i.e. of the ocean or forest), not only to single species.

It would be useful to soon resolve the issues of those indicators that should be adopted together with the framework. At the same time the draft framework text on responsibility and transparency needs to be significantly strengthened, ensuring the inclusion of an effective implementation mechanism that holds countries to account and that allows for a ratcheting of actions over time. Enough negotiation time should be devoted to these critical elements before their adoption at COP 15.

### **ForUM recommends that:**

- Strong implementation, monitoring and public reporting mechanisms are fully integrated and adopted with the framework.
- The draft text on responsibility and transparency is significantly strengthened, ensuring the inclusion of an effective implementation mechanism that allows for a ratcheting of actions over time.
- Indicators for all targets should be clear and measurable, focussing on the effectiveness of actions as well as real biodiversity gains, and safeguarding indigenous peoples’ rights and other human rights.
- Indicators for Target 3, the 30% protection of land and sea by 2030 target, need to be consistent with established IUCN standards for protected areas and other effective area-based conservation measures, i.e. avoiding “paper parks” and ensuring a rights-based approach.

### **Resource mobilization**

We join Parties that call for a new framework that focuses on halting and reversing biodiversity loss and not on stabilizing the rate at which biodiversity is being lost or on promoting offsetting approaches. It is essential that destruction of nature and biodiversity ceases to be profitable. Addressing drivers of biodiversity loss, including phasing out or redirecting funds, subsidies and incentives to activities that harm biodiversity - both public and private, should be prioritized in parallel with the efforts to protect the remaining biodiversity.

The first draft provided a basis for discussions on resource mobilization, but the progress made in Geneva was not sufficient. At present the discussions lack a holistic approach as recommended by the panel of experts. Key ecosystems including tropical forests, peatlands, wetlands and savannahs are strongly linked to consumption and to business and trade interests in the global north – with a few export-oriented commodities such as palm oil, soy and beef as main drivers of

deforestation, land conversion and pollution. This underlines the shared responsibility in tackling both the human rights violations resulting from degradation of ecosystems, and the protection of key territories with a rights-based approach.

While private sources are included for the generation of additional resources, addressing public and private financial flows in the finance sector that are harmful to biodiversity is absent from the text. The numbers presented for a decrease in harmful subsidies and increase in resources are conservative estimates based on data that, although the most reliable that exists, is still fragmentary. Thus, the numbers for harmful subsidies are likely underestimated and do not represent all harmful subsidies. We appreciate the initiatives to improve data and other information on this topic. More clarity and transparency is needed.

A substantial increase in finance for biodiversity is needed to close the global biodiversity funding gap and guarantees for funding implementation should be in place. Developed countries have a particular responsibility given their biodiversity impacts due to their high level of consumption and the biodiversity footprints embedded in goods and services they import from developing countries. Such increased financial support should be seen as an investment -not a cost- that creates high economic returns and avoids massive future costs associated with the increasing threats of biodiversity loss.

National funding, resource allocation and reform of economic incentives will be the major source of finance for biodiversity and is essential to incentivize and strengthen needed policy change for biodiversity protection in all countries. There is also a need for greater transparency on ODA data, and a reduction of the bureaucracy connected with accessing financing from GEF or bilateral ODA.

Furthermore, specific mechanisms have to be put in place to ensure that funds reach local communities or IP organizations who protect biodiversity in practice. A recent report from Rainforest Foundation Norway, "[Falling short](#)", documents how IPLCs receive only a very small fraction of the funding for climate and for forest protection. A new GBF must ensure that funds are accessible to indigenous peoples and their organizations in order to fund effective indigenous led protection and restoration activities.

**ForUM recommends that:**

- All actions are focused on halting and reversing biodiversity loss.
- Actions are directed at ensuring that the destruction of nature and biodiversity ceases to be profitable.
- All funds, subsidies, and incentives harmful to biodiversity are phased out and redirected to nature positive actions.
- Norway works actively on creating an atmosphere of trust and dialogue on RM between developed and developing countries.
- Norway commits to increasing the proportion of climate financing which is directed towards biodiversity/nature-based solutions.
- The GBF should include indicators and monitoring to measure changes in biodiversity finance.
- Developed countries commit to increased international funding (ODA or other) to developing countries for implementation of a new GBF through national plans (NBSAPs).
- Dedicated funds are made available for IPLC communities committing to protect biodiversity in their territories or customary lands, in line with the extremely important role of IPLCs for global biodiversity conservation and climate mitigation, highlighted by IPBES, IPCC and CBD.

- International funding for biodiversity and international funding for “nature-based solutions” as part of climate efforts are aligned, in order to ensure that all funding is consistent with and supports the goals and targets for biodiversity protection.
- The new GBF must ensure that funds are accessible to indigenous peoples and their organizations in order to fund effective indigenous led protection and restoration activities.

### **Strengthen the rights-based approach**

We are pleased to see improved recognition and inclusion of indigenous peoples and local communities (IPLCs) throughout the text, given their key role in conservation and sustainable use of biodiversity. However, language in the current draft should be strengthened in order to secure indigenous peoples’ rights to customary lands, waters, resources and culture, as well as the key role they and their traditional knowledge have in addressing the biodiversity crisis. The right to free, prior and informed consent (FPIC) should be reflected as a fundamental principle. Referring to the GBF, in a communiqué from G7 environment and climate ministers on May 27<sup>th</sup> 2022, they state that *“We advocate for the full and effective inclusion, consultation and participation of Indigenous Peoples as well as local communities respect for and protection of the rights of Indigenous Peoples in the new framework, and the need to obtain free, prior and informed consent, as set out in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)”*.

Rights-based protection is recognized as the most cost-effective strategy towards halting deforestation while protecting biodiversity, contributing to climate change mitigation, and safeguarding food security. It is thus delivering on several international commitments and multilateral conventions including the UNFCCC, the SDGs, the fulfillment of human rights among others. There is however still a need for further strengthened actions to ensure a leading role for IPLCs, respect for Indigenous Peoples (IPs) rights in particular, and implementation of a rights-based approach in general.

Recognizing and supporting IPLC management and governance systems is key for achieving the goals of the convention. Evidence shows that tropical rainforests are best protected where governments have formally recognized collective land rights. For instance, a 2021 study suggests that equitable conservation, which empowers and supports the environmental stewardship of indigenous peoples and local communities, represents the primary pathway to effective long-term conservation of biodiversity, particularly when upheld in wider law and policy. Further, improving the tenure security of Indigenous and Tribal People is a cost-effective way to reduce carbon emissions, according to a 2021 report by FAO and FILAC based on a review of more than 250 studies. Based on increasing evidence, the formal recognition of IPLC’s collective rights to customary lands must be recognized as a critical mechanism for slowing tropical forest loss and protecting these ecosystems from uncontrolled and unregulated resource extraction. The human rights based approach and community involvement has also proven successful in the work on marine protected areas, and should be strengthened in the GBF.

A resolution recognizing the human right to a clean, healthy and sustainable environment as an important human right was adopted by the United Nations Human Rights Council in October 2021. This right is recognized in more than 150 national jurisdictions, according to the UN. Its international recognition paves the way for stronger implementation, and should be kept in the GBF. Furthermore, biodiversity and a clean, healthy, and sustainable environment are not only “benefits” important for human well-being but fundamental factors in the fulfillment of human rights, as biodiversity human rights and environmental defenders are under increasing pressure. The current draft must include specific language in goals and targets in order to anchor concepts like “rights-based approach” and operationalize its implementation. We also recommend the

inclusion of specific references to the right to live in a clean, healthy, and sustainable environment, recognized recently by the UN as a universal right.

The GBF needs to secure a human rights-based approach, especially in area-based protection, coastal protection and land-use planning, with special emphasis on indigenous peoples' rights. The key role of indigenous and forest dependent communities in maintaining and protecting biodiversity is well recognized. It is also well documented that IPLC communities are particularly vulnerable to the destruction of ecosystems and loss of biodiversity, and to human rights violations from unsustainable exploitation of biodiversity. Area-based conservation or climate mitigation measures without the necessary respect for human rights, and especially IP rights, may also result in breaching of fundamental rights of IPLC communities in biodiversity-rich areas. We ask that Norway supports the inclusion of specific text to secure the rights and customary use of indigenous peoples' to lands, waters, resources and culture in key targets (such as all area-based targets), as well as in the monitoring, reporting and implementation mechanisms.

We must address both the biodiversity and climate crises together. Inclusion of equitable and rights-based Nature-based Solutions (NbS) can complement the significant contribution of ecosystem-based approaches to climate change mitigation. It is however important that measures that facilitate nature's ability to store carbon and strengthen nature's resilience in the face of increasing extreme weather, as well as safeguard and strengthen biodiversity, should be given priority. This can be protection of intact nature, restoration of degraded nature and regulations that make the use of nature more sustainable.

**ForUM recommends that:**

- Human rights language is strengthened; anchoring concepts like “rights-based approach” and operationalizing its implementation.
- The GBF text and implementation mechanisms ensure the protection, information, participation, and justice of environmental defenders, many of them IPLCs.
- Recognizing and supporting IPLC management and governance systems.
- Securing a human rights-based approach with special emphasis on indigenous peoples' rights by including specific text to secure this in key targets, as well as in the monitoring, reporting, and implementation mechanisms -especially in the sections that address area-based protection, coastal protection, and land-use planning.
- Prioritizing equitable and rights-based Nature-based Solutions; facilitating nature's ability to store carbon and strengthen nature's resilience as well as safeguarding and strengthening biodiversity.
- Norway explicitly acknowledges everyone's right to a safe, clean, healthy and sustainable environment, as recognized by the UN Human Rights Council in 2021 and in more than 150 national jurisdictions, according to the UN. This includes healthy biodiversity and ecosystems, and measurable targets towards the recognition and implementation of this right, such as inclusion in constitutions, legislation, and National Biodiversity Strategies and Action Plans.