

CBD **ALLIANCE**

Report of the First meeting of the Open-Ended Working
Group on post-2020
August, 2019 - Nairobi, Kenya

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The first meeting of the open-ended working group on post-2020 (OEWG) took place from August 27 to 30 in Nairobi, Kenya. The co-chairs conducted the meeting as indicated in the information notes, providing a 3-min slot for individual parties and 5-6-min slot for groups of parties. The same amount of time was provided to civil society to deliver statements. The draft report of the meeting is available at the moment as document CBD/WG2020/1/L1. Its final version should be released soon with no major changes expected. You can also consult the [Earth Negotiation Bulletin](#) that contains further details.

At the margins of the plenary sessions, a discussion group was set up to have a dialogue on the possible elements of a post-2020 GBF based on document CBD/WG2020/1/3. Prepared by the co-chairs, it identifies four thematic clusters for consideration:

Cluster 1: The outcome-oriented elements (vision, mission, goals, and targets) of the post-2020 global biodiversity framework; *Cluster 2:* Enabling conditions and means of implementation for the post-2020 global biodiversity framework (resource mobilization, financial mechanism, capacity building, technology transfer, others); *Cluster 3:* Planning and accountability modalities, mechanisms and tools (monitoring, reporting, review); *Cluster 4:* Cross-cutting approaches and issues (Mainstreaming, synergies, indigenous peoples and local communities, women, youth, others).

Although delegates used these clusters as a guide for the discussion, no text was under negotiation. This setting helped to engage into an open dialogue and share views also with civil society that was able to express opinions after party delegates had spoken. A non-paper was prepared by the co-chairs of this discussion group and is available at the official web page for further details.

I. Outcomes of the meeting

Current document CBD/WG2020/1/L2 contains the conclusions of the first meeting of the OEWG on post-2020. Paragraph 4 requests the co-chairs and the Executive Secretary to prepare a **zero draft text** that should be the basis for negotiation onwards. It will be drawn upon the conclusions of the first meeting of the OEWG on post-2020, the outcomes of the eleventh meeting of the Working Group on Article 8(j), the twenty-third meeting of SBSTTA, and the results of other relevant meetings, consultations and workshops, and further submissions from Parties and observers. It is urgent that civil society can organize workshops, consultations and other activities that can be considered so concrete inputs can be provided for draft zero since the inclusion of elements afterwards may not be easy.

Document CBD/WG2020/1/L2/annex contains a list of meetings, consultations and workshops for the development of the post-2020 GBF. It is a living document that will be constantly updated and displayed at the official web page www.cbd.int/post2020. The annex is open to the inclusion of activities organized by civil society so they can also be considered as inputs for draft zero.

One of the expected outcomes of this first meeting was a work plan for the development of the post-2020 GBF. Instead of parties deciding on this, the burden is put on the co-chairs and the Executive Secretariat, as paragraph 6 of the conclusions document (CBD/WG2020/1/L2) requests them to prepare a detailed work plan that should be presented at the informal session on November 24 in Montreal. So far, the process has been open for civil society in accordance to decision 14/34 and is expected to continue this way thanks to the active engagement and advocacy work of all the constituencies involved that ensure the participation of rights holders and stake holders. However, particular attention should be put to the intervention of players such as the World Economic Forum that has constant attempts to increase its influence in the CBD and the whole UN system.

II. The role of the CBD Alliance in the post-2020 process

In preparation to the adoption of a new global biodiversity framework, the CBD Alliance established an online working group to oversee the whole process. People still interested in being part of the WG can contact the coordinator at gadirlavadenz@gmail.com.

A preparatory meeting was organized on Monday, August 26 in Nairobi for and with civil society representatives attending the first meeting of the OEWG on post-2020. In order to better address different aspects under discussion, the morning of the meeting was dedicated to four discussion tables where participants had the chance to exchange views and knowledge to understand the overall picture and to enrich their proposals.

A summary of the elements captured during the discussions are presented below that could be useful for further thought and action:

Cluster 1: Rights-based approach in the post-2020 global biodiversity framework

A broad range of issues were discussed in this cluster and there seems to be consensus on the importance of bringing this approach forward from different angles and perspectives considering that all are elements of a package that complement each other.

Specially the youth group, but also other organizations, mentioned the importance of a principle on intergenerational equity as part of a rights-based approach. Participants mentioned how the preamble of the Paris agreement mentions it and while it is not as strong as expected, it does act as a moral compass.

Gender was also mentioned to be an extremely important element since environmental justice cannot be achieved without gender justice. Discussion arose around involving all genders and how to address sensitivities on this issue within indigenous peoples and local communities and other groups. Although the importance of gender as a key issue was not questioned, there were doubts on the benefits of having a single target on it. On a more strategic matter, a participant mentioned that it is not only about bringing more women's voices, but to effectively include organizations and people with a gender agenda in the whole CBD process.

¹ Comprehensive and participatory process for the preparation of the post-2020 global biodiversity framework

Undoubtedly, the role of indigenous peoples and local communities was clearly stated since they are at the front row in the defense of our nature and are suffering the greatest impacts to their livelihoods and lives. Closely connected, is the case of environmental defenders threatened and even murdered in different parts of the world. Particular mention was made to the recent fires in Brazil and their connection with current governmental policies.

Some participants expressed that they do not see any foothold to link a rights-based approach in the current text of the Convention, but that a way forward would be to refer to other UN processes including the UN Environment's new policy on environmental defenders² or the UN's special Rapporteurs' reports. It is also worth bearing in mind the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters, better known as the Escazú agreement³, or Europe's Aarhus Convention⁴. Different meetings between the CBD and Aarhus Convention have taken place already.

Also, reference to environmental refugees was made considering that the number of people displaced due to environmental man-provoked circumstances is increasing each year.

A strong message from the groups was the consideration of rights of nature as part of a rights-based approach in the post-2020 GBF. While there are still pending discussions around it, strategically speaking this is a tool that can put concrete limits to predation and destruction as it elevates nature from a category of mere resources to a higher standard of protection. This concept is being adopted in many different countries and contexts, not limiting to vast ecosystems, but also focusing on particular elements and/or beings. Some cases shared described how a single river or a single species was recognized with rights. An organization expressed they are preparing a paper on this matter.

The concept of ecocide was mentioned in this cluster as a way to move beyond the classic Environmental Impact Assessments (EIA) that result inefficient and basically a permit to destroy nature. It is clear that our current environmental governance systems are weak and concepts such as ecocide should trigger discussions on tools related to a rights-based approach that can help implement strong measures not only to prevent the destruction of our mother earth, but to punish it.

From a strategic point of view, a joint effort is needed to bring forward the need of a rights-based approach from its different angles that complement each other and build a robust structure. It is also important to bear in mind the decisions, processes and structures already in place inside and outside the UN system and in particular those connected with the Human Rights arena including the Human Right to a Healthy Environment. Some organizations have good progress on this.

Cluster 2: Compliance and accountability under a post-2020 framework

It is clear that implementation in a post-2020 framework will require monitoring, review and verification as well as compliance and there seems to be a renewed appetite to discuss it. Different options and possibilities were expressed by participants in the meeting including:

² <https://www.unenvironment.org/pt-br/node/21163>

³ <https://www.unenvironment.org/news-and-stories/story/latin-american-and-caribbean-countries-sign-historic-treaty-giving>

⁴ <https://ec.europa.eu/environment/aarhus/index.htm>

National Reports, NBSAPs and any other future scheme adopted need to be monitored, reviewed and verified by different means and by rights holders and stake holders. The elaboration of shadow or counter reports by civil society reflecting on the official ones was suggested. They could be presented after the official ones in the form of assessments, or in parallel using methodologies and indicators adopted by the CBD. In any case, they should be made available in the official web site of the CBD together with the official reports and should be considered when monitoring, revising and verifying the National Reports and NBSAPs. There are good examples in the SDG and Human Rights spaces. While this also requires decisions to be adopted by parties, civil society can take a leading role already and prepare pilot projects that can reflect how this system could work at a large scale. Also, and even if they are not included in the official process, they can become a reference and create an added pressure for parties to present transparent reports based on backed up information. In the most positive scenarios, they can also become a space to exchange technical expertise and information between governments and civil society.

Participants shared examples from the Human Rights Council and briefly explained the review system they have through Human Rights commissions in each country that delivers reports that go under a review process every five years. It is worth exploring how a decision under the CBD can connect such system with our current NBSAPs and National Reports or how it can be somehow replicated.

An important element discussed is the comparability and accountability of efforts among parties. In order to do so, a harmonization of NBSAPs is urgently needed. The participation of civil society in all the stages of the elaboration of NBSAPs is also a key aspect to strengthen for the future. Any future assessment should bear in mind the level of involvement of rights holders and stake holders.

Participants expressed clearly that compliance and accountability are required for implementation not only in the CBD, but in the whole environmental governance system. A broad range of options should be further discussed and brought forward because despite the apparent renewed appetite for such discussion, it is unlikely to expect parties to take a strong stand without pressure from civil society. In an ideal scenario, any compliance system or mechanism should be explicitly mentioned in the text of the Convention in order to have the necessary legal strength. But it implies too many risks so other options were explored. For instance, a compliance committee could be formed under a COP decision in order to assess and make recommendations in cases of non-compliance. Ideally, such cases should be brought forward also by civil society organizations because it is unlikely that a party will voluntarily present itself in case of non-compliance. However, non-compliance of any future decisions could be caused by a second or third party and the committee could play a role in such case by providing from recommendations to sanctions.

Other rather indirect compliance systems or mechanisms were proposed. Having rankings showing which parties have the greatest and poorest progress in specific areas could cause pressure on states to act. The Special Human Rights Rapporteurs' reports have proved to provoke international and national pressure. Specific ways to connect or replicate them under the CBD should be further analyzed. It was also put into consideration the creation of ethical tribunals such as the International tribunal on the Rights of Natures.

Cluster 3: Enabling conditions (Resource mobilization, technology transfer, capacity building, others)

The main discussion points went around the political context of the enabling conditions, specifically on the principle of common but differentiated responsibilities that requires particular considerations when talking about biodiversity.

Participants pointed out the flows of consumption and their impacts on other countries referring to the overconsumption of some economies that put the biggest pressure on nature. Also, an important element to analyze further is the financial flows for drivers of biodiversity loss as well as perverse incentives. The latter one requires detailed understanding in order to present solid proposals to be adopted at COP 15 in China. Particular attention should be paid to what was called false solutions that include offsetting, monoculture plantations, synthetic biology and others.

In terms of technology transfer, the discussion was broad and addressed issues such as technology assessments and horizon scanning and the importance to recognize and incorporate traditional knowledge but under free prior and informed consent.

The groups also mentioned that civil society should work on its own enabling conditions to get involved in the process by setting up discussions and organizing around specific matters to bring forward concrete proposals.

Cluster 4: Drivers of biodiversity loss

The different groups identified and discussed about activities particularly problematic including plastics, synthetic biology, infrastructure, and others, but also policies that act as an umbrella for private interests to act.

Participants expressed it is important to publicly name those actors most responsible for biodiversity loss.

The conflict of interest under the CBD was identified as an important area to work on in order to stop corporate take-over of the Convention.

III. Summary of activities conducted

Preparatory meeting

It took place on Monday, August 26 and was prepared in coordination with CBD Alliance members. The methodology was different than other occasions, but proved to be effective to cover a broad range of issues and to enable participants to express and hear each other. An estimated number of 25 people participated in the meeting with a good balance in the representation of regions.

ECO

Three issues of ECO were published and distributed to delegates. We received a very positive feedback since delegates found the information useful for the debate. All issued ECOs can be found in our web page www.cbd-alliance.org

Daily meetings

We conducted daily meetings that helped new comers understand the way we work as CBD Alliance and the context of the process, but also to connect with like-minded organizations. The daily meetings also helped us organize in committees. Some, like the actions committee worked productively organizing three actions within the premises of the meeting. Others like the comms and media committee were not as effective and is something we need to work on.



During of our actions

Meetings with Parties

The CBD Alliance was able to arrange meetings with GRULAC, the European Union and for the first time a joint meeting with delegates from Japan, Korea and China. In general, we received good feedback because parties recognize the role of the CBD Alliance and civil society in general. Having regular meetings with different groups is important to establish fluent channels of dialogue in particular with COP host countries that play an important role in the agenda and outcomes.

Coordination with GYBN, IIFB and the Women's Caucus

We had a fluent coordination among all major groups present at the meeting, but keep exploring ways to strengthen our mutual collaboration in order to have a strong voice in all CBD meetings.

Delivery of statements

The CBD Alliance was able to deliver an opening statement that provoked positive reactions among party delegates and other participants. We also prepared a closing statement, but there was no time to read it at the end of the meeting. The CBD Alliance also collaborated with different organizations so they can deliver statements in a coordinated manner.



After the meeting with the delegations of China, Japan and Korea