



Legal Assessment Tool for Biodiversity Mainstreaming

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Creating a Culture of Justice
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Creating a culture of justice

SDG 16 on peace, justice and strong institutions



The **urgency of taking action** to reach the commitments made under the CBD is a salient example of why we must now adopt a rule-of-law approach. We need to:

1

scale-up this progress with clear, **enabling legal frameworks** backed by **accountable institutions** and **empowered people**



2

ensure that **outcomes are just and equitable**, so that we fulfil the 2030 Agenda's commitment to **"leave no one behind"**, when it comes to the right to enjoy and benefit from biodiversity and ecosystems



The 2030 Agenda envisages a nuanced approach to the rule of law, which need not be prescriptive. Rather, countries can tailor-make legal frameworks to suit their national contexts. **The rule of law requires more than simply drafting good laws.** Three actions are needed to make legal frameworks work:



STRENGTHENING LAWS

to limit overexploitation of resources and encourage people to make sustainable choices

BUILDING INSTITUTIONS

capable of guiding, regulating, administering and enforcing laws

EMPOWERING PEOPLE

through a balanced set of rights and responsibilities to become active agents for sustainability

WE NEED TO RETHINK THE WAY WE LOOK AT LAW AND LAW MAKING ON BIODIVERSITY. WE NEED:

A new generation of laws: These laws must harness the full power of the justice system to regulate and empower people, and bring together a mix of legal tools and approaches to engage people across sectors and society.

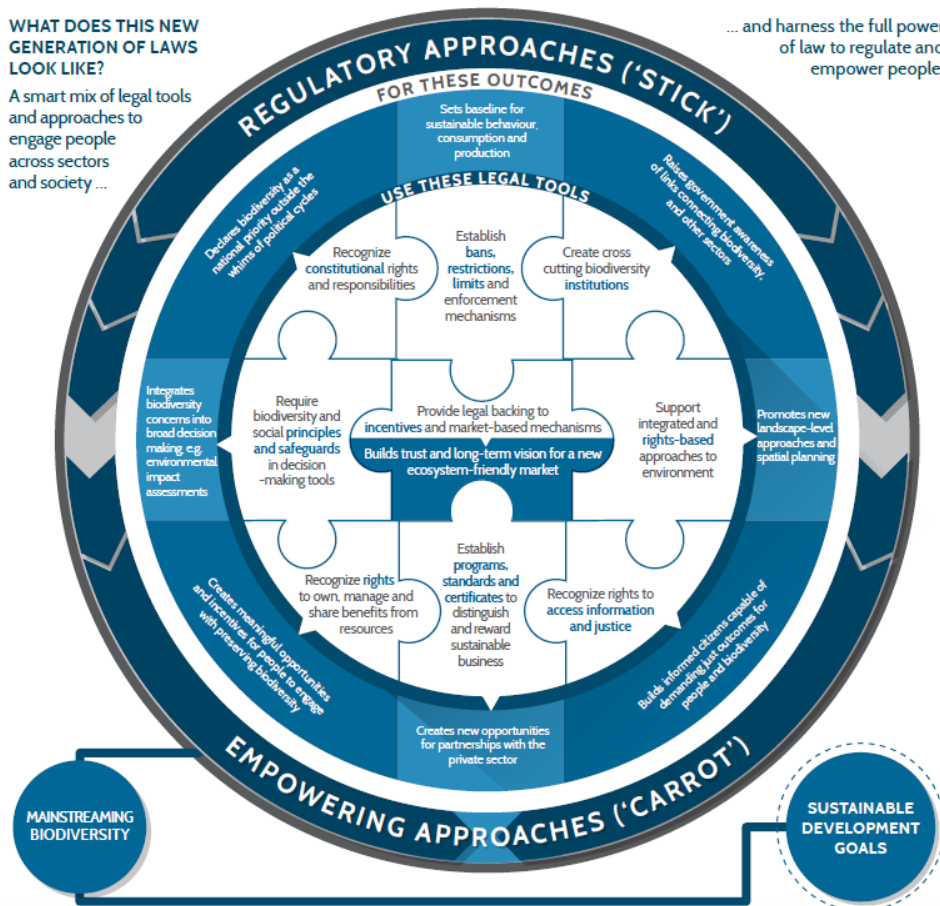


A commitment to 'legal preparedness': Ensuring laws work requires care in identifying a realistic legal approach, and ensuring the political will and capacity exist to implement and adapt laws as experience grows.

WHAT DOES THIS NEW GENERATION OF LAWS LOOK LIKE?

A smart mix of legal tools and approaches to engage people across sectors and society ...

... and harness the full power of law to regulate and empower people.



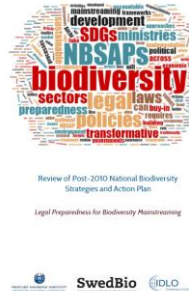


“Legal Preparedness” Materials & Resources

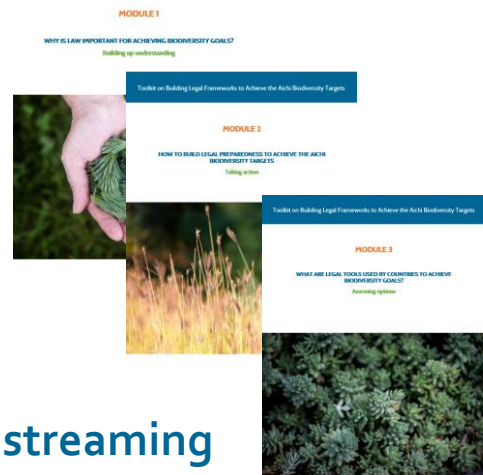
Awareness-raising materials

Reports and publications

Capacity building materials



Toolkit on Building Legal Frameworks to Achieve the Aichi Biodiversity Targets



<http://www.idlo.int/what-we-do/initiatives/biodiversity-mainstreaming>



Legal Assessment Tool for Biodiversity Mainstreaming

Objective: To provide a concrete tool for Parties and civil society to assess **how existing domestic legal and policy frameworks are advancing or blocking efforts to mainstream biodiversity.**





Legal Assessment Tool for Biodiversity Mainstreaming



Mainstreaming into sectors
agriculture, forestry,
fisheries, tourism, mining



Integrating into cross-sectors
human rights, climate change, DRR,
innovative biodiversity financing



Legal Assessment Tool for Biodiversity Mainstreaming



Does your national legal/policy framework include:



Guiding principles



Integrated approaches



Institutions



Biodiversity-related incentives



Biodiversity financing and safeguards



Recognition of indigenous peoples' and local communities rights



Traditional knowledge



Participatory community decision-making process



Fair and equitable benefit-sharing



Gender equality



Private-sector decision making



Biodiversity-related certification mechanisms



Legal Assessment Tool for Biodiversity Mainstreaming - Agriculture



Guiding principles

- Does your national agricultural policy establish **milestones for the mainstreaming of biodiversity**?
- Does your national agricultural policy and law recognize importance of biodiversity **to food security and nutrition and its role in human health and well-being**?
- Does your national policy and law support sustainable agricultural production through **enhanced use of crops and livestock, and associated biodiversity including pollinators, pest-control organisms and soil organisms** ?
- Does your national policy and law support **development, transfer and use of technological innovation** in agriculture?
- Does your national policy and law include reducing **loss and waste at all stages of production and consumption in the food system, including post-harvest losses**?
- Does your policy and law include **maintaining genetic diversity of resources for food and agriculture and their landraces and wild relatives**?
- Does your national policy and law include **conservation and sustainable use of pollinators**?





What's next



Launched in
November 2016



Formation of
Expert Advisory
Group + Partners



Release of discussion
papers

1. LAT methodology
2. Multi-sectoral LAT
3. Agriculture LAT
4. Human Rights LAT



Pilot testing and
development in
Kenya in 2017

<http://www.idlo.int/what-we-do/initiatives/biodiversity-mainstreaming>

Other
countries?
Sectors?
Ideas?