



The ICCA Consortium

The twentieth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-20) is taking place from 25-30 April 2016 in Montréal, Canada. It will consider a range of agenda items relevant to indigenous peoples' and community conserved territories and areas (commonly known as 'ICCAs') and other forms of community conservation. These include, *inter alia*, implementation of and indicators for assessing progress towards the Strategic Plan for Biodiversity and Aichi Targets (Item 3), marine and coastal biodiversity (Item 4), biodiversity and climate change (Item 8), sustainable wildlife management (Item 9), protected areas and ecosystem restoration (Item 10), guidelines for the sixth national reports and indicators for assessing progress towards the Aichi Targets (Item 11) and mainstreaming of biodiversity across sectors (Item 13).

For each key agenda item, this position paper highlights key issues and suggested changes to the official documents and identifies how to strengthen the draft recommendations to more appropriately recognise and support ICCAs and other forms of community conservation. It was prepared by staff and members of the **Global Forest Coalition** (an international coalition of NGOs and Indigenous Peoples' Organisations promoting social justice and the rights of forest peoples in forest policies) in collaboration with the **ICCA Consortium** (an international association dedicated to promoting appropriate recognition of and support for ICCAs). Both organisations are actively involved in supporting implementation of the Strategic Plan and achievement of the Aichi Targets.

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To access the documents referenced in this position paper, please visit: <https://www.cbd.int/doc/?meeting=SBSTTA-20>

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Agenda Item 3: Updated assessment towards selected Aichi Biodiversity Targets

Official document: UNEP/CBD/SBSTTA/20/2

Scheduled for: Monday 25 April, 10:00-13:00

The official SBSTTA document provides an updated and detailed assessment of **Aichi Biodiversity Target 11**. As stated in the document (para 4), further analysis is underway to update progress on other Aichi Targets, some of which will be considered in SBSTTA 20 information documents (e.g. Targets 5, 15 and 12) and some during SBI-1 (e.g. Targets 3, 16, 17, 18 and 20).

Key Issues & Additional Considerations in the Main Body of the Official Document:

1. On coverage of protected and conserved areas:

- Aichi Target 11 requires the conservation of *at least* 17% of terrestrial and inland water and 10% of coastal and marine areas (emphasis added). However, a much greater area arguably needs to be conserved in order to sustain the Earth's life support systems. We encourage Parties to **not only meet but also surpass** these quantitative targets (**Section III.A**).

2. On governance diversity, quality and vitality and management effectiveness:

- The note acknowledges the dearth of information on management effectiveness and governance quality and of implementation of Element 2 (governance, participation, equity and benefit sharing) of the Programme of Work on Protected Areas (**Section III.D**). It is not sufficient to simply recognise protected and conserved areas on paper in the absence of equitable and effective systems for their governance and management. The note should explicitly consider **governance diversity, quality and vitality** as well as **management**

effectiveness.¹ We encourage Parties to use existing guidance to conduct participatory assessments² and to report on the same in the sixth national reports and the Global Biodiversity Outlook.

- We are pleased to see references to **ICCAs** in the context of 'other effective area-based conservation measures' (**Section III.A, para 19**) and 'ecological representation' (**Section III.B, para 31**). These references should be retained to ensure consistency with previous COP Decisions that refer to ICCAs as contributing to achievement of Aichi Target 11 (e.g. XI/24 and XII/19).

3. On "counting" ICCAs towards Aichi Target 11:

- We concur with the assertion that **estimates of Target 11 coverage** in the fourth edition of the *Global Biodiversity Outlook* are likely to be "**significant underestimates** of the total area protected" because "[m]any countries may limit official

¹ See Borrini-Feyerabend and Hill (2015), "Governance for the Conservation of Nature": <http://bit.ly/1qZi6Ej> and a primer on governance for protected and conserved areas: <http://bit.ly/20X6KwF>.

² See IUCN Best Practice Protected Area Guidelines No. 20 on Governance of Protected Areas: <http://bit.ly/1Gv2NEI> and IUCN's edited volume on Protected Area Governance and Management: <http://bit.ly/1GAbrWx>.

designations of protected areas to those run by government agencies” (**Section III.A, para 19**). Other estimates suggest that areas under **effective conservation** by **indigenous peoples and local communities** may meet or exceed the area under government protection.³ However, if Parties wish to ‘count’ ICCAs towards Aichi Target 11, this must be done with the **full and effective participation** and **free, prior and informed consent** of the indigenous peoples and local communities concerned. Many state protected areas fully or partly overlap with ICCAs and some have led to eviction, restriction of access to natural resources and other human rights violations.⁴

4. On mobilising collective action through networks:

- Under ‘well-connected systems of protected areas’ (**Section III.C.1**), we call on Parties to acknowledge the significant contributions of **Locally Managed Marine Areas** (LMMAs), particularly in the Pacific Islands, and of other networks such as of **responsible fishing areas** in Costa Rica, which help **connect and strengthen community capacities and collective action**.

5. On the UNEP-WCMC ICCA Registry:

- Explicit reference should be made to the **UNEP-WCMC ICCA Registry** as an important complement to the information provided by State Parties to the WDPA (**Section III.A, para 19**). The ICCA Registry provides an opportunity for indigenous peoples and local communities to voluntarily identify their ICCAs through a rigorous peer-review process that also protects sensitive and confidential information.

6. On additional regional workshops on Aichi Targets 11 and 12:

- We commend the Secretariat of the CBD for investing additional time and effort in working with country focal points and for hosting the regional workshops on Aichi Targets 11 and 12. We encourage Parties to contribute **additional funds** to enable the

organisation of workshops in the remaining regions in 2016 and 2017, including **participation of indigenous peoples and local communities**.

Suggested Changes to the Draft Recommendation:

1. On appropriate recognition of ICCAs and other community conservation:

- We welcome the references to ICCAs and to effective area-based conservation measures (*currently paras 1(a), 2(a)(i) and 2(b) in the draft recommendation*). However, any **recognition of ICCAs** and other forms of community conservation – including in the context of Aichi Target 11, inclusion in the WDPA, connectivity corridors, and so on – must be **appropriate**, with the **full and effective participation** and **free, prior and informed consent** of the indigenous peoples and local communities concerned.⁵ Given communities have the right to self-determination and self-governance, they can say ‘no’ and have their ICCAs and territories exist in their own right without necessarily being ‘integrated’ into state systems of protected and conserved areas.

2. On connectivity corridors:

- In light of the above, we call on Parties to consider revising what is currently **para 2(b)** in the draft recommendation to the following more appropriate and actionable formulation, which highlights the role of **social-cultural connectivity** in addition to biological:

“(b) To support Parties and relevant rights-holders and stakeholders to identify, map and strengthen biological and social-cultural connectivity corridors, including through the appropriate recognition and support of indigenous peoples’ and community conserved territories and areas and other effective area-based conservation measures, as well as through ecosystem restoration.”

³ See CBD Technical Series No. 64: <http://bit.ly/1JrMUCQ>.

⁴ See IIED and Natural Justice’s project on Human Rights Standards for Conservation: <http://bit.ly/1FQPpL2>.

⁵ For more guidance about appropriate recognition and support for ICCAs, see CBD Technical Series No. 64: <http://bit.ly/1JrMUCQ>.

3. On new or expanded protected areas overlapping with ICCAs, sacred sites and indigenous peoples' territories:

- In establishing new protected areas (*currently para 1(c) in the draft recommendation*), we call on Parties to **ensure that new or expanded protected areas do not encroach into or overlap** with ICCAs, sacred sites and indigenous peoples' territories more broadly unless the respective indigenous peoples' and communities' rights are fully recognised and respected and they are granted primary governance and management control over the overlapping areas. We invite Parties to consider adding the following after what is currently **para 1(c)**:

"(c) bis To ensure, including through participatory community mapping and clarification of community protocols, that all new or expanded protected and conserved areas do not encroach into or overlap with indigenous peoples' and community conserved territories and areas, sacred sites or indigenous peoples' customary territories without the full and effective participation and free, prior and informed consent of the peoples and communities conserved."

4. On guidance on protected area governance and management:

- We acknowledge the importance of guidance on understanding equity and governance quality (*currently para 2(a)(iii) in the draft recommendation*). However, it would be prudent to **use and further develop existing extensive guidance on protected area governance and management**, especially that which is co-published by the CBD Secretariat.⁶ We call on parties to consider replacing this provision with the following:

"... (a) bis To use and further develop existing guidance on the governance and management of protected and conserved areas, including, inter alia, IUCN Best Practice Protected Area Guidelines No. 20, with particular emphasis on equity and governance diversity, quality and vitality."

5. On management effectiveness and social assessment of protected and conserved areas:

- We support the provisions on undertaking systematic assessment of **management effectiveness** and measures to raise the effectiveness of protected areas (*currently paras 1(d) and 1(e) of the draft recommendation*), as this is essential to ensuring protected areas are not just 'paper parks'. We call on Parties to also include specific reference to **"participatory social assessment of protected and conserved areas"** to enable social dimensions to be explicitly considered.

6. On the ICCA Registry:

- As discussed above, the ICCA Registry is an important community-centric complement to the WDPA. We call on Parties to consider adding the following after what is currently **para 1** in the draft recommendation:

"2. bis Invites UNEP-WCMC, GEF-SGP, the ICCA Consortium, and other relevant stakeholders to support indigenous peoples and local communities to provide information about their effectively conserved territories and areas to (sub-)national registries and to the UNEP-WCMC ICCA Registry, subject to the concerned peoples' and communities' full and effective participation and free, prior and informed consent."

For more information about this SBSTTA-20 agenda item and our related recommendations, please contact:

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⁶ See IUCN Best Practice Protected Area Guidelines No. 20 on Governance of Protected Areas: <http://bit.ly/1Gv2NEI> and IUCN's edited volume on Protected Area Governance and Management: <http://bit.ly/1GAbrWx>, among others.

Agenda Item 13: Mainstreaming of biodiversity across sectors, including agriculture, forests and fisheries

Official document: UNEP/CBD/SBSTTA/20/15

Scheduled for: Monday 25 April, 10:00-13:00

Complemented by: UNEP/CBD/SBI/1/5/Add.1-Add.2

UNEP/CBD/SBSTTA/20/INF/49-INF/55

The official SBSTTA document (UNEP/CBD/SBSTTA/20/15) provides an overview of the key considerations for mainstreaming biodiversity into the primary sectors that both depend and impact upon biodiversity, namely, agriculture, forests and fisheries and aquaculture. The draft recommendation contains a section of overarching provisions and sections on provisions focusing on each of these three primary sectors.

Key Issues & Additional Considerations in the Main Body of the Official Document:

1. **On the role of indigenous peoples and local communities:**

- ICCAs and other community conservation initiatives are excellent **local examples** of how biodiversity concerns can be successfully mainstreamed within and across sectors on the basis of **collective rights-based approaches** – ensuring positive results for both biodiversity and communities. At the community level, these different ‘**sectors**’ (agriculture, forestry and fisheries) are often **integrated into customary territories and areas** and cultural practices without stark distinctions between them, and biodiversity ‘**mainstreaming**’ is an economic, social, cultural and spiritual **imperative** for **sustainable livelihoods**. In this light, we are surprised to see that the SBSTTA document on mainstreaming is **devoid** of **substantive references** to indigenous peoples and local communities and fails to acknowledge the **significant contributions** of **collective action** such as **ICCAs** and other forms of community conservation to mainstreaming biodiversity at the local level.

- Nationally and internationally, **ICCAs** and other community conservation initiatives should be **appropriately recognised** and supported **in biodiversity mainstreaming policies** and related activities. In doing so, indigenous peoples, women, peasants, fisherfolk and local communities must be **involved** in all decision-making processes that affect them, on the basis of **clear recognition of their rights** to their territories, customary land, water and resource tenure, self-determination and self-governance, and free, prior and informed consent. Technical guidance is available in **CBD Technical Series No. 64** on ICCAs.

2. **On achieving Aichi Target 3 as a necessary condition for biodiversity mainstreaming:**

- Despite welcome and growing governmental and non-governmental support for ICCAs and other community conservation initiatives, it is unlikely that they will survive in the long-term if the negative impacts of large-scale conventional industries that threaten them are not addressed. The so-called

'co-existence' of unsustainable and sustainable models of agriculture, forestry and fisheries – and of other sectors not yet considered such as energy and mining – is **not a viable option** in the long-term as the continued expansion of the former effectively precludes the continued existence of the latter.

- We welcome the recognition in the document that mainstreaming biodiversity requires **extensive reform and transformation** of the conventional agriculture, forestry and fisheries industries, particularly by achieving the agreed **milestones to implement Aichi Target 3** on the elimination, phasing out and reform of harmful incentives and perverse subsidies. It also requires **integration of the ecosystem approach** and **precautionary principle** in all sectors that directly or indirectly rely on or impact biodiversity.
- In light of the transformative change called for in Agenda 2030, a higher level of ambition is required. Such change **cannot depend primarily on voluntary actions** such as certification schemes; there is little evidence of the effectiveness of such schemes in reducing unsustainable consumption. **Laws, regulations, mandatory standards** and **fiscal reform** have proven to be amongst the **most effective policy measures** to change unsustainable consumption and production patterns, especially in the agriculture, forestry and fisheries sectors.
- Mainstreaming biodiversity also **necessitates policy coherence and institutional coordination** across ministries and sectors, and the **reorientation of all productive and economic sectors** towards achieving the CBD Strategic Plan and UN Sustainable Development Goals (SDGs) as a whole, which provide common frameworks for biodiversity and sustainable development (respectively) across the entire UN system. Thus we encourage Parties to include explicit references to relevant SDGs as well as Aichi Targets in the draft recommendation.

Suggested Changes to the Draft Recommendation:

1. On FAO Voluntary Guidelines (para 8):

- We welcome the draft provision on the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (**para 8**). We encourage Parties to also **add** reference to the FAO **Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries** in the Context of Food Security and Poverty Eradication.

2. On incentives and Aichi Target 3 (para 9):

- We **welcome** the draft provision urging Parties and other governments to align financial incentives and performance-based payments with national biodiversity objectives (**para 9**). We strongly encourage Parties to **add** to this provision an **explicit reference** to the agreed milestones for **achieving Aichi Target 3** (i.e. eliminating, phasing out and reforming harmful and perverse incentives) as a **necessary condition** to mainstreaming biodiversity and/or reducing habitat loss, degradation and fragmentation.

3. On financial, fiscal and market-based mechanisms and certification schemes (para 14):

- We urge Parties to **include explicit reference to indigenous peoples' and local communities' rights and self-determined priorities** in the context of such mechanisms and schemes. Schemes such as payments for ecosystem services and natural capital accounting have the potential to become perverse incentives by failing to respect and provide for a range of other non-economic values (social, cultural, spiritual, aesthetic, etc.) that often underpin effective conservation and sustainable use.

4. On agriculture (paras 16-27):

- We encourage Parties to also add reference to the importance of biodiversity to **wellbeing** and **cultural diversity** in **para 16**.
- As discussed earlier in the SBSTTA documents, growing demand for food and agricultural commodities and shifts in consumption

patterns are **already having a significant impact** on biodiversity.

Para 19 should be revised accordingly, for example to the following:

*“19. Understands that the growing demand for food and agricultural commodities, associated with population growth, increasing wealth and shifts in consumption patterns, **already have a significant impact on biodiversity and must be urgently addressed**,”*

- Given the **significant contributions** of indigenous peoples and local communities to conservation and sustainable use of **agro-biodiversity**, and the critical importance of appropriately recognising and supporting those efforts as part of mainstreaming biodiversity in agriculture, we encourage Parties to add a provision along the lines of the following:

“27.bis Encourages Parties and other Governments to appropriately recognise and support indigenous peoples’ and local communities’ agro-biodiversity systems, including their contributions to plant and animal genetic diversity, ecosystem restoration and protection of essential ecosystem functions and processes;”

5. On forests (paras 28-36):

- Overall, we note that the language on forests is **far weaker** and **more ambiguous** than the language on agriculture and fisheries. It should, at minimum, **add explicit reference** to: (a) the historic **target to halt deforestation** by 2020 that was adopted as part of the SDGs; (b) the valuable role of **legally binding standards and regulations** in the forestry sector, which have already helped more than 100 countries to reach this target; and (c) the indispensable **role of indigenous peoples, local communities and women** in forest conservation and restoration. We strongly encourage Parties to add the following provisions:

“29.bis Welcomes the adoption of Target 15.2 of the Sustainable Development Goals to halt deforestation by 2020, commends the over 100 that have already halted forest cover loss and urges other countries to implement effective policies and laws to comply with this target;”

“29.ter Also welcomes the target to enhance reforestation and afforestation and urges countries to ensure synergy with the CBD and Strategic Plan for Biodiversity when implementing this target, including through using native species, avoiding negative impacts on forest and non-forest ecosystems and on indigenous peoples and local communities, and ensuring full respect for the rights of indigenous peoples, local communities and women;”

- We encourage Parties to also add reference to the importance of forest biodiversity to **cultural diversity** in **para 28**.
- Given the **significant contributions** of indigenous peoples, local communities and women to conservation, sustainable use and restoration of **forests**, and the critical importance of appropriately recognising and supporting those efforts as part of mainstreaming biodiversity in forests, we encourage Parties to add a provision along the lines of the following:

“36.bis Encourages Parties and other Governments to appropriately recognise and support the collective actions of indigenous peoples and local communities to protect, conserve and restore forests and forest ecosystems, including through ICCAs and other effective territory- and area-based measures, taking into account the role of women in such initiatives;”

- In the provision on “responsible forest management practices”, we urge Parties to **include explicit reference to indigenous peoples’ and local communities’ rights and self-determined priorities** in the context of such mechanisms and schemes, in order to prevent and mitigate conflicts over governance, management and land and resource tenure. We recommend **deletion** of the term “**certification schemes**”, as the effectiveness and objective sustainability of such schemes in reducing forest biodiversity loss is heavily disputed.

6. On fisheries and aquaculture (paras 37-49):

- In *para 37*, we encourage Parties to also add reference to the importance of healthy marine, coastal and inland waters ecosystem and biodiversity to **wellbeing, health** and **cultural diversity**, and to the **importance of small-scale fisheries** in particular for poverty alleviation and equitable social and economic development, for improving governance of fisheries and promoting sustainable resource utilisation.⁷
- Given the **significant contributions** of indigenous peoples and local communities to conservation and sustainable use of fisheries, and the critical importance of appropriately recognising and supporting those efforts as part of mainstreaming biodiversity in fisheries and aquaculture, we encourage Parties to add a provision along the lines of the following:

“39.bis Encourages Parties and other Governments to appropriately recognise and support indigenous peoples’ and local communities’ customary rights and customary sustainable practices in local fisheries and related ecosystems (such as rivers, wetlands, mangroves, seagrass beds and coral reefs), including through ICCAs and other effective territory- and area-based measures;”

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⁷ FAO Voluntary Guidelines on Securing Sustainable Small Scale Fisheries:
<http://bit.ly/1GekPLR>.

Agenda Item 4.1: Ecologically or Biologically Significant Marine Areas

Official documents: UNEP/CBD/SBSTTA/20/3 and /Add.1

Scheduled for: Monday 25 April, 15:00-18:00

Complemented by: UNEP/CBD/SBSTTA/20/INF/19-/24

The official SBSTTA document reports on progress in the global process undertaken since COP 12, based on a series of regional workshops, to describe ecologically or biologically significant marine areas (EBSAs) through the application of scientific criteria and other relevant criteria. It also reports on certain countries' processes within their national jurisdictions to identify areas meeting EBSA criteria or other relevant criteria, and provides a compilation and synthesis of lessons learned on practical options to further enhance methodologies and approaches to describe areas meeting the EBSA criteria.

Key Issues & Additional Considerations in the Main Body of the Official Document:

1. On traditional knowledge and indigenous peoples' and communities' rights in the description and identification of EBSAs:

- We **welcome** the development of the training manual on **incorporation of traditional knowledge** into the description and identification of EBSAs (**Section III.B** and **SBSTTA/20/INF/21**), particularly its consideration of indigenous peoples as **rights-holders** and the guidance it provides on different methodologies for **respectful engagement** with indigenous peoples and their traditional knowledge. We **encourage** Parties, indigenous peoples and local communities, civil society organisations, and researchers to **proactively engage** with each other and **apply this manual** in the context of work on EBSAs.
- However, aside from incorporating traditional knowledge into the process of describing and identifying EBSAs, the rest of the main document is essentially **devoid** of references to the **rights** of indigenous peoples and local communities. Of **particular concern** is the description and identification of EBSAs that **partially** or **wholly overlap** with indigenous peoples' territories, ICCAs and

other areas or marine resources upon which indigenous peoples and local communities depend. The work on EBSAs does not appear to have addressed **how EBSAs** may eventually be **designated** for certain management objectives, akin to a type of protected or conserved area, though it is reasonable to expect that this will be the case in the future.

- Indigenous peoples' and local communities' local norms and practices, as well as customary or otherwise preferential access to fishery resources and land, should be recognised, respected and protected, **consistent** with **international human rights law**.
- Any **proposed designations** that may overlap with or otherwise affect indigenous peoples' and local communities' territories and areas must ensure their **full and effective participation** in decision-making processes and must be subject to their **free, prior**

and informed consent. As with the nascent discourse distinguishing between protected and conserved areas,

- Extensive research has been conducted on the negative impacts of imposed protected areas on indigenous peoples and local communities and on equitable approaches to protected areas, including by supporting self-designation of areas under community governance and management (such as ICCAs and Locally Managed Marine Areas). A surfeit of relevant policy and technical guidance – such as the UN Declaration on the Rights of Indigenous Peoples, the CBD Programme of Work on Protected Areas, IUCN Best Practice Guidelines on Protected Area Governance, and the guidance currently being developed by IUCN on Aichi Target 11's 'other effective area-based conservation measures', among other things – should be used as minimum standards for any future designation of EBSAs.

Suggested Changes to the Draft Recommendation:

1. On traditional knowledge and indigenous peoples' and communities' rights in the description and identification of EBSAs:

- In what is currently *para 7*, we encourage Parties to also recall paragraph 23 of Decision XI/17, given the already agreed importance of ensuring the full and effective participation of indigenous peoples and local communities in the development of criteria for EBSAs and additional social and cultural information. We have noted with concern the insufficient participation of indigenous peoples and local communities in the majority of workshops on EBSAs to date.
- In what is currently *para 7*, we encourage Parties to remove reference to "subject to the availability of financial resources", as

these activities can proceed (and are already proceeding) on a voluntary basis and using funds sourced elsewhere.

- Finally, in light of the other considerations discussed above, we encourage Parties to include provisions along the following lines:

"7.bis Requests Parties, indigenous peoples and local communities and supporting organisations to identify, as part of guidance on EBSAs currently being developed, an appropriate general process for the designation of EBSAs as protected and/or conserved areas in situations of full or partial overlap with indigenous peoples' and local communities' territories and areas."

"7.ter Requests Parties, indigenous peoples and local communities and supporting organisations, where Parties and other countries have already proceeded with description and identification of EBSAs in the absence of considering traditional knowledge and the rights of indigenous peoples, to undertake a process to reassess such description and identification with the full and effective participation and free, prior and informed consent of indigenous peoples and local communities."

For more information about this SBSTTA-20 agenda item and our related recommendations, please contact:

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Agenda Item 4.4: Marine Spatial Planning and Training Activities

Official document: UNEP/CBD/SBSTTA/20/6
Complemented by: UNEP/CBD/SBSTTA/20/INF/6

Scheduled for: Monday 25 April, 15:00-18:00

The official SBSTTA document reports on a series of workshops and trainings on marine spatial planning, training and partnership activities within the framework of the Sustainable Ocean Initiative. The draft recommendation includes an annex on key considerations for the development and implementation of marine spatial planning.

Suggested Changes to the Draft Recommendation:

- We **welcome** the requests to the Executive Secretary in **paragraph 5** to invite **submissions** on experiences and lessons learned in the application of marine spatial planning (MSP) or other measures for conservation and management.
 - We also **welcome** the requests to the Executive Secretary in **paragraph 6** to compile experiences and lessons learned on the development and effective and equitable management of ecologically representative and well connected systems of marine protected areas and **other effective area-based conservation measures** and their integration into wider landscapes and seascapes, and to organise an **expert workshop** on their contribution to achieving Aichi Target 11.
1. **On linkages with other relevant international agreements (para 3):**
 - Given their direct relevance, we encourage Parties to include explicit reference in **para 3(c)** to FAO's **Voluntary Guidelines on the Responsible Governance of Tenure** of Land, Fisheries and Forests and **Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries**.
 2. **On key considerations for the development and implementation of marine spatial planning (Annex):**
 - The entire Annex should be further strengthened by **explicitly recognising indigenous peoples and local communities as rights-holders**, not merely stakeholders, in MSP processes, particularly those with *de jure* or *de facto* ownership over coastal and marine resources that are included in MSP processes. Indigenous peoples and local communities have the right to **full and effective participation** in decision-making processes that affect them and to provide or withhold **free, prior and informed consent**, for example, to have their traditional territories and areas be included in MSP processes. They should also be supported to conduct **indigenous and community mapping** of their coastal and marine territories and areas **prior** to MSP processes in order to be prepared to contribute effectively as rights-holders.
 - The first section should also recognise **governance diversity, quality and vitality**, in addition to adaptive management.
 - Part II should reference and encourage use of the **training manual** on traditional knowledge in **EBSAs**. 'Best available scientific information' should also include **traditional knowledge**.

For more information about this SBSTTA-20 agenda item and our related recommendations, please contact:

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Agenda Item 8: Biodiversity and Climate Change

Official document: UNEP/CBD/SBSTTA/20/10

Scheduled for: Tuesday 26 April, 15:00-18:00

Complemented by: UNEP/CBD/SBSTTA/20/10/Add.1
UNEP/CBD/SBSTTA/20/INF/2, /3, /29 and /30

The official SBSTTA document provides an overview of several activities, including (among other things) a review and workshop on ecosystem-based approaches to climate change adaptation and disaster risk reduction, information about recent developments on REDD+ at UNFCCC COP21, and options for the use of indicators and potential monitoring mechanisms to assess the impacts of REDD+ on biodiversity.

Key Issues & Additional Considerations in the Main Body of the Official Document:

1. On outcomes of UNFCCC COP21, the Paris Climate Change Conference (Section II):

- Both **para 25** of UNEP/CBD/SBSTTA/20/10 and **para 17** of FCCC/CP/2015/10/Add.1 note that the **estimated aggregate greenhouse gas (GHG) emission levels** in 2025 and 2030 resulting from the intended nationally determined contributions (INDCs) **do not fall within least cost 2°C scenarios**, but rather lead to a projected level of 55 gigatonnes in 2030. They also note that **much greater emission reduction efforts** will be **required** than those associated with the INDCs in order to hold the increase in the global average temperature to below 2°C above pre-industrial levels, by reducing emissions to 40 gigatonnes or to 1.5°C above pre-industrial levels.
- We welcome recognition of the fact that we are currently on a path to a warming of 3°C or more, and substantive actions are urgently needed for greater emission reductions now to keep the world to 1.5°C above pre-industrial levels (**paras 25-27**). This requires real action that **avoids** the use of **potentially harmful technologies and loopholes** such as **inaccurate land use accounting and flexibility mechanisms** based on markets.

2. On biodiversity and climate change mitigation (Section III):

- **Para 43** summarises recommendations of the technical study on the potential contribution of a wide range of ecosystems other than forests to climate change mitigation. In recommending a review of incentives (**para 43(c)**), this should be widened to **include a review of perverse and harmful incentives**, including those that promote or enable unsustainable use or conversion of natural ecosystems.
- We agree with the sentiment in **para 44** regarding potential contributions of achieving Aichi Targets 5 and 11 to climate change mitigation, and how ecosystem restoration (Target 15) can contribute to carbon sequestration. However, further to the point above regarding potentially harmful technologies and loopholes, we would like to underscore that the main objective of **ecosystem restoration** should not be reduced to enhancing carbon sinks or carbon sequestration; restoration measures should **avoid negatively impacting** and should **positively contribute** to indigenous peoples' and local communities' rights, livelihoods,

food security and sovereignty, and ecosystem connectivity and functionality.

3. **On biodiversity and climate change adaptation (Section IV):**

- Regarding risk assessment, scenario planning and adaptive management approaches for implementation of ecosystem-based approaches (EbA) and disaster risk reduction (Eco-DRR) (*para 54*), indigenous peoples' and local communities' conservation initiatives should be **recognised** and **supported** and given a more prominent role in EbA and Eco-DRR. The planning, implementation and review of EbA and Eco-DRR should **fully and effectively involve** indigenous peoples and local communities and be subject to their right to provide or withhold **free, prior and informed consent** for activities that may affect them or the territories, areas or resources upon which they depend. We welcome the recognition of the importance of engaging indigenous peoples and local communities in EbA and Eco-DRR policymaking processes (*para 59*). We encourage Parties to ensure that such processes are designed for **genuine** and **meaningful participation** to influence and contribute to effective decision-making.
- We welcome *para 66* that **indigenous, traditional and local knowledge systems** can play an important role in identifying and monitoring climatic, weather and biodiversity changes. However, indigenous, traditional and local knowledge systems can play a much broader role beyond monitoring changes and these needs to be reflected: the findings of the Intergovernmental Panel on Climate Change (IPCC) stated that "indigenous, local, and traditional knowledge systems and practices, including indigenous peoples' holistic view of community and environment, are **a major resource for adapting** to climate change".⁸

⁸ IPCC (2014), *Climate Change 2014: Synthesis Report*. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change: <http://bit.ly/1wqelqp>.

4. **On the use of integrated models and scenarios to explore future pathways to address climate and biodiversity goals (Section VI):**

Para 77 sets out three main approaches for land-based mitigation of GHGs currently being explored.

- We call for **great caution** on the first approach, namely: "**Deployment of bioenergy, and bioenergy with carbon capture and storage**" (BECCS). The deployment of bioenergy and bioenergy with carbon capture and storage (CCS) is not a viable mitigation measure. Its incorporation into IPCC models has been repeatedly and soundly challenged. If BECCS should ever be implemented on large scale, it would become a **major driver of biodiversity loss** and **land use change emissions**, not a mitigation measure. Current **bioenergy** production already has a **significant harmful impact** on the territories and livelihoods of indigenous peoples, local communities and, especially, women. Hence in this paragraph, (a) is incompatible with (b). This apparent confusion is ongoing; unless it is addressed, incentives for bioenergy as a 'solution' will undermine biodiversity protection, especially Target 5. Furthermore, bioenergy with CCS is currently nonexistent, and is unlikely to ever become technically or economically feasible. It is therefore misleading to include it as viable mitigation measure.⁹
- On the second approach for land-based mitigation ("Halting deforestation, reducing forest degradation and promoting ecosystem restoration"), we recommend a reference to the effective implementation of **SDG 15.2**: "By 2020, promote the implementation of sustainable management of all types of forests, **halt deforestation, restore degraded forests** and substantially increase afforestation and reforestation globally." This target is best met by **addressing the root causes** of forest loss, including perverse and harmful subsidies for intensive livestock and feedstock production and the replacement of forests with monoculture tree plantations.

⁹ Biofuelwatch (2015) "Last-ditch climate option of wishful thinking? Bioenergy with Carbon Capture and Storage": <http://bit.ly/1UEjiGe>.

- Similarly, we caution that **REDD+** as currently agreed could create significant loopholes as well as negative impacts for indigenous peoples, local communities and biodiversity, despite the voluntary safeguards adopted. We call on Parties to apply the **precautionary principle** in this respect and promote **holistic approaches** to **ecosystem conservation and restoration** for climate mitigation and adaptation instead, in line with SDG Target 15.2.
- We welcome the third approach of “Reducing GHG emissions from food systems”, but would also like to emphasise the need for sustainable food systems that value small farmers’ agro-ecology. **Addressing unsustainable production and consumption** of livestock products is at the heart of sustainable food systems. The push for “further increases in agricultural productivity” should not translate into further expansion of large agribusiness in small farmers’ lands or the use of **genetically modified seeds and harmful agrochemicals** in the name of increasing productivity. The Special Rapporteur to the Right to Food stated in his report – presented at the 16th Session of the United Nations Human Rights Council [A/HRC/16/49]¹⁰ – that “Small-scale farmers can double food production within 10 years in critical regions by using ecological methods...” Based on an extensive review of the recent scientific literature, that report calls for a fundamental shift towards agro-ecology as a way to boost food production and improve the situation of the world’s poorest.

¹⁰ “Agroecology and the Right to Food”, Report presented at the 16th Session of the United Nations Human Rights Council [A/HRC/16/49], 8 March 2011: <http://bit.ly/1nRy9KW>.

Suggested Changes to the Draft Recommendation:

1. On welcoming the Paris Climate Change Agreement:

- In the suggested recommendation to COP13, we urge Parties to add the following (suggested new text in underline):

“1. Welcomes the Paris Agreement on Climate Change, while expressing concern that the current INDCs fail to lead us on a pathway towards an average temperature increase of less than 3°C;”

1.bis Urges Parties to take concrete and urgent actions to ensure the average temperature increase remains below 1.5°C, avoiding the use of potentially harmful technologies and loopholes, including loopholes related to land use accounting and flexible mechanisms;”

2. On linkages with the SDGs and the precautionary principle:

- In the suggested recommendation to COP13, we urge Parties to add the following new provisions:

“4(a)bis To take all necessary measures to implement Sustainable Development Goal 15.2 in an effective manner that is in line with the Strategic Plan of the Convention on Biological Diversity and related guidance on ecosystem restoration and respect for the rights of indigenous peoples and local communities.”

“4(a)ter To apply the precautionary principle to the use of technologies such as bioenergy with carbon capture and storage in light of the potentially significant harm such technologies might have for biodiversity, indigenous peoples and local communities, and the integrity of the Climate Agreement itself. ”

3. **On EbA and Eco-DRR:**

- We welcome recognition in current draft **para 4(e)** of the role of **traditional knowledge** in ecosystem-based approaches to adaptation and disaster risk reduction. The recommendation should also explicitly state that in such approaches, existing laws, rules and procedures concerning indigenous, local and traditional knowledge systems should be **enforced** and **implemented** to ensure the **recognition** and **protection** of knowledge holders and their rights. It also should recognise the specific role of **women**. For example, we suggest the following text:

"4(e)bis To implement and enforce existing laws, rules and procedures related to indigenous, local and traditional knowledge systems, including in particular the traditional knowledge of women, so as to ensure the recognition and protection of the rights of such knowledge holders."

- We also welcome current **para 4(f)** ("To promote the wide use of ecosystem-based approaches where appropriate, including in urban areas and agricultural landscapes"). We encourage Parties to also include valuing **indigenous peoples'** and **peasants' agro-ecology systems** as a way of protecting, conserving and sustainably using ecosystems while producing locally, culturally appropriate organic food, and supporting sustainable and healthy food systems.

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Agenda Item 9: Bushmeat and Sustainable Wildlife Management

Official document: UNEP/CBD/SBSTTA/20/11

Scheduled for: Wednesday 27 April, 10:00-13:00

Complemented by: UNEP/CBD/SBSTTA/20/INF/46, /47 and /58

The official SBSTTA document reports on how sustainable wildlife management is addressed under the Convention; approaches undertaken by Parties to better understand the use and trade of bushmeat, relevant legal frameworks, food and livelihood alternatives and the sustainable use of wildlife through co-management and community approaches; and analysis of the impacts of subsistence use of wildlife on wild species. It also highlights activities of the Collaborative Partnership on Sustainable Wildlife Management since COP12 and presents an approach to secure wildlife and food security, drawing from a report from the XIV World Forestry Congress.

Key Issues & Additional Considerations in the Main Body of the Official Document:

- We **broadly agree** with the Background (**Section II**), Conclusion (**Section VII**) and draft recommendation (**Section VIII**), particularly the welcome points about the **social, cultural, spiritual, ecological and economic importance** of wildlife and sustainable use thereof for indigenous peoples and other forest-dependent communities, and the importance of **rights-based management** and the **transfer of rights and associated responsibilities** to local people.
- We also agree with the need to **differentiate** between **subsistence** uses, **illegal hunting** and domestic and international **trade** (**paras 1 and 18**).
- 1. **On drivers of wildlife decline:**
 - However, aside from one brief mention (**Section V, para 54**), the document fails to identify the **broader drivers** of the **decline** in **wildlife** populations and species, perhaps most notably, deforestation and forest degradation and industrial logging, agriculture and fisheries. For example, the construction of logging roads is known to lead to spikes in wildlife poaching and trafficking and habitat fragmentation. The **same drivers undermine** indigenous peoples' and local communities' **customary ways of life**, including those dependent on intact forest ecosystems.
 - These factors (among others) **increase pressure** on wildlife populations, which are forced into smaller and smaller areas, into marginal habitats to which they are not accustomed, and increasingly into areas inhabited by migrant and permanent human settlements, which also leads to human-wildlife conflict.
 - There are also **human rights dimensions** to this issue. Indigenous peoples' subsistence hunting practices are often criminalised under domestic law, for example, when they hunt species that are listed as endangered. However, such species most likely became endangered primarily because of broader drivers of habitat and biodiversity loss, not because of subsistence hunting practices, though the latter may contribute to further species decline when wildlife populations are already severely diminished. Consideration must be given to **possible legal conflicts** between **species protection** laws and economic, social and cultural **rights** of indigenous peoples in particular.

- In this sense, **mainstreaming rights-based approaches to biodiversity** into the primary sectors of agriculture, forestry and fisheries and eliminating, phasing out and reforming **harmful** and **perverse incentives** (Aichi Target 3) are **essential** to addressing some of the drivers of wildlife decline and unsustainable use of wildlife.
- 2. **On customary rights:**
 - **Collective governance** and **traditional knowledge systems** still play a role in regulating wildlife hunting and subsistence use at the community level (**Section V, para 58**). The Udege in Russia's Ussuri Taiga and the Murut in eastern Sabah, Malaysia, among many other communities, provide concrete examples.
 - The resilience of these systems would be further strengthened if the communities had **secure land** and **resource tenure rights**, and were **empowered** to enforce protective measures against outsiders such as poachers and illegal loggers. This is an essential aspect of appropriately recognising and supporting territories and areas conserved by indigenous peoples and local communities (ICCAs) and other collective community action that contributes to wildlife conservation and sustainable use.
 - We **agree** that **formal national recognition** of **customary rights** is often only to a **limited** degree and thus limits the potential for traditional knowledge to play a key role in stemming population declines and curbing illegal wildlife trade (**Section V, para 59**).
 - In addition, indigenous peoples and local communities who use wildlife for subsistence purposes are sometimes **caught in the crossfire** of **illegal wildlife trade** and **militarised** state and non-state **responses**. Strengthening community rights and protections is thus also a matter of human security for those communities, including women and children.

Suggested Changes to the Draft Recommendation:

1. **On mainstreaming biodiversity and removing perverse incentives:**

- As mentioned above (and in the second preambular paragraph of the draft recommendation), extensive habitat loss and fragmentation are key contributors to the decline of wildlife species. The recommendation should explicitly state the importance of **mainstreaming biodiversity** in primary sectors and **removing perverse incentives** as key strategies in addressing the wildlife crisis. We encourage Parties to consider adding a provision along the following lines:

"1.bis Urges Parties to fully implement commitments to mainstream biodiversity within and across sectors and to eliminate, phase out, and reform harmful and perverse incentives (Aichi Target 3) as important means to address upstream drivers of habitat loss and fragmentation."

2. **On strengthening recognition of customary rights and ICCAs:**

- We welcome current **paras 2** and **3** in the draft recommendation. In addition to reporting on rights-based management, Parties should also actively develop and implement **rights-based recognition of community wildlife conservation**. We encourage Parties to consider adding a provision along the following lines:

"1.ter Encourages Parties to strengthen legal and policy recognition of indigenous peoples' customary rights and community conserved territories and areas that contribute to the conservation and sustainable use of wildlife."

For more information about this SBSTTA-20 agenda item and our related recommendations, please contact:

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Agenda Item 10: Protected Areas and Ecosystem Restoration

Official document: UNEP/CBD/SBSTTA/20/12 and /Add.1

Scheduled for: Wednesday 27 April, 10:00-13:00

Complemented by: UNEP/CBD/SBSTTA/20/INF/35-/41

The official SBSTTA document provides a progress report on activities undertaken in follow up to COP Decision XII/19 on ecosystem restoration and presents draft key elements for a short-term action plan on ecosystem restoration. It also provides an update on protected areas.

Key Issues & Additional Considerations in the Main Body of the Official Document:

1. On protected areas:

- More broadly, it is **unclear** why the topic of **protected areas** is included in the same agenda item as ecosystem restoration. It is also unclear why protected areas are only considered in two paragraphs in this official SBSTTA document.
- Although progress towards Aichi Target 11 is considered in detail in Agenda Item 3, the latter does not consider progress in implementation of the Programme of Work on Protected Areas (PoWPA), which is the Convention's overarching policy instrument on the topic. The last review of implementation of **PoWPA** found that Element 2 (governance, equity, participation and benefit sharing) is the least implemented component.
- Particular and sustained **emphasis** should thus be placed on **effective implementation** and **reporting** on **PoWPA Element 2**, with the full and effective participation of indigenous peoples and local communities, in addition to efforts to achieve Aichi Target 11 and related COP decisions such as the Plan of Action on Customary Sustainable Use.

2. On ecosystem restoration in light of the Paris Climate Agreement:

- Under the Paris Climate Agreement, **ecosystem restoration** is being strongly **promoted** as a **carbon-neutral approach**. The many potential benefits of ecosystem restoration include biodiversity conservation and connectivity, climate change mitigation and adaptation, and sustainable development more generally.
- However, ecosystem restoration could also have significant **negative impacts**, including on biodiversity and on indigenous peoples and local communities, if planned and undertaken inappropriately. For example, ecosystem restoration efforts may be used as 'offsets' or 'credits' for business enterprises, which may continue to engage in business-as-usual ecologically destructive practices elsewhere. In addition, overly economic and technical approaches to restoration may undermine effective conservation (for example, by using fast-growing invasive tree species) and may fail to acknowledge and support the many other social, cultural, spiritual and aesthetic values of biodiversity and restoration.

- All restoration efforts should be guided by **strict ecological principles** (for example, only using native species). They should also be subject to indigenous peoples' and communities' right to provide or withhold **free, prior and informed consent** to restoration activities that may affect them or the territories and areas upon which they depend.
- In addition, as noted in the official SBSTTA document (**Section II, para 17**), **indigenous peoples** and **local communities** themselves are undertaking effective, sustainable and cost-efficient **restoration initiatives**. These are often undertaken on a voluntary basis, drawing on traditional knowledge and customary use practices, and involving a wide range of community members, including women. For example, indigenous peoples in **Samoa** and the **Solomon Islands** are replanting mangroves to help replenish fish stocks and protect against sea level rise and storm surges. These initiatives could be further strengthened through targeted provision of financial and technical support, as defined by the communities themselves.

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Suggested Changes to the Draft Recommendation:

1. On restoration by indigenous peoples and local communities:

- As mentioned above, indigenous peoples and local communities contribute significantly to ecosystem restoration efforts. We encourage Parties to include a provision along the following lines:

"3.bis Encourages Parties to strengthen legal, policy, technical, financial and other forms of recognition and support for indigenous peoples' and local communities' conservation and restoration efforts, as effective, cost-efficient and equitable means to achieve ecosystem restoration plans."

2. On financial support for ecosystem restoration:

- Regarding the current paragraph 4 in the draft recommendation, **financial support** for ecosystem restoration, including from development agencies and financial institutions, must **adhere** to **minimum environmental** and **human rights standards** under international law and the policies of the respective institutions (where the latter go above and beyond the former). We encourage Parties to revise that provision to the following (suggested new text in underline):

"4. Urges overseas development agencies, international finance agencies and other funders, such as regional development banks and the Global Environment Facility and Small Grants Programme, to provide support for ecosystem restoration, integrated as appropriate into programmes and initiatives for development, food security, job creation and poverty eradication, and to do so in full compliance with minimum environmental and human rights standards in public international law."

Agenda Item 11: Fifth Edition of the *Global Biodiversity Outlook*, National Reporting and Indicators for Assessing Progress towards Aichi Biodiversity Targets

Official document: UNEP/CBD/SBSTTA/20/13

Scheduled for: Wednesday 27 April, 15:00-18:00

Complemented by: UNEP/CBD/SBSTTA/20/13/ADD.1
UNEP/CBD/SBI/1/11 and /ADD.1

The official SBSTTA document considers implications of IPBES assessments for the *Global Biodiversity Outlook*, technical considerations related to the proposed guidelines for the sixth national report, and indicators for the Strategic Plan for Biodiversity 2011-2020. It contains a brief draft recommendation and an extensive Annex of generic and specific indicators for assessing progress towards the Aichi Biodiversity Targets, including an assessment of their main characteristics. The Addendum to the official SBSTTA document contains the draft guidelines for the sixth national report. National reporting will also be considered in Agenda Item 13 of SBI-1.

Key Issues & Additional Considerations in the Main Body of the Official Document:

1. On mainstreaming Articles 8(j) and 10(c) and Aichi Target 18:

- We welcome the suggestion that **Articles 8(j) and 10(c)** and **Aichi Target 18** be further mainstreamed across all elements of the Convention and the Strategic Plan for Biodiversity (**Section III, para 20**) and encourage Parties to include this in the draft recommendation (see below).

2. On the sixth national report (Section IV):

- Indigenous peoples and local communities have sophisticated **knowledge and monitoring systems** attuned to changes over time. In addition, they are often on the frontlines of biodiversity conservation efforts and are particularly vulnerable to biodiversity loss and degradation. They are **very well placed to contribute** observations and assessments **to national reports**. However, very **few references** to indigenous peoples and local communities, or to their conserved territories and areas or ICCAs, were included in the **fourth edition** of *Global Biodiversity Outlook*, despite

multiple rounds of inputs to the peer review process. It is thus essential to have stronger representation of indigenous peoples' and communities' considerations in the sixth national reports, since the reports provide the basis for each subsequent *Outlook*.

- In the guidelines for the sixth national report (UNEP/CBD/SBSTTA/20/13/ADD.1), we agree that **indigenous peoples and local communities**, *inter alia*, **should be involved** in the preparation of the national report (**Section I, para 3**).
- However, the **guidelines** only provide a template for the structure and format of the sixth national report; they **fail to provide guidance on the process** to be undertaken **to prepare the report**. National reporting processes should involve **extensive consultations** and **participatory methods** in collaboration with indigenous peoples and local communities. They should respect

and include **diverse worldviews** and **knowledge systems**, including those of **women**, and incorporate the findings of indigenous peoples' and local communities' **own assessments** of change and of progress towards the Aichi Targets, using both quantitative and qualitative data.

- In addition, the **global indicators** for the Aichi Targets should be used as a **flexible framework** and **minimum standard**. **Additional indicators** and information that shed light on achievement of the Aichi Targets beyond the global indicators **should also be considered and reported** in the national reports.
- The guidance should also state that teams that compile the national reports should include people with the **necessary skills and experience** to engage with indigenous peoples and local communities and to appropriately consolidate their contributions along with all others into the reports.

3. **On indicators for the Strategic Plan and Aichi Targets (Section V and Annex): overarching points**

- We **welcome** Parties' commitment to **aligning indicators** for the Strategic Plan with indicators for the **Sustainable Development Goals** and with other Rio Conventions (**Section V/B**).
- More broadly, it is important to have a critical understanding of indicators as **'technologies' of global governance** that affect processes of standard setting, decision-making and contestation.¹¹ They identify **what 'counts'** based on **what is measurable**.
- For example, the current draft indicators for Aichi Target 11 (**Annex**) are overwhelmingly focused on protected areas and fail to include any indicators for 'other effective area-based conservation measures' (conserved areas), a key component of Target 11. This illustrates a **conceptual** and perhaps **ideological**

bias towards conventional protected areas. If the indicators for Target 11 fail to consider conserved areas, Parties to the CBD **will exclude** a potentially **very significant percentage of effectively conserved lands and waters**. Similar points could be made for indicators of other Targets.

- Overall, the **current indicators** for the Aichi Targets **do not sufficiently consider the contributions of indigenous peoples and local communities**, including through ICCAs and other effective conservation measures. Hereafter, we suggest several changes to the indicators for Aichi Targets 3, 5, 6, 7, 10, 11, 13, 14 and 15.

Suggested Changes to the Draft Recommendation:

1. **On mainstreaming Articles 8(j) and 10(c) and Aichi Target 18:**

- Following reference to the same in the body of the document, we encourage Parties to **include** the following new provision:

"1. bis Recognises the need to further mainstream Articles 8(j) and 10(c) and Aichi Target 18 across all elements of the Convention and the Strategic Plan for Biodiversity, including in the preparation of the sixth national reports and fifth edition of the Global Biodiversity Outlook."

- The draft recommendation currently prioritises knowledge of the scientific community as the basis for scenarios, models and assessments. However, **traditional indigenous and local knowledge systems** embody generations of accumulated wisdom and understanding of local biodiversity and ecosystems. They **should be considered part of or a necessary complement to the 'scientific community'** for their essential contributions to scenarios, models and assessments to support decision-making.

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¹¹ Davis, KE, B Kingsbury, and SE Merry (2011) *Indicators as a Technology of Global Governance*. International Law and Justice Working Paper 2010/2 Rev.

Key Issues & Suggested Changes to the Annex of the Official Document (Indicators for the Aichi Targets):

1. On indicators for the Aichi Targets (Annex): Target 3

- We welcome the Specific Indicators concerning potentially **harmful elements** of government support to **agriculture** and to **fisheries**, under the Generic Indicator on incentives harmful to biodiversity that are removed, reformed or phased out. We urge Parties to **add a similar Specific Indicator concerning forests**, given forestry is the third key primary sector being considered in the CBD alongside agriculture and fisheries. This Specific Indicator could read as follows:

“Trends in potentially harmful elements of government support to forests and forest-related industries.”

- Under the Generic Indicator on **incentives that promote biodiversity** conservation and sustainable use, the only two Specific Indicators focus on economic and market-based mechanisms. We encourage Parties to **add a Specific Indicator on non-market-based mechanisms**. An effective, sustainable and cost-effective non-market-based mechanism is appropriate recognition and support for indigenous peoples’ and community conserved territories and areas (ICCAs) and other community conservation initiatives. An **additional Specific Indicator** could thus read as follows, and information could be sourced from the ICCA Consortium, among others:

“Number of countries with national instruments that recognise or otherwise support indigenous peoples’ and community conserved territories and areas (ICCAs) and/or other forms of community conservation.”

2. On indicators for the Aichi Targets (Annex): Target 5

- There is a **fundamental concern with FAO’s definition of “forests”**, which is too broad and unspecific and needs to be

revisited. Its definition does not include any components concerning forest biodiversity (or conservation, restoration and sustainable use thereof) and continues to allow for monoculture tree plantations. Without this precision, expansion of **monoculture plantations** under the guise of “forests” could **legitimise deforestation** of primary and secondary forests and further **degradation** of other terrestrial ecosystems.

- The Specific Indicators of **forest extent** (tree cover) and **forest area** as a percentage of total land area **should be disaggregated** into the following: primary forests, other naturally regenerated forests / secondary forests, and planted forests, with introduced species as sub-categories of the latter two categories.
- Under the Generic Indicator on trends in **degradation of forest** and other natural habitats, the **Specific Indicator** on proportion of land that is degraded over total land area should be accompanied by an **analysis of the root cause of the land degradation** such as industrial bioenergy production, industrial agriculture and the livestock industry.
- Similarly, under the Generic Indicator on trends in **fragmentation of forest and other natural habitats** (which does not yet have any Specific Indicators identified), at least one **Specific Indicator** should consider the **root causes of fragmentation**, for example:

“Proportion of fragmentation caused by different sectors, including primary sectors of agriculture, forests and fisheries.”

3. On indicators for the Aichi Targets (Annex): Target 6

- Indigenous peoples and local communities in many countries heavily depend on marine and coastal resources and have a vested interest in ensuring sustainable management and harvesting within ecological limits. **Collective action** and **community governance and stewardship systems** contribute significantly to **sustainable local fisheries** (for example, *Satoumi* in

Japan and *taboo* sites in the Pacific Islands), including through **restoration** (for example, of mangroves in Samoa).

- Under the Generic Indicator on trends in catch per unit effort, we **welcome** the Specific Indicator concerning countries' progress in application of a legal/regulatory/policy/institutional framework that recognises and protects **access rights for small-scale fisheries**. The Fisheries Management Act 2015 of the **Solomon Islands** is a good example of a new law that recognises indigenous peoples' customary rights and management capabilities in fisheries.
- However, the other Generic and Specific Indicators fail to refer to indigenous peoples' and local communities' contributions to achieving Target 6. We encourage Parties to add more explicit references to **coastal and marine areas under indigenous peoples' and communities' effective stewardship and governance systems**. We propose the following **additional Generic and Specific Indicators**, respectively, which could be sourced in part from the UNEP-WCMC ICCA Registry and from the LLMA Network, International Collective in Support of Fishworkers and other civil society organisations working closely with coastal and marine communities and fisherfolk:

Generic Indicator: "Trends in proportion of areas of coastal and marine areas within national jurisdiction under indigenous peoples' and community conserved territories, areas and practices."

Specific Indicator: "[Area] [Percentage] [Proportion] of coastal and marine areas within national jurisdiction under indigenous peoples' and community conserved territories, areas and practices."

4. On indicators for the Aichi Targets (Annex): Target 7

- Small-scale and local agriculture provides an estimated 70-80% of all food consumed globally. We **welcome** the Target 7 Indicators on areas of agricultural land under organic production and under conservation agriculture. We encourage Parties to specifically

consider the **contributions** to these Indicators of **indigenous peoples' and local communities'** small-scale, local and agro-ecology farming systems, including unique crop varieties and animal breeds.

5. On indicators for the Aichi Targets (Annex): Target 10

- **Pressures on coral reefs** should also address **industrial pressures** such as bottom trawling and downstream or knock-on pressures such as fish bombing, which is arguably precipitated by industrial fishing offshore and near coastal areas. It is also important to provide alternative livelihood and economic opportunities for fisherfolk who may be forced to resort to unsustainable practices due to broader pressures beyond their control.
- Following the above, under the Generic Indicator on trends in pressures on coral reefs, we encourage Parties to **add** the following **Specific Indicators**:

- *"Progress by countries in the degree of application of a legal/regulatory/policy/institutional framework to reduce pressures on coral reefs, including industrial fishing and bottom trawling."*
- *"Trends in alternative livelihood generation opportunities for local fisherfolk."*

- Indigenous peoples and local communities also contribute to conservation and restoration of reefs and other vulnerable habitats and ecosystems such as mangroves and seagrass beds. Under the Generic Indicator on trends in responses to reduce pressures on coral reefs (for which no Specific Indicators have yet been identified), we encourage Parties to add the following Specific Indicator:

"[Area] [Percentage] [Proportion] of original extent of mangroves and seagrass beds restored through collective action and community conservation initiatives."

6. On indicators for the Aichi Targets (Annex): Target 11

- As mentioned above, the current draft indicators for Target 11 are overwhelmingly focused on protected areas and **fail to include** any indicators for ‘**other effective area-based conservation measures**’, a key component of Target 11. This illustrates a **conceptual** and perhaps **ideological bias** towards conventional protected areas. If the indicators for Aichi Target 11 do not include any consideration of other effective area-based conservation measures, Parties to the CBD **will fail to consider** a potentially **very significant percentage of effectively conserved lands and waters**, including territories and areas conserved by indigenous peoples and local communities.
- As stated in UNEP/SBSTTA/20/INF/40, IUCN WCPA is currently developing **guidance on ‘other effective area-based conservation measures’** (‘conserved areas’ in short). The Target 11 indicators should acknowledge that this process is underway, as it will form an important basis for reporting on progress towards Target 11.
- The outcomes of the 6th IUCN World Parks Congress referred to “**protected and conserved areas**” and recognised the contributions of voluntary conservation practices and **areas conserved by indigenous peoples and local communities** (ICCAs).
- We **strongly encourage** Parties to ensure that **each Target 11 indicator that refers to protected areas also explicitly refers to conserved areas**. Conserved areas are distinct from protected areas (for example, the definition of a protected area does not require actual effectiveness, whereas conserved areas are actually effectively conserved). Furthermore, custodians of conserved areas may not wish to be included in government protected area systems for various reasons. Thus there is a need to explicitly recognise conserved areas as well.
- In addition, we **encourage** Parties to add the following **Generic Indicator** and **Specific Indicators** specifically on **conserved areas**, noting that they are under active development by IUCN, UNEP-

WCMC and the ICCA Consortium, among others, and/or can already be sourced from CBD Technical Series No. 64:

Generic Indicator: “Trends in recognition of other effective area-based conservation measures (conserved areas).”

Specific Indicators:

- *“Progress by countries in the degree of application of a legal/regulatory/policy/institutional framework to appropriate recognise and support other effective area-based conservation measures (conserved areas).”*
- *“Trends in recognition of ICCAs and other community conservation practices that effectively contribute to conservation regardless of primary objectives.”*
- *“[Percentage] [Proportion] of terrestrial and inland water and coastal and marine areas under self-designated effective area-based conservation measures.”*
- *“[Percentage] [Proportion] of terrestrial and inland water and coastal and marine areas under government-recognised effective area-based conservation measures.”*

- There is currently a **Generic Indicator** on trends in “effectiveness and/or equitability of management of conserved areas”. Although the specific reference to conserved areas is welcome, it is well known that there is **much work to be done on effectiveness of protected areas**. The Generic Indicator should thus be **revised** to the following, namely, to refer to both effectiveness and equitability in protected areas as well as conserved areas:

“Trends in effectiveness and equitability of management of protected areas and conserved areas.”

- In addition, **governance** is a fundamental aspect of management **effectiveness** and **equity**, as underscored by Element 2 of the Programme of Work on Protected Areas and by IUCN Best Practice Guidelines on Protected Area Governance. We encourage

Parties to **add** the following **Specific Indicator** under this Generic Indicator:

“Participatory assessments of governance diversity, quality and vitality of protected and conserved areas.”

7. On indicators for the Aichi Targets (Annex): Target 13

- Under the **Generic Indicator** on trends in **genetic diversity** of **socio-economically** and **culturally valuable species** (which does not yet have any Specific Indicators identified), we encourage Parties to **include** the following **Specific Indicators**:

- *“Number of farmed and domesticated species and wild relatives found in territories and areas conserved by indigenous peoples and local communities.”*
- *“Number of farmed and domesticated species and wild relatives conserved through indigenous peoples’ and local communities’ collective action and traditional knowledge systems.”*

8. On indicators for the Aichi Targets (Annex): Target 14

- Some of the indicators for Target 14 are arguably very **limited** and **narrow** in scope. For example, the Generic Indicator on **trends in safeguarded ecosystems** only has one Specific Indicator on the extent of wetlands, whereas ecosystems other than wetlands are also important to consider. The indicators should provide for contributions of indigenous peoples and local communities to restoring and safeguarding ecosystems. We encourage Parties to **add** the following **Specific Indicator**:

“Area safeguarded and/or restored by indigenous peoples and local communities, including through traditional and indigenous knowledge systems and customary sustainable practices.”

- In addition, the indicators for the degree to which ecosystem services provide for the needs of women, indigenous and local communities, and the poor and vulnerable focus too narrowly on conventional ‘development’ indicators without acknowledging the **perceptions of women and communities themselves**. We encourage Parties to **add** one or more of the following **Specific Indicators**:

- *“Percentage of population practicing customary laws and traditions.”*
- *“Self-reported [multiple] values and uses of ecosystem services and functions.”*

9. On indicators for the Aichi Targets (Annex): Target 15

- The indicators for Target 15 are arguably very **limited** and **narrow** in scope. They **should provide explicitly** for indigenous peoples’ and local communities’ contributions to restoration and to climate change mitigation and adaptation through **collective** and **voluntary conservation action**. They should also provide for additional measures for restoration beyond simply trends in forest carbon stocks.
- We encourage Parties to **add** one or more of the following **Specific Indicators**:

- *“Voluntary contributions, including of indigenous peoples and local communities and women, to climate change mitigation and adaptation.”*
- *“Number of countries with national restoration strategies, plans and targets.”*
- *“Percentage of degraded lands restored with native species.”*