

1. "Despite ongoing efforts, **biodiversity is deteriorating worldwide and this decline is projected to continue or worsen under business-as-usual scenarios.**" (GBF Draft 1, paragraph 1)

What the CBD obliges the states to do in this kind of situation is that:

- States shall **"identify processes and categories of activities which have or are likely to have significant adverse impacts on" biodiversity** and **"monitor** their effects" (CBD article 7 c)

- **"Where a significant adverse effect on biological diversity has been determined", states shall "regulate or manage the relevant processes and [...] activities".** (CBD article 8 l)

- Each state shall thus regulate and manage the "processes and activities [...] carried out under its jurisdiction or control" **"regardless of where their effects occur"**, whether "within [...] or **beyond the limits of national jurisdiction**" (CBD article 4 b) and **"ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction."** (CBD article 3)

2. States have now also in the international biodiversity related cooperation accordingly clearly **identified that such processes and activities which have "significant adverse impacts on" biodiversity** and which states are thus obliged to "regulate or manage" so as to prevent such their adverse impacts also in other states, **include also how:**

- **"Unsustainable consumption underlies each of the main direct drivers of biodiversity loss"** and its practices **"exceed the capacity of the earth". "90 per cent of global biodiversity loss [...] can be linked to the extraction and processing"** demanded by "current patterns of unsustainable use, one of the main direct drivers of biodiversity loss". (CBD/SBSTTA/24/3/Add.2 /Rev 1 paragraphs 109-110, 114-115)

- **"High consumption lifestyles"** particularly of the rich states and elites are **"pushing the planet towards a sixth mass species extinction"**. (IPBES/6/L.9/Rev.1, Annex, sections A1, B2, B3 and B4)

- **"Lowering total consumption and waste is essential" for "bending the curve of biodiversity loss"** which is **"accelerating at an unprecedented rate"**. (CBD Global Biodiversity Outlook 5 (GBO-5), page 181 and Leaders' Pledge to Reverse Biodiversity Loss by 2030)

3. **As the CBD obliges each state to "regulate or manage" such over-consumption processes/activities to ensure that they "do not cause damage to the environment of other States"** (CBD article 3), to notify any "imminent or grave danger or damage, originating under its jurisdiction or control, to biological diversity within the area under jurisdiction of other States" and to **"initiate action to prevent or minimize such danger or damage"** (CBD article 14.1 d), **how does the Global Biodiversity Framework implement such CBD obligations ?**

Under the Global Biodiversity Framework (GBF), states do not implement these their CBD obligations to monitor & regulate the processes & activities of over-consumption and unsustainable production which drive the on-going global biodiversity loss acceleration.

GBF does not require, not even request states to fulfil their obligations to monitor and regulate the growing over-consumption & unsustainable global production, which drive and accelerate global biodiversity loss. GBF asks states only to encourage business to greenwash itself by self-advertising and consumers to be responsible for voluntary choices as follows:

- **"All businesses [...] assess and report** on their dependencies and impacts on biodiversity, from local to global, and progressively reduce negative impacts, by at least half and increase positive impacts, **reducing biodiversity-related risks to businesses"**, improving the "sustainability of extraction and production", use, "sourcing and supply chains".(GBF Target 15)

- **"people are encouraged and enabled to make responsible choices** and have access to relevant information and alternatives, taking into account cultural preferences, **to reduce** by at least half the waste and, **where relevant the overconsumption**, of food and other materials." (GBF Target 16)

Why does the GBF allow the main drivers of global biodiversity loss acceleration, the over-consumption and unsustainable production to be left to grow without being bound by any limit or regulation, violating thus the respective CBD obligations ?

4. To save the world's biodiversity states would need to halt the on-going rapid biodiversity loss acceleration by urgent measures.

But the GBF would instead allow the global biodiversity loss to continue to accelerate without limit, unregulated for the next 10 years - not bound by any limit set for the overall volume of the biodiversity loss driving over-consumption of the rich states and elites - as far as they have money to buy more.

This would be a catastrophe for the diversity of life on Earth as it would leave the Earth for a decade to be used and determined by rights of money to such over-consumption of unsustainable global products, which undermine biodiversity, violating the CBD.

5. World's in-situ biodiversity needs to be protected most from those processes and activities which most threaten it, and in areas where their threatening activity originates and continues to take place, including that:

As over-consumption and unsustainable production are allowed to continue in areas where they take place (in rich cities, industrial areas etc.) their destructive global impacts will continue to accelerate global biodiversity loss - no matter how their destructive impacts may be transferred away from the most healthy ecosystems to ones already more degraded.

6. World can be most effectively protected from destructive human activity, such as over-consumption, by regulating it in the areas where it take place - rather than by channeling its destructive impacts away from areas of more healthy biodiversity, to burden even more other areas whose biodiversity and its ability to regenerate are already more degraded.

CBD obliges states to protect the regeneration and recovery of Earth's diversity of life in its ecosystems based communities

"'In-situ conservation' means the conservation of ecosystems" everywhere (CBD, 2) so that states shall:

- "regulate or manage biological resources important for the **conservation** of biological diversity whether within or **outside protected areas, with a view to ensuring their conservation and sustainable use**" (8 c) with "the protection of ecosystems, natural habitats" to keep viable populations in natural surroundings (CBD article 8 d) "paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use" (CBD article 7 b)

- "**regulate or manage the relevant processes" and activities** (including those of our over-consumption) influenced within states' jurisdictions when they "**are likely to have significant adverse impacts on" world's biodiversity, so as to prevent such adverse impacts "regardless of where their effects occur"** whether "within [...] or beyond the limits of national jurisdiction" (CBD articles 4 b, 7 c, 8 l)

As these are "specific conservation objectives" of in-situ conservation, so an area where states thus regulate or manage processes, activities or biological resources for these objectives, is an area "designated or regulated and managed to achieve specific conservation objectives" - which is also the CBD definition for a "protected area" as the CBD defines:

"**Protected area**" means a geographically defined **area** which is **designated or regulated and managed to achieve specific conservation objectives**" (CBD article 2) such as objectives to "regulate or manage the relevant processes" "regardless of where their effects occur" in the world (CBD, 4 b, 7 c, 8 l) or to save biodiversity "within or outside protected areas" (CBD, 8 c)

Areas around the world have to be protected both from carrying such processes and activities which undermine in-situ biodiversity and from being affected by such processes - by regulating such processes and activities to be altered to such ways of living with biodiversity, which allow it to regenerate.

7. The protected areas were to be "designated or regulated and managed to achieve specific conservation objectives" of in-situ conservation in ways which respect and advance the in-situ conservation objectives as a whole.

Now however the areas are not protected according to what could most reduce the on-going global biodiversity loss acceleration in terms of the whole of in-situ conservation objectives. Now that how areas become 'protected' is not determined by what best conserves world's biodiversity. What now drives the expansion of protected areas, is rather that for which type of 'protected areas' there is most money available from the businesses which drive the global biodiversity loss acceleration.

To protect the Earth from the over-consumption processes and activities which currently drive global biodiversity loss acceleration, the CBD requires us to regulate processes and activities in areas also to protect the areas from such processes and activities - including the areas where they would otherwise take place, because:

Only if the areas where the over-consumption takes place and drives the growth of global biodiversity loss, get protected from such processes and activities of overconsumption, the Earth can be protected from the biodiversity loss which they drive if they are allowed to take place in some area.

8. Why the prevailing GBF-approach on 'protected areas' can not conserve world's in-situ biodiversity

While states are obliged to establish, design, plan, regulate and manage the protected areas in ways which respect and promote the in-situ conservation objectives as a whole - including also the various above presented in-situ conservation objectives, the GBF would ensure on the contrary that:

- As such 'conservation' areas do not prevent or bind by any limit the overall volume of the global biodiversity loss driving over-consumption and industry but restricts such ways of people's life which allow biodiversity to regenerate, thus the overall volume of biodiversity-undermining activity grows but becomes transferred from monitored areas which are already in better condition and would have had better carrying capacity to other areas which are already more degraded and whose ecosystems have already weaker carrying capacity
- Those ways of human life which have best allowed the global biodiversity to regenerate will continue to become more and more displaced and restricted, because it is in their areas where biodiversity has best survived and so they get displaced as their areas have better commercial values for conservation industries of tourism, nature-entertainment, NBS, etc.
- Conservation industries, protected areas, spatial planning, etc. will expand by making world's biodiversity more and more dependent from financing coming from such mining, energy raw material, etc. industries, which get that money by undermining, degrading, displacing or polluting biodiversity which used to self-regenerate in wide areas as long as they were inhabited by indigenous and local communities, whose sustainable life gets now displaced
- When people who have lived in ways which allowed biodiversity to regenerate, become displaced by conservation industry or by industries which finance it by undermining biodiversity, these people get transferred to life (in cities, industries, plantations) which much more undermines biodiversity than their own indigenous life which allowed biodiversity to regenerate by itself
- Earth is required to become expandingly managed by such modern 'management regimes' of protected areas, OECM, spatial planning, Nature Based Solutions which all require expanding financing from industries so that "an area where there is no management regime" can not be approved as conservation "even though its biodiversity may remain intact".

9. Conservation of Earth's diversity of life and its habitats need indigenous human habitats locally adapted to live by the regeneration of local ecosystems

Diversity of Earth's life can be saved only to the extent to which the rights to decide the use of the Earth and its life's diversity are not determined by money or business profits, but are secured in each area according to how people can live with Earth's biodiversity in ways which are best adapted to allow Earth's biodiversity to regenerate.

Indigenous peoples and local communities (IPLCs) have lived and guarded the diversity of Earth's life according to their diverse locally adapted biocultural life-heritages and have produced much less biodiversity loss both inside and outside the areas where they live than people do in the areas where the mainstream society lives.

As in areas where indigenous peoples and local communities (IPLCs) have lived around the world, biodiversity has survived averagely better than in areas of other populations, the world would need to secure their rights to continue their sustainable life in their habitats and to learn from them how people can live in sustainable relation to biodiversity.

To halt the loss of all Earth's ecosystems on all areas we would need to ensure that the IPLC communities who are most adapted to sustainable use and protection of land and biodiversity have secure rights and governance over their lands, livelihoods and cultures as able to plan and execute how their ecosystems can be managed, conserved and restored.

But the GBF will on the contrary continue to displace, restrict and prevent such most sustainable ways of human life which have been best adapted to live with the diversity of Earth's

life in ways which allow it to regenerate - instead of trying to regulate or restrict unsustainable, over-consuming commercial, industrial or urban ways of life,

As in ecosystems the habitats of all species are integrated to each other in ways which allows all of them to regenerate, what is today such human habitat which allows the habitats of other species to regenerate ?

As under the CBD "'habitat" means the place or type of site where an organism or population naturally occurs" and "ecosystem" means "plant, animal and micro-organism communities and their non-living environment interacting as a functional unit" (CBD article 2), then:

Where and how do human organism or population today "naturally occur" and live in ways which do not displace habitats of other living beings but allow their habitats and their commonly shared ecosystem to regenerate?

As "'in-situ conservation' means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations [...] in their natural surroundings" (CBD article 2), and as the CBD obliges states to "promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings" (8 d)

How we can conserve in respect to human organisms and human populations people's "natural habitats and the maintenance and recovery of viable populations [...] in their natural surroundings" so that natural, sustainable human habitats are not displaced?

While the habitats of the prevailing modern society are built and developed by displacing and undermining - by our homes, cultivations, industries and modern cultures - not only the habitats of diverse other living beings but also the ecosystems of their habitats, still the habitats of diverse indigenous peoples and local communities (IPLCs) have continued to allow the habitats of other living beings to regenerate with their ecosystems.

The in-situ conservation under the CBD thus obliges states to "respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of" biodiversity, "promote their wider application" with communities' "approval and involvement" and "encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices". (CBD article 8 (j))

States can however duly respect and preserve IPLCs' sustainable ways to understand, use and conserve the biodiverse ecosystems only as far as states respect and realise their rights to their sustainable life and to their indigenous and local habitats.

States shall "Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements" (CBD article 10 c) according to how: "Indigenous and local communities depend directly on biodiversity and its customary sustainable use and management for their livelihoods, resilience and cultures and are therefore well placed, through their collective actions, to efficiently and economically manage ecosystems using the ecosystem approach". (CBD Plan of Action on Customary Sustainable Use of Biological Diversity, paragraph 6 b)

To protect areas from growing volumes of over-consumption processes and activities which drive global biodiversity loss acceleration, would be more efficient form of protected areas to conserve world's biodiversity than current protected areas which do not limit the overall volume of global biodiversity loss driving processes but rather channel their biodiversity undermining impacts from some areas to others without limiting the overall volume of global biodiversity loss caused.

The world needs to learn from IPLC communities how the diversity of life on Earth can be understood, used and lived more sustainably than how the states and modern societies are currently doing with their GBF plans.

But GBF transfers on the contrary even more areas and habitats, where people have lived more sustainably, to become managed by modern commercial drivers financed by same commercial sources and interests as our over-consumption. Governance of Earth's life would be taken via globalised spatial planning, protected areas, Nature Based Solutions, etc, further away from the hands of people who have lived more sustainably in to hands of others who have more money and whose life's global impacts are less sustainable.